

THE HIGHLANDS

V 26506

V 26506

V 26506

Periodicals, Main Library

NON-PROFIT ORG. U.S. POSTAGE PAID PERMIT NO. 2831 CHAS. WV 25301

Library West Virginia University

Published monthly by the W.Va. Highlands Conservancy

VOL. 19 NO. 7 JULY 1986

# Settlement proposed in Coopers lawsuit

#### Agreement offered, WVHC and climbing groups examine its provisions

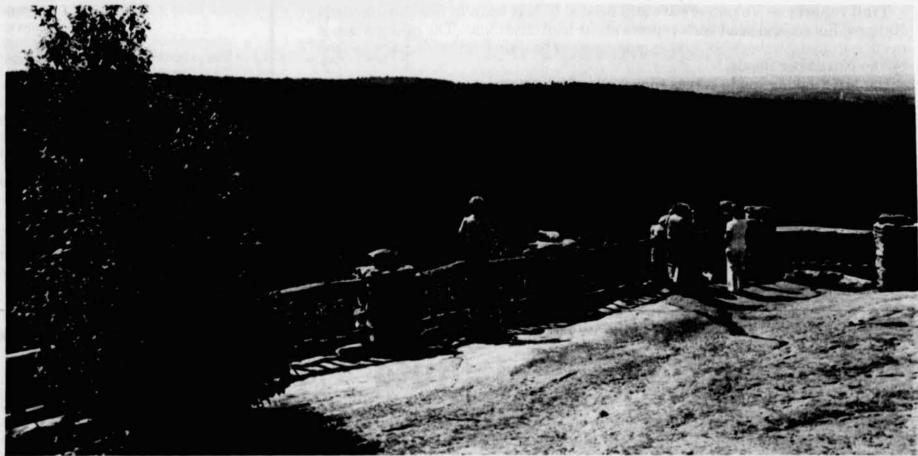
The Coopers Rock climbing ban lawsuit may be resolved this summer if a settlement agreement offered by the state Department of Commerce is accepted.

The Conservancy filed suit against the Department of Natural Resources in early 1985 when DNR officials refused to rescind a ban on rockclimbing at Coopers Rock State Forest. Imposed in early 1984, the ban prohibited technical rockclimbing and rapelling at the state forest, one of the most popular areas for this sport in the state.

After jurisdiction for state recreation areas moved from the DNR to the Department of Commerce, the Department of Commerce offered a settlement agreement to resolve the issues involved in the lawsuit proceedings.

In the agreement, the Department of Commerce agrees not to enforce any policy totally banning rockclimbing in all areas of Coopers Rock for two years, provided that the department has the authority to designate the areas in which rockclimbing is permitted.

During the two year period the department would allow rockclimbing on a trial basis while a study is made of the conduct and manageability of the activities. Areas where rockclimbing would be permitted will be clearly marked and efforts will be made to restrict the size and number



Visitors use the overlook at Coopers Rock State Forest to view the Cheat River Canyon.

In return for this partial lifting of the climbing ban at the forest, the plaintiffs in the case (WVHC, Pittsburgh Council of American Youth Hostels, Explorers Club of Pittsburgh, and the Pittsburgh Climbers) would agree to several conditions set out in the proposed settlement agreement

These include acknowledging that

Coopers Rock is public land maintained for the benefit of all West Virginians; that the forest may be used in different ways, some of which may compete; that the primary use of the overlook is to provide an unrestricted view of the Cheat River canyon; and that rockclimbing at the overlook conflicts with this primary use.

The plaintiffs also would acknowledge that rockclimbing en-

Photo courtesy of GOECD.

dangers the habitat of the flat-spired three-toothed land snail; that it is a hazardous activity; that the Department of Commerce has the prerogative to accommodate competing interests in the forest; and that the department has the sole discretion to determine the most appropriate manner for administration,

(See Settlement, Page 3)

# manner THE VIEW

By George Houghton Huppman

The day broke gray and cool. Last night's brilliant fields of stars were replaced by a threatening overcast. We quickly began to break camp in an effort to keep our equipment dry. After a relatively simple breakfast of scrambled eggs cooked on my backpacking stove, we were folding up the tent when the sky began to drizzle, or more accurately, to mist. It was then that we noticed the treetops surrounding the perimeter of this mountainside meadow in West Virginia were not visible — at 3,000 feet we were inside a cloud.

