WV Landfills to Take Marcellus Drilling Cuttings

Beth Little

Drilling cuttings are the bits and pieces of “rock” that are removed from the well bore during drilling for gas. The specific contents can vary depending on the formation that the drilling goes through. For Marcellus drilling, the cuttings contain heavy metals, mineral salts, volatile organic compounds (VOCs) such as petroleum, and naturally occurring radioactive materials (NORM). There are also chemicals used in the drilling mud — shale stabilizers, dispersants/detrimentants, lubricants, spotting fluids, surfactants, defoamers, biocides, detergents, polymers, viscosifiers, pour point reducers, emulsifiers and corrosion inhibitors — same sort of stuff listed for fracking fluids.

For many years the disposal method for drilling cuttings has been to put them in a pit, settle out the solids from the liquid (drilling brine) which is sprayed on the land, and bury the pit on site. Until recently there wasn’t even a requirement for the pit to be lined, and the gas industry fought against that requirement.

One of the new regulations that citizens and environmental groups want to see for Marcellus shale drilling is a requirement for removal of the drilling brine and cuttings to hazardous waste facilities. At least we thought they should qualify as hazardous waste, since they can contain arsenic, benzene, lead, and other nasties, not to mention the NORM. Unfortunately, the EPA regulations specifically exclude “drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas” from the definition of hazardous waste. Similar exclusions were created for oil and natural gas development from other federal environmental laws during the Bush administration.

WV code excludes drilling waste from the definition of solid waste, but the WV definition of “hazardous waste” would cover it, if it weren’t preempted by federal law. There are seven Class A landfills in WV currently taking drilling waste. They are Meadowfill, S&S, Northwestern LF, Short Creek, Greenbrier Co, Sycamore, and Wetzel Co. All they need to do is apply to the DEP for a “special waste permit.” First they are supposed to get siting approval from the local SWA and hold a public hearing. They have to do a leachate analysis twice a month as part of a landfill’s NPDES permit, but it is not clear if they are testing for radioactivity, which could vary with each load.

The Greenbrier landfill was first fined for taking the cuttings without a permit, but then they got permits for the “Disposal of Special Waste” and the “Disposal of Petroleum-Contaminated Materials” and they can now take 7,400 tons of this waste per year. The leachate will go into the Greenbrier River, from which several towns downstream get their drinking water.

The Meadowfill waste facility is seeking a Certificate of Necessity from the WV PSC to build a new cell dedicated for Marcellus drilling waste, which they have already been accepting and mixing with the regular solid waste. They are also seeking a waiver to the Public Notice and public hearing. In their petition they admit that “What this drill mud consists of, and its source, is not clear” and “The addition of the drilling waste is an additional activity that is not explicitly authorized by Meadowfill’s current certificate. This additional activity will have an impact upon the public. What this impact will be cannot be predicted at this time. There is not sufficient data to form an opinion.”

A developer is proposing to build and operate a 120 acre industrial landfill to receive drilling waste about 1 mile south of Bruceton Mills, in the Little Sandy and Big Sandy watersheds of Preston County, which has generated a lot of local opposition. The Big Sandy sub-watershed was the first local area successfully restored from the impacts of abandoned mine drainage (AMD) pollution. A collaboration of partners, agencies, and individuals logged many hours and contributed millions of dollars to bring the Sandy back. A landfill of the proposed size could accommodate over 7 million tons of drilling waste.

There will be more and more of this waste as the Marcellus “play” ramps up, and they will be looking for places to put it.

Wetzel County is ground zero for Marcellus gas drilling and its impacts on the community.
— photos by Jim Sconyers

3rd Annual SierraFest
Sep 30-Oct 2
Camp Caesar in Webster County
Find all the details on page 3
Join the Fight to Protect State’s Environment
Chuck Wyrostock

Extractive industries have plundered our hills and hollows for profit for over a hundred years. Rip-ping, drilling, spilling, plowing, cutting, and blowing mountains to bits while calling loss of life an act of God. The latest affront is the unregulated Marcellus gas drilling. If West Virginia were a person, she would be a scarred, injured victim in a constant state of crisis, hoping for recovery.

If you believe the road to recovery is possible, your voices need to be heard by those in power. We must invalidate the notion that Earl Ray Tomblin, acting as governor, having issued an executive order to the DEP, has waved a magic wand and made the DEP actually become the Department of Environmental Protection. Sorry, Earl Ray. Too little, too late. You’re not going to head off citizen outrage with a half-hearted ploy.

What is the most effective way to make your voice heard in this fight? If you only read this newsletter every two months, you are missing the timely email announcements that let you know what needs to be done when it needs doing. You can add your voice to hundreds of others to make a difference in this fight.

