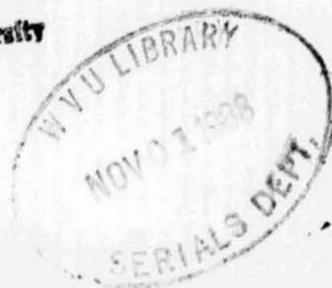




THE HIGHLANDS VOICE

Library
West Virginia University



NON-PROFIT ORG.
U.S. POSTAGE
PAID
PERMIT NO. 2831
CHAS. WV 25301

Periodicals, Main Library
West Virginia University
P.O. Box 6069
Morgantown WV 26506

Published monthly by the W. Va. Highlands Conservancy

VOL. 21, NO. 10, OCTOBER 1988

Environmentalists Prepare To Sue West Virginia For Poor Strip Mine Enforcement

On Friday, September 16th, eight state and national environmental and citizen organizations gave formal notice to the West Virginia Department of Energy (DOE) and the U.S. Department of Interior of their intent to file suit in response to the failure of DOE to enforce the federal Surface Mining Control and Reclamation Act (SMCRA). In their 60-page Notice of Intent to Sue, the organizations informed DOE Commissioner Kenneth Faerber, Interior Secretary Donald Hodel, and federal Office of Surface Mining's (OSM) Acting Director Robert Gentile of the DOE's failure to perform specific mandatory duties in virtually all aspects of its program, and of their intent to go to court within 60 days unless action is quickly taken to resolve these failures.

"Unfortunately, this is the inevitable next step to our four year effort to get SMCRA enforced in this state," stated John Purbaugh,

President of the West Virginia Highlands Conservancy. "Ideally, DOE's failures would be remedied by federal oversight, but OSM's abdication of their responsibility is giving us no other choice but to seek a remedy in court," continued Purbaugh.

The Notice charges DOE with enforcement failures in virtually every aspect of its regulatory program. Breakdowns included:

- failure of inspectors to take mandatory enforcement actions upon observance of violations;
- failure to assess and collect mandatory penalties for violations;
- failure to take mandatory alternative enforcement actions on outstanding violations;
- failure to have adequate resources and personnel to carry out its program responsibilities;
- granting improper and illegal coal exploration exemption permits which resulted in operators causing gross mining abuse and evading SMCRA regulation;

- failure to forfeit reclamation bonds;
- failure to block or suspend permits from operators with outstanding violations;
- failure to inspect, enforce and forfeit bonds on inactive mine sites;
- failure to perform cumulative hydrologic impact assessments as required by law; improperly releasing bonds without full reclamation;
- failure to correct state statute and regulation deficiencies not consistent with the federal act and regulations;
- failure to make the mandatory number of mine site inspections;
- and, failure to require adequate bonding levels.

"This action culminates a two year effort in which we reviewed every aspect of the

West Virginia program. After observing many unreclaimed mines, reviewing countless documents and enforcement files, and meeting with affected citizens, regulators, and congressional members, we firmly believe West Virginia is now running the worst regulatory program in the nation," stated Jim Lyon, Project Director for the Washington based Environmental Policy Institute (EPI). "Because neither DOE or OSM have shown any interest in correcting this mess, and because the programmatic problems are increasingly causing environmental abuse, citizen groups are now seeking to compel enforcement through the courts," concluded Lyon.

Next week, the organizations also intend to file a petition to the Interior Secretary Donald Hodel to conduct a formal review of the West Virginia regulatory program. Invoking 30 CFR 733 of the federal surface mining regulations, the groups will call upon the Secretary to carry out his mandatory duty to investigate any state program if he has knowledge that it is not in compliance with its federal responsibilities. Such a review requires the Secretary to hold public hearings, make written findings, and obtain an agreement with the state for correcting the problems. In the case where a state is unwilling to cooperate, the Secretary must make a decision regarding the future of primacy in that State.

The organizations include: West Virginia Highlands Conservancy; West Virginia Wildlife Federation; Mountaineer Chapter Trout Unlimited; West Virginia Council Trout Unlimited; Summers County Chapter of Save Our Mountains Inc.; Home Place Inc.; West Virginia Mountain Stream Monitors, Inc.; and the Environmental Policy Institute.

