



## A YEAR IN REVIEW

### Looking Forward, Looking Back

By Gary Zuckett

What a year! Our 40<sup>th</sup> Anniversary year was one to remember.

January brought us the Water Crisis. Even the legislature was sent home when 300,000 citizens could use their tap water only to flush the toilet. This crisis was a catalyst that brought citizens and groups together to fight for new protections for all our water supplies...and we won!

The result was SB 373, the "Water Bill" which monitors and regulates aboveground storage and tanks that require water utilities to identify potential threats and make emergency plans to deal with them. Another win was bringing water activists, Karan and Emmett onto staff here at CAG!

Energy Efficiency was another win at the 2014 legislature with the passage of the Integrated Resource Planning (IRP) bill that requires electric utilities to place efficiency and conservation on par with other ways to deal with increased energy demand - such as building more power plants.

On the down side, Marcellus Shale drillers got their way with our landfills and with legislation allowing (and supposedly regulating) the dumping of toxic and radioactive tailings into our municipal landfills. This legislation was passed over objections of the environmental community.

Then, the 2014 elections began with Rep. Capito filing to run for Rockefeller's Senate seat. Next, an unknown candidate from Maryland set his sights on Capito's 2<sup>nd</sup> district Congressional seat and a state senator switched parties to oppose Rep. Rahall. Then Koch brother's astroturf front group, Americans for Prosperity (theirs, not ours) set up shop in Beckley and Charleston and the dark money floodgates (opened by the "Citizens United" and "McCutchen" Supreme Court rulings) washed into West Virginia and washed out both our Congressional Delegation and Statehouse leadership. See the article "Elections Have Consequences" inside for more election analysis.

Now we must begin looking toward the 2015 Legislative Session. Notice I said "looking toward" and not "looking forward to" as we expect some interesting challenges to emerge from the new conservative leadership. "All hands on deck" should be the cry of progressives this session. It will take a concerted, coordinated effort to hold on to our recent gains and resist the ALEC agenda sure to come charging at us. In reality much of this will likely be steamrolled right out the gate with the anticipation of potential governor's vetoes of the more egregious bills. The governor must act on a bill within 15 days of it reaching his desk and the legislature only needs a simple majority to override an executive veto.

One gain that will surely be challenged is the "Water Bill" SB 373 that passed last session. Industry is already lobbying for looser inspection requirements citing "unintended consequences".

Voter ID and independent campaign spending disclosure may be addressed. One issue already mentioned is "tort reform" which is ALEC code for limiting the rights of citizens to have their day in court when harmed, and limiting compensation for such. "Prevailing Wage" and "Right to Work" (for less) will be concerns of our labor allies. Women's reproductive rights will also be a target. Getting the drift?

At a recent West Virginians United for Social & Economic Justice meeting, progressive groups met with labor and the legal community to go over issues and identify ones to work together on. But we can't do it all from here in Charleston.

The challenges ahead will need an alert and active citizenry statewide to contact their new lawmakers, come to Charleston to both support and oppose issues of concern and get friends and neighbors to do the same. Our government only works well with active citizens' attention and participation. Stay tuned for our weekly online updates and alerts throughout the session. If you're not signed up for our Alert List, go to: [www.wvcag.org/action\\_alerts/](http://www.wvcag.org/action_alerts/) (with an underscore between action\_alerts) so we can send them to you.

It takes lots of resources to monitor and lobby the legislature. This is a major part of our work that is not allowed to be funded by foundations, but instead is supported by you, our members. Please go to [www.wvcag.org](http://www.wvcag.org) and click the "Donate" button or drop a check in the mail with your membership contribution. We couldn't do this without the support of our loyal members. Thank you!



## CAG and WATER

### CAG Defends Our Water

By Karan Ireland

Long before the January 9 Freedom Industries' chemical leak, West Virginia Citizen Action Group was working on issues that impacted the quality of our drinking water. Whether working with our allies on anti-MTR campaigns or with the members of our Surface Owners' Rights Organization, CAG has always been committed to the protection of West Virginia's water. However, the Elk River leak affected CAG's office in more than an issue-related way, as CAG headquarters happens to be in the middle of the area affected by the Elk River spill.