Please send an email to outreach@marcellus-wv.com and list your name and county so we can put your email address in our closely-guarded email list. Easy. Make your voice heard.

Leadership Continues to Disappoint
Beth Little

Where are the emergency rules on Marcellus gas drilling from Governor Tomblin’s Executive Order?
As of this writing, it has been over a month, and nothing has been delivered to the Secretary of State’s office so it can take effect.

The Order was an insufficient Band-Aid to the lack of needed regulation to control the impacts citizens are suffering from the drilling boom, but people not directly acquainted with the problems thought it enough to stop worrying about the threats to our water. Primary among the deficiencies was the lack of any resources for additional enforcement. The best regulations are useless without enforcement.

Another failure of leadership is in the Senate side of the Select Committee instituted to come up with agreement on a bill. The House members held three public hearings and, based on the information gathered, prepared amendments to the legislation that passed out of the Senate during the last session. The Senate members? Contributed nothing, and after voting on some of the amendments, declared “no more amendments” and ended the meeting with no more scheduled.

Let the Governor and Select Committee Senators know that the public demands relief. We want our water protected. And our air and land and health and safety. (See back of newsletter for contact info.)

The Good, Bad, and Ugly of Tomblin’s Executive Order on Marcellus Gas Emergency Rules
Jim Katoen, Energy Chair

The Good
1. Continues the ban on land application of brines or disposal in sewage treatment plants.
2. Directs DEP to file Emergency rules to A. Require Sediment control plans for well sites; B. Requires water management plans including source, amount and timing of water withdrawals, additives used, and waste water disposal. Plans must demonstrate that adequate in-stream flow remains. C. Safety plans.
3. Casing and well construction standards.
4. Hauling and record keeping requirements for waste water.
5. Public notice for wells within municipalities.
6. Disposal of drill cuttings and mud in approved solid waste facilities.

The Bad
1. No money for additional inspectors.
2. No regulation of air, noise, radiation, truck traffic or other impacts.
3. No assessment of cumulative impacts of multiple wells to the local community.
4. No public comment procedures, and no public notice for wells in rural areas.
5. No protection for karst (limestone) areas.
6. No protection for parks or other public lands.
7. No TDS standard for water.
8. Retains the Oil and Gas Inspectors Examining Board.
9. No change in buffer zones for homes, schools, etc. No increase in well testing requirements.
10. No change in blanket bond loopholes.

The Ugly
Thanks to a Freedom of Information Act request from the Charleston Gazette, the public has learned that Tomblin’s Executive Order was significantly weakened at the behest of the gas industry. Tomblin justified the changes claiming the industry reps were “consultants.” No representatives from the public or from environmental or health groups were “consulted.”

In other words, the foxes truly are in charge of the henhouse.

View from the Chair
My Favorite Planet. It’s Up! It’s Down! It’s ... ? — Jim Sconyers

My favorite planet is Earth, the planet of origin for most — if not all — of us (notwithstanding that “Men are from Mars” and “Women are from Venus,” and I won’t even mention Uranus in this family publication :-). My favorite planet has its ups and downs, as we all do.

For example.
Up: Coal now accounts for barely 40 percent of electric production. This is despite the erroneous or downright false rhetoric we hear so often. No matter what your personal belief system (unless it doesn’t happen to embrace basic arithmetic), this is an Up, since coal is very dirty and a prime culprit in the global climate change threatening to wreak havoc on our Home Sweet Home.

Down: Sometime this year planetary population passed the seven billion mark. That’s a 7 with nine zeroes after it, like this: 7,000,000,000.

Woohoo, that’s a BIG number! A whole lot of folks needing food, and water, and shelter, and energy, and more. And using Earth’s resources, and polluting as they go.

Up: Renewable energy sources — solar and wind and geothermal for example — are predicted to account for anywhere from 40% to 60% of new energy sources between now and 2030.

Down: Glaciers and polar ice are melting ... and fast. For example, our Glacier National Park had 150 glaciers when it was founded; it has 25 today. And soon the centuries-long quest for a “Northwest Passage” around our continent will be a commercial reality. Along with sea rise, warming oceans, and more.

Up: We know what we need to do to turn most of the planet’s “downs” into “ups.”

Down: We cannot yet, as a race or even as a nation, find the motivation or will to do it.


2012 Calendars Coming Soon!
Order Online at: store.wvsierraclub.org $11 Wall, $12 Desk (15% off retail prices)

Looking for volunteer sellers around the state. Sell 15 calendars, earn a free one for yourself. Contact Candice Elliott for more info celliot2@comcast.net

Bears in mind the consequences.