History of Energy Awareness Month

The first Energy Awareness Campaign, established by Presidential proclamation in October 1979 was held in cooperation with the International Energy Agency, and observed member nations throughout the world. In each succeeding year the United States Department of Energy has joined with dozens of trade associations, corporations, government agencies and other private organizations in sponsoring Energy Awareness

Month to provide incentive for thousands of Americans to learn more about energy and to become better acquainted with important energy issues.

The goal of the month-long energy awareness effort is to make each citizen aware of where their energy comes from, how it can be used wisely and efficiently, and energy's importance to economic prosperity and

national security. Participation by the private sector and the Department of Energy's cousin Government agencies has grown each year. A program that in the beginning involved the distribution of a poster, primarily through Government outlets, now encompasses a total communication effort including print, television, symposia, and programs by local and state governments, corporations, and associations.

Clean Air Legislation Suffocates

Smothered by demands of the electricity and auto industries, coal producers, and environmental lobbyists, the clean air act died in the U.S. Senate early in October, leaving the country without new guidelines to control urban smog, acid rain, and airborne toxic chemicals. "There has not been sufficient willingness to compromise," said Senator George Mitchell, D-Maine and chairman of an environmental subcommittee. "As a result, we will do nothing," Mitchell said.

Nothing has been done to strengthen the Clean Air Act since it was passed in 1977. Senator Robert Stafford, R-Vermont and former Environment Committee chairman, said Senate Majority Leader Robert Byrd, D-West Virginia, was partly to blame for the death of the bill. "Senator Byrd wouldn't allow any bill to come up on the floor until he and the United Mine Workers worked out something they thought would benefit the high-sulfur coal industry," said Stafford.

Mitchell had been trying to negotiate with Byrd on provisions concerning acid rain. Byrd has not been in favor of any legislation that he saw as hurting West Virginia coal production. Byrd said, "It is now clear that acid rain legislation will not happen without provisions for: one, nationwide sharing of any costs; and two, protections to ensure that no

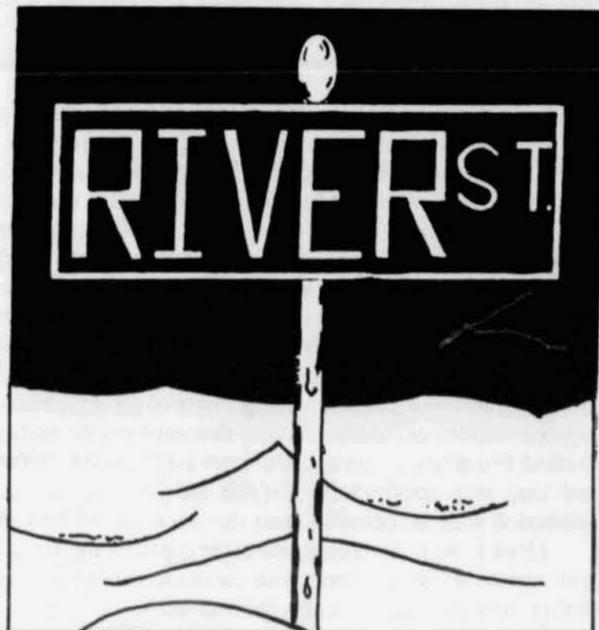
single state, region or industry is unfairly burdened; and three, ample time and funding to develop clean coal technologies."

In September, Mitchell and United Mine Workers President Richard Trumpka had worked out a plan that favored the use of high-sulphur coal by requiring about two dozen large utilities to install smokestack scrubbers. Their plan also scaled back emission reductions and allowed utilities more time to comply with the regulations. Senators from western states with cleaner burning low-sulphur coal objected to the compromise, as did those senators and groups concerned with acid rain.

The House has not had any more success in passing a clean air bill. The opposition in the House comes mainly from Rep. John Dingell, D-Michigan and chairman of the House Energy and Commerce Committee, who objects to provisions dealing with auto emissions.

Senator Mitchell said, "Americans are suffering from a man-made phenomenon that can be controlled. We have developed the technologies of control and we have the resources to apply those technologies. All we lack is the political will to do so."

