



*West Virginia Environmental Council's*

# **GREEN Legislative Update**

*Published Weekly during West Virginia's Legislative Session*

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## **Under the Dome**

By Donald S. Garvin, Jr.  
WVEC Legislative Coordinator

### **Week 2 – Rules, Rules, Rules**

All of the DEP “rules” were introduced in both the House and the Senate late last week.

So it's time for my annual legislative tutorial about “rules.” Here we go.

The Legislature passes laws (or statutes), and then they pass rules (or regulations).

Generally speaking, the laws or statutes set out the broad guidelines for government actions, and the rules set out the specific details or regulations. Generally speaking, the laws establish the authority for the government to act and create an agency to implement the action. Generally speaking, the agency then develops (or “promulgates”) the individual rules needed to enforce the laws.

Agency rules are not proposed by individual legislators. They are developed annually by the specific agency and are then presented to the Legislative Rule-Making Review Committee during the Interim sessions.

Usually, the Legislative Rule-Making Review Committee then simply approves the rules and passes them on for consideration by the full Legislature during the regular session. There are normally more than a hundred of these rules. If you look at the legislative web site, you will see a long list of bills introduced in both the House and the Senate with titles like, “Authorizing Commissioner of Agriculture promulgate legislative rule relating to shellfish” (that was an actual rule title a couple of years ago).

Each agency files its rules with the Secretary of State's office, and that's where you have to go to get an early look at them (but only if you know the correct section of the

state's legal codes to look under). However, more recently you can also find them on the specific agency web site. And this year, for the first time, the legislative web site has provided a link to each of the filed rules.

To make matters worse, when these agency rules are introduced they are assigned both a House bill number and a Senate bill number, and these are different than the numbers used by the Rule-Making Review Committee.

And then they are assigned to committees in both houses. And this year they will likely be run first in committees on the Senate side. They will then be “bundled” and sent as a group – ***under a new bill number*** – to the House. It really is quite confusing!

But that's not all.

West Virginia is one of the few states that allow the Legislature to actually “promulgate” agency rules. Most state legislatures, and even the U.S. Congress, can only vote a rule up or down. They cannot change or re-write the rule.

However, in West Virginia lawmakers can change any part of a proposed agency rule. In the extreme, they can even do a “strike and insert” and replace the entire rule with one more friendly to industry.

It is the ultimate politicization of the rule-making process. It's not a particularly citizen-friendly arrangement. And industry always gets the last bite at the apple.

What happened three years ago is a good example: under pressure from industry, the Legislature gutted DEP's proposed Water Quality Standards Rule (47CSR2).

The result was that several water quality standards that DEP knew were important to protect human health and the environment were simply removed from the rule.

So what agency rules are we concerned about this year?

Our primary concern again this year is [47CSR2](#) (SB 136), the Triennial Review of State Water Quality Standards. This rule change, proposed by the WV Department of Environmental Protection's Division of Water and Waste Management, requires the calculation of aluminum criteria based on the “hardness” of the stream. The new rule would significantly weaken current protections, as compared to the existing rule. The revisions are drastic and equate to greater than a 13-fold and 46-fold increase over the current criteria for acute and chronic aluminum toxicity to aquatic life respectively.

The only justification given by DEP for this rule change is that the costs of water treatment under the current rule are too burdensome for the coal industry.

The proposed rule fails to protect the aquatic life designated use in West Virginia's rivers and streams, an invaluable resource to the State. And it fails to protect the public's interest, rather than the interests of a small number of polluters.

In the Senate the rule will first be considered by the Natural Resources Committee, next week on Wednesday, Jan. 22. So it's time to contact your Senators and ask them to oppose the new aluminum standard as proposed in this rule.

That's the legislative "rules" tutorial for this year.

Remember to keep your bird feeders full this week. It's the "rule."

To reach members of the Senate Natural Resources Committee:

<http://www.legis.state.wv.us/committees/senate/SenateCommittee.cfm?Chart=nr>

## **So What Happened "Under The Dome" This Week Relating to the Water Crisis?**

By Vickie Wolfe,  
WVEC Lobbyist

When we left you last week, the House and Senate had gaveled in for only minutes on Friday (January 10) because of the water crisis. They continued to operate on only a "bare bones" basis on Monday, and in fact the House of Delegates did not resume normal activity until Tuesday evening, 1/14. All week, we've seen a substantial increase in the number of people with bottled water in their hands.

