Goal: Clean water for the whole state

Charleston chemical spill spawns new generation of organizers

Angie Rosser and Chuck Wyrostok

On January 9, 2014, the Freedom Industries chemical leak of MCHM into the Elk River left 300,000 West Virginians unsure about the safety of their water, caused anger and confusion among Charleston area residents and businesses, and sent over 400 people to the hospital.

Community Response

Community reaction has been swift. What began as a tragic pollution event has resulted in an unprecedented response from large numbers of area residents. The spill has sparked an incredible, organic citizen-led relief and organizing effort that has inspired the formation of new organizations, tapped into the experience and skills of standing groups, and opened a new conversation about what is possible for the future of our state.

Sadly, this preventable defiling of our resources once again highlights the long history of our state government of peddling the false premise that we have to choose between well-paying jobs and a safe place to live. Ironically, the spill affected industry by paralyzing it for a time. Talk about bad behavior coming back to bite you in the butt. The lesson? Sure, we need jobs, but obviously bad water trumps jobs.

The silver lining may be that this crisis has become a driving force to bring together groups who have built real political power through successful organizing, who have a history of taking on important issues together, and to integrate new groups and newly activated citizens into a broad-based movement supporting a clean water agenda for all of West Virginia. This shocking event has finally brought home to the state capitol the fact that people all over the state, in the coalfields and in the gas and oil drilling regions, have been suffering a similar fate for decades.

Preliminary Organizing Efforts

Immediately after the chemical leak, affected people spontaneously began organizing community meetings seeking answers. WV Rivers Coalition, Sierra Club, WV Citizen Action Group, Ohio Valley Environmental Coalition and others attended those early meetings to listen to people’s concerns, connect them with resources and offer constructive actions. At the same time, organized groups came together to share information to execute a rapid response to the crisis and commit to the goal of cohesive and inclusive organizing efforts. The two parallel organizing efforts soon blended into a diverse array of organizations and individuals that convened a “Water Crisis Roundtable”.

This Roundtable has met several times over the past months to put the crisis in the context of a larger clean water agenda and take actions needed for comprehensive water policy reforms.

Overall Vision

The goal is to facilitate a culture shift and systems change that supports clean water and healthier ways of doing business in West Virginia by creating a network of newly engaged citizens and equipping them with tools to make real change in their communities.

Based on the values of inclusivity, collaboration, support, exchange of information, and community driven action, the Roundtable will work toward recognition of clean safe water as a basic human right that is necessary for individual, community, and economic health and to assure that a key role of government must be to assure access to clean, safe water.

All West Virginians deserve clean and safe neighborhoods, schools, and workplaces. All West Virginians deserve a seat at the table in determining the future of the health of their communities and workplaces. All West Virginians deserve access to the means to hold their government accountable.

This issue cannot get swept under the rug. In the words of Paul Sheridan, one of the Roundtable’s participants, “Is it wildly idealistic to think it might be possible to get the larger Charleston community, and maybe beyond, to take this event as a challenge to rise above it, and to “write another chapter” onto the existing story, which becomes the most compelling part of the story? Would it be possible to look back on this spill from 10 years out and see the event as marking the beginning of a path that led us to become a model of drinking water safety?”

“Some communities are able to take charge of their community’s narrative in a different way --make “the story” more about how the community responds than about the tragedy. They write another chapter, which becomes the real story.”

The Roundtable will convene three day-long strategic planning sessions over the next three months. To get involved with ongoing communication, collaboration and coordination so this diverse group can continue its vision, contact Angie Rosser at arosser@wvrivers.org or Chuck Wyrostok at outreach@marcellus-wv.com

“Despite the best efforts of the company and government many people no longer view their tap water as safe and are continuing to demand bottled water to meet their potable water needs,” the governor wrote to FEMA Regional Director MaryAnn Tierney. “It is impossible to predict when this will change, if ever.” wrote the Charleston Gazette.

We see a more positive future, governor. This is a human rights issue. Maybe “the company and government” need to get out of the way and let the people create the future.