(From Newsstories.)



— Mountain View —

What's Wrong With A Few More Power Plants?

by John Purbaugh

Recent proposals for new coal-fired electric power plants have received renewed attention from environmentalists, business leaders, politicians and concerned citizens. In this era of declining industrial production and low coal industry employment, what's wrong with adding a few more power plants to the state's landscape? Nothing, and everything, of course.

"Coal by wire," as it's sometimes called, is already a big part of our economy, with approximately 70% of the electricity produced in WV exported to surrounding states. It is inevitable, and appropriate, that some expansion of this trend be examined when our leaders try to get the state economy moving again. However, the corruption and weakness of our public and governmental institutions ensures that the decisions made about such new power plant proposals will be secretive, not coordinated with other efforts to improve regional economies, and manipulated to maximum political advantage. People know this instinctively, and so the stage is set for another fight nobody wins.

The proposals for large power plants on the banks of the Greenbrier River and in Canaan Valley are classic illustrations of this problem. Even if one accepts without question the value of new power plants in the abstract, locating them in the two valleys most visited by the regional tourist trade is absurd. Power plants use huge volumes of water for cooling, and their wastewater raises the temperature of receiving streams, changing the habitat for aquatic life. Though our crippled water resources planning agency has little firm data, there is general agreement after the recent drought that power plant uses could preclude other water use essential to the outdoor experience we sell to tourists in the eastern mountains. The main impediment to locating such plants in southern WV is that polluted streams there can't provide enough water for a power plant and still dilute the pollution enough to keep aquatic life alive during low flows. Our past failures to prevent pollution and to build sewage treatment systems haunt our best efforts today.

Power plants also produce fly ash, which is commonly stored in wastewater lagoons, where it often pollutes the groundwater after a few years with heavy metals such as cadmium, chromium and lead. While new "clean coal" technology is becoming available to reduce acid rain — causing SO₂ and NO_x emissions, global warming and the greenhouse effect have been squarely blamed on fossil fuel combustion, including power plants. Our political leaders continue to stonewall on these issues, hoping to postpone the inevitable environmental controls while fighting to save WV jobs.

It is no surprise then that the siting of any proposed power plant (or other similar development) becomes a cruel game of secrecy, public manipulation, appeals to fear, and "jobs for environment" blackmail. That is how the government process works here. We've been trading our environment for jobs for over a century; that's why we have so damn little of either now.

New Voice Editor

Thank you all, who through your efforts, have underscored the victories and the quiet successes, of the environmental awareness in West Virginia. I am excited and given confidence by the twenty-one year record of the Voice and the West Virginia Highlands Conservancy. But you must be wondering how to classify the new editor — I hope for future reference!

A Charleston native, I recently returned home after living and working in San Francisco for several years. I enjoy jogging, skiing, river rafting, kayaking, hiking and look forward to experiencing other outdoor activities as first hand. I am sure to rank my experiences as editor as equally challenging and certainly as memorable as any physical activity.

As a witness to the dramatic season changes, I am rediscovering many of my favorite places. I am revitalized by my refreshed vision. Many environmental analysts engaged in a more methodical evaluation, on a larger scale, conclude that a transitional period in the political perception of environmental issues is at hand. I hope to cover the local perceptions and feelings of West Virginians and all people who interact with the special area of the West Virginia highlands.

Let me take this opportunity to solicit your assistance in achieving the goals I have outlined and your vigilance in monitoring my accuracy and policies.

First, my goals include providing articles that describe the land and land use as seen by the scientist, by the law maker, by the politician, by the businessman, by the recreationist, by the family, by the farmer, by the government. Ideally, an understanding of all viewpoints and a knowledge of what every individual expects of the land or from the land. Given this background, to thoughtfully evaluate uses of the land (and air and water) and projected uses.

Second, my policies as editor will be to continue the tradition of the Voice by actively examining the changing forces controlling land use and comparing the motives of all such forces to the values necessary to preserve and protect the beauty and resources of West Virginia. To present educational and stimulating topics of geology, biology, meteorology, etc. Emphasize favorite recreational sports in a way that explores the particular rewards and skills involved. Outline and delineate the layers of laws used to define resources and explain their immediate and long term implications. Express the joys and pleasures that may be experienced in interaction with the beautiful areas that are a part of the highlands.