By a vote of 97-0, on Thursday the House quickly passed H. B. 4175, the West Virginia Small Business Emergency Act, "to provide immediate emergency financial assistance to small businesses located in the areas of the state where the state of emergency is determined to exist."

The WVEC and our allies have met with legislative leaders to discuss our concerns pertaining to chemical storage and, in general, what the Legislature can do to ensure such a crisis never happens again.

Senate Majority Leader Unger and Senate President Kessler have introduced S.B. 373 which, among other things, initiates a regulatory program for above-ground storage tanks. We feel good about this bill, although we would like to see additional specificity regarding regular inspections of these tanks, and will work to fine-tune the bill as it moves through the legislative process.

No doubt we'll see more bills elicited by the crisis as the session proceeds, and it will be interesting to see what legislation emanates from the Governor's office. One of our friends opined that "it will be a loophole with a bill drafted around it by the time his lawyers are done." Gosh, we hope not! ☺

Finally, on Friday morning the Joint Legislative Oversight Commission on Water Resources heard two presentations pertaining to the crisis. Dr. Paul Ziemkiewicz, Director of the West Virginia Water Research Institute, provided additional information about the culprit chemical, MCHM. Most notably, he told the Commission that MCHM is classified as an oil, and as such it falls under 40 CFR 112, which pertains to oil pollution prevention. This regulation requires a spill prevention, control and countermeasure plan, a secondary containment structure, inspections, testing and recordkeeping. Then Brian Stanley, who is Director of Marketing for the International Union of Painters and Allied Trades, informed the committee about the importance of competent application of proper coatings to storage tanks.



### **Kick-Off Blast Gives WVEC a Boost**

Our annual "Legislative Kick-Off Blast" benefit this past Wednesday night resulted in raising much needed funds to help sustain the e-council. Just as importantly, it served to raise our spirits – especially in light of the water crisis and the enormous task of working during the 2014 legislation session lobbying on a myriad of critically needed legislation.

We'd like to thank everyone who attended and showed support. There's no better way to start another session than gathering together with friends in an uplifting fun setting. The music was great, the conversations plenty!

Thanks to Andy Park, Steve Arnett, Mike Pushkin, Ammed Solomon & Miriam, Mike Waldeck Jr. and Jason Myer for the great music; James Zabolotny Jr. and Deborah Smith for being there to honor Kevin Smith; Little India Restaurant for the great food and space!



**Think Renewable**

## Who? Us?????????

According to the *Charleston Gazette*, property has been purchased in Wood County for the location of a petrochemical “cracker” plant.

This prompted the following tweet from House Speaker Tim Miley:

**Tim Miley** @TimMileyWV Jan 16

Cracker plant moving forward! Great news for WV, bad news for the doom and gloomers! Let's hope ground broken soon.

“Doom and gloomers??” Surely he refers not to *us*????!!!

## West Virginia Chemical Spill: A Predictable Water Crisis

By Angie Rosser, WV Rivers Coalition Executive Director



On January 9, I was one of 300,000 West [Virginians](#) who learned their water had been contaminated by a chemical leak two miles upstream from the state’s largest [drinking-water](#) intake. Predictably, politicians and the public are clamoring for heads to roll - most notably those of managers at the Freedom Industries plant responsible for the leak.

Freedom Industries should be held accountable, but that won’t fix the problem.

That’s because the Elk River spill wasn’t an isolated accident. It was the inevitable consequence of weak regulatory enforcement over many years, made possible by our collective failure to uphold the values we profess.

We all say we value clean water, so why do we accept pollution as the status quo, as a byproduct of everyday life? In [public opinion polls](#), [Americans](#) routinely and overwhelmingly say that it’s the job of government to ensure clean water. And yet we continue to let elected officials off the hook when it comes to [clean water laws](#).

In this light, the Elk River spill could be the future of many American cities. It’s one in which systems failures cause local catastrophic events - leaving taxpayers to foot the bill to clean up after polluters.

Since the earliest days of the chemical industry, it has been a major part of West Virginia's economy. We live every day with the potential for toxic leaks into our waterways, knowing the consequences can be devastating. We shouldn't have to live this way.

Since the passage of the [Clean Water Act](#) in 1972, industry has worked diligently to weaken the law's enforcement and oversight.