2014 Legislative wrap-up

Jim Koteun, Chapter Political Chair

We started the 2014 session with grave concerns about our ability to influence legislation. The 2013 session was the most anti-environmental session in decades, and most of those legislators were back in 2014.

The Governor’s tone in the State of the State address was also anti-environmental. He proposed no new initiatives, and spent much of the speech defending the coal industry and railing against EPA over-reach.

The next day, the news was filled with stories about the leak of MCHM from Freedom Industries tanks into the Elk River. By Friday, a “Do Not Use” order was in effect for Charleston drinking water, and the Legislature went home as the Capitol Building itself was affected.

The remainder of the session was dominated by water protection legislation, much to the chagrin of industry lobbyists who were counting on more efforts to weaken environmental rules. Dozens of affected citizens turned out to lobby for stronger environmental rules, and the generally lax enforcement by WV-DEP was soundly criticized. Some of our environmental priorities were delayed or killed, and a few bad bills passed in spite of our efforts, but a surprising number of good initiatives were adopted.

SB 373. The Water Resources Protection Act

Variously called the “Spill Bill” or the AST bill (Aboveground Storage Tanks), this bill was the Legislature’s response to the spill. An early draft passed the State Senate only 19 days after the spill, but was widely criticized for the number of exemptions and loopholes written into the bill. The House referred the bill to three committees, normally
the “kiss of death” for legislation. But the Health Committee added a number of strengthening amendments, more were added in House Judiciary, and floor amendments further strengthened the bill. Overall, this bill requires permits for large ASTs, along with inspections and various reporting requirements. The bill also includes requirements for medical monitoring of citizens affected by the contaminated drinking water, and requires utilities to adopt Source Water Protection Plans. Perhaps the most important remaining flaw is that the bill still relies on WV-DEP for enforcement, and lacks strong citizen suit provisions. The bill passed both the House and Senate unanimously, and was signed into law by Governor Earl Ray Tomblin on April 1, 2014.

HB 2803. Integrated Resource Planning

This bill requires electric utilities to develop electricity generation plans that include consideration of energy efficiency as a resource to meet consumer needs. No longer will electricity planning be limited to building ever-more generating plants. Most studies show that energy efficiency can meet consumer needs more quickly, at lower cost, and create thousands of new jobs. We have seen the benefits of energy efficiency for many years, and this is a significant step forward. But, a last minute addition delays implementation until 2016, and WV utilities have been working overtime to acquire generating plants this year.

SB 461. The Future Fund

This is an important concept for a state dependent on nonrenewable resources. The bill requires that a portion of coal and gas severance taxes be placed in a “Future Fund”. The Fund would earn interest, and provide resources for future generations to pay for education, infrastructure, and economic development. This is a way to provide a financial legacy for future voters for today’s depletion of fossil fuels. But the final version of the bill is a mixed bag, as legislators concerned about budget deficits included provisions requiring a budget surplus before any money will be added to the Future Fund. It may be several years before the state budget is in shape to allow any deposits in the Future Fund.

SB 133. DEP rules and the Aluminum Standard

Legislation to adopt agency rules is normally very mundane and technical, but proposed changes to the water quality standards for aluminum would dramatically weaken water quality standards. Although the bill passed the Senate Natural Resources Committee, outraged citizens flooded Senators phone lines urging them to weaken water quality standards not be weakened. Eventually, the Senate decided that, in the wake of the Elk River spill, 2014 was not a good year to weaken water quality standards, and the aluminum provisions were dropped from the final bill. This was one of our highest priorities before the session, and it was another significant victory.

The Bad News

HB 4411. The Landfill bill

Legislation adopted almost a quarter century ago placed a cap on the size of municipal waste landfills, preventing a flood of out-of-state garbage from coming to West Virginia. The bill had its ups and downs, but was generally effective. But with Marcellus gas drilling expanding, and rules prohibiting on-site disposal of drill cuttings and drilling mud, gas companies were looking for landfills to serve as the final repository. Unfortunately, municipal waste landfills are not designed to handle hazardous and radioactive materials. Nevertheless, WV-DEP proposed legislation to waive tonnage limits and allow landfills to accept unlimited amounts of drilling wastes. While some amendments added monitoring requirements and will require further rule making, this was a bad bill and should not have passed. Nevertheless, it did pass, and we will want to push for stronger rules as it is implemented.

