The possibility of siting a monitored retrievable storage facility (MRS) in West Virginia refuses to fade away. The United States Department of Energy wanted to build a trillion dollar nuclear waste dump, which would accept, repackage, and temporarily store radioactive electric power rods in preparation for their final disposal in Nevada, at the site of the cancelled Clinch River Breeder Reactor in Tennessee, but last year a coalition of Tennessee elected officials, environmentalists, and citizens' groups fought the action to a standstill.

Now Congress has thrown the site selection process wide open. It created a nuclear waste negotiator empowered to make a deal with the Governor of any state. It reduced the "incentive" payments to the host state to $5,000,000/year upon signing and $10,000,000/year when the waste began arriving, and makes the payments contingent on the state's surrendering its rights to oppose the MRS in court. The payments are also subject to the annual budget process. Congress also created a 3-member commission to report on the need for a MRS facility. After the commission reports in 1989, the DOE is authorized to restart their survey of suitable MRS sites. If they find a suitable site the state may disapprove (and lose the "incentive" payments), but their disapproval can be overridden by Congress. Construction on the MRS cannot begin until a construction permit for the permanent repository is issued. Congress has decided that the MRS doesn't need an Environmental Impact Statement, and that only one public hearing in the affected state will be held.

In West Virginia, the Governor's Office of Community and Industrial Development is working with the nuclear industry to set up "Hospitality Suites" during the legislative session. Hotel rooms have been rented and the legislators stop in for food, drink, and information on MRS. Governor Moore has not committed himself either way. There may be an attempt to amend or repeal Chapter 16, Article 27 of the WV Code, our anti-nuclear storage law. The WV League of Women Voters has put out a fact sheet on MRS, and will put an MRS question to every candidate in the upcoming election.

FINDDINGS FROM TENNESSEE'S MRS STUDY

In June 1985, shortly after DOE announced that Oak Ridge, Tennessee, was preferred for the location of the MRS, the State of Tennessee - executive and legislative branches - began an intensive study of the MRS Siting: A Half Life Of Its Own

The 1988 West Virginia legislative session dominated the WVHC winter board meeting in Buckhannon on January 17. Ron Shipley, Vice President for State Affairs, had prepared a report on what he foresaw as the most pressing issues, and the board members provided him with questions, strategies, and directions. [Shipley's summation of the discussion is presented in the article "1988 Legislative Session - Priorities" on page one.]

AIR/WATER TOXICS

Kim Taylor, Chair of the Air/Water Toxics Committee, requested using $100 of general Highland Conservancy funds to help pay the cost of printing a brochure designed to be used in gathering support for the groundwater bill. Her request was approved.

Taylor also reported on the Air Pollution Control Commission. In December, the APCC issued a statement that it would be requiring best available control technology to reduce emission of 13 carcinogens. The decision was primarily aimed at the chemical industry in the Kanawha Valley. The APCC is now under intense pressure from the chemical industry to drop this strict regulation. The industry would prefer to continue to make reductions on a voluntary basis. She encouraged members to write to APCC (1558 Washington St., East, Charleston, WV 25311) to show support.

In addition, Taylor updated the activities of MACE, a citizen's organization in Mason County opposed to the Pyrochem incinerator. The group has collected thousands of names on petitions, uncharted questionable actions taken by local officials, and called into question much of Pyrochem's proposal. As a result of MACE's presentation before the Hazardous Waste Advisory Committee, the committee decided to begin an all-out effort to draft a hazardous waste siting policy for the state. "Let's hope it turns out better than the groundwater policy," she added.

EDUCATION

Jim Van Gundy, Chair of the newly formed Education Committee, presented ideas on ways the committee could help members of the board, other committees, the general membership and the public at large. Details of his report are presented on page 4.

MINING

Joan Sims, a member of WVHC and President of the 4-H Road Community Association, asked the Conservancy to participate in the association's attempt to keep the Lauritas, who own 15 different mining companies, from strip mining land near Booth's Creek near Morgantown. James Laurita, Jr., applied for a permit to mine the area last summer under the name of Stone King Coal, but he later withdrew the request when it was discovered that he did not list reclamation violations committed by some of his other mining companies. Laurita, Jr., applied for a permit to mine the same land under the name Mpeco, Inc. Sims said, "The intent of the Surface Mining Act is undermined when one family member cannot get a permit himself and another family member turns around and applies for it." The board voted to join in the battle and help with expenses.

PUBLIC LANDS

In November, the executive committee had approved a resolution proposed by Milton Zellermeyer, organizational director from Mountain Stream Monitors Project, on the Coopers Rock tramway controversy. The board voted to accept the resolution: "The West Virginia Highlands Conservancy opposed the proposed construction of an aerial passenger tramway at Coopers Rock State Forest across the Cheat River gorge and the construction across the Cheat River from Coopers Rock State Forest of other recreation and amusement facilities such as water slides and theme parks."

NEW MEMBERS

Doug Leppanen of Charleston has joined the board of directors representing the Kanawha Valley Council of Trout Unlimited.

Chuck Hamshire is the new membership secretary, replacing Adrienne Worthy. Adrienne, who did an excellent job as secretary, has become the chair of the Membership Development Committee.
Mountain View

Fear of Garbage

by John Purbach

Out-of-state garbage is being hauled to West Virginia and is becoming an increasing rate. At least three hazardous waste incinerators (Pyrochem and APiTS in Mason County, and at the Union Carbide plant in Sisterville) are proposed along the Ohio Valley. Advocates of a Monitored Retrieval Storage Facility (the bureaucratic name for a nuclear waste dump) are sponsoring a two-week long "hospitality suite" for state senators and delegates during the current legislative session. Ordinary citizens are scared, because they know two truths about all this: the State and the companies can't be relied upon to protect us, and what's considered safe today can be discovered tomorrow to have caused Aunt Mary's miscarriage, or worse.

As usual, we've caught flat-footed, with an inadequately staffed and funded regulatory program, and no siting process to resolve community impacts. Governor Moore's initial response was to issue a popularly acclaimed ban on out-of-state, and to then be outraged when a federal judge, following already well-established law, declared the ban unconstitutional. That is undeniably good politics, but doesn't really help solve the problem.

In a year when money's not just tight, but has to be borrowed from pension fund investments in order to pay insurance bills, we can't expect much beef to be added to DNR's regulatory program.

