



# Capital Eye

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## New Year, New Faces, New Challenges We're ready to fight, are you?

by: Gary Zuckett

Most of us seem relieved that 2016 is finally over. The last legislative session was rough, then the primary elections were followed by June's 1,000 year flood, and we capped off the year by electing 'the Apprentice' for president. 2017 will be even more challenging. Are you ready? We are - with your input and support!

### New additions make us stronger

Here at WV Citizen Action we've added two new staff members to make our work more effective and efficient. Xavier is our new hire working with Emmett on Energy Efficient WV. "Zave" will be organizing small and large businesses involved with upgrading our homes and buildings and getting their message to the legislature that we need their support for this job creating activity.

Alexandra also comes to us from an organizing background. "Alex" is taking on the role of Development Director making sure that grant funding is secured and reporting done on time. This is a critical function for any non-profit. Don't be surprised if she gives you a call to renew your membership! See their full bios later in this newsletter.

## Connect with Us



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Of course, Julie, Emmett and I all just renewed our official WV lobbyist credentials and are gearing up to help hold the line on the conservative onslaught.

### Women's March makes history!

We wanted to go to press the day of the inauguration but I'm glad we didn't as the next day saw an historic event - the Women's March!

Millions marched in the US, including over 3,300 at the WV capitol. This is the kind of citizen action we need to push back on the new administration and in-state at the legislature.



*Every state, and even many countries, hosted "sister" marches to the Women's March on Washington. This was the scene at the WV State Capitol on Saturday, January 21st. | Photo credit: Chad Cordell*

Kudo's to Alex who was one of the principle organizers along with staff from ACLU and WV-FREE. This was a totally inspiring and ground-breaking event!

### Time capsule, same issues

I usually take some holiday time to excavate the clutter on my desk. This year's dig yielded lots of gems. One that struck me was the front page of a Sunday, January 10, 2010, *Charleston Gazette-Mail*. It was like opening a time capsule. Governor Joe Manchin was forcing across the board budget cuts to fill the holes his tax cuts created -(headline: "Deadline looming for agencies to find cuts"). An AP article by Lawrence Messina describes the overwhelming majority enjoyed by the Democrats as the state legislature gets ready for its session - 71 to 29 in the House and 26 to 8 in the Senate. It also mentions a new group called the Tea Party and Republican efforts to "advance policy and political goals" moving into the mid-term election that fall.

The most revealing headline read "Public Option in health bill appears doomed", referring to the negotiations in Washington over the creation of the Affordable Care Act (ACA). Quote: "House Democrats included it in their legislation. In the Senate, it drew opposition from Democratic moderates whose votes are essential to the bill's fate. Even attempts to include an expansion of Medicare for uninsured individuals as young as age 55 - widely viewed as a face-saving proposal for liberals - had to be jettisoned."

Back then, WV CAG was the state partner for HealthCare for America Now and worked long and hard to get our Representatives in DC to pass the best bill possible at the time.

2010 was a watershed year for other reasons too. The Bush Supreme Court's *Citizens United vs FEC* decision polluted our elections with millions of dollars from Super PACs. This allowed the Koch brothers and other billionaires to buy elections all the way down to the statehouse level. Wisconsin was the first state to fall under the weight of out-of-state cash. Now we have billionaire governor, and a billionaire president who's

nominating a billionaire cabinet. Go figure!  
**Times have changed - issues remain the same**

Back to the future: In 2017 we're facing a horde of issues, any one of which would be a heavy lift. A \$400+ million hole in the state budget that threatens our social, educational, and healthcare programs; a president that thinks climate change is a Chinese plot but the Russians didn't hack our elections; and cabinet nominees that seem out to destroy the agencies they are leading. As Senator Byrd once said, "If you're not outraged, you're not paying attention!"

### Make America sick again?

However, the most immediate threat is to our state and national

healthcare system. Conservatives in Congress have voted over fifty times to repeal the ACA without a clue as to how to replace it to keep Americans' health coverage intact. Now they'll have a president who will actually sign such a crazy bill, several are having second thoughts, including Senator Capito.



*"We wish you affordable healthcare and a happy New Year!" Concerned citizens rallied outside of Senator Capito's Charleston office to protest Republican's plans to repeal the Affordable Care Act..*

"Make America Sick Again" is the slogan progressives use to label this rush to kill off healthcare for millions. Call your Congressional representa-

tives today to let them know you don't want them torpedoing our health delivery system. While you're at it mention your support for a public option or single payer. You can also send a quick and easy email to Senator Capito, who says she is concerned, at [bit.ly/FixNotNix](http://bit.ly/FixNotNix).

Watch for upcoming opportunities to get active on this life & death issue, such as our great series of December rallies outside Senator Capito's Morgantown, Martinsburg, and Charleston offices.