I look forward to meeting you at the quarterly meetings. I hope my efforts will compliment your individual involvements with the conservancy and provide you with additional tools to protect, restore, build and enjoy the highlands.

Karen Farris

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: John Purbaugh
Box 2502 Dudden Fork, Kenna, WV 25248 (988-9024)
SENIOR VICE PRESIDENT: David Elkinton
Route 5, Box 228-A, Morgantown, WV 26505 (296-0565)
VICE PRESIDENT FOR STATE AFFAIRS: Ron Shipley
1126 Hickory Rd., Charleston, WV 25314 (346-6971)
VICE PRESIDENT FOR FEDERAL AFFAIRS: Skip Deegans
2112 New Hampshire Ave., N.W., Apt. 615, Washington, D.C. 20009 (202/265-9337)
SECRETARY: Mary Lou Newberger
Box 89, Looneyville, WV 25259 (565-4415)
TREASURER: Tom Michael
Route 2, Box 217, Lost Creek, WV 26385 (623-3447)

DIRECTORS-AT-LARGE

(Terms expires October 1989)

Richard diPretoro: 264 High Street, Morgantown, WV 26505 (296-8963)
Geoff Green: Rt. 1, Box 79-A, Burlington, WV 26710 (289-3565)
Sayre Rodman: 32 Crystal Drive, Oakmont, PA 15139 (412/828-8983)
Skip Deegans: 2112 New Hampshire Ave., N.W., Apt. 615, Washington, D.C. 20009 (202/265-9337)
Perry Bryant: 236 South High Street, Morgantown, WV 26505 (291-1465)
Jim Van Gundy: 240 Boundary Avenue, Elkins, WV 26241 (636-4736)

DIRECTORS-AT-LARGE

(Terms expire October 1988)

William P. McNeel: 1118 Second Avenue, Marlinton, WV 24954 (799-4369)
Cindy Rank: Rt. 1, Box 227, Rock Cave, WV 26234 (924-5802)
Kim Taylor, 1420 Lee St., Charleston, WV 25301
John McFerrin: 1105 Tinder Avenue, Charleston, WV 25302 (345-5646)
Donna Borders, 924 Second Ave., Marlinton, WV 24954

ORGANIZATIONAL DIRECTORS

KANAWHA TRAIL CLUB: Charles Carlson
Box 3831, Charleston, WV 25334
NATIONAL SPELEOLOGICAL SOCIETY: Virginia Region: Martin DiLeggi
Route 1, Box 233-A, Alderson, WV 24910 (304/445-7508-Home)
POTOMAC APPALACHIAN TRAIL CLUB: Jeannette Fitzwilliams
13 W. Maple Street, Alexandria, VA 22301 (703/548-7490)
PITTSBURGH CLIMBERS: Jean Rodman
32 Crystal Drive, Oakmont, PA 15139 (412/828-8983)
W. VA. COUNCIL OF TROUT UNLIMITED: Don Brannon
P.O. Box 38, Charlton Heights, WV 25040 (799-2476)
KVCTU: Doug Leppanen
819 Orchard Street, Charleston, WV 25302 (344-0467)
W. Va. MOUNTAIN STREAM MONITORS, INC.: John Jett
Route 8, Box 241EB, Fairmont, WV 26554 (296-5798)
BROOKS BIRD CLUB: Mary Moore Rieffenberger
Rt. 1, Box 523, Elkins, WV 26241 (636-4559)
KYOVA CHAPTER TROUT UNLIMITED: Frank Akers
1601 Sycamore St., Kenova, WV 25530 (453-1494)
SAVE OUR MOUNTAINS: Andrew Maier
P.O. Box 1286, Hinton, WV 25951