Some rational voices can be fairly heard, arguing that since some level of imported waste is inevitable, our best hope lies in improving our regulation of its disposal at least to parity with surrounding states. That way, we'll be as environmentally protected (and therefore, as expensive to dump on) as our neighbors, and understandable market forces, such as land prices and transportation costs will determine our ranking as a dumping ground. Taxes or fees on waste calculated to pay for the damaged bridges and roadways, new fire department equipment, water treatment plants, and other community impacts can be lawfully imposed. We can insist on a siting process, dealing with the community, rather than environmental impacts, that gives control to the people most directly affected. Send those who want to win, dine or bribe elected officials, or employ handmade, and slow straight shooters in the only way as long as they too can draw. Finally, let's take advantage of the current attention to these problems by working in a solution to our seemingly unsolvable litter problem. Use the siting process and fees on out-of-state waste to establish landfills that can take our own garbage at an affordable price.

WVHC Joins In Battle Against A Proposed Laurita Mining Operation

Editor Dear:

We appreciate the work that the Highlands Conservancy has done to deal with the many mining pollution problems in West Virginia. Recently, I went to a meeting of the directors of your organization to ask for help in our effort to protect our Booth's Creek from being polluted by a proposed Laurita mining operation near Morgantown. This is a case in which a son is now applying for a permit for a coal mine that his father had applied for earlier, but could not receive because of uncorrected mining violations. We are trying to establish the legal principle that a person may not simply ask a closely associated friend or family member to apply for a permit that he himself is not able to obtain.

The directors of the Conservancy voted to join us in our litigation, and to give us some financial aid to help us with our many expenses. We really appreciate your group's generosity. We will always remember that the Highlands Conservancy helped us when we needed it.

Sincerely,
Joan Sims, President
The 4-H Road Community Association

New Group Forms To Help People Deal With Mining Problems

by John Substrum

A new organization Home Place has been formed in Lincoln County and incorporated in the state of West Virginia. The primary purpose of this group will be to help persons and families who feel that they will be adversely affected by mining operations close to their homes find answers to their questions about how different methods of mining will affect them and to help them find legal assistance if they feel they are being wronged in their dealings with the coal companies.

Although all of the founders of Home Place are working people, we feel that the interests of the families and homeowners in the vicinity of any possible mining operation outweigh the possibility of jobs to Lincoln County residents. We feel that strip mining does irreversible damage to the hills of Lincoln County, and it is our hope that through open and forthright dialogue more citizens of Lincoln County will open their eyes to this." RCalemantation" and "leaving the land better than it was" as the primary terms. Lincoln County is a place of oak, hickory, and poplar forests which would take decades to come back even under the very best attention after strip mining.

None of us feel, good about well-meaning people being unable to find jobs here in Lincoln County, but stripping the hills of mine coal isn't the only way out for the unemployed. There have been good gains toward milling and processing the county's coal, but glady do to have something worth coming home to when the day's work is done.

(continued on page 8)
Enacting The West Virginia Underground Storage Tank Act

(Ron Shipley testified before a state legislative hearing regarding S.B. 85 on behalf of the West Virginia Sierra Club. He was a special assistant to the director of the Department of Natural Resources and the State's Hazardous Waste Coordinator. Also he held the position of acting chief of division of waste management and, while at the helm, presided over the state's initial development of the underground storage tank program.)

The West Virginia Highlands Conservancy supports the passage of an underground storage tank law in West Virginia. Based on notifications required by the Federal Law: Subtitle I of the Federal Resource Conservation and Recovery Act, the Department of Natural Resources estimates that there are approximately 16,600 underground storage tanks at 6,600 different facilities in the state. Of these tanks, DNR estimates that approximately 15,225 hold petroleum products, 77 hold chemical, 430 are empty and the rest are unknown.

Underground storage tanks are potential hazards to the environment and health of the public. The tanks can leak into the soil and groundwater, their pressure can build until they spew emissions into the air, their contents can catch on fire, and the federal government enacted Subtitle I of the Resource Conservation and Recovery Act (Entitled “Regulation of Underground Storage Tanks”) to regulate the adverse effects of such tanks byrequiring them to meet performance standards, and providing EPA with the authority to address them. By accessing a fund, called the “Leaking Underground Storage Tank Fund” or “LUST.”

As with many federal environmental programs, the Federal Law gives states the opportunity to receive a proportion of the program, i.e., authority to administer the federal program within their borders. If the state enacts laws and regulations which are consistent with and equivalent to the Federal Law they are implementing. In the past, West Virginia has taken over primary responsibility for many environmental programs including portions of the Hazardous Waste Program, creek abatement, water quality, and the Conservation Program and others. Generally the developer seeks to eliminate or downplay jurisdiction of the state and federal programs as a way of removing administrative burdens on the regulated community. While these are valid reasons, they are not the primary reasons why the Highlands Conservancy endorses state primary responsibility of the Underground Storage Tank Act. Rather, it is our opinion that the numbers of regulated units are so large and the priority that EPA will give to implementing the program in West Virginia so low, that the protections the law provides will be of little practical use.

From the perspective of manufacture, EPA stated they would not have encountered issues to report to the Federal Law and they have been encouraging states to take over program implementation ever since.

The Department of Natural Resources has recognized the need for primary jurisdiction and will also introduce a bill this session designed to do primarily the same thing as S.B. 85. We have not seen that bill, nor have we been privy to the discussions the department has had with interested parties concerning their bill. With that background, however, the Conservancy wants to present the committee with some of its views on S.B. 85 so you can consider these issues when
deliberating either bill.

First. An environmental law is only as good as the resources available to enforce it. In that light we note that S.B. 85 does not contain any provision for funding the program. Other states have adopted similar registration fees as a way of funding their programs and we would urge the committee to include such a measure in the UST Bill which you will report on. We also note that the DNR Bill will have yearly registration fee in it.

Second. We also note that S.B. 85 does not establish a fund for the state to provide its ten percent match for accessing the LUST Fund. S.B. 85 also needs a provision authorizing the state to recover costs it incurs cleaning up leaks and spills from the responsible party. While the state and federal government can access the LUST Fund for emergency clean-up, the federal program allows EPA to seek reimbursement from the responsible party of money spent. The state program should do the same. If we draft this provision we recommend that the committee make sure that (1) the state can recover all of its costs, including administrative, investigative fees and legal fees plus interest and (2) the act authorize the recovery of damages from an uncooperative party who is uncooperative with the cleanup. By including both of these provisions the state can replenish its fund and encourage cooperation from responsible parties.