HB 4346. Standards for Carbon Dioxide Emissions from Power Plants

This bill mandates that DEP develop standards for emissions of carbon dioxide for coal and gas-fired power plants. There were standards were apparently intended to pre-empt pending EPA rules, and are supposed to be as “flexible” as possible, and prevent “fuel switching” as a means to meet the standards. However, the bill certainly mandates such standards, even though no federal requirement has yet been proposed. We will want to watch how these rules develop too.

What You Can Do

Be prepared to write letters and send comments on rules for the Water Resource Protection, Landfills, and Carbon Dioxide Standards bills. These are likely to face consideration of energy efficiency and ways to improve efficiency and save money. The Harrison County Commission has begun this process. On March 27, commissioners passed a motion directing the administrator to investigate the best way to do an energy efficiency audit and then report back to them in two weeks. This small step was the result of several weeks planning and preparation by our newly formed Harrison Energy Efficiency Team. Two members (my daughter, Kari, and I) made a presentation to the Commission promoting the benefits of energy efficiency and requesting that they take action. To support our case, we gave examples of other cities, counties and school systems that had already begun saving money with comprehensive energy plans. We then specifically asked the Commission to take the following actions: give the county administrator authority to proceed, solicit bids for an energy audit, consider a comprehensive performance contract, and develop an energy plan.

We could not have accomplished this without the knowledge and experience of our WV Chapter members. We are especially grateful to Danny Chiotos, Sierra Club EE organizer, who spent many hours on the phone with us giving encouragement and advice.

Harrison County residents interested in promoting energy efficiency are encouraged to join our team.

For information about our activities, call Kari Yokubi at 304-695-1523.

Or find the Clarksburg Exponent-Telegram article that includes information about our presentation and the Commission’s decision: theet.com/news/ Division-of-Air-Quality—fiscal-year-budget/article_0053840-b5f3-11e3-927f-001ad4bc887a.html

DEP Oil & Gas and Air Quality divisions at odds

An incident of air emissions from a gas-drilling site in Tyler County became serious when a family was forced out of their home by the fumes. Jay Bee Lisby, a smaller drilling company, had no permit for its six storage tanks used to collect natural gas liquids; and they were spewing gas vapors into the air. This site has been in the news for six days, with repeated messages and phone calls pleading for someone from the DEP to respond. Residents were alarmed and called 911 because there had been a previous explosion and numerous spills at the site. There is a tape recording of the actual audio dispatch conversation among EMT, volunteer firemen and other first responders, all of whom complained about getting sick and having headaches at a quarter mile from the well pad. They were threatened with arrest, if they came on the property, by what they described as uncooperative personnel at the well site. When a message was sent to the local DEP Office of Oil and Gas (OOG) inspector with a copy of the recording to validate the fumes causing headaches, he responded in a message full of misspellings and grammatical errors, saying that sending him recordings was wasting his time, that the only thing he needed to address their concerns was for a formal complaint to be filed with the OOG in Charleston. There was no acknowledgement of the fumes, just a curt “they have 7 months to have it (the site of the fumes) reclaimed and it has been entirely to (sic) wet to try to reclaim it so far this year but it will get done as soon as the weather breaks!”

But he also stated that “when it comes to oil and gas locations, oil and gas inspectors are the only people that have jurisdiction.”

But, lo and behold, on the 7th day, a notice of violation (NOV) was issued by the WVDEP Division of Air Quality (DAQ) for constructing without a permit, asking for a written response from the company within 30 days.

