



WEST VIRGINIA RIVERS

2022 Legislative Priorities

Water Quality Standards

Objective 1: Update human health protections in water pollution limits.

Some of the human health criteria in our state's water quality standards have not been updated in over 30 years. These criteria involve toxins most harmful to human health, and the standards direct the limits on discharging the amounts of these toxins into our water supplies. Many of the toxins are associated with the petrochemical industry, which has shown that it wants to maintain the status quo. But there is better science that says West Virginia needs to update its standards to adequately protect human health. Since 2017, we have been leading the charge against industry forces to get these updates adopted. We know the rule involving updates for 35 criteria will be before the WV Legislature in 2022. We will need to mount a strong show of force from citizens demanding public health interests be placed above industry's profit interests.

Objective 2: Defeat proposed industry loophole that would allow for weakened standards.

A proposed change to water quality standards pushed by the petrochemical industry is to establish a process for the industry to petition the state agency for a site-specific human health criteria that would result in increased toxic discharges by a single petitioning facility, or industry could petition for the exception to be applied statewide. The process is designed as a fast-track to weaken standards. It subverts the traditional process established by the Clean Water Act for revising standards that allows for thorough public notice and comment. It favors industries who can afford to commission their own studies and legal team. As written, it only gives the agency and public 45 days to respond. It cuts out legislative review of the changes. We will mount a public education and media campaign to expose this effort to short-circuit the public process and oppose this measure in the 2021 rule-making and 2022 legislative sessions.

Oil & Gas Oversight

Objective 1: Defeat proposed oil and gas industry exemptions.

We expect a return attempt to exempt oil and gas tanks from the state's Aboveground Storage Tank Act. The bill extends the exemption even to tanks closest to public drinking water supplies. We were remarkably successful defeating this bill last session. This time the attempt will be more subversive. We discovered through FOIA requests that the exemption will likely be driven by a rule change (instead of statutory change) originated by a legislative rule-making committee. We have questions of the legality of this approach, which excludes the rule-making agency's involvement as typically required for rule-making revisions. We will need to bring in legal expertise and support in addition to another all-out effort to mobilize a response that combines scientific, cost, and human health analysis involved in the risks of the exemption.

Conserving and Restoring West Virginia's Exceptional Rivers and Streams

Objective 2: Establish adequate regulatory oversight and accountability.

We will drive for policy that restores and adequately funds state oversight of polluting industries, particularly in the Office of Oil and Gas. Beginning in 2019, that office has had a 60% reduction in force due to chronic budget deficits. Revenue to support industry is almost solely reliant on a one-time well drilling permit fee. This fee structure the industry lobby supports is not sufficient or sustainable, and it undercuts the state's ability to enforce environmental laws. We will expose this reality, bring impacted citizen voices into the forefront, and hold the Governor and the Legislature accountable for investing in adequate oversight of the industry. Specifically, we will promote a bill to establish an annual registration fee for oil and gas wells.

Coal Community Transition Support

Objective 1: Engage with the Coal Communities Workgroup's efforts to shape community-informed legislative action for transition support.

The Coal Communities Workgroup was established by the House of Delegates in 2021 to develop policy recommendations to help revitalize West Virginia's coal communities impacted by the clean energy transition. The workgroup's goal is to go into communities and talk with local residents as well as local community and business leaders, to determine what our coal communities specifically need to succeed. This workgroup and listening tour are outcomes of our efforts over the past two years to advance just transition legislation in West Virginia. We are currently trying to raise funds to support a video team to document citizen input provided during the Fall 2021 listening tour. It is an important opportunity to elevate local West Virginia voices embedded in impacted communities to build momentum from the ground up for meaningful transition policies and support during the 2022 legislative session.

Objective 2: Promote policies that accelerate clean energy development.

Hand-in-hand with measures to support workers and communities most impacted by energy transitions, we will work with legislative champions on advancing legislation for the expansion of clean energy in West Virginia as a job-creation and economic diversification strategy. Bills we are working on involve allowing for large electricity uses to access solar on abandoned mine lands, and redeveloping coal power plant sites into clean energy production sites. Additionally, we will work to see that the state policy field is ready to maximize opportunities for economic and clean energy development as federal policies and investments are passed and put into motion.