Third. S.B. 85 does not contain clear authority to conduct sampling and analysis of the air, water and groundwater at the facility.

Fourth. Recognizing that environmental liability insurance is difficult to obtain, we suggest that the act include a provision authorizing the director or the appropriate state official to declare insolvent any company that does not maintain such insurance for those companies who want to obtain state backed insurance for meeting the financial responsibility requirements of the law.

Fifth. We suggest that the law contain administrative penalty assessments up to $1,000 a day. This provision provides strong enforcement without forcing the state to go to court to deter illegal behavior.

Sixth. We note that S.B. 85 contains criminal penalty provisions but the Federal Law does not. We support criminal provisions because we do not believe that the law should shield knowingly and willfully violators from criminal sanctions.

Seventh. We note that S.B. 85 requires proponents to file with the state plans which are located in environmentally sensitive areas but that the Federal Law does not require such provisions. We would allow the committee to retain this concept in any bill that they pass, but urge some caution in drafting such a provision is a good mechanism to protect against placement of tanks in wetlands or soils subject to slippage without special precautions. However, if such a provision is too administratively costly to apply to tanks already in the ground, you should consider making such requirements apply to new tanks only.

Finally, we want to thank the committee for the opportunity to speak and request that the committee hold another public hearing to consider DNR's proposed legislation on the same topic so we may provide you with our comments on it.
Education Committee Outlines Services

by Jim Van Gundy

The WVHC Education Committee has identified several ways in which it can serve the Board at large, individual committees of the Board, the general membership, and the public at large. The possible services the Education Committee might provide for each of these groups is outlined below.

While the list is lengthy, it is certainly not exhaustive. The Committee would welcome any suggestions that any members might have. Also, it is not the intention of the Committee to undertake all of the activities suggested. After receiving feedback from others, there will probably be some items that we will have second thoughts about. In addition, the Committee sees its mission to be in part one of chiding, encouraging, and begging others who may be better qualified to take on some of the work suggested here.

The Board

A handbook or brief training program for new Board members to orient them quickly to the history of the organization could be developed. This would be especially useful for new organizational directors who may have not had long association with the WVHC.

Committees

Another handbook could be developed for committee chairs and/or members to increase the ease with which new persons are acclimated into existing committees. The Education Committee can assist in developing informational workshops for other committees. A workshop with MNP and WVDBR, personnel for the Public Lands Committee has already been proposed. Primers on the appropriate environmental law (both State and Federal) for each committee could be written. A training program may be set up to enhance the effectiveness with which committees work with local individuals and groups on specific issues, for example the Greenbrier River issue. Similarly a training program to enhance the effectiveness with which committees work with government agencies and legislators could be established.

The General Membership

Briefing papers could be written on specific issues. These would not necessarily represent positions of the WVHC but would be brief, factual accounts of a given situation. They would be prepared by various knowledgeable WVHC members and would not have the advantage of informing key people of important issues quickly, avoiding the longer lag times associated with publication in the VOICE. They might be used as a vehicle to inform local newspapers, legislators, and others of rapidly developing events of environmental importance. These might often end up as articles in the VOICE, or even be prepared from VOICE articles, but they would be intended to reach both members and non-members.

Issue related workshops for interested members could be held at the Spring or Fall Reviews. These could be offered as an alternative to outings, or perhaps offered as a Sunday activity while the Board is meeting. We might try a workshop on rivers at the upcoming Spring Review as a trial to determine if there is membership interest in workshops.

The national 'welcome to the WVHC' brochure could be developed to send to new members. The brochure could explain the organization to them, give the history of WVHC, and encourage new members to become involved.

Other ideas for keeping the membership aware of environmental issues include the following:

- writing articles for the Voice on the activities of other environmental organizations
- helping make the membership aware of workshops, seminars, and other educational opportunities that might be up-to-date at the Ground-water Conference at WVU.
- developing a bibliography on West Virginia Environmental issues.
- preparing book reviews for the Voice as appropriate.
- suggesting books and other materials that the WVHC might profitably sell or otherwise broker.

The General Public

Briefing papers (see above) can be developed and made available to the public and to local newspapers.

A WVHC speakers bureau could be organized to provide speakers on environmental topics and issues to civic groups, schools, and other organizations.

A WVHC slide presentation could be developed to explain the organization's purpose. How should we approach the WVCH membership, and in particular the major environmental issues in WV at the time.

A WVHC photo-calendar of the Highlands could be developed public more aware of the WVHC and to sensitize people to the beauty and fragility of the region.

Confessions Of A Would — Be Birdwatcher

by Terry Shaw

I'm one of those people who find it almost impossible to go to bed early at night. In fact, the only thing I find harder is getting up in the morning.

Despite those two ugly truths, I found myself up bright and early, prepared to participate in the Nineteenth Annual Oak Hill Christmas Bird Count Sunday before dawn.

Even though I only had a few hours sleep, I figured it would be no problem to show up, trapeze around the woods looking for binoculars for an hour or so, go home and hit the hay for most of the afternoon before writing a few stories that had been put on the back burner during the New Year's weekend.

But the minute I was in a car with Gary Whyatt, who is the big bird of the whole affair, I realized I was dealing with a fanatic.

In no time at all, he and the others in our group were making funny noises at bushes to stir up "activity," then rattling off names, markings and too many bird tunes that identified the little critters.

But considering most people take most activities in life more seriously than I do, I wasn't worried. We had had four of us were marching like storm troopers across an innocentlyitsuance, their property, zeroing in on every random flying object within sight and stirring up the neighborhood dogs, whose songs wouldn't have anybody's top 40, especially early on a Sunday morning. Finally the woman, a friend of a member of our party, came out, dazzled and bewildered in her bathrobe, asking if she could help us.

They had a degree in psychology, I thought to myself.

When her friend explained the situation, the woman smiled and told us about a whole bunch of other birds, "on a property right down the road."

