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A Division of the WV State Building Trades, AFL-CIO | Bill Hutchinson, President | Dave Efav, Secretary-Treasurer | Steve White, Director

Siting Certificate Issued for Harrison Gas Project

The state Public Service Commission granted developers of the \$615 million Harrison County Power project a siting certificate in late October.

That means the project has a major step complete but still significant approvals will be needed.

An important air permit for the Harrison project is pending before the Department of Environmental Protection.

It is anticipated a group called Ohio Valley Jobs Alliance (OVJA) will intervene.

“While we are concerned that if [OVJA] intervenes in the air permit process it may stall the project,” said Steve White, ACT Director, “we are glad to see things moving in the right direction.”

At a recent hearing before the PSC regarding Brooke Co Power, White testified about the memorandum of agreement between the crafts, and the strong supply of local labor that would get the jobs.

The hearing on the \$884 million

Brooke County project took place in mid-October.

At the hearing OVJA finally revealed their attorneys were funded by Murray Energy.

The question of how the group was financed had been asked before, in regards to the group’s challenge of the Moundville Power project air permit.

Last year before the Air Quality Board a representative for the OVJA said he did not know who was paying for the attorneys at that time.

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Energy Solutions partner John Black testifies before the Public Service Commission on October 18 for the Brooke County Power project proposed near Colliers, WV.

赞成 (This means Welcome!)

China Talks about \$80+ Billion Investment in West Virginia Over Next 20 Years

China Energy Investment Corp. Ltd. is looking to invest billions into West Virginia over the next 20 years according to news reports.

A memorandum of agreement was announced on November 9 stat-

ing China Energy was looking to invest \$250 million into the USA in part to respond to trade balance issues being raised by President Donald Trump.

No details were available other

than the investments would be related to Marcellus and Utica natural gas which is abundant in the region.

Governor Jim Justice held a press conference on Monday November 13 to talk about the deal and made it

clear the focus was on creating manufacturing and other value added jobs and not a sale of raw materials

“This is not about the extraction of resources, it is the opposite, re-

Cont. on p. 3>>

“Coal Interests” Fund Opposition

Hearing Held on Long Delayed Permit for \$615 Million Moundsville Power Project

A legal challenge to the Moundsville Power project, filed more than a year ago, finally got a hearing in a Kanawha County courtroom on October 23.

A group called the Ohio Valley Jobs Alliance, whose lawyers admitted - at the hearing - they were funded by coal interests, filed the challenge to the projects air permit in August of 2016.

The effect of the challenge has been to stop the project from being built while investors wait for the legal issues to be resolved.

The coal supported group claims a modification of the air permit was improper.

The modification came after a substation upgrade allowed the project developers to increase the output

of the proposed project.

The OVJA claim was rejected by the WV Division of Air Quality, and when appealed to the WV Air Quality Board early in 2016 was rejected again.

The WV Air Quality Board wrote in their final ruling “It should be noted that the Board was somewhat concerned by the OVJA’s apparent lack of knowledge about the contents of its appeal, lack of a cognizable purpose related to the environment, and overall express intent to stop the construction of the plant solely to benefit another industry.”

The group then filed an appeal to Kanawha Circuit Court where the case has sat for more than a year.

If the group loses at the Circuit Court level, which is likely, it then

can appeal to the WV Supreme Court which would add further delay.

“Our folks spent countless hours in support of this project, at public hearings, at county commission meetings, at the public service com-

mission proceedings and more,” said Kyle Brown, President of the Upper Ohio Valley Building Trades. “And the long delays may end up costing investors millions and hurting West Virginia’s future opportunities.” ■



John Stock, a partner in the Ohio based law firm Benesch, Friedlander, Coplan & Aronoff LLP, a business law firm with offices in Cleveland, Columbus, Chicago, Hackensack, Indianapolis, Shanghai and Wilmington, represented the OVJA at a hearing before Judge Joanna Tabit in Charleston on October 23.

North Central Holds Remembrance Event



The annual Darwin L Snyder Sporting Clay event was held on Sunday, October 8 with 65 members from the trades attending.

The purpose is to remember the former President of the North Central WV Building & Construction Trades Council and Business Manager of IBEW Local 596, Clarksburg.

“This is a voluntary event meant to remember Darwin and build fellowship among the crafts, something Darwin believed in,” said Natalie Stone, Executive Director of the North Central WV Building Trades and daughter of Snyder.

Siting Certificate

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All three projects are being developed by Energy Solutions Consortium and all three projects have signed agreements with the Trades to use a contractor who will enter into a project labor agreement and use local union craft workers.

All three projects convert plentiful local natural gas into electricity using combined cycle turbines.

“These projects represent more than \$2 billion in local investment and hundreds of millions for local construction workers in the form of good wages and benefits,” said White. “Similar projects are underway in Ohio and Pennsylvania but in West Virginia we have missed out on many

jobs so far.”

OVJA’s web site states they are concerned about the construction of gas power plants because they assert the gas facilities threaten existing coal jobs.

However, OVJA produced no such evidence at the hearing before the PSC.

White believes their interventions have seriously hurt the West Virginia economy and local construction workers. “We also support the coal industry but the low price of gas is just a fact,” said White. “If the gas power plants are not built in West Virginia it means surrounding states build more.” ■

WV Jobs ACT, Tax Enforcement Special Session a Win for Construction

Governor Justice called a special session of the legislature in early October.

Of the five bills passed three had a significant positive impact for the construction industry.

The WV Jobs Act was improved without any move to take away access to payroll documents. Fines were increased from \$100 to \$250 per day for a company that was not in compliance with the local hiring legislation.