(Nota: This is reminiscent of the flaring at a well site in Nicholas County that went on for months and months. The OOG inspector had told the driller that they didn’t need a permit to flare, but it turned out they were supposed to get one from the Division of Air Quality; and, furthermore, they had already been flaring longer than the legal limit.)

At the Jay Bee Lisby site, DAQ found that because the six storage tanks at the site were used to collect natural gas liquids and can produce vapors, air quality permits are required. The inspectors determined that the likely cause of the odor was a nighttime inversion created by atmospheric conditions that trapped the gas vapors coming from the tanks. This is in a narrow valley where they would be within 1,000 feet of the residence.

Meanwhile, while the driller has 30 days to come up with a plan to address the violation, the residents have had to leave their home.

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Harrison County residents make progress on energy efficiency

Laura Yokubi

Politicians and local officials seldom find a way to make everyone happy, but energy efficiency planning is one way to do just that. Local governments can enter into multi-year performance contracts with energy service companies. Financing can be structured so that improvements and repairs to buildings can be paid for out of the energy savings. Money is saved, local jobs are created, pollution is reduced and officials can be proud to have served their constituents.

The first step is an energy audit that identifies energy waste and ways to improve efficiency and save money. The Harrison County Commission has begun this process. On March 27, commissioners passed a motion directing the administrator to investigate the best way to do an energy efficiency audit and then report back to them in two weeks. This small step was the result of several weeks planning and preparation by our newly formed Harrison Energy Efficiency Team. Two members (my daughter, Kari, and I) made a presentation to the Commission promoting the benefits of energy efficiency and requesting that they take action. To
How to explain to a nonbeliever why climate change is due to the increasing temperature of the earth

Over the years, I have followed the scientific global warming discourse as a scientist. In speaking to those without science background, I've had to explain how increasing carbon dioxide in the air results in an increase in Earth's temperature. I've often found it useful to explain global warming by analogy.

To show how Earth is heating up, I ask them what would happen if global warming were a simple question. "If on a warm summer day you are neither too hot nor too cold, and I give you a heavy coat, hat and gloves to put on, what happens?" The answer is, "That would make me hot." "But why would that make you hot?" I ask. This question sometimes results in a blank look.

Then I explain that the body generates heat and that heat must escape, or else your temperature will increase to fatal levels. The coat, hat and gloves insulate and slow down heat loss, making you hot. Your higher temperature causes more heat to flow through the insulation (the clothing). At this higher body temperature, the heat you generate escapes and your temperature stops increasing. But you become very hot.

Earth's insulation (its coat) is carbon dioxide (CO2) and water vapor in the air. Adding CO2 increases the coat's thickness. Just as you heat up with a thicker coat, Earth heats up with more carbon dioxide.

Earth's natural CO2 concentration, which has hovered around 280 ppm (parts per million) for thousands of years, warms the average temperature by about 57°F, making life possible. Without CO2, the average temperature would be about 0°F. The northern and southern oceans would freeze to some depth and the temperature even at the equator might not support human survival.

Around 1800 AD, humans started putting significant amounts of CO2 into the air. As Earth's coat thickens with increasing CO2, it becomes harder for the Earth to radiate heat absorbed from the sun. Earth's temperature must rise before it can radiate the excess heat. By 2030, CO2 concentration reached almost 400 ppm causing the average temperature to rise more than 1°F. As the present increasing rate, CO2 will double by mid-century to about 560 ppm. This will necessarily raise Earth's temperature.

How much the temperature will rise is the subject of scientific debate. The temperature increase from doubling CO2 (in this case from 280 ppm to 560 ppm) is called climate sensitivity. The best estimates for climate sensitivity range between 2.7°F to 8.1°F. At 2.7°F increase in Earth's average temperature will be bad, but an increase of 8.1°F would certainly bring catastrophe. Temperature increase does not simply mean that, say, instead of 8°F this winter, we'd have had 0°F (wouldn't have been nice), unfortunately, a rise in average temperatures disrupts weather patterns, as we are learning. Rising temperatures result in extreme catastrophic weather events such as droughts, floods, hurricanes, storms, tornadoes, and stronger hurricanes.