So, when we lost the use of our water due to the criminal negligence of the bad actors at Freedom, we were compelled to mobilize not only because it's part of our mission, but also because we were thirsty and badly in need of showers.

To that end and in the wake of the leak, WV-CAG has worked to educate citizens about the presence of environmental risks and the importance of stringent regulatory oversight. We have engaged citizens to take an active role in the legislative process so that policy change is made to minimize the likelihood of another disaster.

Our staff has worked in coalition with other organizations in order to craft a cohesive response to the leak and to move forward on water protection as one part of a larger whole. We've also partnered with allies on civic engagement campaigns centered on the issue of water quality.

And, WV-CAG staff members have been instrumental in successfully calling upon the Public Service Commission to launch a general investigation into the handling of the crisis by WV American Water. These partnerships include involvement with the West Virginia Safe Water Roundtable, WV FREE's Change the Current Campaign, and Advocates for a Safe Water System.

Specifically, CAG maintained a vigilant presence at the Capitol during the passage of SB 373 and worked with community members by organizing community action meetings; getting out pertinent news, events, and action alerts via email and social media; and participating in advocacy trainings for would-be citizen lobbyists.

#### WV Safe Water Roundtable

In our ongoing work within the newly formed WV Safe Water Roundtable, WV-CAG is collaborating with longstanding and newly established allies.

They include: WV Council of Churches; Unitarian Fellowship of Kanawha Valley; other individual faith leaders; WV HUB; People Concerned about Chemical Safety; WV Environmental Council; WV Rivers Coalition, WV Sierra Club, Ohio Valley Environmental Coalition (OVEC); Coal River Mountain Watch; Citizens Actively Protecting the Environment (CAPE); WV Sustainable Business Roundtable; Friends of Water; WV Clean Water Hub and others.

This coalition seeks to pool the resources of time, materials, and human capacity. As a group, we will craft a compelling and cohesive message around protecting water, particularly drinking water sources, and utilize this message to organize and engage new leaders.



*Karan Ireland addresses the crowd gathered at the Capitol for a vigil following the chemical leak. Five months later, Karan joined our CAG staff.*

#### CAG Partners with WV FREE to Change the Current

In November, West Virginia Citizen Action wrapped up its Women and Water campaign, a joint campaign through WV FREE, in partnership with other leaders in the fight for social, reproductive, and environmental justice. The goal of the campaign was to shift the public conversation around environmental and reproductive issues and to effect positive change through grassroots mobilization and engagement.

West Virginia CAG had been named the lead coordinating partner in the campaign and, as such, scheduled and coordinated three stakeholder meetings: June 17, August 28, and October 2. Coordination included identifying and inviting potential partners and acting as participants in the stakeholder meetings - offering expertise and opinion on polling questions and campaign messaging. The result of the meetings and the polling of the campaign was called Change the Current.



## CAG and WATER

### ASWS

On January 29, 2014, about 125 people met at St. John's Episcopal Church in Charleston to figure out how communities in the Kanawha Valley could effectively respond to the water crisis caused by the Freedom Industries' contamination of West Virginia American Water's Elk River intake. WV- CAG was present at that meeting and two of its staffers - Karan Ireland and Emmett Pepper - committed to be part of Advocates for a Save Water System (ASWS), a group that evolved from that meeting.

ASWS, a group of volunteers, decided to focus on the future of clean drinking water in the Kanawha Valley. It started by helping people file formal and informal complaints at the WV Public Service Commission against West Virginia American Water for unfair charges for contaminated water.

As time went on, this group raised more and more questions about the role of West Virginia American Water in the crisis, both before and after the Freedom contamination. How prepared was WVAW for a crisis like this? What did we need to require of WVAW if they were going to prevent contamination of our water system in the future? Was WVAW really committed to making the needed changes?

The group needed facts. One tool to get at those facts was a general investigation by the West Virginia PSC. To push for a PSC investigation, there needed to be an organization that could eventually participate in the case: ASWS. The group's first task was to organize public pressure to push the PSC to open an investigation, then to participate as an intervening party in the case.