### Obama on what our democracy demands

President Obama sent a brilliant and much-needed message to the country in his Chicago farewell speech on January 10th. It was both healing and challenging. He urged the nation to not let down its guard in protection of basic rights and the democratic process, as well

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as to work on building bridges with citizens who may not have exactly the same opinions as our own.

One particular statement President Obama made during his speech is so relevant to our work that I want to share it with you: *"[Our democracy] needs you. Not just when there's an election, not just when your own narrow interest is at stake, but over the full span of a lifetime. If you're tired of arguing with strangers on the internet, try to talk with one in real life. If something needs fixing, lace up your shoes and do some organizing. If you're disappointed by your elected officials, grab a clipboard, get some signatures, and run for office yourself. Show up. Dive in. Persevere. Sometimes you'll win. Sometimes you'll lose. Presuming a reservoir of goodness in others can be a risk, and there will be times when the process disappoints you. But for those of us fortunate enough to have been a part of this work,*

*to see it up close, let me tell you, it can energize and inspire. And more often than not, your faith in America - and in Americans - will be confirmed."*

## West Virginia needs your voice

Taking heed of Obama's advice, we're now gearing up for the legislative session which doesn't begin until February 8th this year. WV CAG will be working with progressive allies to be ready to fight. It'll be a tough session but we're dedicated to push-back with your support. If you haven't responded to our membership renewal letter, dig it out and send a contribution today! If you didn't get one, don't feel left out. Go online and sign-up to become part of WV Citizen Action at [wvcag.org/membership](http://wvcag.org/membership) - we need all hands on deck to fight back against the conservative tsunami that's heading our way. Are you with us?

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## Outside spending in 2016 elections nears \$20 million

### Legislature should make election transparency a top issue

by: Julie Archer

After spending \$5.6 million during the 2012 presidential election year, outside groups reported spending nearly \$20 million on West Virginia elections in 2016, including \$4.7 million dollars in the two weeks prior to the election.

In 2016, outside spending by race breaks down as follows: Attorney General - \$7 million, Governor - \$5.5 million, Supreme Court - \$3.6 million. Third party organizations have also spent \$3.3 million in various state Senate races, with more than \$1 million going into the race in the 4th Senatorial District. In that race, groups spent \$234,667 attacking Senate President-elect Mitch Carmichael (R-Jackson) and \$682,203 supporting his Democratic opponent Brian Prim.

As West Virginians began going to the polls in November, WV Citizens for Clean Elections (WVCCE) released a report highlighting the growing role of outside spending in state elections and the need to strengthen disclosure laws so that voters can be better informed about who is trying to influence their votes.

*"If we want a government that is truly of, by, and for the people, we must demand an electoral system that puts the voices of everyday voters first,"* said Natalie Thompson, Executive Director of the Ohio Valley Environmental Coalition and co-coordinator of WVCCE. *"To address the money being spent by special interest*

*groups, our next legislature must make election transparency a top issue. Full disclosure of campaign cash is an important step to ensuring our government works for all of the state's residents, not a few anonymous donors. All West Virginians have a right to know exactly where the money is coming from."*

The report, prepared for WVCCE by recent Marshall University graduate Logan Bush, profiles super PACs that were active in the 2014 election and the May 2016 race for the West Virginia Supreme Court of Appeals. The report also details potential conflicts of interest by legislators who benefited from expenditures paid for by these organizations. An addendum to the report provides an overview spending by third-party political groups during the current election cycle. Spending totals and analysis are based on a review of disclosure reports filed with the Secretary of State. Bush said the report shows the need for reform. *"West Virginia needs a government that represents all of its citizens, not one that only represents a select group of outsiders and corporations,"* said Bush.

Calling attention to the outside money being spent by various special interest groups, the coalition's report also makes specific policy recommendations. Although the U.S. Supreme Court decision in Citizens United has made oversight and regulation of campaign finance more difficult, disclosure is a key area of reform allowed under the decision. Accordingly, WVCCE supports requiring any group that spends more than \$1,000 in a calendar year to influence our elections to disclose its donors to the Secretary of State and closing the "covered transfers" loophole that allows wealthy donors and special interests to funnel money through multiple PACs and organizations in order to obscure its origin.

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It's important to keep in mind that our analysis only includes spending that was disclosed to the Secretary of State. Unfortunately, under current law it would be impossible to fully determine the amount of money being spent on our elections or even to know the identity of who is behind some of the groups that have filed disclosure reports. A first step to fight back against big money in our elections is to make sure that every group – liberal and conservative – attempting to sway our elections has to disclose where their money came from.