The 2012 Resources poster is an indispensable part of America’s natural heritage. It is a symbol of the independence that defines the American character and is one of the few to be wild and free. The South Dakota Fish and Game Commission approved a proposal that would remove federal protection for the 2012 Resources poster. One way to save “Our Heritage” is to use the endangered Species Act in 1973. The great bear has made a strong recovery, but there is still room to grow. Help Sierra Club protect our friends. They need the space they have to live.

Get grizzly and JOIN Sierra Club.
Deborah “Deb” Nardone is Sierra Club’s national Natural Gas Reform Campaign Director. She directs the Club’s national campaign aimed at getting the natural gas industry to fully protect our water, air, wildlife, open spaces, and communities. Nardone comes to the Sierra Club from the Pennsylvania Council of Trout Unlimited where she served as a Coldwater Resource Specialist, developing conservation plans to protect the headwaters of streams from inappropriate development that would destroy water quality and trout habitat.

Harvard Ayers is Professor Emeritus of Anthropology at Appalachian State University in Boone, NC. Ayers has founded or co–founded several nonprofit organizations, most recently the Friends of Blair Mountain. He is now a plaintiff in a lawsuit challenging the actions of the Department of Interior in taking the Blair Mountain Battlefield off the National Register of Historic Places, where it had earlier been listed.

West Virginian Kate Long has worked as a media writing coach with the Charleston Gazette for 22 years. Her fiction, songwriting, video editing, radio production, and newspaper stories have won national awards. She frequently produces programs for West Virginia Public Radio and Television, and teaches writing workshops for teenagers, songwriters, and other groups. Her simple yet thoughtful style of putting life’s political, environmental, and social dramas to music has lightened the hearts and raised the spirits of many listeners.

### SierraFest 2011 Registration Form

**Name(s):** __________________________________________

**Address:** __________________________________________

**Phone:** ____________________ **email:** ____________________

Please send your registration form and a check for room reservations and meals, made out to WV Sierra Club to:

Karen Grubb  
SierraFest 2011 Registration  
21 Beverly Circle  
Fairmont, WV 26554

Alternatively, you may pay online at: [http://westvirginia.sierraclub.org](http://westvirginia.sierraclub.org) and e-mail your reservation form to: karen.grubb@fairmontstate.edu

**Dormitory style rooms** — $20/night per person  
(very limited number of private rooms available for couples)

**Please mark room and meal choices.**

**Cabin Room Reservation:**

Friday night: $20 x ____ (number) = $ _____

Saturday night: $20 x ____ (number) = $ _____

**Motel Rooms:** Mineral Springs Motel (13 miles away at Webster Springs)  
For Reservations, call: 304-847-5305

**Meals:** Cost is $6/$7/$9 for Breakfast/Lunch/Dinner

Saturday: Breakfast _____ Lunch _____ Dinner _____

Sunday: Breakfast _____ Box Lunch ($7) _____

**Total Room and Meal Charges:** ________________________

Bring “Auction for Action” Items to SierraFest

We need items for our silent auction during Sierrafest 2011. We had a very successful and profitable auction last year. Here’s your chance to help out the WV Chapter again. We are looking for nonperishable food items, sporting goods, household or gardening items in good condition. Last year the weekend contributed by Laurel Lodge was a very popular and profitable item. Maybe you know of a local business that might be willing to contribute a coupon for a meal, lodging, etc.

If you plan to bring something for the auction, please contact Regina Hendrix at: 304-725-0223 (home) or 304-590-4943 (cell) or at rh1936@frontier.com.

### SierraFest 2011

**Sept 30 – Oct 2**

**Camp Caesar, Webster County**  
(on Rt. 20 at Cowen, WV)

**Program for Sierrafest 2011**

**Friday – September 30**

4 PM + — Arrive, Check-In, Begin silent “Auction for Action!”

6 PM — Informal reception for Ed Wiley (pizza, chips/dip, drinks, etc.)

7 PM — Introduction of featured film, remarks by Ed Wiley

7:30 PM — Film: On Coal River, featuring Ed Wiley (81 minutes)

9 PM — Bonfire, improvised music (bring your musical instruments)

**Saturday – October 1**

Silent Auction for Action continues all weekend, final bids by Sunday morning

8:00-8:45 AM: Breakfast

8:45-9:15 AM: Welcome / Ice-Breaker / Kickoff

9:15-9:45 AM: Kickoff Speaker: Deb Nardone, Director, SC Natural Gas Reform Campaign