With my Jansport D4 pack strapped on tightly, we descended out of the meadow, into the forest and down the slope to Red Creek. Last fall's record breaking floods had drastically altered the look of the rocky stream bed, one bank being so eroded that it was now a 20 foot cliff. Still, the sight of this remote mountain stream flowing downhill under a canopy of beech, maple and birch held our gaze for

several silent minutes. We chose the quickest way across, a fallen beech from the opposite side leaned against the top of the high bank we stood on. Stepping carefully down the narrow trunk with the rushing creek uncomfortably far below and 40 pounds of gear on our backs got our adrenalin going.

We were ready for the steep hike up the Boars Nest trail to the Flatrock Plains. The topo map showed the low point of this trail where it crossed the creek to be about 2,900 feet. When we finished our ascent in three miles, we would be at 4,600 feet. That altitude gain would be the equivalent of climbing up almost six football fields stacked vertically end to end.

We passed the small brook on our right from which we had filled our canteens the night before — a pretty little unnamed tributary to Red Creek with clear sweet water flowing under moss-covered rocks (notable in an area where many

streams are darkened by tannic acid from the trees). Since that brook ran parallel to the trail it would be with us for a while. We started at a fast pace, taking long strides in an effort to put the trail behind us as quickly as possible. The dark clouds began to rain in earnest, dropping sheets of water on the tall forest canopy. We paused to put on our pack covers, deciding against putting on slickers we preferred to be "water cooled." To distract ourselves from the increasingly steep climb, we talked. I told my companion Rob Williams how he had snored loudly last night in the tent, and how I had silenced him several times by jabbing my knee into his back. He replied that he had never been told he snored before, and added (with a grin) that what I had heard was probably a black bear grunting outside the tent. In a few minutes conversation became an effort, interfering with our lungs laboring for oxygen.

(See View, Page 3)

## **Help Wanted** WVHC projects in need of volunteers

River Conservation - Volunteers are sought to serve on the WVHC River Conservation Committee and work on a variety of issues, including:

1) state management plan for protection of the Greenbrier River,

2) Congressional designation of the Gauley River Canyon as a National Recreation Area, and

3) proposals for Corps of Engineers' dams and other flood control projects on the Greenbrier and Cheat Rivers.

Interested individuals should contact committee chair Ann Gentry as noted in the roster. WVHC 20th Anniversary - The Conservancy's 20th Anniversary is coming

up in 1987 and volunteers are requested to assist in planning a celebration. The Conservancy was informally organized in 1965 but the first Board of

Directors and membership system was established in January 1967. Interested individual members should contact Conservancy President Larry George at the address noted in the roster.

Hawks Nest - Elkem Corporation has filed a license application for the Hawks Nest hydropower tunnel project. Conservancy volunteers are requested to help review and analyze this license application.

Interested individuals should contact Conservancy President Larry George at the address noted in the roster.

Trail reports - Volunteers are still needed to hike trails in the Monongahela National Forest and send back reports about trail conditions. The information is needed to update the MNF hiking guide and to provide data on damage caused by the November floods.

The MNF hiking guide serves thousands of hikers and is an important source

of operating funds for the West Virginia Highlands Conservancy.

For information on how you can help, contact Publications Committee chair Skip Deegans as noted in the roster.

Voice contributors — Volunteers needed to clip articles on environmental news from local newspapers for use on the Voice's News Briefs page. Be sure to include the name of the newspaper and the date.

Also needed are volunteers to write stories and take photographs for the

paper. All contributions are welcome.

Send material to Editor Deborah Smith at 914 11th Street, Huntington, WV 25701.

## Nature, recreational programs offered by Oglebay Institute

A backpacking camp, summer wildflower weekend and a fall mushroom weekend are among the many activities offered this year by the Oglebay Institute.

In addition to these special activities, the Institute is host to an exhibit entitled "A taste of West Virginia." Both native-born West Virginians and visitors will enjoy this exhibit which opened June 20 at the A.B. Brooks Nature Center in Oglebay Park.

The theme for the summer-long exhibit is "Colorful West Virginia." It ex-

plores the natural beauty, customs and folk art of the state.

The exhibit is open daily from 9 a.m. to 5 p.m. (noon to 5 p.m. on Sundays) and admission is 75 cents for adults and 50 cents for children under 13.