The legislation also clarified that the fine was per person per day. The law was also improved by tightened up definitions to make it clear a person staying at a motel or campground was not considered local.

During the regular session of the legislature earlier this year the WV

Jobs Act was attacked by attempts to remove payroll disclosure language.

Also passed was a bill to permit the Division of Highways to request certain information from the Tax Department about bidders.

This was a direct result of efforts made by Painters District 53 to expose a company from Florida working on tax funded projects but had not withheld state income taxes for 11 years.

In addition a tax credit for investment into the renovation of historic buildings was increase from 10 percent to 25 percent of a project cost.

Two other measures, eliminating certain taxes on veteran's benefits and speeding up the hiring process for DOH and Tax Department employees, also passed.

"We give credit to Governor Jim Justice for putting the Jobs Act and the DOH/Tax information sharing bills on the agenda," said Bill

Hutchinson, President of the WV State Building Trades. "With passage of the road bond these laws are even more important than ever." ■

China Talks

Continued from Page 1

sources are going to be made into products," said Justice.

China Energy is the recent creation of a merger between China's state-owned coal mining company Shenhua Group and energy producer Guodian Group.

Commerce Secretary Woody Thrasher and Brian Anderson from WVU were also on hand at the November 13 event to give a few more details.

When asked if concessions regarding laws or taxes were part of the deal Thrasher stated "No concessions were asked for."

The range of projects contemplated focused on the wet gas that is found in the Marcellus and Utica areas. These are the building blocks for chemical and plastics manufacturing explained Anderson.

Anderson also noted that WVU has a 15 year partnership with the

Shenhua Group so the connection with the state already exists.

"It's about solid business fundamentals such as cheap natural gas and by-products to start, but its about relationships as well," said Justice.

There was some speculation that two gas-fired electric plants currently under development in Harrison and Brooke County would be the first investments.

Developers have said no deal has yet been made, leaving the door open for a possible future deal.

"We are excited about such a huge investment being discussed for the state," said Dave Efaw, Secretary-Treasurer of the WV State Building Trades Council.

"Hopefully we are talking about value added investment such as an ethane cracker and the Appalachian storage hub which in turn would create more jobs for the region." ■

Wind Energy Under Attack Once Again



Harrison Godfrey of Invenergy LLC speaks at an October interim meeting regarding the taxation of wind energy projects while Chairman Sen. Randy Smith (R-Preston) looks on.

Sen. Smith has been an outspoken critic of wind projects claiming they receive some sort of unfair advantage over coal related projects.

However according to ACT's Steve White the property tax levels in place currently were the result of a negotiation agreed to by the coal industry during the Manchin administration.

"I was there when the negotiations took place. Coal agreed to the current tax levels which they now are claiming somehow are unfair," said White. "Nothing has really changed; this is just another example of the coal industry trying to hurt West Virginia."



Governor Jim Justice (right) held a press conference on Monday, November 13 to explain the deal announced with China Energy on November 9. Brian Anderson (left) of WVU and Woody Thrasher, Commerce Secretary are at the podium.

Painters Question Bridge Painting Project

The results of a million dollar bridge repainting project in Kanawha County are being questioned by representatives of Painters District Council 53.

The project, to repaint portions of the Yeager Bridge on I-64/77, was awarded by the WV Turnpike Authority to International Rigging Group (IRG) from Tarpon Springs, Florida in April of 2016. Their \$979,910 bid was just \$7,300 less than the next bidder from Ohio.

Members of the Painters were immediately suspicious about the company because of prior dealings with a related company called VHP.

Both VHP and IRG came from the same Tarpon Springs address and according to Secretary of State's records shared an officer, Nomiki M. Vavlas. As it turned out, later in 2016 Vavlas and her husband plead guilty to felony charges regarding a VHP bridge painting project that took place a few years prior in Braxton County.

In late 2016 IRG was fined more

than \$30,000 by the WV Division of Labor for violations of the WV Jobs Act. The Act required the company to look for local workers or get a waiver if none were available.

After talking to one of the employees of IRG the Painters started to look into quality control records for the project. Comparing the job specifications with inspection reports, pictures from the on-site engineering company and visual inspections of the bridge itself the Painters came up with more questions than answers.

"We approached the WV Turnpike Authority with a number of concerns regarding the quality of work done on the project and questions about the inspection process," said Brian Stanley, a representative of Painters District Council 53.

"We thought the issues were serious enough that we offered to pay for a third-party inspection but they refused."

Stanley believes pictures they have received from the Turnpike Author-

ity show numerous quality problems including the lack of hand applied stripe coating needed to ensure paint coverage around bolts, incomplete sand blasting, and the application of too much paint which caused visual runs.

Another representative of the Painters, Dave Bland, went to the site almost a year after completion and

took pictures of problem areas he could get to.

Bland then presented those pictures at a meeting of the Turnpike Authority held in Beckley on November 9.

"We want the tax payers to get what they paid for, a million dollar paint job, not a rusty bridge," said Bland. ■

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This picture of rust came from recent pictures taken by Painter Representative Dave Bland at the Yeager Bridge in Kanawha County. The WV Turnpike Authority paid almost \$1 million to have the bridge repainted less than one year ago.

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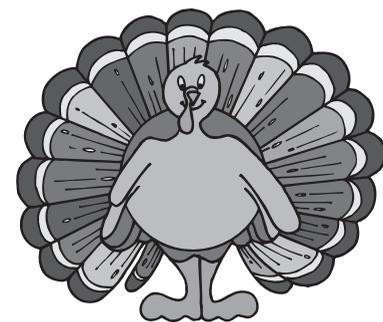
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