Good excuse. But not good enough. We continued hanging around, while her two dogs followed, curious and confused at the bird calls. Worthington was making one of the pouches got so excited that they broke into a hoppin' little rendition of Saint Vitus' dance from the sound.

I felt sorry for the woman. But not so sorry as I felt myself. It was then I realized the birders planned on going all day, which meant from dawn to dusk, as in about the next 10 hours of my life.

Fortunately, I was able to learn a thing or two, including that birding wasn't so bad after all. Worthington, a walking encyclopedia on the subject, snapped out the names of species before I caught a glimpse of them. Whenever there was a question about one of our feathered friends, he buzzed out their rap sheet quicker than a stoo pig says whoo-hoo.

It was impressive. I didn't even know that much about my own family members.

Throughout the day I saw a lot of firsts, more firsts in bird names than I'll ever remember, although a few stand out, including a barred owl, a great blue heron and some rusty blackbirds (I wrote those ones down!).

I enjoyed myself. But the biggest surprise of the day, which was marked by wind and cold, was that we didn't see a pigeon anywhere in Fayette County. But you can't have everything.

Afterwards, when discussing the hot finds of the whole study, Worthington told me: "Hey Shaw, all the best were in our group."

I didn't argue. How could I? I hadn't even known what we had been doing, until we returned to his house, and I made my first definitive sighting — the dinner bird. It was all the fun it ended up being my favorite.

I was sure my absence wasn't exactly going to go over too well on the home front, where I had been expected home about half a day earlier.

At least I had a perfectly legitimate excuse. I was driving around with a group of serious people, hushing and sneaking into bushes, roaming neighborhoods and highways with high-powered binoculars, and taking detailed notes of the whole affair.

Whoa! Forget the excuses, I thought to myself. I was just thankful that none of us had been arrested.

(Terry Shaw is the managing editor of the Fayette Tribune. This article is reprinted with his permission.)

EARTH By Paul And Anne Ehrlich

A Review by Don Gasper

In 1968 Paul Ehrlich's book, The Population Bomb, awakened many of us to the problems associated with the population explosion. The Ehrlichs have written again, a 258 page update of the review of the condition on planet earth.

Like previous writings, earth is clear and fascinating, and details the environmental maintenance systems, their condition, and remedies. The book begins with a general orientation to the earth, and life, and life requirements. Then the Ehrlichs go into the resources required to sustain life, and the evolved environmental mechanisms that are in danger of going awry as man's influence is felt. The industrial man is changing the environment.

With more hungry people on earth today, continuing population growth is causing more unemployment, more destructive unrest, and the challenge to man's social systems is overwhelming the earth's environment.

Ehrlich points out harshly how embarrassingly sad the environmental record of the United States has been, particularly since 1980, during which time long years the "environmental clock is 10 minutes to midnight."

This book recounts the environmental crises every citizen should be aware of, and surely every administration should acknowledge.

War, disaster, desertification and soil loss, pollution, loss of species' diversity, etc., are noted, as are the all prevailing pressures of over-population and the urgency for U.S. leadership. They note, in fact, declining birth rates here in the U.S. and in a few other parts of the world. They record, with some hope, the internationally increasing awareness of the earth's finiteness and the "sustainable society" concept. Every concerned citizen should read again what these authors want us to know today.
Moving mountains may be a favorite North American pastime, but when the mountain equals over half a billion tonnes of municipal waste, trash and other refuse every year, Canadians and Americans are faced with a dilemma. The Great Cleanup includes everything from picking up the mountains of non-recyclable refuse to changing nations.

And when the waste has been carted away, the unsavory task of permanent storage or disposal remains. Cities have tried dumping it, pumping it underground, filling it, recycling it — all with limited success.

Waste incineration is becoming an increasingly popular alternative to burying or storing garbage in North America, Europe and Japan. The high temperatures destroy dangerous waste at the same time that the added advantage of converting the waste burned into steam and electricity.

As municipalities exhaust their landfill sites, many are turning to incineration. In the United States, over 100 solid waste incinerators now burn 11 million tonnes of municipal waste each year. This number is in various stages of planning or construction. Many Canadian cities are also choosing incineration both to ease the demand on limited landfill sites and to generate electricity. Four energy-from-waste incinerators currently burn 640,000 tonnes of garbage per year, with three additional facilities under consideration. Canada also estimates they will require five incinerators by the year 2000. As more facilities are constructed, thus creating widespread concern is acid gases.

Frugality in incineration has grown, so has concern for their safety. Numerous environmental groups argue that incinerators contribute, at least to some degree, to local air pollution by releasing several toxic pollutants, including lead, dioxin and hydrochloric acid (HCl). Critics contend that the danger will only increase as more incinerators are built in or near large urban areas.

In the U.S., the Environmental Protection Agency (EPA) announced in July that it will establish standards for new incinerator facilities. The EPA regulates emissions of particulates — dust-like particles which can carry any toxic metals like lead and mercury. Under the proposed rule-making, it will require new technologies to reduce dioxin emissions by removing toxic-bearing substances from the waste stream. The EPA also has adopted stringent ambient air quality standards.

As similar efforts are under way in Canada where a major study, the National Incinerator Testing and Evaluation Program (NITEP), is examining ways to optimize operating conditions for resource recovery incinerators while identifying and characterizing air pollutants in stack emissions. Results so far indicate that well-designed facilities do not present toxic emissions problems. NITEP has also begun testing new scrubber technologies designed specifically to control incinerator emissions. One control system, known as a dry scrubber, cools the gas using a slurry of lime, and has proved very effective at removing volatile heavy metals like mercury. A second system, the wet-dry scrubber, "scrubs" the hot emission gas directly with a lime slurry (lime and water) spray. In both systems, the scrubbed gas flows through a fabric filter for cleaning before it is released out of the stack.

Test results showed that the two scrubbers removed almost all air pollutants from stack emissions, including 99 percent of dioxin, 80 to 98 percent of PCBs, 99.9 percent of heavy metals and significant amounts of acid gases.

Environmental groups advocate another strategy to curtail dangerous incinerator emissions. A study released in April by Worldwatch Institute, an international research organization, urged municipalities to curb emissions by removing toxic-bearing substances from the waste stream before incinerating them. The report, "Mining Urban Wastes: The Potential For Recycling," recommended recovery of such items as metal, glass, and plastic, and recovery of heavy metals and other useful materials. The study concludes that recycling offers the dual benefits of emissions reductions and commercial profit.