**The top spending groups this election cycle are:**

**Mountaineers Always Free PAC**, formed by the Republican Attorney Generals Association (RAGA) to help Patrick Morrisey (R) retain his position as West Virginia's Attorney General, spent **\$6.8 million** supporting Morrisey and attacking his opponent, Delegate Doug Reynolds (D-Cabell). The group received much of its funding from coal and electricity companies.

**The Republican Governors Association (RGA)**, through its Right Direction PAC, spent nearly **\$3.7 million** to help Senate President Bill Cole (R-Mercer) in his race against Democrat Jim Justice. According to the Center for Responsive Politics (CRP), the RAGA, the Republican State Leadership Committee (RSLC), and the RGA have several major donors in common.

**West Virginia Family Values**, a super PAC funded by labor unions and trial attorneys, spent **\$2.7 million** in several State Senate races, primarily in support of Democrats and against Republicans.

**The Republican State Leadership Committee's (RLSC) Judicial Fairness Initiative** spent **\$2.6 million** supporting Beth Walker, the winner of the May Supreme Court race, and attacking two of her opponents, Darrell McGraw and Bill Wooton. The RSLC's top donors include the U.S. Chamber of Commerce, the nation's two largest tobacco companies, Wal-Mart, and Koch Industries.

**Good Jobs West Virginia** spent **\$1.3 million** in the Governor's race attacking Bill Cole. The group's top donors are the Democratic Governors Association (DGA) and Jobs and Opportunity, a federal PAC funded primarily by the DGA. The DGA's top donors include Blue Cross/Blue Shield and

several major pharmaceutical companies, according to CRP.

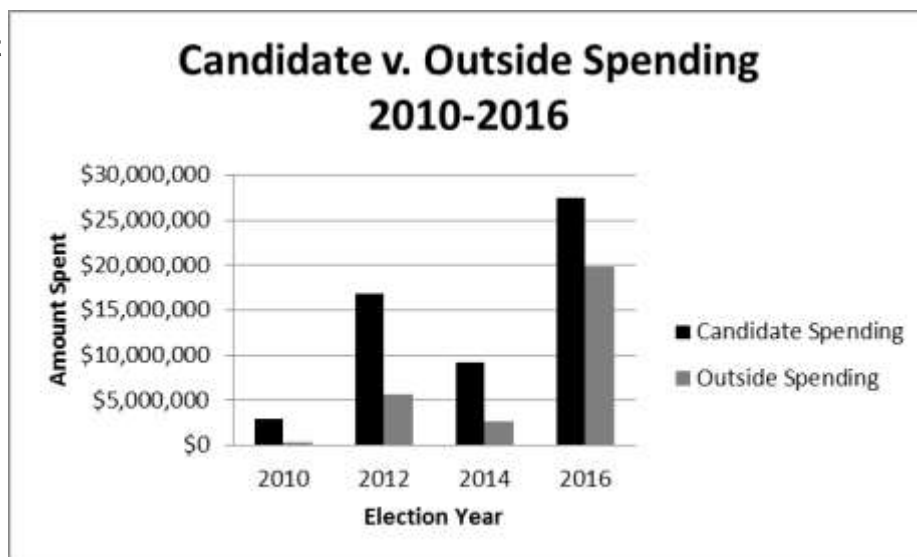
**Among the report's key findings:**

Prior to the general election, **much of the super PAC spending in 2016 went into May's state Supreme Court race.** Super PACs spent more than \$3.6 million to influence the outcome of the race — nearly \$2 million more than all five candidates' campaigns combined. (According to the Brennan Center for Justice, spending by outside groups has played a larger role in 2016 state supreme court elections than in past years.)

**West Virginia has seen a sharp increase in outside spending in recent years.** In 2014, third party organizations spent more than \$2.5 million on legislative races alone. This was a five-fold increase in the amount of outside money spent to influence legislative races in 2012 and more than eight times as much as was spent by third parties during the previous midterm election in 2010. (An analysis by the National Institute on Money in State Politics found that, in 2013 and 2014, a record \$372 million was spent independently on state-level elections in 29 states.)

**Outside spending on behalf of candidates has a real effect on the outcome of the elections.** In 2014, incumbent legislators supported by super PACs won more than 83% of the time, while incumbents that relied solely on their personal campaigns won around 67% of the time. However, super PAC spending had the biggest impact on candidates challenging incumbents. With the help of super PACs, challengers won nearly half (47.6%) of their races, while challengers who lacked super PAC support only won 15% of the time.

Even though the majority of the reported third party spending on legislative races in 2014 came in the form of "independent expenditures," **disclosure reports for over half of the money failed to mention the position (for or against) expressed in the expenditures.**



State law requires entities making "independent expenditures" to say "whether the expenditure is intended to support or oppose" the candidates identified in the expenditure.

The report is available at [wvoter-owned.org](http://wvoter-owned.org).