The Oglebay Institute is also sponsoring NatureQuest Day Camp for children 7 to 10 years old. The Day Camp runs in weekly sessions through July and the first two weeks of August.

NatureQuest features National Wildlife Federation Environmental Education programs. Activities include salamander and pond study, bird watching, tree identification, stream search, insect adventures, watermelon hunts and

Cost of the camp is \$30 per week for Institute members and \$35 per week for

non-members.

For adults, the Institute is sponsoring a backpacking camp from July 13-19. The program teaches practical skills such as choosing and using equipment, trail clothing and boots, packing a pack, putting up a shelter and planning trail meals.

Groups of eight hikers and two leaders leave base camp at Oglebay Institute Terra Alta Mountain Camp and backpack in one of West Virginia's largest wilderness areas.

The camp staff consists of experienced backpackers knowledgeable in the technique of hiking with minimal impact on the land.

In August, the Terra Alta Mountain Camp will be host to a wildflower weekend. Allison Cusick, a premier botanist, will lead the foray into the West Virginia countryside to help identify and discuss the summer wildflowers.

The wildflower weekend will be August 22-24 when the summer flowers are in full bloom.

Finally, in September, the Oglebay Institute will sponsor a mushroom weekend at the Terra Alta Mountain Camp. This weekend will feature field trips to collect and study mushrooms, displays of identified mushrooms, slide programs and discussions of edible mushrooms.

Leaders for the September 5-7 weekend include prominent mycologists and naturalists from the Oglebay Institute.

For more information on any of these programs sponsored by the Oglebay Institute, contact Oglebay Institute, Oglebay Park, Wheeling, WV 26003.

### Roster of Officers, **Board Members & Committee Chairs**

**BOARD OF DIRECTORS** 

President: Larry W. George 1033 Quarrier St., Suite 715, Charleston, WV 25301 (346-3705) Senior Vice President: Tom Michael

Rt. 2, Box 217, Lost Creek, WV 26385 (623-3447) Vice President for State Affairs: Perry Bryant 1324 Virginia St., E., Charleston, WV (346-5891 W) Secretary: Lois Rosier

1632 Otlahurst Dr., Fairmont, WV 26554 (363-1895)

Treasurer: David Elkinton Rt. 5, Box 228-A, Morgantown, WV 26505 (296-0565)

Past President: Jeannetta Petras

Rt. 7, Box 573-D, Fairmont, WV 26554 (534-5595) Vice President for Federal Affairs: Bill Wilcox 9313 Mill Branch Place, Fairfax, VA 22031 (703-273-9359)

> DIRECTORS-AT-LARGE (Terms expire October of 1986)

William P. McNeel: 1118 Second Ave., Marlinton, WV 24954 (799-4369) Cindy Rank: Rt. 1 Box 227, Rock Cave, WV 26234 (924-5802) Ray Ratliff: 1206 Virginia St., East, Charleston, WV 25301 (344-2437) Paul Brant: P.O. Box 1842 Princeton, WV 24740 (487-1405 W) John McFerrin: 1105 Tinder Ave., Charleston, WV 25302 (345-5646)

> DIRECTORS-AT-LARGE (Terms expire October of 1987)

Geoff Green: Rt. 1 Box 79-A, Burlington, WV 26710 (289-3565) Sayre Rodman: 32 Crystal Drive, Oakmont PA 15139 (412-828-8983) Skip Deegans: Box 564, Lewisburg, WV 24901 (645-6028) John Purbaugh: Box 2502, Dudden Fork, Kenna, WV 25248 Jim VanGundy: 240 Boundary Ave., Elkins, WV 26241

**ORGANIZATIONAL DIRECTORS** 

KANAWHA TRAIL CLUB: Charles Carlson Box 131, Charleston, WV 25321 (343-2056) NATIONAL SPELEOGICAL SOCIETY: Virginia Region: Sara Corrie 501 Ridgewood Road, Huntington, WV 25701 (523-2094) POTOMAC APPALACHIAN TRAIL CLUB: Jeannette Fitzwilliams 13 W. Maple Street, Alexandria, VA 22301 (703-584-7490)

PITTSBURGH CLIMBERS: Jean Rodman 32 Crystal Drive, Oakmont, PA 15139 (412-828-8983) W.VA. COUNCIL OF TROUT UNLIMITED: Don Brannon