9:45-10:00 AM: Break

10:00 AM: Session 1 Workshops

1.1 Outings Leader Training — Dan Soeder

1.2 Water Sentinel Program — Tim Gilfoil (45 min), Dunkard Creek, 90–species wipeout — Ann Payne (75 min)

12 Noon, Lunch

1.00 PM: Session 2 Workshops

2.1 Outings Gear — Dan Soeder

2.2 Legislative Outlook: “Looking Back, and Forward” — Delegate Barbara Fleischauer, and others TBA

2:15 – 2:30 PM: Break

**Short Updates**

2:30-3:00 PM: Coal and Related Energy Issues

3:00-3:30 PM: Campaign for More Wilderness — Mike Costello

3:30-4:00 PM: Marcellus Shale Gas — Campaign for Regulation

4:00-5:00 PM: Free Time — Recreational activities (weather dependent)

5:00 PM: Dinner

6:00-6:30 PM: Keynote Speaker: Harvard Ayers — Blair Mountain Project

6:30-6:45 PM: Break

6:45-7:15 PM: West Virginia Sierra Club Awards

7:15-9:00 PM: “Celebrating Victories” — PATH, People Concerned about MIC, New Hill West Mine, recent legal victories in court

9:00 PM — Party Time! Music, featuring writer/musician Kate Long

**Sunday – October 2**

8:00-8:45 AM: Breakfast

8:45-9:00 AM: End of Silent Auction for Action!

9:00-9:15 AM: Ending ceremony — Departing Speaker

9:15 AM: Pick up bag lunch** for field trip or outing

1. Educational Field Trip: visit a functioning home-sized wind turbine and solar panel array at local resident’s home.

2. Recreational Outing / Hike: Dan Soeder, Leader

3. Fly Fishing / Casting: Tim Gilfoil

**LUNCH for these outings will be a “brown bag” lunch prepared by the camp. It includes a meat sandwich on wheat bread and a PB&J on white, cookies, small bag of chips, carrot sticks, and water.**
I’ve been living in West Virginia a bit more than two years now, this time. The last time I lived here was more than 30 years ago, and oh, how some things have changed. Others, not so much. The Morgantown waterfront, for example, used to be nothing but warehouses and railroad tracks in the early 80s. Now it boasts trendy condos, a convention center, nice restaurants and a world class hiking-biking trail. On the other hand, they still haven’t widened University Avenue or Beechurst, and the traffic around West Virginia University is worse than ever.

I wasn’t as “outdoorsy” back then as I am now. I was a geologist and my profession required me to spend a fair amount of time outdoors, but I had little kids and a wife who preferred to curl up with a book, so we didn’t do a lot of outside recreation. We went up to Coopers Rock a few times, and once we went to visit friends down at the Greenbrier Resort, but I didn’t see much of wild, wonderful West Virginia in those days except from the platform of a drilling rig. The views were not all that spectacular.

My children are adults now and live on their own, and I have a different wife who isn’t afraid to walk in the woods, sometimes leading a goat. (She is trying to train them to be pack animals.) I was delighted to learn that this state has National Forests, and some places within these National Forests are designated as wilderness areas! Why is this such a big deal? Because it is not something you expect in the eastern U.S.

The last place I lived that had National For- est and wilderness was Nevada, and that state contains 12,000-foot-high mountain peaks and almost five times the land area of West Virginia. The area was heavily logged for red spruce and hemlock in the 19th Century, and the grassy meadows (“sods”) were used by a family of German immigrants named Dahle for grazing cattle (hence the name). Serious fires ravaged the area in the early 20th century, burning up wood forests abound. Red spruce and hemlock are coming back. Beavers have built dams across Red Creek, creating a sizable pond. Tiny wild blueberries and darker huckleberries are abundant in the summer, along with blackberries, cranberries and even a few “teaberry” that taste just like the fa- mous gum. The only remaining human artifacts in Dolly Sods (other than the occa- sional mortar shell and rotting wooden ties from the timber railroad) are the trail signs for hikers. Some people object to having nature do her work. It became part of Monongahela National Forest in 1916, and was designated a wilderness area in 1975. The Dolly Sods North tract was added in 2009, making the area half again as large. The Dolly Sods Wilderness now encompasses more than 17,000 acres, with 47 miles of hiking trails. Grassland “balds,” huckleberry plains, cranberry bogs and hard- wood forests abound. Red spruce and hemlock are coming back. Beavers have built a dam across Red Creek, creating a sizable pond. Tiny wild blueberries and darker huckleberries are abundant in the summer, along with blackberries, cranberries and even a few “teaberry” that taste just like the fa- mous gum. The only remaining human artifacts in Dolly Sods (other than the occa- sional mortar shell and rotting wooden ties from the timber railroad) are the trail signs for hikers. Some people object to having even those, but I’d rather not get lost up there.