(Reprinted from Environmental Perspectives, a Canadian Embassy newsletter.)

### Making Municipal Incineration Safer

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<thead>
<tr>
<th>POLLUTANTS FROM INCINERATORS</th>
<th>HEALTH AND ENVIRONMENTAL EFFECTS</th>
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<tbody>
<tr>
<td><strong>Acid Gases</strong></td>
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<tr>
<td>Sulfur Dioxide (SO₂)</td>
<td>Aggravates symptoms of heart and lung diseases; increases incidence of acute respiratory disease including coughs and colds, asthma, bronchitis and emphysema. Toxic to plants; can erode statues and corrode metals; precursor to acid rain.</td>
</tr>
<tr>
<td>Nitrogen Oxides (NOₓ)</td>
<td>High concentrations can be fatal; at lower levels, can increase susceptibility to viral infections such as influenza, irritate the lungs and cause bronchitis and pneumonia. Toxic to plants; precursor to acid rain.</td>
</tr>
<tr>
<td>Hydrochloric Acid (HCl)</td>
<td>Acts as an irritant to the respiratory tract and lungs; may cause laryngitis and bronchitis. May pose danger to the ocean's micro-layer.</td>
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<tr>
<td><strong>Organics</strong></td>
<td></td>
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<tr>
<td>Dioxin</td>
<td>High levels of exposure from industrial accidents have resulted in chloroform, altered liver function and skin disorders; EPA has listed 2,3,7,8-TCDD as a probable human carcinogen. Chlordane disease in birds; linked to breeding failure in herring gulls.</td>
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<tr>
<td>PCBs</td>
<td>In high exposures, can cause chloracne, liver disorders and jaundice; may also cause birth defects.</td>
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<tr>
<td><strong>Heavy Metals</strong></td>
<td></td>
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<tr>
<td>Lead</td>
<td>In chronic or acute exposures, children may suffer neurological disorders and women may experience reproductive problems; probable human carcinogen according to EPA.</td>
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<tr>
<td>Inorganic Mercury</td>
<td>Can cause serious neurological disorders and degenerative kidney problems; also linked to birth defects.</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>Probable human carcinogen according to EPA; may cause lung cancer and cardiovascular disorders.</td>
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<tr>
<td>Chromium (CrIV)</td>
<td>May cause liver and kidney damage and respiratory disorders.</td>
</tr>
<tr>
<td>Arsenic (As)</td>
<td>Probable human carcinogen according to EPA; may cause liver and kidney damage.</td>
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Acid gases. A third group of air pollutants creating widespread concern are acid gases, such as hydrochloric acid, sulfur dioxide (SO₂) and nitric oxides (NOₓ). Once again, scrubbers and baghouses can remove most of these pollutants from the waste stream. However, when the releases are not curtailed, as is the case at many municipal incinerators, they may irritate both lungs and eyes and can cause serious problems for individuals prone to breathing difficulty.

In addition to cancer risks, many environmentalists and scientists fear that acid gas emissions will increase as more incinerators are constructed, thus contributing to the problem of acid rain.

The EPA’s decision to regulate municipal incinerator emissions tracks control efforts by state regulators in the U.S. and by governments in Canada and Europe. West Germany, for example, is experimenting with new technologies to reduce dioxin levels, including a system which combines scrubbers and baghouses with a process called exit gas cooling. In the U.S., Pennsylvania, Massachusetts and California have adopted stringent ambient air quality standards for dioxin.

Environmentalists in Canada have taken a different approach. As part of a broad-based effort to curtail dioxin emissions, Ontario government is providing technical and financial assistance for the installation of a fabric filter system at one municipal waste facility. Ontario is also developing new standards for the design, control and operation of future facilities.

Some states in the U.S. are tightening the EPAs standard for particulate emissions from incinerators. Many environmentalists and state regulators no longer consider the EPA standard adequate. California and Connecticut, for example, have adopted a tighter standard, as have several European countries, including Denmark, Sweden and Norway. West Germany and Switzerland also have set specific standards for several heavy metals. In the U.S., California has taken the lead in curbing acid gas emissions by adopting stringent SO₂, NOₓ standards.

The U.S. Congress is also considering legislation which would tend consistency and uniformity to existing state controls on municipal incinerators. The House Energy and Commerce Committee and the Senate Environmental and Public Works Committee have announced plans to mark up bills later this year which would regulate incinerator emissions and incinerator ash.
EPA Issues Administrative Order To Enoxy
Coal Company For Clean Water Act Violations

PHILADELPHIA, PA — The U.S. Environmental Protection Agency (EPA) has ordered Enoxy Coal Company to stop discharging mine drainage water into the upper portion of Tennille Creek in Upshur County, West Virginia. The Agency cited the company for violations of the Clean Water Act by issuing an administrative order on January 25, 1988.

Inspection of the site by EPA revealed that Enoxy is pumping drainage water from its Number 10 Mine on the Right Fork Complex into two treatment ponds and released through another pond which is also located in Tennille Creek. The order cites Enoxy for violating the Clean Water Act because it is operating a centralized wastewater treatment system at the Upshur Mine Complex without legal authorization.

Under one of its National Pollutant Discharge Elimination System (NPDES) permits for the Upshur Complex, the company is allowed to use a pond for temporary sediment control. However, the company's NPDES permits do not authorize the pumping and treatment of 4,000 feet of drain water from the Upper portion of Tennille Creek watershed. EPA had already notified the company that the centralized treatment facility that Enoxy had planned for the Upshur Complex could not legally start operating under the existing NPDES permits.

"Through our administrative order, EPA has notified Enoxy Coal Company that these illegal discharges into the upper portion of the Tennille Creek watershed are violations of the Clean Water Act, and they must stop discharging the waste immediately," said James M. Seif, EPA, Region 3 Administrator.

The administrative order also advises Enoxy that they must apply to the West Virginia Department of Natural Resources (WV DNR) for proper NPDES permit authorization before they can resume their instream treatment activities. EPA contends that using a centralized treatment facility requires a formal application for a separate NPDES permit or major modification of their existing permit. Either approach would require public notification in order to give the community ample opportunity to comment."