# Mon Power Rate Increase, Sound Familiar?

You can stop the power plant bailout that will cause the increase

by: Emmett Pepper

FirstEnergy was recently issued final approval for a significant rate increase to West Virginia electric customers at the same time it issued a request for proposal geared specifically for the purchase of the Pleasants Power Plant.

Your voice can help stop this expensive transaction. We are building opposition to FirstEnergy's plans. **Sign the petition - [bit.ly/StopFEsBadDeal](http://bit.ly/StopFEsBadDeal) - to make your voice heard!**

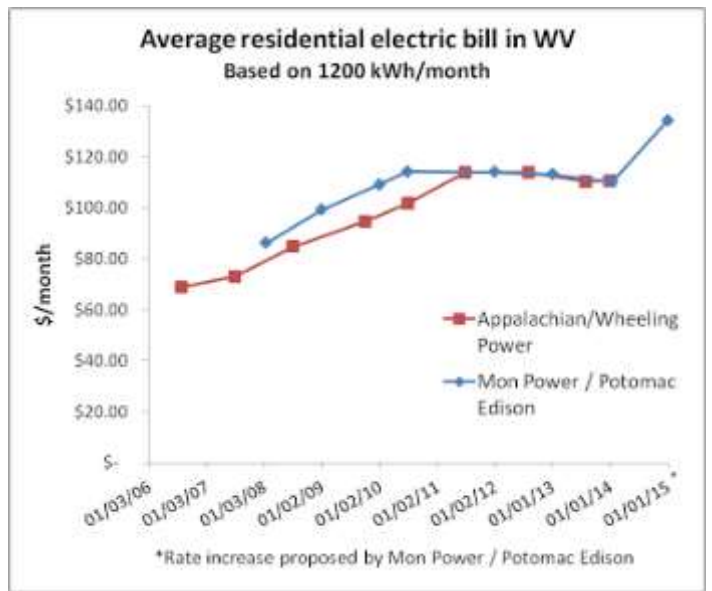
Some may remember the 2013 transfer of the Harrison Power Plant from one FirstEnergy subsidiary to Mon Power, which FirstEnergy said was needed to meet capacity needs and reduce costs. Exactly the opposite has happened as evidenced by the recent rate increase, as well as a report by Cathy Kunkel at the Institute for Energy Economics and Financial Analysis (IEEFA). Would there be a need for an increase had Mon Power not acquired the Harrison Plant?

West Virginians have seen an average of a \$480 increase in their yearly bills since 2006. The ratepayers can expect continued increases for years to come if FirstEnergy keeps getting its way.

The latest power plant that FirstEnergy is trying to

force West Virginia customers to bail out is the Pleasants Power Station, near St. Mary's, West Virginia. Just like Harrison, Pleasants is owned by another FirstEnergy subsidiary in Ohio where it has to compete on the open market, and FirstEnergy wants to get it into the West Virginia market, where West Virginians - Mon Power and Potomac Edison customers - have to pay for it through higher rates. FirstEnergy wants to shift its bad investment onto the backs of West Virginia ratepayers. **This deal is good for them, not us.**

In our regulated market, all expenses and profit are a direct pass-through to the customers with little to no risk on the corporation's stockholders. This means FirstEnergy can use Mon Power customers to bail-out its bad Ohio investment if it can convince the West Virginia Public Service Commission to let it do so.



## Surface Owners' Rights a Priority for WV SORO Implementation of 2013 study recommendations still needed

by: Dave McMahon & Julie Archer

As we have in years past, our WV Surface Owners' Rights Organization (WV SORO) will again be pushing for legislation to have the property rights of surface owners recognized and respected, to increase their chances of owning some of the minerals under them, and to deal with orphaned wells and other environmental problems. We will also be actively opposing legislation the industry introduces (out of its sense of entitlement) that will harm the interests of surface owners (including the fortunate few of whom are also small mineral interest owners).

Some think that the recent election results will hurt our chances on those fronts. We disagree. WV SORO has always tried to be non-partisan. Rural Republican legislators have generally been supporters of our positions. Our issues are in essence property rights issues favored by many of those just elected.

Most of our success is a result of the actions taken by members of WV SORO and allied organizations expressing their concerns and making their voices heard by their legislators. As always, we'll be sending out alerts and updates once we the legislative session starts and we have actual bill numbers. However, feel free to start contacting your legislators now to urge their support.

**Here are our 2017 legislative priorities:**

**Pass a bill to implement recommendations of studies required by the Horizontal Well Control Act**

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When the Horizontal Well Control Act was passed in 2011, surface owners did not get many protections. Instead the Act required the Department of Environmental Protection (DEP) to conduct studies on various impacts of horizontal drilling on surface owners. Safeguards were supposed to be enacted if the studies showed the need.