*Maya Nye, People Concerned About Chemical Safety, speaking at the water rally at the Capitol in January.*

After several months of organizing by ASWS, the West Virginia PSC began a general investigation of WVAW's response to the contamination in May 2014. ASWS has been an active participant in the case ever since.

ASWS also understands that citizens can take an active role in deciding the future of the Kanawha Valley's safe water system. One of the best ways to do that is by educating ourselves about what a safe water system looks like and developing a plan to create one for our families and neighbors. ASWS is now in the process of helping residents of the Kanawha Valley create a Citizens Water Plan to serve as the plan for building safety into our water systems.

### Moving Forward

2015 promises to be a busy year in relation to water issues. WV-CAG will continue its participation with the Roundtable and ASWS, as well as preparing for an anticipated industry-supported legislative attack on SB 373.

If you are passionate about water quality issues, or specifically issues surrounding the Elk River leak, please contact [karan@wvcag.org](mailto:karan@wvcag.org) to learn more about how to get involved!

### January 9: Chemical Leak Anniversary Commemorative Events.

3:00 - 5:00 p.m. **Citizen Education Workshops at the Culture Center on the WV State Capitol Grounds.** Get the latest updates on current water issues and how you can be involved.

6:30 - 7:15 p.m. **Honoring the Waters one year anniversary candlelight vigil** at the Kanawha River in front of the Capitol to mark the one-year anniversary of the MCHM chemical contamination of the drinking water of more than 300,000 West Virginians.

7:30 - 9:00 p.m. **Reception and screening of Elk River Blues** at the WV Culture Center Theater. This locally produced documentary film features West Virginians' response to systemic failures that continue to threaten our water.

**January 14: Kids and Families Day at the WV Legislature.** Healthy kids need clean water. Check [wvhealthykids.org](http://wvhealthykids.org) for updates.

**January 14: Be Visible for Clean Water at the State of the State Address.**

7:00 p.m. The governor will deliver the State of the State Address in the House Chamber at the State Capitol in Charleston, WV. Everyone who can make it is encouraged to attend to put the governor and legislators on notice that we expect clean, safe water to be a priority for this legislative session!



## CAG and ENERGY

# Lemonade from Mitchell Power Plant's Sale

By Emmett Pepper

Since the early days of CAG, we have worked to help working class West Virginians at the West Virginia Public Service Commission (PSC). At our 40th Anniversary celebration, CAG founder David Grubb told me of how, fresh out of being admitted to the bar, he had his case at the PSC and had to feel his way through it. Back in those days, most of the focus was on the consumer issues, protecting us from runaway costs.

Since starting the Energy Efficient West Virginia program in 2009, CAG has focused its PSC work on addressing the dearth of energy efficiency programs in the state. Through the expert work of Cathy Kunkel and David Schlissel, and lawyers like Tom Rodd, Mary Anne Maul, and Bill DePaulo, CAG has leveraged proposed rate hikes and power plant sales to get utilities to have more programs for energy efficiency.

The latest power plant sale was the Mitchell Plant from American Electric Power's (AEP) Ohio subsidiary to one of its West Virginia regulated utilities. Mitchell, located on the Ohio River south of Moundsville, is a coal-fired power plant that has been in operation since 1968.

In deregulated states like Ohio, coal plants have become less profitable in recent years due to the low price of natural gas. AEP was making less money selling the output of the Mitchell plant into Ohio's deregulated market.



By selling its plant to a regulated subsidiary, AEP could ensure that this struggling plant would have all of its costs paid for by its West Virginia customers, regardless of whether there is a cheaper way to meet our energy needs.

Another major concern was a large coal ash pond at the plant that was in the process of being closed, which meant that rate payers would get all of the liability from the pond, even though it was no longer in use.

Finally, the price tag for the plant was just too high compared to other coal-fired power plants in the area, which we suspect is due to the fact that both the buyer and seller are owned by the same company.

CAG's attorneys (Bill DePaulo and yours truly) negotiated with Appalachian Power and other parties and the experts testified as to some of the absurdities with the proposed deal.