P.O. Box 38, Charlton Heights, WV 25040 (779-2476) W.VA. MOUNTAIN STREAM MONITORS PROJECT: Milton Zelermyer 20 Arlington Ct., Charleston, WV 25301 (342-2996)

KANAWHA VALLEY CHAPTER TROUT UNLIMITED: Jim Stout P.O. Box 5189, Charleston, WV 25311 (755-9576) **BROOKS BIRD CLUB: Mary Moore Rieffenberger** 

Rt. 1 Box 523, Elkins, WV 26241 (636-4559) KYOVA CHAPTER TROUT UNLIMITED: Frank Akers 1601 Sycamore St., Kenova WV 25530 (453-1494) LEAGUE OF WOMEN VOTERS OF WEST VIRGINIA: Anne Romance Rt. 1 Box 150 F, Bristol WV 26332 (783-5271)

**COMMITTEE CHAIRS** WVHC ENDOWMENT FUND: Larry W. George 1033 Quarrier St., Suite 715, Charleston, WV 25301 (346-3705)

CANAAN VALLEY COMMITTEE: Linda Cooper Elkinton Rt. 5, Box 228A, Morgantown, WV 26505 (296-0565) HIGHWAY COMMITTEE: Jim Stout

P.O. Box 5189, Charleston, WV 25311 (755-9576) ANCE COMMITTEE: Tom Michael

Rt. 2 Box 217, Lost Creek WV 26385 (623-3447) MINING COMMITTEE: John McFerrin

1105 Tinder Ave., Charleston, WV 25302 (355-5646) PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman 32 Crystal Drive, Oakmont, PA 15139 (412-828-8983) RIVER CONSERVATION COMMITTEE: Ann Gentry

6440-A Starlite Dr., Sissionville, WV 25320 (988-1109) **EVENTS COMMITTEE: John Purbaugh** Box 2502 Dudden Fork, Kenna, WV, 25248 (988-9024) PUBLICATIONS COMMITTEE: W.E. "Skip" Deegans

Box 564, Lewisburg, WV 24901 (645-1656) MEMBERSHIP DEVELOPMENT COMMITTEE: Milton Zelermyer 20 Arlington Ct., Charleston, WV 25301 (342-2996) **ADMINISTRATIVE OFFICES** 

Adrienne Worthy, Membership Secretary Suite 201, 1206 Virginia Street, East Charleston, WV 25301

Deborah Smith, Voice Editor 914 11th Street Huntington, WV 25701 (304) 525-3151



# Hikers

We need trail reports to update hiking guide

If you're willing and able to help contact: Skip Deegans, Box 564, Lewisburg, WV 24901

#### The View (continued from page 1)

The unnamed mountain brook had dropped away, out of sight, but its distant rushing noise was still audible. At the first switchback we stopped, and relieved ourselves of the increasingly heavy packs. After hiking uphill for an hour with a 40 pound burden on your back, when it is removed you feel as if you are suddenly walking in a low gravity environment. With your body pitched forward and every step feeling like a jump it is very much like walking on the moon. There is an old stone framed spring about 10 yards up an ancient logging road that intersects the switchback. I dipped my stainless steel cup into the spring. The water was so cold that it immediately formed condensation droplets on the outside of the cup. So cold that it was amazing to think this water was naturally refrigerated in the depths of the earth.

We continued up the trail, coming to another switchback, then another. The shrinking size of the trees told us of our increasing altitude. While no true above-treeline environments exist south of the White Mountains of New Hampshire, in West Virginia you can approach such conditions. We came upon an area where the sloping floor of the forest was covered with acres of hay-scented ferns. From a short distance it resembled a well-

manicured pale green lawn beneath the trees.

Eventually we reached the plateau known as Flatrock Plains. By now the rain had ceased, giving way to occasional bursts of sunlight through the cloud cover. We took time out for lunch — canned chunks of chicken on whole wheat bread, followed by handfuls of M&Ms and gulps of still cold spring water.

Anxious for "The View" we donned our backpacks and traversed the plateau, our pace quickened by anticipation. We came to Forest Road 70 and crossed it, following an old logging road that probably hadn't been used in this century. Up, up, up we went, crawling under fallen trees, our bare legs being scratched by young spruces, till we came to the gas pipe swath. It looks more like a fire road — the pipe is buried several feet beneath the surface — that runs the length of the backbone of the ridge.