When the results of the studies were released in 2013, the DEP reported to the Legislature that additional protections were needed “to reduce potential exposures” and “to provide for a more consistent and protective safeguard for residents in affected areas.” However, these safeguards and other recommendations from the studies, which include fence-line monitoring for noise, dust, and other air emissions from horizontal drilling sites, were never implemented.

**Pass a “land reunion” bill to let surface owners step into the shoes of the high bidder if an interest in the minerals under their land is sold at a tax sale/ auction**

Ownership of the surface and ownership of the minerals should never have been separated.

Almost everyone agrees this was a bad idea. WV SO-RO supports a “West Virginia Land Reunion”, and we have even recorded a song about it for you to listen to at [wvsoro.org/west-virginia-land-reunion-song/](http://wvsoro.org/west-virginia-land-reunion-song/).

The Legislature should pass a bill that begins to reverse the trend of separate ownership by giving surface owners a first chance to own any interest in the minerals under their land that are sold for non-payment of property taxes.

**Pass a bill that uses funds owed to un-locatable mineral owners to plug orphaned wells**

The “Oil and Gas Reclamation Fund” was established to plug the thousands of oil and gas wells that have been orphaned over the last century by oil and gas drillers who went out of business. As development of shale formations continues to drive smaller drilling companies under, the problem is likely to get worse.

From 2010 to 2014, there was only enough money in the fund to plug six wells a year. However, the increase in Marcellus Shale and other unconventional drilling has also resulted in many more suits being filed to partition mineral tracts owned by multiple heirs, and lots of money being held by special receivers for heirs who cannot be found. If the heirs do not turn up in 5 years the money goes to the state Treasurer to be deposited into the General Revenue fund. Our bill would send that money to the Oil and Gas Reclamation Fund instead, making it available to plug orphaned wells.

**Pass a bill to require a forfeited bond to fix the problem on the land that caused the forfeiture**



*Before drilling: Almost heaven. After drilling: Increased setbacks and monitoring for noise, dust, and other air emissions are needed to protect the health and property values of those living nearby.*

The money that goes into the Oil and Gas Reclamation Fund comes from two sources. One of these is a small fee drillers pay when they apply for new drilling permits. Money also goes into the fund when the DEP forfeits the bond of a driller who has not plugged a well that should be plugged or causes some other problem. This does not happen very often.

Currently, the DEP keeps a list of orphaned wells and prioritizes them according to how much of a problem they are, and DEP has to plug them in that order. This is generally not a bad way to prioritize the limited amount of funding available to plug the thousands of orphaned wells in West Virginia. However, when a landowner goes to the trouble to get the DEP to forfeit a drillers’ bond because of a problem well on their land, we believe that the the money should be used first to fix the problem on landowner’s land that caused the bond to be forfeited.

For more on these issues and proposals, and to listen to “the West Virginia Land Reunion Song”, visit [wvsoro.org](http://wvsoro.org).



## Meet Zave

by: *Xavier Walter*

A wise man once told me, "It isn't how much you earn, it's how much you don't spend." One day about ten years ago two guys showed up at my house to do an "energy audit." Having recently lost my career as a banker, I needed all the savings I could get. A community action group sealed and insulated my home through a state grant program, and it changed my life forever. I immediately saw my bills cut in half, and my house was instantly more comfortable. Then I decided to make a new career doing something few people had talked about, energy efficiency. After years of training and building a business from scratch, I found myself to be a pioneer that finally "made it." Most importantly, I had helped countless people along the way save energy, get back to work, and enrich their lives.

Having traveled the world in the Navy, exploring mountains up and down the east coast, I knew I always wanted to land in West Virginia. I have family near Morgantown, and both of my grandparents were raised here. I have cousins still working in the coal mines, as Appalachia faces some of the worst unemployment and highest utility consumption in the nation. After watching how dramatic the benefit of energy efficiency programs are in other states, it is my goal to see that same success here. I am passionate about creating jobs, educating people, and being the "grease on the wheels" in West Virginia's energy efficiency industry.

In my free time you will find me exploring every corner of the Appalachian mountains. I love the rivers, the history, and the people. My goal is to plant my flag on a good piece of ground in the mountains and build a modest home from scratch. Having spent years studying and practicing off-grid technology and living, this is the best time and place to commission my future. With a

belief that success is hinged on building a sustainable lifestyle and helping others do the same, I look forward to bringing my experiences home to the mountain state.

### **Energy Efficiency in the Mountain State: A Perfect Storm**

Energy efficiency is simple to understand: it is better business to save energy than it is to produce energy. When consumers spend less money on their bills, they have more money to spend in the community. If we have thousands of buildings that need improvement, that creates large-scale training opportunities. Energy efficiency touches many disciplines like engineers, plumbers, electricians, laborers, office staff, and much more. Public buildings can reduce their energy costs, leaving more money for other programs and reducing the tax burden.