As the director of an organization that advocates for clean water, I regularly witness the audacious influence of industry as it cajoles lawmakers and regulators to lower production costs by lowering the bar on public health. I review the same data as the politicians do on the risks to public health posed by weakening clean-water standards. But when it comes to environmental stewardship, data and facts are no match for industry's sway over government.

And at times like these, I see the irony of politicians scapegoating a company whose pollution is enabled by government's failure to adequately regulate. We've allowed them to foster a culture of neglect instead of one of oversight and accountability.

[The Mountain State](#) enjoys an abundance of water, but year after year we have seen access to clean water diminish. Our water has paid the price for our legacy of mining, gas drilling, [coal-burning power plants](#), and chemical production. We have seen the steady chipping away of our water quality standards to help reduce costs to big coal. We have seen the injustices of people's right to clean water usurped by industries. Indeed, there are parts of West Virginia that will never have access to clean water, where [industrial pollution](#) has caused irreparable harm to water supplies.

I hope the West Virginia water crisis reminds us about how dependent we are on clean rivers for our health and security. Now is the time to take a critical look at how to better protect our water sources. We can do this only by acknowledging that the Elk River spill is not a story about an isolated leak. This is about the need for systemic changes in industrial practices and our national responsibility to establish and enforce adequate protections.

We need to look at ourselves and remember our values. We need to be true to our relationship with water by expanding our expectations of elected leaders. And industries and consumers need to accept the costs of safer, more environmentally-sound production of certain goods and services. That's the price of clean water.

Clean water is essential for life. It is also essential for our national and [global security](#). I hope that once the immediate crisis is over, serious thought will go into meaningful reforms and investment in protecting our rivers and streams that are our lifeline.

*This article was printed in the Charleston Gazette as an Op Ed on January 12, reprinted here by permission.*

<http://www.wvgazette.com/Opinion/OpEdCommentaries/201401120013>

## **A Recipe for Near-Disaster**

By Vickie Wolfe  
WVEC Lobbyist

### Mix together:

- One chemical whose toxicity is unknown because it was “grandfathered” in with the passage of the federal Toxic Substances Control Act in 1976
- Absence of an analysis method for the above chemical in water
- One elderly storage tank that had not been inspected since 1991
- One water treatment plant that serves 300,000 people, sitting 1.5 miles downstream from the above chemical in the above storage tank
- One state Department of Health and Human Services that has not provided authority to the local health department to create a program to prevent hazardous chemical accidents . . . after such a program was recommended by the U.S. Chemical Safety Board subsequent to its investigation of a 2008 chemical plant explosion that killed two workers
- One county government that never funded the above proposed plan

### Then add:

- One company described by Charleston Mayor Danny Jones as “renegade” that did not report a spill as required by its NPDES permit.

Sit back. Watch mayhem ensue. But first be sure you have a supply of water for drinking, cooking, bathing and washing that’s adequate to last a couple of weeks, to be on the safe side.

I call this a “near” disaster because no one has died or probably been irreparably harmed since, as far as we know now, the chemical’s toxicity is relatively low (yes, it could have been much worse: think benzene or dioxin).

### Recipe for Avoiding Future Disasters:

- Reform the Toxic Substances Control Act: for beginners, require that all chemicals used in commerce be evaluated for safety. This reform must happen at the federal level. MCHM is one of about 62,000 chemicals “grandfathered” in when TSCA was passed. But one silver lining is that our near-disaster has drawn attention to the need for TSCA reform, as you can see in a letter dated 1/13/14 from U.S.

Representatives Henry Waxman and Paul Tonko:

<http://democrats.energycommerce.house.gov/sites/default/files/documents/Shimkus-West-Virginia-Chemical-Spill-2014-1-13.pdf>

- Develop, and provide easy access to, analysis methods for all chemicals used in commerce.
- Regularly inspect chemical storage tanks
- Implement the U.S. CSB's recommendations for the Kanawha Valley.

**Candlelight vigils are being planned for ANY river in West Virginia on Tuesday (January 21). To see where they are being planned, or to help plan one near you:**

<http://us4.campaign-archive1.com/?u=7d77bceb740bf93fc75071a4a&id=36d5122ddf>



### **Would This Have Happened With a Hazardous Chemical Release Prevention Program in Place?**

By Maya Nye

President, People Concerned About Chemical Safety

In the midst of this water emergency, many people want to know what we can do to prevent incidents like these from reoccurring. Many ideas come to my mind; none so much as massive chemical safety reform.