The parties reached a settlement agreement that addressed most of the concerns of CAG as follows:

1. The coal ash pond will not be owned by the West Virginia regulated subsidiaries, they will not be liable for it, and they can't pass along any liabilities to their West Virginia customers.
2. The next time AEP wishes to purchase a new power plant, it will have to put it out for bids; AEP can't just pick a power plant that one of its subsidiaries already owns.
3. AEP will increase energy efficiency spending from \$8.2 million to \$10 million. (20% increase)
4. AEP will continue to work with EEWV to conduct energy savings competitions.
5. The price was slightly reduced from the proposed price.

At press time, the settlement is expected to be approved by the PSC.





## 40 YEAR ANNIVERSARY

### Forty Years – And A Big Party!

By Karan Ireland

As we wrap up our fortieth year of Citizen Action, we wanted to take a minute to thank all of our friends who came out in September to celebrate our anniversary. We think the party was a huge success and hope that all who came felt the same way!

Following happy hour and a delicious dinner catered by Thaibilly Kitchen, former WV-CAG director Norm Steenstra awarded Wayne and Kay Dunn with the Don Marsh Public Service Award. Wayne and Kay Dunn have supported CAG's work for over 20 years! Then, in a surprise move, the Dunns presented WV-CAG with the official deed to the Dixie St house that has served as its office since 2001. The building, financed by the Dunn Foundation was finally paid off this year!



*The Dunns present CAG Director, Gary Zuckett with the title to the CAG House on Dixie Street.*

Next, it was Norm's time to stand before the crowd as an award winner. Our Executive Director, Gary Zuckett, gave a moving tribute to Norm - his mentor and close friend. The WV Citizen Action Group Founder's Award has only been presented to one other person: David Grubb.



*A big thank you to BLUE YONDER for providing the music for this memorable event. It was great to see our members and friends out on the dance floor, cutting up the rug!*

The board and staff of WV – CAG believe that Norm Steenstra has been a shining example of all of the ideals and actions that make up the mission of CAG. Congratulations to Norm on his award!



*Gary Zuckett presents Norm Steenstra with the Founders Award.*

Before the dance floor opened up to the tunes of the talented musicians of Blue Yonder, we were fortunate enough to hear a rousing keynote speech by Fred Aszcarate, Executive Director of USAction and the founder of Jobs with Justice. Fred's message of hope for the progressive community was inspiring, but also grounded in the tough reality of what obstacles must be overcome. Thanks to Fred for making the trip from DC and for sharing his vision with us!

So many people helped to make our event a fun and meaningful one! Thanks to everyone who helped and attended and especially to our sponsors:

**Champions:**

- American Federation of Teachers – WV
- The Dunn Foundation
- Chris Green
- West Virginia Association for Justice
- Bill Weiss

**Advocates:**

- Elsie & Bill Carter
- Marge Michau
- West Virginia AFL-CIO
- West Virginians for Affordable Health Care

**Supporters:**

- Communication Workers of America – WV District 2-13
- Linda Frame & Mike Forman
- Barbara Frierson & Mike Harman
- Pepper & Nason, Attorneys at Law
- Plante & Associates, Inc.
- Ohio Valley Environmental Coalition
- Betsy Scott & Brian Thorniley
- Kathryn Stone
- West Virginia Center on Budget & Policy

**Friends:**

- Allegheny Highlands Climate Change Impacts Initiative
- Dan & Kathy Foster
- Nancy Guthrie
- Sam Hickman & Betsy Kent
- Jerry Marsh
- Connie Miller
- Paul Perfator
- Wayne Spiggle
- Mary Wimmer



## CAG and ELECTIONS

### Money Defines 2014 Elections

By Julie Archer

An email I received recently from one of our national allies probably said it best:

*"If we could pick one word to define the 2014 elections it would be: MONEY."*

Nationally, \$3.7 billion was spent on the midterm elections. This included a record amount of outside and undisclosed spending, especially in key Senate and gubernatorial races, sanctioned by the U.S. Supreme Court's *Citizens United* decision.

In the 11 most competitive U.S. Senate races alone, there was \$342 million in non-party outside spending, according to a post-election analysis by the Brennan Center for Justice. \$203 million of that total came from 'dark money' groups. As a comparison, in the 2012 elections, non-party outside spending in senate races reached \$259 million for all 33 contests.