It is time West Virginians get something in return for its years of energy production and exports. We provide almost 5% of the nation's power, yet are ranked 44th in the nation on energy efficiency. If a utility like FirstEnergy were to incorporate energy efficiency here, as it has in every other state it serves, an industry will flourish putting people back to work and create economic stimulus across all segments of the market.

The other major utility, AEP, now offers some programs like small business lighting, free residential energy audits, and appliance rebates. It has engaged the community with stakeholder meetings, and open communication like [takechargewv.com](http://takechargewv.com). These programs help people lower their utility costs, make their buildings more comfortable, and set a foundation for significant job growth.

Both utilities should incorporate more comprehensive standards like Home Performance with Energy Star into their programs. I look forward to educating people about existing efficiency programs, show them best practices based off my years of experience, and help them identify new opportunities in the market.

I believe that 2017 is the year that we will see energy efficiency gain traction in West Virginia. There are already jobs opening up on career sites for positions such as energy auditor, and insulation technician. Several HVAC companies have incorporated energy efficiency into their business models like Dr. Energy Saver Home Services. Small business loans are available from banks and NCIF to finance improvements, and "pay while you save", resulting in immediate positive cash flow. This is all a great sign of the impending perfect storm for energy efficiency in the Mountain State. **You can help build on this momentum - become a member of EEWV at [eevv.org](http://eevv.org)!**



# Raise Revenue or Cut Ourselves to Prosperity?

## Critical programs must be protected in federal, state budgets

by: Ciera Pennington

WV CAG has always been and will continue fighting for a tax code that reflects and helps build an economy that works for all of us - corporations and the wealthy must pay their fair share; and a budget, a moral document, that invests in people and the planet.

### Federal Budget, Taxes, & Healthcare

At the federal level, there are going to be many threats to our progressive vision through changes to our tax structure and budget.

*What's at stake? Massive tax giveaways for corporations and the wealthy, sweeping budget cuts, block granting of critical programs like SNAP and Medicaid, and the defunding of the Affordable Care Act (ACA).*

In West Virginia, one-third of our population gets assistance with their healthcare. That means one-third of the people you and I love and care about are at risk of losing access to affordable, quality healthcare. As someone who grew up on Medicaid, I take this attack personally. Without Medicaid, my four siblings and I wouldn't have been able to receive medical care when we needed it. WV CAG, alongside partners like West Virginians for Affordable Healthcare (WVAHC), has already started fighting back with rallies, press conferences, petitions, letter campaigns, and more. Stay tuned for how you can join us in this battle.

Healthcare isn't the only thing at stake, though. In these first three months, we expect that the new administration will unveil their plan for cutting taxes on off-shore profits. President Trump's previous proposals have been a paltry 10%. Additionally, it is possible that Republicans will include the expansion of the federal Earned Income Tax Credit (EITC) into bad infrastructure or tax bills as a way to get more support. Trump and the GOP will sell the infrastructure bill as a big jobs bill. Our duty is to call it what it is: *a big corporate giveaway and privatization scheme.*

In February or March, Republicans will likely launch a second reconciliation process aimed at changing the tax code. Both President Trump and House Speaker Ryan have plans that would slash taxes for the wealthy.

President Trump ran as someone who's going to help poor and middle income people. We've seen this play-book before and it's failed miserably - anyone remember Reaganomics? We need to bring light to this flawed agenda, organize, and fight back before real people are hurt again.

### State Budget & Taxes

West Virginia has its own set of problems when it comes to budget and taxes. We are facing a deficit of more than \$400 million this year. Not finding revenue solutions means watching 10,000 students lose the PROMISE scholarship; asking our K-12 students to learn in overcrowded classrooms and allowing thousands of teachers and support staff be laid off; and limiting services vital to senior citizens.

There is no way around it - our legislators must consider raising more revenue. And while we all may consider this unfavorable, according to a recent statewide poll, voters believe the state's budget shortfall is a very serious problem and *70 percent of West Virginians are willing to pay higher taxes to maintain funding for public schools, safety, and our roads and bridges. People realize we can't cut our way to prosperity.*

While some of us can probably afford to pay slightly higher taxes, others of us may not. That's why it's equally important for our legislators to consider things like a state EITC to reduce the burden of higher taxes on our low-income families. Learn more about that effort by visiting [investinwvfamilies.org](http://investinwvfamilies.org).

Join the Protect WV campaign today at [protectwv.org](http://protectwv.org) to help us hold lawmakers accountable and demand real budget solutions to preserve our heritage, safeguard our communities, and secure our state's future.



