



2019 Member Report

Programmatic activities between January 1, 2019 – October 31, 2019

Water Policy

WV Rivers directs the **WV Water Policy Workgroup** in order to put credible policy research and analysis into the hands of policymakers and concerned citizens. Monthly meetings of the Water Policy Workgroup were held and weekly updates were provided through the legislative session.

Water Quality Standards Triennial Review

Participation in the triennial review of our state water quality standards – the standards that set limits on the amount of pollution allowed in our rivers and streams – is one of the most important activities we undertake, and no other group does it in West Virginia. During its 2019 session, the WV Legislature considered WVDEP's proposed revisions to the state's water quality standards. Even before the session started, water quality standards emerged as a hot button issue, largely due to WV Rivers' efforts to bring transparency to the need to address sorely outdated standards. Because of the action (or rather inaction) of the legislature, water quality standards remain a top priority as we head into the 2020.

Prior to the start of the 2019 session, at a meeting that was not made public, the Joint Legislative Rule-Making Review Committee adopted an amendment backed by the West Virginia Manufacturers Association to remove WVDEP's recommended updates to human health criteria, which limit the amount of toxins and cancer-causing chemicals industrial facilities can discharge into water supplies before creating unacceptable risks to human health. Updates to human health criteria were, and are, long overdue. When we were afforded the opportunity to provide our expert testimony and analysis in the next committee, the updated human health criteria were added back into the water quality standards. But the political pressure of the big chemical manufacturers came to bear. In the following committee no testimony was allowed and the updates were removed.

While the final bill did not contain updated human health criteria, it was because of the advocacy of WV Rivers' members and the research of our Water Policy Workgroup that the legislature set a hard deadline of April 2020 for the WVDEP to re-propose revised human health criteria. Between the end the legislative session and September 2019, WV Rivers and the Water Policy Workgroup prepared a proposal for WVDEP. We conducted research, technical analysis and consulted with public health experts. Our proposal outlines four recommendations that rely on sound-science to protect human health from waterborne toxins.

Highlights:

- Reviewed WVDEP's proposed revisions to water quality standards and participated in the public comment process. Submitted technical comments with 13 organizational sign-ons. Facilitated public comments through our citizen fact sheet and digital commenting tool resulting in 596 comments.
- Facilitated public engagement during the legislative process by issuing 8 alerts on opportunities for public input on water quality standards, and also issued weekly water policy updates. Results included 43,276 citizen letters to policymakers.
- Provided expert testimony to 3 legislative committees.
- Submitted technical comments to WVDEP containing 4 recommendations on human health criteria that outline the best methods to determine protective limits. At this date, we are awaiting WVDEP's response to our recommendations.

2019 Legislative Session

Beyond water quality standards, we followed nine bills and three resolutions. One of the bills that passed, HB2612, is particularly important for drinking water. It relates to the source water protection planning process and creates a staggered schedule for utilities to update source water protection plans. We hope that this change will help facilitate more public input and meaningful review by agencies, resulting in stronger plans. Another mildly bright point was the passage of SB675 to create an Adopt-A-Stream Program to promote community involvement in litter control in and around our rivers.



Some of our citizen lobbyists advocating for clean water policies at Environment Day at the Legislature.

We saw incredible public engagement throughout the session. We helped facilitate a total of **43,276 emails to legislators by citizen advocates** and **our efforts garnered 23 news stories** in media outlets throughout the state. We provided weekly updates to our supporters and partners through our Water Policy E-News, which reached an average of 1,900 people each week. Our monthly E-Newsletter featured headline stories on the legislative session and reached more than 6,200 individuals monthly.

Ohio River Restoration Campaign

Last year, we confronted extreme proposals put forth by the Ohio River Valley Sanitation Commission (ORSANCO), the multi-state governing body that currently sets controls on the amount of pollution in the Ohio River. WV Rivers' Angie Rosser was elected as the vice chair for ORSANCO's newly formed Watershed Organization Advisory Committee.

At the end of last year, ORSANCO proposed to discontinue setting uniform pollution control standards (PCS) for the Ohio River basin altogether. After we helped to lift public outcry, the commission decided it

needed more time to determine the future for PCS. In February 2019, ORSANCO chose to move forward with a modified proposal to leave the PCS intact, but implementation of the standards by Ohio River states would be voluntary. This proposal was released for public comment, and we again submitted comments. **We facilitated 773 public comments** on ORSANCO's proposal through our action alerts.

In June 2019, ORSANCO decided to leave the pollution control standards intact as we recommended, but states are not required to adopt them. In response to our concerns, the commission appointed a PCS implementation committee to come up with a protocol for ORSANCO to review permits to ensure that states are issuing permits in a manner that protect the designated uses of the river. We provided comments at the commission's October 2019 meeting on the proposed implementation procedure.