For the third time in five years, the U.S. Chemical Safety Board is headed to the Kanawha Valley for an investigation. Nearing the fourth anniversary of DuPont's fatal phosgene release, I can't help but wonder, would this have happened had the Hazardous Chemical Release Prevention Program (HCRPP) been implemented as recommended to West Virginia officials by the CSB and others not once, not twice, not three, but four times?

The answer is: Maybe. But once again, its significance resurfaces in the light of this new disaster.

The Hazardous Chemical Release Prevention Program would help prevent the release of hazardous chemicals and improve the way we respond to these events by performing annual third-party safety audits involving public health officials and other stakeholders in chemical safety. The HCRPP is modeled after the Contra Costa County, California Industrial Safety Ordinance (ISO). In California, it has minimized the severity of chemical incidents greatly. So why haven't we implemented it?

In June 2009, I recommended to the Legislature that we needed a bill modeling the Contra Costa County ISO when no major steps were taken to ensure public safety after the fatal 2008 Bayer CropScience explosion. The bill died in a study resolution.

The second time a program like this was recommended was in January 2011 in the CSB's final report on the Bayer CropScience explosion in Institute that killed two workers. In the year between my recommendation and theirs, another worker died, this time at the DuPont facility during a January 2010 phosgene release.

The CSB investigation on this incident prompted the third recommendation.

The fourth recommendation came directly from Chairman Rafael Moure-Eraso of the U.S. Chemical Safety Board in a Charleston Gazette opinion piece after the National Academy of Science released its report investigating the use of inherently safer technology and methyl isocyanate (MIC) storage at the Institute plant. What do you think the CSB is going to recommend this time?

The problem is that chemical companies don't want more layers of accountability. That's clear by the amount of money spent on chemical industry lobbying every year. Also, it costs money. Officials seem hesitant to ask chemical industries in the valley to fund the program, which is how the Contra Costa County California ISO is funded. Perhaps, during our fifth request, we need to ask state and federal government to pitch in funds for this preemptive program rather than spending their resources responding to water emergencies that could have been prevented in the first place.

So why did I say that this incident might have occurred even if the Hazardous Chemical Release Prevention Program had already been implemented? Because, like the program after which it is modeled, it probably would have only reviewed facilities mandated to submit an EPA risk management plan, which includes facilities using extremely hazardous substances, places such as Dow, Bayer and DuPont. Freedom Industries Etowah River Terminal didn't have to submit a risk management plan because this chemical is not considered an extremely hazardous substance. Instead, the chemical is regulated under the Toxic Substances Control Act, a law that allows tens of thousands of chemicals to be placed on the market without fully knowing their effects. (An important note here is that what constitutes "extremely hazardous substance" seems to be an ever evolving list of chemicals guided more by the national chemical catastrophe of the month rather than deeper systematic and long-term analysis.)

At least with facilities required to submit risk management plans, companies must identify and define what would happen in a worst-case scenario. While the water emergency is not quite a worst-case scenario yet, the kind of chemical safety analysis a risk management plan provides would have better systematized how we understand the dangers present at facilities like Freedom Industries Etowah River Terminal.

The flexibility in the CSB recommendation gives the director of the Kanawha-Charleston Health Department the authority to define the characteristics of chemical facilities that would be covered by the new program. This seems like the perfect time to include facilities like Freedom Industries Etowah River Terminal in its purview, and maybe define some other characteristics as well.

Implementing the Hazardous Chemical Release Prevention Program is only one thing we can do to help prevent such future disasters in the Chemical Valley. However, chemical disasters will continue to occur as long as toxic chemicals are produced. The dangers will remain present until we, the people, hold the government and industry accountable for better chemical safety standards. We need to ensure that chemicals are effectively tested for safety before being introduced to the public and prior to manufacture, storage, and application.

What if we restructured the way we think about jobs and put people in the valley back to work figuring out new, better and healthier ways of doing things that doesn't require the use of such toxic chemicals? Regardless of how we do it, let's not wait for another disaster like this to occur before we put measures in place to prevent them from occurring in the first place.

This appeared in the Charleston Gazette as an Op Ed on January 13, 2014. Re-printed here with permission.