### Join Us

Follow us on Facebook and Twitter and/or visit [wvcag.org](http://wvcag.org) to sign-up for our action alerts today! We'll keep you updated on state and federal tax, budget, and healthcare issues and how you can get involved.



# Is 2017 the Year of Energy Efficiency?

## You can help EEWV create an energy efficient economy in West Virginia

by: Emmett Pepper

This is an exciting time for energy efficiency policy. On the campaign trail, Governor Jim Justice touted energy efficiency policies as a way to boost jobs and save taxpayers money (glad we aren't the only ones who know that!). Governor Justice promoted two things that EEWV has been focused on, as well: better financing for local businesses to do energy efficiency and improved efficiency in public buildings. **If you have not already, sign up now for emails at [eewv.org](http://eewv.org) to keep up with the latest!**

Regular readers of WV CAG's and EEWV's updates will know that the top priority of Energy Efficient West Virginia has been the Local Energy Efficiency Partnership Act, or LEEP Act. The LEEP Act is based on laws that have been enacted in 30 states that help businesses make their buildings more energy efficient by letting them pay for the upgrades over time on their local property tax ticket. Since last session, when the bill was killed due to utility opposition, EEWV has worked with

utility lobbyists to make the bill more palatable for their clients. Actually, the bill was improved through the process and we now believe that we have gotten the bill in shape to prevent any further objections. The biggest obstacle to a bill passing, though, is the inertia of the legislative process. **You can help by contacting your legislators in support of the LEEP Act during the upcoming session.**

A second priority that EEWV has this session is to save energy in state buildings. The legislature is looking for ways to cut costs due to a large budget gap that seems to keep getting worse. Improving energy efficiency in state buildings is an important way to cut down on government waste while creating jobs. Energy efficiency creates 20 jobs per \$1 million spent – more than the economy-wide average of 17 jobs. But more importantly, when the state of Mississippi enacted legislation to save energy in state buildings it saved 17,000+ MWh. In West Virginia today, that would be approximately \$9 million in savings. Nearly all other states are doing more than West Virginia to save taxpayers money and create jobs through state energy savings programs. It's time we catch up!

**Keep in touch with EEWV through our [email list](http://eewv.org), [eewv.org](http://eewv.org), and [Facebook](#).**

## Court Approves Settlement for EPA Rules on Drilling and Fracking Waste

### Consent decree requires EPA to review oil and gas waste rules for first time in three decades

Press release from the Environmental Integrity Project & the Natural Resources Defense Council

WASHINGTON, D.C. (December 29, 2016) – Late Wednesday, the U.S. District Court for the District of Columbia formally approved a consent decree between the U.S. Environmental Protection Agency and a coalition of community and environmental organizations. The consent decree requires the agency to review and, if necessary, revise its rules for the disposal and handling of dangerous and harmful oil and gas wastes, such as those that result from drilling and fracking. The organizations had filed a federal lawsuit against EPA in May due to the agency's failure to review these rules for nearly thirty years.

The organizations on the lawsuit—captioned *Environmental Integrity Project et al. v. McCarthy*, No. 1:16-cv-



*Documented problems with pits identified during a study conducted by WVU. [Source: Pits and Impoundments Final Report For Assessing Environmental Impacts of Horizontal Well Drilling Operations, WVU Department of Civil and Environmental Engineering, December 17, 2012.]*

00842—include the Environmental Integrity Project, Natural Resources Defense Council, Earthworks, Re-

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sponsible Drilling Alliance, San Juan Citizens Alliance, the West Virginia Surface Owners' Rights Organization, and the Center for Health, Environment and Justice.

*"This consent decree is a step in the right direction toward fulfilling EPA's duty to the public,"* said Adam Kron, senior attorney at the Environmental Integrity Project. *"EPA has known since 1988 that its rules for oil and gas wastes aren't up to par, and the fracking boom has made them even more outdated. Our communities deserve the best possible protections for their health and the environment."*

In their lawsuit, the organizations raised a number of different wastes and industry practices that new rules should address, including the disposal of fracking wastewater in underground injection wells, which accept hundreds of millions of gallons of oil and gas wastewater and have been linked to numerous earth-

quakes in Arkansas, Colorado, Kansas, New Mexico, Ohio, Oklahoma, and Texas. The organizations also urged EPA to ban the practice of spreading fracking wastewater onto roads or fields, which allows toxic pollutants to runoff and contaminate streams, and to require landfills and pits to be built with adequate liners and structural integrity to prevent spills and leaks into groundwater and streams.