COMMITTEE CHAIRS

WVHC ENDOWMENT FUND: Ann Spaner
23 Seneca Hills Drive, Elkview, WV 25071 (965-7631)
CANAAN VALLEY COMMITTEE: Linda Cooper Elkinton
Rt. 5, Box 228-A, Morgantown, WV 26505 (296-0565)
MINING COMMITTEE: John McFerrin
1105 Tinder Avenue, Charleston, WV 25302 (345-5646)
PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman
32 Crystal Drive, Oakmont, PA 15139 (412/838-8983)
and Donna Borders, 924 Second Ave., Marlinton, WV 24954
PUBLICATIONS COMMITTEE: W. E. "Skip" Deegans
2112 New Hampshire Ave., N.W., Apt. 615, Washington, 20009 (202/265-9337)
MEMBERSHIP DEVELOPMENT COMMITTEE: Adrienne Worthy
316 Skyline Drive, Charleston, WV 25302 (343-2767)
AIR/WATER TOXICS: Kim Taylor
1420 Lee St., Charleston, WV 25301

ADMINISTRATIVE OFFICES

Chuck Hamsher, **Membership Secretary**
Suite 201, 1206 Virginia Street, East
Charleston, WV 25301
(304) 766-6172

Karen Farris, **Voice Editor**
(304) 346-8305

Nongame Program Has New Logo

The new official logo of the West Virginia Nongame Program is an owl. This past spring the Nongame Advisory Council chose logo from among several submitted by a graphic design class from West Virginia University.

Wildlife preference studies have shown that people like and can readily identify owls. They also know that owls as predators play a vital role in the environment and are protected by state and federal laws. Thus this symbol was chosen in the hopes that more people will understand what nongame wildlife is and its importance to our state.



Successful Year For Falcon Reintroduction In West Virginia

In 1988, the West Virginia peregrine falcon reintroduction program released 18 young falcons from three locations in the state. This was a substantial increase over the three birds released at one site in 1987. The New River Gorge hack site, used in 1987, was used for a second time in 1988. The two new sites were located at Smoke Cliffs and Chimney Top on North Fork Mountain within the Monongahela National Forest. Six birds were released at each site.

The falcons, 10 males and 8 females, came from the captive breeding center at the World Center for Birds of Prey in Boise, Idaho. The Peregrine Fund, an organization started in 1970 specifically to reestablish peregrines in the wild, delivered the chicks to the West Virginia Department of Natural Resources in mid and late June. Biologists from the DNR then moved the chicks into their artificial nest structures called "hack boxes." Two attendants lived at each site to care for the falcons and to protect them from predators.

The releases at the New River and Smoke Cliffs sites



went very much according to plan, but at the Chimney Top site a sub-adult female peregrine showed up and disrupted the release. The sub-adult, which did not have any identification bands, drove off three of the young birds, and two were never seen again. The third bird did find its way back to the hack box, but it disappeared again shortly thereafter. Although the sub-adult stayed in the vicinity of the Chimney Top site during the rest of the hacking season, the remaining three young peregrines fledged successfully.

Craig Stihler, Wildlife Biologist for the Wildlife Resources Division, said that the lack of identification bands on the sub-adult suggests that it was raised and fledged in the wild. "The arrival of the sub-adult is not entirely bad news. It is an indication that the population of peregrine falcons in the east is increasing and that suitable peregrine habitat exists in West Virginia. If only the bird had not shown up so close to the release date," he said.

All in all, Stihler felt that the 1988 release efforts went well. "Fifteen of the eighteen young falcons fledged successfully, and the fate of the other three is not known," he said. Several agencies, the West Virginia DNR, the U.S. Forest Service, the Peregrine Fund, the National Park Service and the U.S. Fish and Wildlife Service, and many interested individuals helped to make the 1988 release efforts a success.

National Geographic Society Awards Grant To Coalition For Scenic Beauty

Washington, D.C. — The National Geographic Society has awarded a \$10,000 Public Service Grant to the Coalition for Scenic Beauty to produce a multimedia slide show on Scenic Byways — the best roads and highways for viewing America the Beautiful.

The President's Commission on Americans Outdoors found that — after walking — pleasure driving and sightseeing were America's most popular forms of outdoor recreation. Fully 77 percent of all Americans consider pleasure driving an important recreational activity. Today, however, the scenic views along America's rural roads are

disappearing.

The Coalition for Scenic Beauty, a non-profit organization solely devoted to protecting America's scenic resources, has initiated a national effort to protect scenic and historic country roads.