*People Concerned About Chemical Safety is a Kanawha Valley-based organization dedicated to promoting international human rights pertaining to chemical safety through education and advocacy (And Maya is a former WVEC board member).*

## **Worth Reading**

### **What Does West Virginia Have to Do to Get Your Attention?**

By Anna Sale, Reporter, WNYC News

Monday, January 13, 2014

<http://www.wnyc.org/story/what-does-west-virginia-have-do-get-your-attention/>

### **Elemental**

By Eric Waggoner, WV Wesleyan College Professor

Posted on January 12, 2014 in the "Cultural Slagheap"

<https://culturalslagheap.wordpress.com/2014/01/12/elemental/#comment-52>

## **Love in a Time of 4-Methylcyclohexane Methanol**

By Cheyenna Layne Weber, West Virginia

Truthout, Wednesday, 15 January 2014 09:23

<http://www.truth-out.org/opinion/item/21232-love-in-a-time-of-4-methylcyclohexane-methanol>

## **What Are You Waiting For?**

By Bill Howley in The Power Line, January 14, 2014 at 8:58 am

<http://calhounpowerline.com/>

## **Nightmare**

By Theresa Higgins, January 14, 2014

<http://www.wvgazette.com/Opinion/OpEdCommentaries/201401140126>



## **WVEC's E-Day at the Capitol**

**Monday, February 17, 2014**

**Senate Side Hallway & Upper Rotunda**

**State Capitol, Charleston**

**9:00 a.m. – 3:00 p.m.**

**Displays, Citizen Lobbying, Press Conference**

(If your group would like to participate, please contact Karen Yarnell:

[Karen.yarnell@fairmontstate.edu](mailto:Karen.yarnell@fairmontstate.edu))

## **E-Day Benefit Dinner & Awards Ceremony**

**Woman's Club of Charleston, corner of Elizabeth St. / Virginia Ave.**

**6:00 p.m. – 9:00 p.m.**

**Donation of \$15 per person**





## Calendar of Events



**January 21: (Eastern) Free online training from CHEJ.** From 12 noon – 1 p.m. Do you know where fracking is being done, how it works, or what health hazards are associated with fracking? On Tuesday, join CHEJ's special live event and learn about fracking, its associated health hazards, and more. Join our next group training call to learn the many of the issues related to Hydraulic Fracturing from the view point of both a world class microbiologist and scientist, as well as a local native of West Virginia, Dr. Yuri Gorby, PhD. A question and answer session will follow the presentation.

There is no cost to attend the event, but space for the session is limited, so please register as soon as possible to let us know if you'd like to attend. [Register here](#): The presentation will be accessible by telephone; no internet based connection is available to participate.

Yuri Gorby, PhD - is a microbial physiologist and ecologist and currently holds the Howard N. Blitman Chair of Civil and Environmental Engineering at Rensselaer Polytechnic Institute. As Executive Producer for "Fracking Our Future" - he has given a voice to people suffering from chemical exposure who live and work in the gas fields of PA, WV and OH. Dr. Gorby's interdisciplinary research is at the nexus of environmental engineering and biology. An accomplished microbial physiologist and bioprocess engineer, his work embraces the use of controlled cultivation to understand the fundamental properties of bacteria for a range of applications."

**January 22: West Virginia Center on Budget & Policy's Budget Breakfast.** From 7:30 – 9 a.m., Charleston Marriott. The state budget is the most important bill passed each year by the legislature. It directly impacts all West Virginians – from the quality of our schools and highways, to the cost of college education, to working families' access to affordable child care and health care. [REGISTER TO ATTEND](#)

Although West Virginia is now several years removed from the worst recession in decades, it continues to face significant budget challenges. Last year, the state cut the budget by \$75 million and next year it anticipates a budget gap of \$265 million. In order to make the important public investments that are essential for West Virginia's economy, we need a clear understanding of where we are, how we got here, and how to move forward.

WVCBP Director Ted Boettner will discuss the Governor's proposed FY 2015 state budget, the impact of recent budget and tax decisions, and specific actions we can take to ensure our budget promotes prosperity and security.

**January 24: Free movie screening and discussion – "Inequality for All", by Robert Reich.** From 5:30 – 7:00 p.m., WV Culture Center, Charleston. View clips from this award-winning film and discuss what we can do here to build an economy that supports a strong middle-class and pays a living wage to all. The WV legislature will be in session and we've invited them to join us for this community discussion and work with us to plan a new direction for both our local and state economies. Robert Reich will kick-off the evening via live video link and a panel of local labor, business and community groups will lead our discussion.