The 2014 midterm elections were also marked by unprecedented amounts of money used to influence judicial campaigns and many states reported record spending. In state after state, justices were targeted by special interest groups focused on potential judicial outcomes and rulings on issues such as marriage equality, reproductive rights, voting rights and environmental justice.

According to an analysis by the Brennan Center for Justice and Justice at Stake, TV ad spending in state Supreme Court elections by outside groups, political parties, and candidates surged to more than \$13.8 million since January.

The surge in spending surpassed the \$12.2 million spent on TV advertising in the 2010 midterm elections. Outside groups poured almost \$5 million into TV ad buys, doubling the total from 2010. Although these efforts to unseat judges were largely unsuccessful, many of the margins of victory were close, suggesting that moneyed interests may be gaining some traction.

At the state level, candidates for the West Virginia Legislature have reported spending \$7.1 million so far, with many post-election reports yet to be submitted as of this writing. Reported third party spending reached \$2.7 million in these races this election cycle, with the bulk (88%) going to influence who would control the House of Delegates. This is a five-fold increase over 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 last midterm election. However, despite the huge amounts spent in this election, there are some positive things happening around the country, thanks to clean election advocates. These things serve as inspiration to continue our efforts to expand public financing of elections in West Virginia and improve campaign finance disclosures to make the process more transparent for voters.

Three victorious gubernatorial candidates used public financing for their races: Gov. Mark Dayton (D-Minnesota), Gov. Dan Malloy (D-Connecticut), and surprise Governor-elect Larry Hogan (R-Maryland). Hogan is the first candidate in 20 years to use Maryland's public financing system, and defeated an opponent with twice as much money.

Connecticut was the country's biggest success story when it comes to use of public financing, with a strong majority of legislative seats being filled with candidates who used public financing. Public Campaign and Every Voice found that 86% of candidates in this year's state Senate races and 83% of those in state House races who used public financing won.

In New Mexico, J. Miles Hanisee became the first judge to be elected who relied on public financing. According to the *Albuquerque Journal*, "[i]t was the first time both candidates in a contested appellate court race opted to fund their campaigns with public dollars, rather than contributions from fellow lawyers, PACs, unions, corporations or other private interests."

In Maine and Arizona, advocates are working to protect and strengthen their public financing programs, which have been in place since the late 1990s. On Election Day, Maine Citizens for Clean Elections organized an impressive effort to start gathering the signatures necessary to take a ballot measure strengthening the Maine Clean Elections Act to the voters in 2015 or 2016. Unfortunately, the Act has been weakened by recent efforts by Maine's Tea Party Governor Paul LePage and by the U.S. Supreme Court decision in the *Arizona Free Enterprise* case. Governor LePage and the Maine legislature also raided the Clean Election Fund, which resulted in decreased participation in the program and no funding being available for gubernatorial candidates in 2014.

*Sources:* the Piper Fund, post-election Money in Politics and Judicial Independence reviews; the Brennan Center for Justice, Money in Politics Newsletters and Fair Courts E-lets; Justice at Stake; the WV Secretary of State Campaign Finance Reporting System.



## CAG and ELECTIONS

### Elections Have Consequences

By Gary Zuckett

The election of 2014 was a shell-shocker. Conservatives cleaned our clocks both in Congress and in-state. Why? It's NOT because we're experiencing a lurch to the right by the majority of Americans. Let's look at this from outside the media's box of stale platitudes.

After the 2010 elections installed Republican governors and legislatures riding in on the first wave of Citizens United money, (Remember Wisconsin?). These Republicans got busy circling the wagons by using that year's census as leverage to create congressional districts that were safe for their party. These "safe" Congressional Reps didn't have to move to the center to get elected, but could court the Tea party vote in their primaries and stick to the extremes in the general elections.

#### Dark Money Ruled

The now fully mature landscape of the Bush Supreme Court's "Citizens United" and "McCutcheon" rulings left no stone unturned. And guess what? There's money under every stone!