In addition to weighing in on the PCS issues, we brought forward water quality and public health concerns related to the prospect of the petrochemical buildout in the Ohio River basin, and continue to track developments closely with local and regional partners. We are analyzing WVDEP's capacity and preparation to even responsibly handle this scale and type of industrial development for the region.

Additional Notable Water Policy Highlights:

- Submitted comments to the US Fish and Wildlife Service on the Candy Darter Critical Habitat designation through the Endangered Species Act.
- Submitted comments on WVDEP's Biological Assessment Rule with 9 organizational sign-ons, provided testimony at the public hearing, and facilitated 273 public comments.
- Submitted comments in defense of the federal Clean Water Rule with 9 organizational sign-ons, and facilitated 491 public comments.

Safe Water for WV Program

Our Safe Water for WV program promotes the protection of drinking water supplies by equipping citizens to take an active role their local source water protection efforts, and to assist water utilities in implementing their source water protection plans. This past year, Safe Water for WV continued its pilot community engagement projects in three regions of the state: Buckhannon, Marlinton, and the Eastern Panhandle. We focused on strengthening community involvement in source water protection to address and prevent drinking water contamination. This July marked the three-year deadline for public water systems to update their initial source water protection plans and our efforts largely supported communities in that process.



Our field coordinator, Tanner Haid, demonstrating the connections of watersheds and drinking water sources.

Highlights:

- Provided 23 water utilities recommended updates to their Source Water Protection Plans.

- Assisted citizens within 8 targeted water utility areas with source water protection planning outreach through email action alerts and a fact sheet to prepare for community meetings.
- Participated in public meetings in Buckhannon and Marlinton.
- Co-hosted the 2019 Buckhannon Riverfest on the banks of the Buckhannon River.
- Presented at the Rural Agriculture Defenders Water Symposium.
- Participated in two county fairs reaching approximately 3,000 visitors.
- Assisted partners in Marlinton in developing community source water protection education park at a vacant lot along the Greenbrier River Trail.

Enforcement and Regulatory Oversight of Shale Gas Development

The discovery of the deep shale gas in West Virginia is transforming rural landscapes into a network of well pads, compressor stations, and now massive transmission pipelines. Through the year, we focused our efforts on pipeline permit reviews and compliance monitoring. Three large pipelines – the Mountain Valley, the Atlantic Coast, and the Mountaineer XPress are set to cross West Virginia’s streams over 500 times. To mobilize citizen oversight of construction compliance, we implemented a new Pipeline Visual Assessment Program, which trains volunteers to visually detect and report water quality impacts resulting from natural gas pipelines, with no special equipment required.

Technical Assistance and Citizen Engagement in Regulatory Processes

We facilitated citizen input to agencies tasked with approval and enforcement of shale gas and other industrial development. We focused our comments on deficiencies in the regulatory process and permits, as well as making sure public input is considered. We created fact sheets and made the public aware of opportunities to participate in permitting processes. A new facet of this work involved reviewing and commenting on violation agreements, called consent orders, that set terms between regulatory agencies and pipeline companies for financial penalties. Like other technical comments, we collected partner organization sign-ons and facilitated public commenting.

Highlights:

- Provided technical comments on 7 shale gas related permits and consent orders, with a total of 92 organizational sign-ons.
- Facilitated 1,536 public comments on shale gas related permits through 5 WV Rivers’ action alerts.
- Provided technical assistance to 9 organizational partners on shale gas development.
- Submitted technical comments on proposed permits for 3 industrial facilities.



Volunteers learning how to identify bugs that tell us about stream health at one of our monitoring trainings.

Volunteer Water Quality Monitoring

Since developing our volunteer water quality monitoring program in 2012, we successfully responded to shifts in

programmatic needs. We've developed new monitoring protocols and innovative methods to equip more citizen scientists with the tools they need to identify and report water quality violations. One of key reasons for the success of this program is the partnerships we have developed. These partnerships include Trout Unlimited, our partner in the traditional physical and chemical monitoring program; Ohio Valley Environmental Coalition, our key partner in monitoring the Mountaineer Xpress Pipeline; Pipeline CSI, an important partner in our monitoring of the Atlantic Coast Pipeline; and Mountain Valley Watch, our partner for the Mountain Valley Pipeline.



We took legislators on a field tour to meet landowners impacted by pipeline construction in Summers County, WV.

Highlights:

- Hosted 2 benthic macroinvertebrate assessment trainings in partnership with the WVDEP.
- Supported 185 volunteer water quality monitors who monitor at 552 locations.
- Hosted 3 online trainings for volunteers in our visual assessment program.
- Submitted 77 visual assessment reports to WVDEP.
- Supported volunteers in a three-day “VioBlitz” (violation blitz) to identify water quality violations along the Mountain Valley Pipeline, 57 potential violations were reported to the WVDEP.
- Produced a report with lessons learned from a year of active pipeline construction, with our partner Trout Unlimited, for regulators and policymakers: <https://wvrivers.org/resources/publications/>
- Co-hosted a tour of pipeline construction for legislators with Indian Creek Watershed Association. Following the tour, we held a community forum with 50 community members and 5 state legislators in attendance.