Trailer: [www.inequalityforall.com](http://www.inequalityforall.com) RSVP: [aclements@wvpolicy.org](mailto:aclements@wvpolicy.org)

**January 25: Shirley Schweizer Winter Walk – Kanawha State Forest.** 2 p.m. Join Doug Wood for an ecology walk in the woods: "Comparing Kanawha State Forest with Surface Coal Mine". Meet at the swimming pool area. Enjoy hot drinks, hot soup, and snacks. Dress according to weather, especially footwear. Free to all – donations appreciated. For more information: (304) 546-4492 or (304) 558-3500.

**January 26:** WV Highlands Board of Directors meeting.  
For more information: Cindy Ellis – [cdellis@wildblue.net](mailto:cdellis@wildblue.net)

**January 27:** Advocacy Training – Huntington. Memorial Student Center, Marshall University – One John Marshall Drive. 6:00 p.m. – 8:00 p.m. Understand the legislative process. Get tips on speaking with elected officials. Learn about progressive organizations and issues in West Virginia.

(These trainings are free, and everyone welcome to attend. Food & beverages served. Sponsored by: American Civil Liberties Union (ACLU) WV; WV Citizen Action Group (CAG); Direct Action Welfare Group (DAWG); Fairness WV; Healthy Kids & Families Coalition; National Association of Social Workers (NASW) WV; Planned Parenthood; WV Coalition Against Domestic Violence; WV Environmental Council (WVEC) and WV FREE.)  
For more information: NASW, [mail@naswwv.org](mailto:mail@naswwv.org) or 304 345-6279

**February 6: PUBLIC HEARING – Water Quality Standards variance. Begins at 6 p.m. in the Coopers Rock Conference Room at the WVDEP Headquarters** located at 601 57th St., SE, Charleston, WV. The West Virginia Department of Environmental Protection (WVDEP) will hold a public hearing to receive comments on an application for a variance from water quality standards for dissolved aluminum and pH for an unnamed tributary of Slab Fork and Slab Fork River, a tributary of the Guyandotte River near Maben in Wyoming County, West Virginia. The variance request was submitted by Carbon Resources Development, Inc. Any person wishing to comment on the proposed variance is invited to be present or represented at the hearing. In addition to oral comments provided at the hearing, the agency will accept written comments at any time up to the conclusion of the public hearing. No comments will be accepted after that time. Written comments may be submitted to the following address:

Kevin Coyne  
Water Quality Standards Program  
WV Department of Environmental Protection  
601 57th St., SE  
Charleston, WV 25304

Comments may also be e-mailed to [dep.comments@wv.gov](mailto:dep.comments@wv.gov) Copies of all written information pertinent to the proposed variance, including the variance application and the WVDEP's information sheet summarizing the proposed variance may be reviewed by contacting the WVDEP office at 601 57th St., SE, Charleston, WV 25304. Telephone: 304-926-0499 extension 1110; Fax: 304- 926-0496. E-mail: [Kevin.R.Coyne@wv.gov](mailto:Kevin.R.Coyne@wv.gov) Information is [also available here.](#)

**February 17: WV Environmental Council's Annual "E-Day at the Capitol".** WV State Capitol - Senate hallway, Upper Rotunda & alcoves. From 10:00 a.m. – 3:00 p.m. Environmental Groups / Organizations / Projects, Sustainable Businesses, Citizen Lobbying.  
For group display registration: [Karen.yarnell@fairmontstate.edu](mailto:Karen.yarnell@fairmontstate.edu)

**February 17: WV Environmental Council's Annual "E-Day Benefit Dinner & Awards Ceremony".** Woman's Club of Charleston. 6:00 p.m. – 9:00 p.m. Full course dinner, cash donation bar. Donation of \$15 per person, or \$25 per couple.  
For more information: [deniseap@earthlink.net](mailto:deniseap@earthlink.net)

**February 24: WVU Law National Energy Conference 2014.** Erickson Alumni Center, WVU. This is a free, one-day conference. Features speakers from air and energy regulatory agencies, electric utilities, energy producers, academic institutions, environmental groups, and public

policy organizations to explore legal, policy, economic, and other issues surrounding the new rules, including:

EPA's rule-making process and the likely framework of the EPA rules.