More than 10 million was spent by outside "independent" groups to hammer the incumbent Congressman Rahall. Mooney rides into WV with carpetbags full of cash and buys himself a WV Congressional seat. One-upwomanship over the "War on Coal" didn't inspire voters to send Tennant to the Senate. Taking a page from the Democratic playbook, the "Americans for (Koch Bros.) Prosperity" also invested heavily in a door-knocking, phone calling "ground game" with unlimited resources to get out their misinformation.



#### It Was A Negative Election

In reality, voters were mostly uninspired. But those who did show up got to decide – a paltry 1/3 of the electorate in our state went to the polls. A slim majority of those - just over 1/6 of registered voters - got to determine it was time for a flip of party control in WV. This was hardly a mandate but more like a yawn. However, this "yawn" will have serious consequences for us all for the foreseeable future.

This election's ugliness, negativity and the constant barrage of TV attack ads, mailers, and internet flyers poisoned the well of our democracy. Most voters just stayed home, playing right into the hands of the dark money masters.

Many Democrats lost by running away from their core issues – the "WV Democrat" (i.e. Republican Lite) platform of "me too" - blaming the EPA/Obama for the state's employment and economic crisis didn't inspire their base to the polls and wasn't good enough for conservatives when they could just vote for real Republicans.

Does this mean our state/nation is lurching to the Right? Only if you think that 1/6 of all voters really represent the majority of our citizens. In this election, every state that had a minimum wage increase on the ballot passed it.

All four state referendums to liberalize marijuana laws got a majority vote. Florida's amendment on medical marijuana failed because it only got a measly 58% and needed 60. National polling says support on gun background checks and Immigration reform are in the 90 and 70 percentiles respectively. When voters get a say on real bread & butter issues they go for it. Does this sound like a conservative revolution? Not to us!

#### Citizen Power

We will continue to push for progressive policies, educate citizens on the need for active involvement in their government, and organize with other groups to build citizen power for real people-centered change.

Yes, we lost a historic election and yes, we face an uncertain path navigating a state legislature which will be controlled by real conservatives. Now we will see just what they are made of and what kind of WV they envision for us.



Our challenge now, as the opposition, will be to NOT let conservatives control the public narrative but to, at every opportunity, point out that "the emperor has no clothes". We will reveal the truth and consequences of the conservative agenda and how it will undercut a shared prosperity and fail working class citizens. Stay tuned!



## CAG and SORO

### Surface Owners' Rights Organization Year in Review

By Julie Archer

It's hard to believe it's been seven years since WV-CAG joined with public interest lawyer Dave McMahon and several West Virginia landowners (and many WV-CAG members) to form the WV Surface Owners' Rights Organization (WV-SORO). Looking back, of all our accomplishments, we continue to be most proud of our ongoing efforts to educate surface owners about their rights and how they can protect their land.

SORO continues to respond to phone and e-mail requests for information on an almost daily basis. We distribute copies of the Surface Owners' Guide to Oil & Gas and make other resources for both surface and mineral owners available at our website, [www.wvsoro.org](http://www.wvsoro.org), which has averaged nearly 500 visits per day over the past year.

In addition to these efforts, each of the events we helped organize in 2014 drew 50 or more people. Of these events, our August membership meeting was perhaps the most successful. The meeting was attended by 75 members from around the state and featured presentations and a panel discussion with experts on pipeline issues, as well as extensive discussion of problems related to oil and gas development and how to address them.

Overall, the feedback we received about the meeting was positive and there is interest in making it an annual event. We also co-sponsored the third Annual Wellness & Water Conference in October, which was also a success.



"Triple Divide" is an investigative documentary about impacts from fracking in the Marcellus Shale of Pennsylvania.

Starting with the first event in 2012, these gatherings have provided opportunities for members of environmental organizations, allied groups like WV-SORO and other concerned citizens to gather for networking and information sharing opportunities.

In addition to WV-SORO, co-sponsors of this event were the Doddridge County Watershed Association, the Ohio Valley Environmental Coalition, People Concerned About Chemical Safety, the WV Chapter of the Sierra Club, WV FREE, the WV Highlands Conservancy and the WV Sustainable Business Council.

We kicked this year's conference off with a concert featuring Andrew McKnight and Colleen Anderson & George Castelle to help raise money for conference scholarships. Those who couldn't be there missed a great concert. Thanks to the performers for supporting environmental justice and good time, too! And thank you to Paul Epstein for organizing the event.