We were approaching the maximum altitude of our trip. On top of the ridge (known as the Roaring Plains, I assume because of the everpresent mountain winds), there are no real trees, just shrubs and grasses. Wild azaleas were everywhere, covered with their pink blossoms. There were so many that the air was full of their mild sweet scent. My altimeter read 4,600 feet, close to a mile high. Up

there the atmosphere is thinner (for one used to living at sea level) resulting in subtle changes in the way sound carries, even in the quality of light. That, combined with its remoteness, makes it a different world. At its highest point, the backbone of the ridge levels off for 300 yards.

We continued on, now downhill, for another quarter mile till we came to an abrupt drop-off, where the ridge simply ended and "The View" presented itself. Here upon a pile of boulders from the gas pipe excavation, we commanded a view of one of Mother Nature's most spectacular panoramas in eastern North America. Three thousand feet below curves the North Fork of the South Branch of the Potomac River. Beyond rises green pasture-covered Smith Mountain (with tiny specks that are cattle). The giant North Fork Ridge extends into the distance to the horizon (almost 30 miles in length). The famous Seneca Rocks are clearly visible even on this partly sunny afternoon, along with the whole Spruce Knob area.

There is something exhilarating to the spirit in this wide view of the world. We sat for hours, taking it in. Through binoculars I watched hawks soaring below me, gliding on the updrafts, climbing till they were out of sight.

# Opinion-Opinio

#### By John Purbaugh

The new scout troop at the state capitol was discussing its newest project recently:

"Scouts" said scoutmaster John McFusskey, "we've got a big job to do. Each of you will be assigned to the head office of a state agency. You will stay with the Commissioner, or Director, or whoever at all times. Each of them is a former scout, so your presence will be welcome."

"But sir, what do we do?" piped up Joey Casto, a runty kid who wore jeans instead of regulation olive drab shorts, knee socks and garters.

"DO?" McFusskey roared. "What you DO is run the damn place for the summer. In your case, Casto, you're to report to the Solid Waste Authority. Anyone else have questions before I'm finished? Good. Here's a packet of instructions for each of you."

Bill Poorman was ecstatic because he'd been assigned to the highways commissioner. "I'll bet I get to fire all the democrats, just like they did to us eight years ago," he whispered to his best friend, Bob White.

"I don't know," Bob said. "You'd better read your instructions. I think that's illegal."

"A commissioner doesn't READ anything, he receives briefings from his division heads," Poorman said, already imagining the fleet of new blue and white steam shovels, graders and bulldozers at his command in the sandbox. "I've always wanted to straighten out those kinks in the Ohio River."

Bob White's instructions for his assignments to the Director of the Department of Natural Resources were so short he asked scoutmaster McFusskey if a page was missing.

"Sir, all my instructions say are to render all assistance to the Director necessary to ensure coordination with the Chief Executive. What does that mean? Can't I enforce the water pollution laws by flying around in the state helicopter, or crawl into bear dens with the wildlife biologists or dress up in moon suits and visit chemical wastelands like everyone else at DNR?" he whined.

"That's all my instructions say too," offered Kenny Crumpler, who'd been tapped for the important post of ethics counsel at the Department of Energy

McFusskey explained "The people of this great and sovereign state

elected the Chief Executive to exercise His unspecified but nevertheless vast powers as necessary to move the rusted engine of our economy across the plain of progress and over the heights of prosperity."

"Then why does he need scouts to help run the state agencies?" Crumpler asked.

"Let me read you his executive order on that point," the scoutmaster said.

"Certain identities external to the executive branch have converged on the various entities and agencies of state government in an attempt to get the various directors and commissioners to do the bidding of their special interest."

"Oh, you mean the nuts who want to implement property reappraisal, open halfway houses for state hospital inmates, fix up the penitentiary, enforce mine safety, and regulate the disposal of chemicals in landfills," Crumpler said.

"Them and more," McFusskey said. "Why we have reports of agency heads who want to hire clerks and inspectors without His prior approval just because the positions are in their budget. Luckily, no one can get hired

or paid without my signature, so I make sure to send everything upstairs first."

"What can we do to help," asked Crumpler, filled with the zeal of the true believer.

"Why you can do what scouts do best," McFusskey explained. "Whenever any, and I mean ANY decision is about to be made by your director or commissioner, you take him firmly by the hand and lead him safely across Washington Street to the Office of the chief executive. Deposit him in either the office of the governor's assistant or his counsel, whichever has a vacant seat in the waiting room. Then come down to my basement office and amuse yourself in the new video arcade until the decision has been made and the commissioner needs to be helped back across the street. Any questions?"