Options available to states for complying with the EPA rules.

Options available to utilities and other energy producers for complying with the EPA rules.

Socio-economic implications for coal dependent states.

Flexibility and the Path Forward for Coal Dependent States

Coal fired power plants supply approximately 40 percent of the electricity generated in the United States, but also contribute 80 percent of the power sector's carbon dioxide (CO<sub>2</sub>) emissions.

In June 2013 President Obama directed EPA to complete CO<sub>2</sub> emission standards for new and existing power plants by June 1, 2015. In September, 2013 EPA proposed standards for new power plants under Section 111(b) of the Clean Air Act. In June 2014, EPA is expected to propose standards and guidelines for existing power plants under Section 111(d) of the Clean Air Act, which will become effective one year later, in June 2015.

Major coal producing regions of the country and states served by electric utilities relying heavily on coal fired generation potentially will bear disproportionate adverse impacts from the EPA's regulation of CO<sub>2</sub> emissions. At the same time, EPA's rules are expected to provide a number of compliance options for states in achieving the CO<sub>2</sub> emission standards. This conference will examine pending EPA regulation under section 111(d) of the Clean Air Act and explore the policy frameworks available to states for developing CO<sub>2</sub> emission reduction strategies for existing power plants.

Panelists will discuss compliance options likely to be made available to states, potential impacts on the power sector as well as the broader economic implications of the EPA regulations for coal-producing regions.

U.S. Senator **Joe Manchin** (D-W.Va.) has been invited to give the keynote address.

The luncheon speaker will be **Charles Patton**, President and Chief Operating Officer of Appalachian Power.

PRESENTED BY STEPTOE & JOHNSON PLLC

**Feb 27 - March 1:** Dimensions of Political Ecology Conference. To be held at the University of Kentucky, Lexington.

For more information: [www.politicalecology.org](http://www.politicalecology.org)

**March 9 – 16:** Mountain Justice Spring Break. North central West Virginia - focused on coal and fracking issues, beautiful location, camping and indoor lodging, all food and programs provided for low cost alternative spring break.

For more information: [www.mjsb.org](http://www.mjsb.org)

**March 22:** WVEC Board of Directors meeting. TBA

**June:** WVEC Board of Directors June Retreat. TBA

**June 21 & 22:** 9<sup>th</sup> Annual Lavender Fair. To be held at the beautiful LaPaix Herb Farm, Alum Bridge WV. Theme: "Choose Love". Tracks: 1) Honoring the Earth. 2) We Are All Connected. 3) Just Herbs. This is a very popular event, so please register early to ensure attendance. Car pooling is encouraged.

Reservations are limited to 100 per day. Cost: \$50 per day per person.

For more information: [www.lapaixherbfarm.com](http://www.lapaixherbfarm.com)

**Fall 2014:** 25<sup>th</sup> Annual WVEC Fall Conference! Join us as we celebrate **25 years** of protecting West Virginia's environment and being your voice at the WV state capitol! Exact location and plans TBA. Stay tuned!

► To have your event posted, please contact Denise Poole: [deniseap@earthlink.net](mailto:deniseap@earthlink.net)

### **Legislative Session 2014 Information Sources:**

**Legislative Reference & Information Center:**

MB-27, Bld. 1 - State Capitol Complex, Charleston WV 25305

**WV Legislative web-site:** [www.legis.state.wv.us](http://www.legis.state.wv.us)

(For bill tracking, bulletin board (journals), legislators' e-mails.)

**To Call Toll Free:** 1-877-565-3447 or local Charleston area: (304) 347-4836

**Listen Live:** West Virginia Legislature page <http://www.legis.state.wv.us/> and click on "listen live."

**WV Environmental Council Web-site:** [www.wvecouncil.org](http://www.wvecouncil.org)

WVEC Office: (304) 414-0143

**Ohio Valley Environmental Coalition:** <http://ohvec.org/news.php>

Every morning, OVEC checks scores of news sources and posts links.

**WV Citizen Action Group:** <http://www.wvcag.org>

WV –CAG Office: (304) 346-5891

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We welcome letters, articles, and artwork from readers and reserve the right to edit or reject submissions. Please send materials to Denise Poole, *editor* at [deniseap@earthlink.net](mailto:deniseap@earthlink.net)



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