In other words, global warming does not bring a tropical paradise. The colder winter here means that our "heat" went somewhere else. Last December, a heat wave in Siberia brought temperatures of 20-40 degrees above average, and rain but little to no snow. Unusual weather will be the new normal.

The untold story: We're a sacrifice zone. We CAN become a CLEAN-energy state.
Looking for “A Few Good Items” for SierraFest 2014 Silent Auction

Regina Hendrix

TIME TO SUPPORT THE CHAPTER’S URGENT WORK ON BEHALF OF WEST VIRGINIANS!

Thanks to the generosity of our friends and members, we’ve had successful silent auction fundraisers during the past three SierraFests (2010-‘12). This year’s SierraFest will take place at Blackwater Falls State Park, September 19-21. We need your help to get off to a good start collecting some attractive items to make this auction the best one yet.

For our 2014 event, we are looking for nonperishable food items, sporting goods, nature photography, books, wine, pottery, household or gardening items in good condition and small craft or decorative items that can be included in the baskets we will put together. If you have baskets to donate, we could use those this year, too. In the past, we’ve had very popular weekend accommodations offered by our generous friends at the Laurel Lodge in historic Harper’s Ferry. Do you know of a local business that might be willing to contribute a coupon for a meal, lodging, etc.? If so, I can send our request letter and info on our tax exemption certification, if they need it.

If you plan to bring something for the auction (or need something to be picked up), please contact Regina Hendrix at 304-725-0223 (home), 304-590-4943 (cell) or regina.hendrix@comcast.net.

See you at Sierra Fest 2014!

Amanda Gardner

The 2014 Energy Efficiency Spring Organizing Workshop, sponsored by the West Virginia Chapter, will be held Friday-Sunday, May 16-18, in historic Shepherdstown. Join us in the beautiful Shenandoah Valley and discover the oldest town in West Virginia.

The Chapter’s energy efficiency campaign is organizing at the local level with a goal of getting our local governments to implement efficiency measures that will create jobs and lower electric bills. The campaign is also pushing for aggressive energy-efficiency programs from electric utilities to help working families and businesses save energy and money.

This training will be the third training in our highly successful series and will bring together volunteers from around the state to build the organization we need to win efficiency victories. The weekend workshop is open to West Virginians currently active in local energy efficiency teams, interested in joining teams, interested in starting teams or just plain interested in finding out more.

The focus of the weekend will be on information sharing, networking, and developing collaboration strategies for all of West Virginia’s energy-efficiency efforts. There will be workshops, trainings, panels, tours of energy efficiency and solar applications, films and the chance to enjoy Shepherdstown. Some of the topics to be covered include: Community mapping, engaging local governments, and listening to efficiency success stories.

Don’t miss this opportunity to meet other energy-efficiency teams and activists. To register, visit bit.ly/WVSCEESOW, email ms.amandagardner@gmail.com, or call 304-283-4197 for more information.

MONONGAHELA GROUP

June 12, 6:30-8:30 p.m.
Annual Ice Cream Social at Coopers Rock State Forest

Join members and non-members alike, at Shelter 1, for this annual Mon Group tradition. Bring some food to share and help crank the home-made ice cream that we enjoy eating at the Overlook with its magnificent vista.

Come to learn more about the Sierra Club or just to have a good time with friends.

Energy Efficiency Organizing Workshop
May 16-18, in Shepherdstown

Amanda Gardner

I’m one of the saner outdoors-y people that cross-country skis here. There are many who feel perfectly safe skiing across the huge reservoir when it freezes. The tracks make me a little queasy thinking about someone standing on a huge lake of cold, hypothermic water with only a layer of ice between them. It’s even scarier when I see people out in the middle of it kite-skiing (skiing with a parachute to pull you along). I’m very content to shuffle slowly up a trail on a thick, powdery layer of soft snow.