*"We are pleased that the Court approved the parties' agreement,"* said Amy Mall, senior policy analyst at the Natural Resources Defense Council. *"EPA is long overdue to take a closer look at the unique risks posed by oil and gas waste. We will hold the incoming administration accountable for heeding this call, and we will continue to fight to ensure communities get the protection they need from this toxic mess."*



## **Meet Alex For West Virginia and its people**

by: *Alexandra Gallo*

In November, I was brought on to serve as WV CAG's Development Director. Although I was not born and raised in West Virginia, I have always considered the mountains to be my home, a place where I felt comfortable, secure, and free. Home for me is defined by the people, rather than the place, and I am grateful to the people of West Virginia for helping to make this my home.

When I moved to West Virginia almost two years ago, one of the first people I met was David Grubb, the founder of WV CAG. David told me all about the history

of the organization, and my appreciation for WV CAG was ignited immediately.

WV CAG's mission resonated deeply with me because I began my career in community organizing working as a field canvasser in New Jersey with Clean Water Action, an organization that had similar ideals. I knocked on doors and spoke face-to-face with individuals and families about issues affecting our right to clean land, air, and water. In addition to asking for support, I would ask complete strangers to invest their time and/or money into issues and campaigns we mutually agreed on. Asking for money can seem extremely daunting, but I got comfortable with being uncomfortable very quickly.

Community organizing is my passion; I believe that when people stand together for justice, for each other, we can positively transform the systems that are broken and uplift leaders who are truly invested in putting people first. Working as a canvasser, I became very clear on the power of organized people.

One of the greatest lessons I've learned is that we can inspire one another to take action when we meet people where they are, actively listen, and have genuine, intentional conversation about important issues. I am so excited to be a part of this incredible organization. I look forward to connecting with many of you throughout this year as we work to make our state the strongest it can be!

### **You can help sustain this fight**

As your Development Director, it is my responsibility to fundraise and increase the participation of our members and supporters. From winning concrete improve-

*(Continued on next page)*

## Renew or become a member today!

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Donation: \_\_\_\_\_ Recurring (circle one): YES | NO Organization (circle one): WV CAG | WV CAEF (tax deductible)

Card Number: \_\_\_\_\_ Expiration date: \_\_\_\_\_ CSV: \_\_\_\_\_

*You can also give online at [wvcag.org/wvcaef.org](http://wvcag.org/wvcaef.org) or by mailing a check to 1500 Dixie Street | Charleston, WV 25311.*

***Thank you for your support!***

ments in people’s lives to toppling dictators, people power is a method that works. Every successful social change movement in US history has had a key element of people power and mass direct action; abolition, women’s suffrage, workers rights, civil rights, anti-Vietnam war, anti-nuclear, Central America solidarity, global justice, and other recent movements.

WV CAG exists because of you. With your help we continue fighting for what is important to you and hold our elected officials accountable to the job we hired them to do – representing us and our best interests. We work every day to bring people together to strengthen communities by mobilizing volunteer action and advocating for better, stronger policy.

With the threat of 210,000 West Virginians losing health care coverage, we cannot sit back idly and see what happens. Our history’s most powerful movements teach us an important lesson: We won’t win more by demanding less. So we’ve got our sights set on the long term.

While we fight for change here and now, we’re also

working to create a true democracy for all of us. Through research, education, organizing, and coalition building, we believe we can create jobs, have a cleaner environment, healthcare for all, and transparency in our government. A movement towards sustainability is the goal for our state and for WV CAG.

Movements celebrate giving and engagement in all forms: money, time, activism/advocacy, and just random acts of goodness. There is much power in numbers and your continued investment in WV CAG will raise our voice as we prepare for the upcoming months and years ahead. The cumulative power of giving—whether \$5 or \$5 million, from a 15-year-old or a 95-year-old—is what makes change happen. Consider being a part of the sustainable future with a monthly gift - [wvcag.org/](http://wvcag.org/)

membership. We thank each and every one of you for commitment and generosity!



*Staff and supporters shared the reasons they gave to WV Citizen Action on #GivingTuesday, a global day dedicated to giving back.*



WV Citizen Action Group  
1500 Dixie Street  
Charleston, WV 25311

RETURN SERVICE REQUESTED

# TAKE ACTION! SAVE THE DATES

- 2/7 - WV Environmental Council's Annual Legislative Kick-off Blast
- 2/14 - Healthy Kids & Families Day
- 2/23 - WV Food & Farm Coalition's Lobby Day
- 2/23 - WV FREE's Annual Gala
- 2/27 - WV Environmental Council's E-day & Awards Dinner
- 2/28 - Generation WV's Lobby Day
- 3/1 - Domestic Violence & Sexual Violence Prevention Day
- 3/2 - All Kinds Welcome Here Lobby Day
- 3/31 - Try This WV's Lobby Day

Stay tuned to [wvcag.org](http://wvcag.org) for details.