The concert was followed by a day-long program focused on the threats to our water from chemical manufacturing and storage, mountaintop removal coal mining and Marcellus Shale drilling.

The program also focused on exploring measures we can take to safeguard our wellness and water with panels featuring scientists and affected residents, informational tables, open-space discussions and our featured speakers: Dr. Rahul Gupta and two Goldman Environmental Prize winners, Helen Slottje and Maria Gunnoe. For a more detailed write up on the event, see the Winter 2014-15 issue of [OVEC's Winds of Change newsletter](#).

In addition to the membership meeting and Wellness & Water Conference, we also co-sponsored four screenings of "Triple Divide," an investigative documentary about impacts from fracking in the Marcellus Shale of Pennsylvania. The documentary is the feature debut of journalists Joshua Pribanic and Melissa Troutman. These screenings were held in conjunction with a nationwide tour by the filmmakers.

The film reveals how water contamination is being covered up by the industry and the state, essentially rewriting the history of water quality in Pennsylvania by dismissing predrill tests. Meanwhile, state regulators are using compliance as a means of regulating without enforcing the law, abandoning the public in the wake of shale gas development.





## CAG and SORO

### Surface Owners' Rights Organization Year in Review, cont'd...

Other highlights of 2014 include:

- Two open pits at a problem injection well and waste disposal site in Fayette County were closed in response to an appeal by WV-SORO and other groups to the Environmental Quality Board. The pits were being used to store waste fluid and the DEP had received numerous complaints of a foul odor emanating from the pits starting in 2004. Our appeal before the EQB is ongoing. We are extremely grateful to Tom Rist of the Rist Law Firm in Fayetteville and Matt McFeeley of the Natural Resource Defense Council for their representation in the appeal.
- A much needed permit aimed at protecting West Virginia's streams from sedimentation caused by the construction of pipelines, processing facilities and other infrastructure related to Marcellus Shale gas development went into affect with limited changes. This occurred after WV-SORO, the WV Rivers Coalition and the WV Environmental Council intervened in the oil and gas industry's appeal of the original permit issued by DEP. Special thanks to attorney Brad Stephens of Morgantown for serving as our counsel in the appeal.
- SORO worked with allied groups and affected community members to win passage of a strong bill aimed at protecting our water supplies from contamination and making sure community members are included in source water protection planning, in the wake of the January 9, Freedom Industries chemical leak.



### Pipeline Update: Dominion Threatens to Sue Landowners for Survey Access

By Julie Archer

This summer, WV-SORO updated the pipeline information (available on our website) when we learned about the proposed interstate pipelines and heard that landowners were being approached by Dominion Resources, Inc. and other companies about conducting surveys on their land.

After we updated our pipeline information, we were told that landowners were getting letters citing a section of West Virginia's eminent domain law and claiming it allows surveyors to come onto people's land before an eminent domain proceeding is initiated or finished. However, even if this statute applies, eminent domain laws in West Virginia may only be exercised for a "public purpose." Being made aware of the letters did not change our advice much.

We anticipated that landowners might be sued if they denied access to the surveyors, and after learning of Dominion's plans to sue landowners our advice remains unchanged, as no court has established that the interstate pipelines proposed by Dominion or other companies are for a public purpose.

*Don't be intimidated!* If you are sued for denying surveyors access to your property, please contact me at (304) 346-5891. WV-SORO's pipeline resources can be found at <http://www.wvsoro.org/resources/advice/#pipelines>.

The Greenbrier River Watershed Association has been holding meetings around the state to provide an update on the proposed pipelines and community activities taking place in response. Lawyers from Appalachian Mountain Advocates have been participating in these meetings to discuss landowner rights and answer questions from concerned community members.

For more information or to schedule a meeting in your community, please contact Elise Keaton at 304-647-4792 or email [elise@greenbrier.org](mailto:elise@greenbrier.org).

Appalachian Mountain Advocates also has resources available for landowners at [www.appalmad.org/](http://www.appalmad.org/).

**KNOW  
YOUR  
RIGHTS!**