As part of this effort, the Coalition will produce an audiovisual program to demonstrate the aesthetic, economic, and environmental benefits of scenic byway protection. The program will be produced in conjunction with Maguire/Reeder Ltd, the award-winning producers of numerous audiovisual programs including recent projects for the American

Farmland Trust, the National Trust for Historic Preservation, and other conservation organizations.

Edward T. McMahon, executive director of the Coalition for Scenic Beauty said, "We are proud that the National Geographic Society has given its stamp of approval in underwriting this important project. America the Beautiful for most people today is what they can see from our streets and highways. We must do more to preserve the scenic, historic, and cultural identity of our rural landscape."

The National Geographic Society has

long supported efforts to protect America's scenic and cultural resources. In 1985, the Society published **Exploring America's Scenic Highways**, featuring stunning portraits of roads "that do more than convey you from place to place" from Vermont's autumn showcase along Route 100, to California's scenic Route 1 along the Big Sur and the redwood forests, to other "passports to America's scenic regions."

The Coalition for Scenic Beauty will seek \$10,000 in matching funds from other sources for the audiovisual program.

Monongahela National Forest Hiking Guide Now Out

Edition 5 of the WVHC **Monongahela National Forest Hiking Guide** is now available. This edition is bigger and better than ever, with 320 pages, 60 maps, 39 photographs, descriptions of 164 trails totalling 780 miles, a new section on ski-touring, and a full-color cover. The authors are Allen de Hart and Bruce Sundquist. Allen has hiked all the trails of the Monogahela N.F. over the past few years. Bruce edited Editions 1-4. The hiking community and the U.S. Forest Service provided the authors with trail reports and photographs.

In the U.S. Forest Service's planning process that led to

the 1986 Land and Resource Management Plan, over 35,000 comments were received from the public. The gist of these comments is that the Monongehela is a "Special Place." And indeed it is. The hiking and backpacking opportunities it provides are among the best in the eastern U.S. The more outstanding areas are becoming known far and wide — Otter Creek Wilderness, Dolly Sods Wilderness, Flatrock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Back Country, Cranberry Wilderness, among others. This guide will help you get to know

these and other special places in the forest.

Profits from the sale of these guides support a wide variety of worthy environmental projects in the West Virginia Highlands Conservancy.

To order your copy of **Monongahela National Forest Hiking Guide**, send \$9.95 plus 5% sales tax for WV residents (6% after June 30), plus \$1.25 postage (book rate) to West Virginia Highlands Conservancy, Suite 201, 1206 Virginia Street E., Charleston, WV 25301.

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 related to West Virginia, and especially the Highlands Region . . ."

Members include people and organizations diverse in their personal interests and professions but united by a common interest. 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. It is 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)

Category	Individual	Family	Organization
Senior/Student	\$ 12	\$ ---	\$ ---
Regular	15	25	50
Associate	30	50	100
Sustaining	50	100	200
Patron	100	200	400
Mountaineer	200	300	600

Name: _____ Phone: _____

Address: _____

City/State/Zip _____

Make checks payable to: West Virginia Highlands Conservancy
Mail to: Suite 201, 1206 Virginia St., E., Charleston, WV 25301

Membership Benefits

- 1-year subscription to **The Highlands Voice**
- Special meetings with workshops and speakers
- representation through WVHC's efforts to monitor legislative activity.

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

Date _____

Amount _____

Check number _____

NEWS BRIEFS

5 State Projects To Supply VA Utility

Virginia Power has selected five West Virginia projects to provide the utility with 527 megawatts of capacity, Virginia Power officials announced Thursday.

The projects are among 23 facilities from a four-state region chosen to supply Virginia Power with 2,014 megawatts of capacity. Virginia Power will not identify any of the winners until contracts are signed, spokesman Carl F. Baab said.

Virginia Power sought new generating capacity from other companies rather than building its own new plants. About a dozen proposed West Virginia projects were among the nearly 100 bids Virginia Power received from more than 40 companies by the June 1 deadline.