If nature can restore such a ravaged area, she can eventually restore MTR and strip mines, gas well drill pads, oiled coast- lines, abandoned industrial sites, old military facilities and brownfields. Dolly Sods gives hope to us all and it is metaphorically right outside my window. How cool is that?

See you outside!
Sat, Oct 1
Outings Leader Training at SierraFest

Leader: Frank Gifford, 304-653-4742, entropypawsed@gmail.com

Sat, Oct 5
Chimney Rock via Appalachian Trail

Leader: Dan Soeder, 304-568-2164, Dan.Soeder@sierraclub.org

Sun, Oct 2
Outings at SierraFest

Leader: Frank Gifford, 304-653-4742, entropypawsed@gmail.com

Sun, Oct 9
Snake Hill Wildlife Management Area

Leader: Frank Gifford, 304-653-4742, entropypawsed@gmail.com

Sat, Nov 2
Allegany Trail

Leader: Frank Gifford, 304-653-4742, entropypawsed@gmail.com

Sat, Nov 12
South Boundary Trail of Big Draft Wilderness

Leader: Pam Peitz, 240-818-6554, pampeitz@comcast.net

Sat, Nov 19
Black Rock and Annapolis Rock

Leader: Pam Peitz, 240-818-6554, pampeitz@comcast.net

Sierra Club Liability Policies For Chapter Outings

Sierra Club outings are open to everyone, members and non-members alike. Each outing is intended to be a wholesome, safe, and enjoyable experience in the outdoors. Participants must have suitable clothing, gear, and stamina, and are encouraged to select activities that match their individual abilities for outdoor adventures.

The Club offers a variety of outings from “easy” to “moderate” to “strenuous” that suit all activity levels. The difficulty of each outing is clearly designated in the announcement. Reservations are generally not required unless noted, but the outing leader may be contacted in advance for questions about the terrain, the difficulty and recommended gear.

Activities are normally held “rain or shine,” but may be postponed at the leader’s discretion for safety reasons in the event of inclement weather. Participants are reminded that all outdoor activities carry a degree of risk, and some take place in locations where professional emergency medical aid may be far from reach. People with health concerns should consult a physician to determine the advisability of participating in these or similar activities. The leader is responsible for the safety of all participants, and has the final authority to decide whether or not an individual may participate on a specific outing. Sierra Club safety policy requires that helmets be worn on bicycling outings, and a personal flotation device (PFD) be worn when using personal watercraft such as kayaks or canoes.

Unless noted in the announcement, Club outings are intended for adults. Children and dogs are not normally permitted, unless an outing is so designated. Minors (under 18 years of age) must be accompanied by a parent or a legal guardian, or they must have both 1) a signed permission slip, and 2) the leader’s prior consent to participate in the Club outing. Sierra Club outings officially begin and end at the trailhead.

Our neighboring chapter to the east has an active outings program, with many trips coming into West Virginia or western Maryland. These outings, by highly experienced leaders, range from easy to strenuous, are open to everyone, and those under 18 years of age must be accompanied by a parent or a legal guardian. Volunteers will be required to sign a standard Sierra Club Liability Waiver and a DNR Volunteer Work Program Agreement. Please pre-register with the leader.

Leader: Dan Soeder, 304-568-2164, Dan.Soeder@sierraclub.org

Nearest town: Morganstown, WV

Web info: www.coopersrocksstateforest.com
West Virginia Sierra Club Chapter Directory

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   (202) 225-7856 (SMC)
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   Dial-the-Governor:
   1-888-438-2731
   email: governor@wvgov.org

To Contact STATE LEGISLATORS
email to WV Legislature:
   cglagola@mail.wvnet.edu
   (Put name of recipient under subject)
   Messages for legislators can be left at:
   1-877-565-3447 or 304-347-4836
   Mail address:
   Member, WV Senate or
   House of Delegates
   Bidg 1
   State Capitol Complex
   Charleston, WV 25305
website: www.legis.state.wv.us
has contact information for all state legislators

Preserve the Future
Not everyone can make a large gift to protect the environment during their lifetime, but you can preserve the environment for generations to come by remembering Sierra Club in your will. There are many gift options available. We can even help you plan a gift for your local Chapter.

For more information and confidential assistance, contact:
Sierra Club Gift Planning Program
   85 Second St, Second Floor
   San Francisco, CA 94105
gift.planning@sierraclub.org • (800) 317-4720

For planned giving in West Virginia, contact Paul Wilson at 304-725-4360

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