During the normal review of any permit application that Enoxy submits, EPA and the State would consider other treatment alternatives that may be proposed by the Company in order to minimize adverse environmental impacts on the watershed.

The Company must respond within ten days of the receipt of the order to advise EPA, Region 3 of any action it has taken to comply with the order.

MRS Siting (from page 1)

MRS proposal. There was an independent review of the need, feasibility and costs of the nuclear reprocessing plant. State agencies also examined the implications of such a facility on the health, safety, and economy of the state.

MRS IS NOT NEEDED

DOE says MRS is a "desirable" component in the nation's nuclear waste management plan; but both DOE and the Congressional Office of Technology Assessment concede that IT IS NOT ABSOLUTELY NECESSARY. In assessing the justification for MRS, Tennessee found itself studying a moving target. From April to December 1985, the justification changed from the reduction of transportation impacts to relief of on-site storage needs at nuclear reactors. When the state's studies uncovered inflated claims of both transportation benefits and on-site storage benefits, the justification for the project was altered. It is now claimed that building the MRS will allow more flexibility in the waste management system and demonstrate progress in solving institutional and logistical problems.

The Tennessee studies show that the rod consolidation and storage functions proposed for the MRS can be done at the individual reactor sites. The DOE could encourage this approach by providing utilities with credits for fuel consolidation and by providing utilities with fuel that is more readily transportable for storage and later transportation direct to the permanent geological repository. While these functions could also be performed by having a repackaging plant at the repository, handling these jobs at the reactors will increase the reliability of the waste management system. Dependence on an MRS or a similar facility at the repository leaves the system vulnerable to shutdown of such a centralized repackaging plant.

MRS IS EXPENSIVE AND THE COSTS WILL RISE

DOE has variously estimated that MRS would add $1.5 to $2.6 billion to the total cost of the waste management system. The agency claims a potential savings to utilities for avoided storage at reactors of $150 to $450 million assuming that the first repository is developed by 1998 in accordance with the Nuclear Waste Policy Act of 1982. The net cost to the nation would range then, from $1.05 billion to $2.45 billion if DOE's cost estimates are accurate. These costs will be borne by ratepayers receiving electricity generated by nuclear power.

Tennessee found that DOE cost estimates are probably low by up to a billion dollars. DOE did not include in its calculations the impact assistance payments and the tax equivalence payments that the Department would likely have to pay to state and local governments. These payments could be large. DOE should compensate for MRS's negative impacts on regional economic development likely to result because of the negative perceptions of MRS held by business executives and tourists (as determined in surveys conducted for the state). State and local governments will also be required to invest in certain capital projects and expanded operational programs as a result of MRS. Federal reimbursement for these will add to MRS costs.

MRS IS NOT BASED ON PROVEN TECHNOLOGY

The Tennessee study found that the risks of transporting nuclear materials -- either by rail or on the highways -- are small provided that sufficient care, monitoring, and quality control are ensured. Tennessee, because of its central location, realizes that nuclear wastes will be shipped through the state, regardless of whether or not MRS is built.

The Tennessee evaluation also found that the DOE should operate a large MRS for a second time again that sufficient care and quality control are exercised by DOE.

However, the state's technology assessment concluded that the research of DOE and others does not support the idea that rod consolidation should take place in a hot cell at an MRS. Of all the operations proposed for MRS, the hot-cell consolidation operation has the greatest potential to generate accidents, unforeseen personnel exposure, low-level radioactive waste, and cost overruns.

DOE is now conducting a research and development program to try to prove the feasibility of high-cell consolidated technology. The DOE research and development program must demonstrate that these risks can be appropriately mitigated.

For the past few years nuclear utility companies and private support companies have been developing the technology to consolidate fuel rods under water in the storage pools at reactors. Several demonstrations have taken place and others are planned. Several private firms are anxious to provide this service to nuclear utilities. They are anxious to demonstrate that this can be done safely and at lower cost than that involved in shipping the fuel to a central plant for consolidation there.

Tennessee feels that DOE should pursue further research and development on hot-cell consolidation and gather the performance data and cost experiences from the utility demonstrations of in-pool, under water consolidation before making a final decision on the MRS technology. Why should the federal government attempt to put in place unproven technology to avoid costs that private companies can probably do at less cost?

THERE IS A BETTER SOLUTION THAN MRS

Tennessee, in its studies, found that a better and cheaper solution than MRS can be readily designed for meeting legitimate needs of the nation's nuclear waste management system.

DOE should encourage the consolidation of fuel rods at the nuclear reactors. Consolidation of the fuel at its source will provide benefits throughout the waste management system. The total number of shipments is reduced. Radiation exposure to the public is reduced all along the path of waste movement, from the reactors to the repository. We have worked successfully in developing such guidelines for other public lands, ie. the Monongahela National Forest. We hope that a productive relationship can be established for the benefit of all West Virginians. We await your reply.

Sincerely,

James Kotcon
Conservation Chair
Monongahela Group
West Virginia Sierra Club

The Highlands Voice
Rahall Seeks Investigation of Laurita Mine Application

Rep. Nick Joe Rahall, D-W.Va., wants the federal Office of Surface Mining to conduct an independent investigation of a controversial application to mine coal owned by the West Virginia University Foundation. As chairman of the House Subcommittee on Mining and Natural Resources, Rahall asked Carl Close, assistant director of OSM's regional headquarters in Pittsburgh, to look at applications from Morgantown coal operators James Laurita Sr. and James Laurita Jr.

"As it appears there are certain interstate ramifications to this matter, I believe your office should not only bring the issues raised by the complaint to the attention of the proper state authority but undertake your own investigation as well," Rahall wrote to Close on Jan. 20.

Joe Christensen, OSM's national director, is referring all complaints about the Laurita controversy to the Pittsburgh office, said spokesman Alan Cole on Friday. "He expects them to stay closely informed on this and to gather the necessary information to deal with this," Cole said.

Rahall's call for a federal investigation was promoted by Joan Sims, president of the 4-H Road Community Association, who lives just south of Morgantown on Booths Creek, first complained to OSM in December. She said the Lauritas operate "a thinly disguised family mining scam."

The Lauritas own 15 different mining companies. When Laurita Sr. applied for a permit under the name of Stone King Coal, he did not list violations committed by his other mining companies, as required by federal law. Under public protest, he withdrew his permit application in August. Then in November, Laurita Jr. applied to mine the same land, under the name Mepco Inc. Although Stone King and Mepco occupy the same office in Morgantown, Laurita Jr. listed no violations from his father's mining companies on his permit application.