Headwaters and Public Lands Protection

West Virginians for Public Lands

Advocating for public lands to protect our water and provide outstanding outdoor recreation opportunities is an important aspect of our mission. A central part of our public lands programming is coordination of the West Virginians for Public Lands (WVPL) campaign. WVPL is a broad alliance of 46 organizations, 87 businesses, and hundreds of individuals, working together to defend our public lands and waters. Policy priorities of WVPL this project period included permanent authorization and full funding for the Land and Water Conservation Fund (LWCF); public education on federal cabinet appointees and policies; and information gathering and public education on the proposed re-designation on the New River Gorge National River to the New River Gorge Park and Preserve.



WVPL Business Alliance member speaks at a public hearing on the proposed New River Gorge Park & Preserve.

Highlights:

- Coordinated the WVPL alliance, including: an in-person meeting of alliance members; bi-weekly campaign calls with partners; WVPL subcommittee calls to discuss the West Virginia legislative session and proactive management policies for the Monongahela National Forest. Gained 57 individuals, 4 organizations and 3 business as new WVPL members.
- Coordinated communication on public concerns on the nomination on David Bernhardt as Secretary of the Interior, including a business sign-on letter to Senator Manchin with 12 signatories and an op-ed by a well-known business owner. Facilitated 73 citizen letters voicing concerns on Bernhardt's nomination.
- Facilitated 938 public comments on the Trump Administration's proposed revisions to the National Environmental Policy Act that would cut out public transparency and input on National Forest projects and management decisions.
- Facilitated 432 public comments and publication of 6 media stories and 2 guest columns supporting the reauthorization and funding of the Land & Water Conservation Fund that has benefited 54 of 55 WV counties. Senator Manchin introduced a bill to ensure full, dedicated permanent funding.
- Collected questions from 40 community members on the New River Gorge Park & Preserve designation change. We submitted the questions to Senators Manchin and Capito and attended a public hearing on the proposal.
- Hosted an event on National Public Lands Day, September 28, at Little Beaver State Park to promote public lands stewardship and advocate for LWCF full funding.
- Facilitated 22 meetings with congressional members and/or staff on public lands issues.

Climate Action Campaign

This year, we launched a new campaign as part of our headwaters protection programming – organizing for action on climate. West Virginia’s headwater streams are especially vulnerable to the effects of climate change, like flooding and increased temperature. Through this campaign, we are providing public education and resources on the realities of climate change, and the need for West Virginia’s leadership to take action.

Highlights:

- Launched a climate change advocacy campaign urging Senator Manchin to lead federal action on climate as the Ranking Member on the Senate Energy & Natural Resources Committee. Facilitated a total of 920 individual grassroots actions (postcards, letters, emails) from West Virginian and 91 actions from organizational and/or constituency leaders urging the Senator to act on climate.
- Garnered 11 non-opinion media hits and placed 6 opinion pieces in news outlets across the state.
- Facilitated 8 visits with West Virginia’s congressional delegation on the need to act on climate.
- Initiated plans to partner with Mid-Ohio Valley Climate Action to support a youth outreach event.



WV Rivers Executive Director Angie Rosser led the crowd at a Charleston climate rally in phone calls to Senators Manchin and Capito urging them to “Act on Climate!”

Citizen Engagement in Clean Water Advocacy

Last year, we witnessed the incredible public participation in the defeat of a bill that would have allowed logging in our state parks. Going into the 2019 legislative session, we knew we had to work hard keep the momentum going without such a high profile and easily understandable bill to rally citizen advocates. Water quality standards are highly technical, but they are one of the most important facets of our work that no other organization is taking on. We were challenged to create outreach materials that the public and the legislature could understand and motivate them to act, while remaining rooted in sound-science. We succeeded on both fronts. Not only did we keep citizen advocates engaged, **we had 394 more people take action in 2019 than in 2018**. Clearly, we are moving in the right direction and effectively expanding the movement for clean water and environmental justice in West Virginia.

So far this year, **we’ve facilitated 46,582 citizen actions** through postcards, letters, and digital campaigns. Through our digital advocacy tool, **we facilitated 110% more actions than the previous year**.

We offered supporters **21 diverse advocacy campaigns, a 50% increase from last year**. We submitted technical comments on 14 permits, policies, and consent orders. Reviewing the permits and commenting on local industrial permits were once activities outside our capacity. In 2019, we provided local communities across the state with fact sheets and digital advocacy campaigns to help them comment on proposed industrial facilities that pose threats to our water resources.