The West Virginia proposals included a controversial plan by United Supply to build a 300-megawatt plant on the Greenbrier River, two state-owned 300-megawatt units in north-central West Virginia, and a 300-megawatt Bluefield Energy Supply Corp. plant in McDowell County. Apparently, no more than one of these large plants was selected by Virginia Power.

The West Virginia proposals also included several smaller proposals, such as a 35-megawatt facility CSX Corp. wants to locate in White Sulphur Springs.

The 23 winning projects were submitted by 18 different companies. Fifteen of the projects will be located in Virginia, two in North Carolina and one in Pennsylvania.

The company notified the 18 successful bidders Thursday. Baab said some of the contracts should be signed shortly and all should be signed by the end of the year.

About 84 percent of the energy supplied by the projects will come from coal fired plants, Baab said.

The Charleston Gazette, October 7, 1988

Plant Owner Holds Chemical

ALDERSON — Although he has not been granted water quality and flood plain permits, Wood Guard plant owner Richard Moore Wednesday received the first shipment of 3,000 gallons of CCA, a toxic wood-treatment chemical, according to his attorney, Michael Crane.

Wood Guard is proposing to use 3,000 gallons of CCA per month to treat lumber.

To do so, Moore must receive a DNR permit that is issued to prevent pollution in state water systems.

He is presently awaiting this permit and a flood plain permit from the Monroe County Commission.

Commissioners notified Moore earlier this week that he will have to apply for the permit to comply with a county ordinance.

The DNR permit "is to allow for the discharge of pollutants into the water," Crane said. "By design, no CCA will be discharged into the water because the plant is a zero-discharge facility."

"We've met all the permit's guidelines, and we feel the permit will be granted."

The attorney said that the only way CCA could be leaked into the Greenbrier River is by circumstances that are not in the plant's control, such as a chemical spill resulting from a truck wreck.

"The trains carry caustic material day in and day out throughout that whole area," Crane said. "That's a great risk."

DNR spokesman Jim Waycaster said although the EPA has identified the wood treatment industry as having zero-discharge, the agency issues the water-quality permits so that the state may be able to have some regulatory authority over the wood treatment industry.

DNR officials have not made a decision whether to grant the permit and have not set a target date to grant or deny the issuance of the permit.

The Register-Herald, October 7, 1988

Mine Drainage, Sewage Top List Of Water Woes

Acid mine drainage remains the major water quality problem in West Virginia, according to the latest report on the state's streams and rivers.

Despite the problems, 90 percent of the state's waters are considered "fishable and swimmable" by the division of water resources of the Department of Natural Resources.

The DNR looks at the state's rivers and streams every three years and the survey puts acid mine drainage as "a major problem in the state's waters."

According to the report, 20 percent of the state's stream mileage contains iron and manganese pollution, a common result of mine drainage.

It says 13 percent of the waters tested suffer from acidity or alkalinity problems caused by drainage. A stream could be made acidic by the drainage itself or alkaline through overtreatment of its acidity problem.

"Acid mine drainage and lack of sewer treatment, especially in small communities, are our major problems," said David Robinson, director of the water resources division.

Robinson said mine drainage most severely affects the Monongahela River basin while lack of sewage treatment is a problem in the southern part of the state, where a number of communities lack treatment plants.

He could not say whether mine drainage is worsening because his department no longer has permit or enforcement authority over coal mines. That was transferred to the Department of Energy when it was created.

The DNR has retained authority over sewage treatment, though, and has entered into consent decrees with several small towns to ensure that they install or upgrade treatment plants or face court enforcement.

The report also notes that 20 percent of the state's 28,000 miles of rivers and streams fully comply with goals set forth in the federal Clean Water Act, and approximately 70 percent are in partial compliance.

The survey also looked at the condition of ground water in the state, which it says is generally of good quality.

The Charleston Gazette, September 21, 1988

VEPCO Chooses 5 Sites

by Alan Wallace

Gov. Arch Moore identified the five West Virginia power plant proposals selected by Virginia Power Co. Gubernatorial spokesman John Price said all five projects are contingent on successful contract negotiations between the companies making the proposals and Virginia Power.