"We believe there is common control of these companies, between the father and the son," Sims said. "The intent of the Surface Mining Act is undermined when one family member cannot get a permit himself and another family member turns around and applies for it."

The Lauritas abandoned strip mines in Pennsylvania without reclaiming them and without preventing acid drainage into nearby creeks. The Department of Natural Resources then initiated legal procedures to forfeit bonds posted by the Laurita companies in Pennsylvania.

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Virginia Panel Urged to Ban Longwall Mining

The Virginia Coal and Energy Commission has been urged to recommend a ban on longwall mining in the state until more studies can be made of how the technique affects land above it.

In testimony before the commission Thursday in Richlands, Va., Dickenson County lawyer Gerald Gray said valuable houses in Dickenson and neighboring Buchanan County had been made uninhabitable by longwall mining operations beneath them. He said houses as far as 1,500 feet from longwall seams had been affected.

Longwall mining is a procedure in which entire seams of underground coal are removed by mechanical means, causing some of the surface overhead to sink or fall. The procedure has been used in Southwest Virginia for more than a decade.

"There aren't enough data available right now that it ought to be halted in Virginia until more studies can be made," Gray said.

State Sen. Daniel W. Bird Jr. (D-Wytheville), who heads the commission, referred the matter to the panel's subcommittee on coal for study and recommendations. He said the subcommittee will listen to testimony from people who have experienced the effects of longwall mining.

Washington Post, 1/19/88

OSM Issues Another Enforcement Order

For the second time in eight weeks, the U.S. Office of Surface Mining ordered Energy Commissioner Kenneth R. Faerber to enforce federal laws regulating coal prospecting.

Coal operators must reclaim prospect mines within 90 days of the time they begin exploring for coal, unless they receive a full-scale mining permit. Faerber has allowed the Ten-A Coal Co. to strip a hillside near Fairmont, then abandon it without reclamation work for more than a year.

"The Department of Energy must notify all of its inspectors that extensions of this kind will not be granted in the future," wrote James C. Blankenship Jr., director of OSM's field office in Charleston, in a letter to Faerber dated Jan. 28.

"The Department of Energy cannot postpone the reclamation of a prospecting site, unless the operator has requested and received an appropriate surface mine reclamation number within three months of the initial disturbance of the site," Blankenship wrote.

"Complete enforcement of this requirement is expected in the future," Blankenship added. "If for some reason you cannot comply with this request, please notify me."

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Call for Storage Tank Inspection Law

The Ohio River Valley Water Sanitation Commission has adopted a resolution calling for legislation requiring inspection and monitoring of above-ground storage tanks.

The resolution was promoted by the Jan. 2 committee of an Ashland Oil Co. storage tank near Pittsburgh that sent a million gallons of fuel oil into the Monongahela and Ohio rivers. The federal government does not regulate tank construction, other than requiring that a dike be built to contain the tank's contents in case of a spill.

The accident points out the national lack of a comprehensive inspection and monitoring program, said Gordon Garner, who proposed the commission's resolution. Garner is executive director of the Louisville-Jefferson County (Ky.) Metropolitan Sewer District, which monitors storage tanks and spill-control plans in part of the sampling area.

The recommendation for changes in federal law was one of six in the resolution, Garner proceeded. It also calls for the commission to revise its strategy for controlling toxic chemicals in the river and to help state agencies review their emergency-response plans.

Commission officials also said they likely will speed up a planned inventory of storage tanks along the river and their contents.

In its resolution, the commission proposed that Congress include the monitoring and inspection requirements for above ground storage tanks in a 1986 law that requires communities to plan for chemical accidents.

The Inter-Mountain, 1/16/88

Logging Museum Planned

A West Virginia-based group called the Mountain State Railroad and Logging Historical Association is working toward the establishment of the West Virginia Museum of Logging History and Technology at Cass Scenic Railroad State Park.

The museum will contain the most comprehensive collection of logging information and equipment in the United States. Cass is already a center of historical preservation where not only is there a geared locomotive operation on an authentic logging railroad, but also an authentic company town that is undergoing restoration.

For more information contact the West Virginia Museum of Logging History and Technology, 3101 Auburn Road, Huntington, WV 25704.

Daily Mail, 1/15/88

Plutonium Plant to Stay Closed

The largest government plant that makes plutonium for nuclear bombs, closed and under investigation in recent months because of its resemblance to the Soviet Union's Chernobyl reactor, will not be reopened, the Department of Energy has told some legislators on Capitol Hill. But those who favor reopening the plant, the N Reactor on the Hanford Nuclear Reservation in Washington state, say that the Reagan administration is divided on the issue and that no final decision has been made. The plant has been shut since December 1986. If it closes permanently, 6,400 workers will lose their jobs. The Chernobyl reactor, like the Hanford N Reactor, used graphite to help control the flow of neutrons that sustain the chain reaction; the standard commercial design in this country uses water.

Charleston Gazette, 2/5/88

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Charleston Gazette, 2/5/88

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1988 Legislative Session (from page 1)

coalition" (with the League of Women Voters of West Virginia, West Virginia Club of Water Well Drillers Assoc, WV-Citizen Action Group, and others) and supporting a bill drafted by Kristi Treadway of the Environmental Defense Fund as an amendment to the West Virginia Solid Waste Protection Act. This bill will be entitled the “Groundwater Protection Act” and will be distinguishable from the DNR/industry “Groundwater Quality Act.” The key difference in the two bills is that the DNR/industry bill is not productive enough and allows degradation of the groundwater without protection by the Water Resources Board through rulemaking while the Groundwater Protection Act will prohibit degradation and allow for citizen suits to enforce the law.

2. Underground Storage Tank. DNR is introducing a bill designed to assure primacy of the federal program regulating underground storage tanks. Rules Promulgated by Various Agencies. These bills are all important, but the most likely is the West Virginia Highlands Conservancy’s proposal to regulate and modify or repeal the Solid Waste Management Act. The Conservancy has already submitted comments opposing the rules because they are too expensive and not timely. Normally procedural rules such as these will not come before the Legislative Rulemaking Review Committee (LRRC). Delegate Knight, LRRC Chairman, however, has expressed an interest to review them.