"Sir, why have we been chosen for this awesome and important task?" Crumpler asked.

"Because the Chief Executive and I believe that it is never too early to start training young people to become the future leaders of our state," McFusskey said.

#### Settlement (continued from page 1)

management and use of the forest.

Finally, the proposed agreement asks the plaintiffs to agree that the Department of Commerce has the discretion to designate or restrict areas of state forests for various uses and may exercise this discretion without resorting to formal rule-making procedures concerning such restrictions.

Members of the organization involved in the litigation are now considering the provisions of this agreement. Numerous problems with the agreement have been pointed out by interested parties.

The major objection by the climbing groups is to the clause which gives the department complete authority to make rules without public input. The lawsuit's main thrust was to protect the public's right to review and comment on proposed rules.

Objections by the parties to the suit will be brought before the Conservancy's board which will decide whether to accept the agreement. Ray Ratliff, lawyer for the Conservancy, said in June that it was unclear whether there is a common ground for settlement discussion.

#### Summer board meeting plans changed

The West Virginia Highlands Conservancy Board of Directors will meet at 9 a.m. July 27 at The Current, near Hillsboro. The meeting location was incorrectly reported in the June **Voice**.

Lodging and meals will be available at The Current. Reservations should be made directly with Leslee McCarty at (304)653-4722.

Several activities and meetings are planned for Saturday. Skip Deegans, chair of the Publications Committee, is requesting members to hike trails in the Monongahela National Forest and prepare reports to use in revising the hiking guide. Those interested should contact Skip at 645-6028 for trail assignments.

Saturday evening, the River Conservation Committee will meet with Pocahontas County residents regarding protected status for the Greenbrier River and the proposed Greenbrier Dam. Contact committee chair Ann Gentry for more information.

The Finance and Nominating committees will also meet Saturday evening. The Finance Committee will review the Conservancy's financial plan and membership development activities and prepare a report for the Board of Directors.

The Nominating Committee will begin preparations for the annual elections in October.

For more information contact President Larry George as noted in the roster.

JOIN WVHC TODAY

## NEWS BRIEFS

(Editor's note: Each month I publish a News Briefs page summarizing relevant news stories from newspapers around the state. It is hard, however, for one person (me) to have access to all the different papers. Therefore, help is needed!!! If you regularly read a local newspaper, including the Charleston ones, and would be willing to clip out articles about environmental issues or other topics of interest to Conservancy members I would like to hear from you.

Please send any contributions or questions to me at the address listed in the roster. Be sure to write the date and name of the newspaper on the clipping. Thanks!!!)

#### Flood debris cleared from Corps lakes

Driftwood and other debris left in West Virginia lakes by last November's record-setting flood are gradually being removed by the Corps of Engineers and its contractors.

A major clean-up effort began in June, although debris had already been removed from some of the lakes.

Corps officials say Summersville Lake in Nicholas County has the most debris, followed by Sutton Lake. The water storage level at Sutton reached an all-time high during the flood.

Sutton Lake has a very large drainage area, parts of which are heavily timbered. This accounts for the large amounts of driftwood and debris clogging the lake.

Boaters are advised to use caution at Sutton, particularly in the area near the dam.

Bluestone Lake, with the largest drainage area of any state reservoir, has historically had the worst debris problems. Corps officials said, however, that a new barge crane which has been stationed on the lake for three years has been effective in keeping Bluestone clean.

-reported in The Charleston Gazette

#### FS plans to repair Seneca Rocks complex

Forest Service officials at the Monongahela National Forest headquarters in Elkins have made plans to rehabilitate the flood damaged Seneca Rocks Visitors Center complex.

The plan calls for building a swinging bridge over North Fork River east of the visitors center, abandoning the Sites Park except for the parking lot, closing the Roy Gap area, scaling the picnic area down to 15 units and establishing a 30-40 unit tent-only campground.

In addition, a flood interpretive trail will be constructed in the flooded areas to replace the old nature trail.

The visitor center and grounds will be repaired to approximate former standards, according to the plan.

The plan is available for public review in the forest supervisor's office in Elkins.

-reported in The Charleston Gazette, 6/14/86

### Sulfur dioxide reduction rule proposed

New rules to force operators of certain industrial boilers to reduce emissions of sulfur dioxide were proposed by the federal Environmental Protection Agency in June.