My coworker, Brad, competes in long endurance races like the Grand Traverse, a forty mile backcountry course that starts at midnight, and skins (hikes with sticky decals on his skis) up mountains with his wife just to ski back down them. He boasts this whether it is 34 degrees Fahrenheit outside or negative 5 degrees. I, on the other hand, prefer it be in the double digits at least. There’s only so much bundling and layering you can do before I’d rather sit by the fireplace with a book.

I grew up skiing in West Virginia with my family and loved sledding with my friends on snow days. I’ve learned how to snowboard, Nordic ski, snowshoe, and drive in extreme winter conditions; in a Prius, no less. However, I’m to the point of this long season where I don’t want to clean my car off and scrape ice off the windshield most mornings or take the dog out in the blustery evening. I’m ready for the blissful summers here that are sunny with no humidity. I’m ready for softball, backpacking, and biking to work. I just have to be prepared; it sometimes still snows in June.

Save the date!
SierraFest 2014, Sept. 19-21, at Blackwater Falls State Park

Join us as we celebrate the 50th Anniversary of the Wilderness Act and the 30th Anniversary of the founding of our Chapter. Excellent speakers, including 1st Chapter Chair and mother of “Bidder 70” Chris DeChristopher; lovely new deluxe cabins, opportunities to explore the Canaan Valley area, etc. More details to follow.

Perspectives on Outings
April in Colorado

— Kate Flowers, Guest Columnist

Due to my busy work schedule, I’ve asked my daughter, Kate, to write a guest spot about her outdoor life in the mountains of Colorado. I think it will help all of us appreciate West Virginia springtime a little more.

Kate is a 24-year-old GIS analyst in Breckenridge, CO. She resides in Frisco, CO, and has made the state her home for the past two years. She loves the outdoors and working with kids through outdoor education. She sometimes works weekends as a councilor at a science camp. — Russ Flowers

I am here in Frisco, CO, yet we aren’t getting any “April showers.” Just snow. It’s definitely still winter here, and it makes me miss the warmer, rainy track season of Williams town, WV.

I can’t really go for any jogs, but I’m still getting runs in on my snowboard. It’s my second winter in the Rockies, but I still don’t know how I feel about not having a spring. Luckily, I’ve found a few outdoor sports to while away the long, cold snowy season.

One of these outdoor winter sports has a huge following up here: Nordic skiing. I finally got my first pair of Nordic skis a few months ago. It’s a good way to get around town if we get more than five inches in one dump, but more importantly, my dog, Leia, loves being able to get out and run. She and I do something called ski-jouring where she wears a harness and a long bungee leash that goes around my waist while I ski. She’s still not a big fan of my skis, but she will take any reason to run.

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With your help we can clean up our water
Sierra Club Water Sentinels are the first line of defense of America’s waters. We live on the water planet. However, water is a finite resource with only about 1% of the world’s water actually being available for human consumption. Water pollution & over-use are threatening both the quality & quantity of our water resources at an alarming rate.

Keep our water safe. Join Sierra Club.
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 for all participants. 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 emer- gency medical aid may be two or more hours away. 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 kayak- als 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 legal guardian, or 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.

Travel to the official starting point and back, even from an advertised meeting place, is the sole responsibility of each participant. While the Club encourages car-pooling, such arrangements are strictly between the riders and the drivers, and are not a part of the outing. Participants assume full responsibility for all risks associated with such travel.

Participants on Sierra Club outings are required to sign a standard liability waiver, which can be viewed on the web at www.sierraclub.org/outings/chapter/forms or by calling 415-977-5630.

The Sierra Club does not charge for chaper- oung outings, although payment of park entrance fees, a share of campsite rental costs, permit fees, equipment rentals, etc. may be re-quired from the participants. The Sierra Club practices “leave-no-trace” trail techniques, in-including hiking and camping on suitable surfaces, minimizing campfire impacts, packing out all trash, respecting wildlife, being considerate of other visitors, and leaving the environment as it was found.

The Sierra Club’s California Seller of Travel identification number is C687769-60. Reg-istration as a seller of travel does not constitute approval by the State of California.

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