3. Repeal and Reenactment of the Surface Mining Rules. DOE has proposed repeal and repromulgation of the Surface Mining Rules. By proposing repeal and repromulgation, DOE did not need to provide strike-throughs of deleted text or underlining of new text. Thus nobody can easily identify the changes being made.

B. DOE Regulations Concerning Use of Parks, Forests and Hunting & Fishing Areas. Issued concern regarding shooting of weapons on the Greenbrier River Trail.

Health Department: Hazardous Substances/Repeal of CRTK. The Health Department has recommended that the Legislature repeal the State’s Community Right to Know law (CRTK). This law informs the public as well as local fire departments of the presence and location of hazardous substances in the community. The basis for their recommendation comes from the CRTK itself. It contains a provision calling for repeal, accomplished through the State Legislative Rulemaking Review procedures if the federal law duplicates state law. The Health Dept. has certified that CRTK is duplicated by federal law and the issue is whether we should rely on the federal statutes (which can be amended and interpreted at the federal level) and whether the law is really duplicated. In either case DNR or the Governor will need to introduce legislation to either modify or repeal the CRTK. I understand that it may be a modification to include requirements that the State Emergency Response Commission feels are necessary to implement the federal law in West Virginia.

D. DNR: Solid Waste Management Rules. This rulemaking will increase application fees.

CONSERVANCY POSITIONS/PRIORITIES

1. Solid Waste/Out of State Waste/ Litter Control/Bottle Bill. The Board decided that we needed to be involved in the debate and perhaps inject some reality and facts into the discussion. Landfills are necessary, but they need to be technologically sound and have appropriate financial structure for closure and post-closure care. This means that the Solid Waste Management program needs adequate funding to establish and enforce the standards and the landfills need to remain financially solvent. If someone proposes a Hazardous Waste Sitting Board then we will support it if the public will have input into the decision process and it contains other proper siting mechanisms including buffer zones, authority to designate traffic flow, mitigation of environmental effects and compensation to local communities, etc. The Conservancy will also continue to support source reduction such as the bottle bill.

2. Underground Storage Tanks. There are approximately 15,000 underground storage tanks in the State. The federal government will not provide the resources necessary to adequately run the program in W.Va. Therefore the Board ratified supporting State program and the program. We will need to make sure that the program is adequately funded. DNR is proposing yearly registration fees from the owners of the tanks which they believe will provide approximately $50,000/year and the necessary match for accessing the federal remedial fund.


4. Wetlands Protection. For the past several years the Conservancy has been promoting a wetlands protection bill. We will continue to do so, although this year does look like a year for peak legislation.

5. Rules.

A. DOE

1. Freedom of Information Act (FOIA). Need to continue opposing them on the grounds enunciated above and make them more fair to citizens.

2. Repeat of Surface Mining Rules. Need to be vigilant about these rules.

B. DOC Rules. Proposed position: treat Greenbrier River trail as a road; guns can be uncased but must be broken open.

C. Repeat of CRTK. need to be

vigilant and get the best degree of protection and availability of information.

D. DNR Solid Waste Rules. Should support increased fees.

6. Other Bills. There are many other issues that are in the legislature this year including the bills or resolutions related to the nuclear waste repository, Canaan Valley related legislation, increased licensing fees for hunting and fishing, and the tram at Cooper’s Rock. etc. We may assist on these issues at some point in the session.

HELP!

As you can see, there is a lot going on this year and I need your help. If you wish to contact your local legislators on key issues or provide other assistance such as tracking a particular bill/issue and making sure we contact the right people, then please contact me at 179 Summers St. Suite 612, Charleston, WV 25301 or call me at 345-3229.

New Group (from page 3)

With the opening up of Corridor G and the upgrading of Route 10, more urban people are moving to homes in Lincoln County, and thereby bringing more tax money into the county. How eager would these people be to move into Lincoln County once mining gets a strong hold and starts spreading throughout the county? The most recent proposal to strip mine in Lincoln County is not some remote corner, but in the midst of a residential area and within 3 miles of a community of at least 300 homes.

Is it so remote a possibility that the hills imme­diately surrounding West Hamilt, Hamlin, Alum Creek, and Griffinville could be strip mined in the not too near future? How safe is the hillside across the road from your farm from being turned into an industrial zone with blasting and tunneling into the underground water systems supplying your well?

Is it the goal of Home Place to prevent further strip mining in Lincoln County? Short of that, is it our desire to insure that homeowners’ rights are protected through proper execution of the State’s written law?

Home Place does not stand against jobs or progress, but Home Place stands for well­thought out and lasting solutions to the unemployment situation in Lincoln County.

Reasons to join WVHC

The West Virginia Highlands Conservancy is a private, non-profit environmental organization started in 1967. Its objectives are "to promote, encourage, and work for the conservation— including both preservation and wise use and appreciation of the scenic, historic, open space, wilderness, and outdoor recreation resources of an area related to West Virginia, and especially the Highlands area."

 Members include people and organizations diverse in their personal interests and professional skills. Most WVHC members are West Virginians but many live outside the state.

The Highlands Voice, a monthly 8-page newspaper, is sent to all Conservancy members and filled with environmental news on topics of interest and concern to members as well as articles about trips and outings.

The Conservancy sponsors two special weekends each year. These are usually at some scenic spot in the Highlands and feature speakers, outings and board meetings.

Your contribution to WVHC is tax deductible and joining is as simple as filling out this form and returning it to the office in Charleston.

Join today and become part of an active organization dedicated to preserving West Virginia’s natural resources.

WVHC Membership Categories (Circle One)

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Make checks payable to: West Virginia Highlands Conservancy

Mail to: Suite 201, 1000 Virginia St, Charleston, WV 25301.

MEMBERSHIP BENEFITS

1. year subscription to The Highlands Voice

2. special meetings with workshops and speakers

3. representation through WVHC’s efforts to monitor legislative activity

THE HIGHLANDS VOICE

West Virginia Highlands Conservancy is a non-profit organization. Your contribution is tax-deductible. Please keep this for your records.

Date:__________

Amount:__________

Check number:__________

WVHC'S MEMBERSHIP APPLICATION FORM

[Name]

[Address]

[City/State/Zip]

[Phone]

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