New or modified steam generating units larger than 29 magawatts would be reduced by 90 percent. A 50 percent reduction in emissions from boilers using anti-pollution devices also would be required.

EPA officials believe that the new rules will significantly reduce sulfur dioxide emissions from new industrial boilers.

The proposal was issued by EPA under an order from a U.S. District Court which directed the agency to propose standards for emissions by June 1 and to adopt the new standards by November 1, 1987.

Although the proposal is aimed mainly at industrial boilers, it also will involve some units used commercially or by utilities.

Sulfur dioxide is considered by many experts to be a prime ingredient in acid rain.

-reported in The Charleston Gazette, 6/3/86

# JULY 30

Send contributions to Deborah Smith See address in roster

#### Mine reclamation gets \$14.7 million

West Virginia has been awarded \$14.7 million to reclaim 42 sites under the state's abandoned mine lands program.

The award by the Office of Surface Mining Reclamation and Enforcement was announced by Governor Arch Moore in June. The money will be used to reclaim sites adversely affected by past unregulated mining practices.

Specific projects to be funded by the award include the stabilization of a collapsing underground mine in Marion County and the extinguishing of several burning coal refuse piles in Kanawha, Logan, Raleigh and Harding counties.

A 6-foot mine void will be filled at a collapsing 30-acre mine in east Fairmont to prevent subsidence damage. Subsidence problems in west Fairmont and Barrackville also will be stabilized.

Other projects include draining and sealing mines, regrading coal refuse piles and removing old tipples.

-reported in The Charleston Gazette, 6/17/86

#### Weirton Steel violates clean air laws

Two air pollution control violations have been served on Weirton Steel Corporation since last August when the Environmental Protection Agency rejected the steelmaker's bubble plan for meeting air quality standards.

The company is still negotiating to extend the plan which was rejected because it had not resulted in the attainment of required air quality standards. But EPA still viewed the company as out of compliance and issued the violations.

Bubble plans allow industries to meet overall clean air standards under an imaginary bubble rather than meeting them at every emission point.

Under the terms of Weirton's original bubble plan, approved in 1982, the area was supposed to show attainment by the end of three years. Because it was still not in compliance, EPA rejected extension of the plan.

Weirton Steel, the West Virginia Air Pollution Control Commission and EPA now are discussing plans to abandon the bubble concept in favor of positive pollution controls in all areas of the Weirton complex. This would include installation of conventional scrubbers and bag houses, according to an EPA official.

-reported in The Charleston Gazette, 6/4/86

-reported in The Charleston Gazette, 6/7/86

#### Waste management called inadequate

Hazardous and toxic wastes produced by several federal agencies are not managed properly according to a recent report by the General Accounting Office

Federal facilities which produce hazardous wastes are required to plan for their management and safe disposal just like private operations. But in its recent study, the GAO found that federal agency performance in this area was less than exemplary.

More than 70 percent of the agencies handling waste which were reviewed by the GAO had not been inspected and of those that had, almost half were in violation of waste management laws.

Agencies cited in the report include the Department of Energy, the Department of Transportation, NASA, and the General Service Administration.

Approximately 2 percent of the estimated 290 million tons of hazardous wastes generated in the U.S. each year comes from federal facilities.

Officials at agencies cited in the report blame a lack of agency emphasis on waste management for the inadequate compliance.

#### Hazardous waste division to be created

Although the Legislature didn't pass the bill to reorganize the Department of Natural Resources during the 1986 session, a solid and hazardous waste division, one of the bill's major provisions, will be created by executive order of the governor, DNR director Ron Potesta said in late May.

DNR currently has about 40 employees working in the solid and hazardous waste and water resources division. Potesta estimates that 70 employees will work for the solid and hazardous waste division.

Hazardous waste management is an important environmental issue because every chemical company and manufacturer in the state has to be issued a permit. Authority to make regulations and issue permits is now divided among different divisions and branches of the DNR, the Air Pollution Control Commission, the Water Resources Board and the Department of Highways.

DNR was recently given authority to take over the state hazardous waste program which it had been operating although the program was under the control of the federal Environmental Protection Agency.

The purpose of federal and state hazardous waste laws is to protect underground water and air from pollution and to regulate the transportation of wastes.

-reported in The Charleston Gazette, 5/30/86