The five selected proposals, in order of their generating capacity in megawatts:

- A 300 MW plant which will burn mostly refuse coal in **McDowell County**, proposed by Bluefield Energy Corp., a unit of Norse Services.
- A 150 MW plant which will burn gob-pile and locally-produced coal at Eccles in **Raleigh County**. Stone and Webster, in partnership with boiler manufacturer Pyron Power and Westmoreland Coal, proposed the project for a site near property owned by Westmoreland.
- Two plants in **Nicholas County** which will burn coal waste, with one generating 55 MW and the other generating 30 MW, both proposed by Noah Corp.
- A 12 MW plant at Cabin Creek in **Kanawha County**, proposed by Environmental Power.

If built, the projects would mean 1,000 construction jobs, 1,000 to 1,200 new mining jobs, 500 operating jobs and consumption of 1½ to 2 million tons of coal annually, Price said.

To move the electricity the plants will generate to Virginia Power, about 110 miles of new transmission lines will have to be built. Fotos said the West Virginia Public Energy Authority's already working on the matter.

"And we're going to be very careful to route the transmission lines so as not to disturb aesthetic areas, such as the New River Gorge," Fotos said.

The Register-Herald, October 8, 1988

Endangered Squirrels On Land Targeted For Ski Resort

CHARLESTON (AP) — Flying squirrels, an endangered species, make their home on a national forest mountaintop that a company wants to develop into a posh ski resort, a U.S. Forest Service official said.

Laurel Creek Development Corp. and its consultant have been negotiating with the Forest Service for a year to swap land for "several hundred acres" of pristine forest for a proposed \$100 million resort community, said Richard Trochlil of the Forest Service office in Elkins.

The ski resort is eyeing the north slope of Big Spruce Mountain, a section of the Monongahela National Forest in southwestern Pocahontas County. Joined with 1,000 to 2,000 acres of land Laurel Creek Development already owns, the company would create a 2,300-acre complex with two golf courses, 32 ski runs, seven restaurants, lodges, cabins and houses.

Laurel Creek Development officials joined with Gov. Arch Moore last week to announce the development, which sells club memberships starting at \$15,000. The governor claimed Laurel Creek could create as many as 2,300 jobs in four years, counting spin-off services.

But Laurel Creek does not yet own the heart of its project — the top of the mountain. Without it, Trochlil said, the resort would have no long ski runs.

Trochlil said Laurel Creek, through consultant Jim Paxton in Morgantown, has yet to offer the Forest Service a trade for Big Spruce Mountain. To be acceptable, the land must match Big Spruce's stands of mature red spruce, a scarce Northern Virginia flying squirrel.

The Forest Service immediately saw Laurel Creek's development proposal as a potential controversy and recommended the company find a consultant to "guide them through this labyrinth" of environmental concerns, Trochlil said. "They are proposing a massive development."

Local trout fishermen immediately became concerned the posh resort would pollute Day Run, a trout stream, and in turn hurt the Williams River and the Cranberry River, which flows through nationally-protected wilderness areas in the same county.

"We're concerned about the precedent here, of swapping really pristine land at the call of an out-of-state developer," said Mary Wimmer, conservation chairwoman for the West Virginia Sierra Club.

Injunction Halts Work At Wood Plant

UNION (UPI) — Monroe County Circuit Judge Frank Joliffe granted an injunction Thursday, halting any further construction on a proposed wood treatment plant until the developer gains permits from the County Commission and the Department of Natural Resources.

At a daylong hearing in Monroe County Circuit Court, a citizens group outlined their objections to the operation of the Wood Guard plant. The group filed suit in August to block operation of the facility.

At issue is the plant's expected use of chromated copper arsenate, or CCA, a chemical commonly used to preserve lumber. Opponents say the toxic chemical could foul the Greenbrier River and ground-water

supplies if there is a spill, or if floodwaters cover the plant.

The project has met heavy local opposition both at the public hearing and during a comment period which saw 567 letters sent to DNR against the plant and only 13 in favor.

DNR officials said earlier in the week that the public sentiment may not play a role in the process because most of the objections do not raise technical issues.

The plant has also been required to obtain a flood plain permit from the Monroe County Commission, which has not yet acted on it.

The Charleston Gazette, Oct. 14, 1988