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

# Plant Developer & Trades Call for Project Support

With more than \$2.1 billion in new gas-fired power plant construction at stake, developers, local workers, elected officials and community leaders got together to discuss ways to support the projects.

The focus at a Tuesday, July 31 meeting was the \$615 million Harrison Power project in Clarksburg.

John Black of Energy Solutions updated the crowd of around 30 on the project.

Black was able to report much progress with all major permits in place and a soon to be announced contractor.

However an outstanding big problem is repeated delays caused by legal appeals from a group called the Ohio Valley Jobs Alliance (OVJA).

Black was able to report a recent appeal was heard and found to have no merit by the Air Quality Board on July 23. OVJA had sought to block the Harrison County Power air per-

mit but the appeals board denied their motions. But even this cost the projects months while the hearing

date was pending.

Also discussed was a similar but larger project in Brooke County val-

ued at \$884 million. That project is facing an OVJA appeal at the WV

**Cont. on p. 2>>**



*John Black of Energy Solutions gives an update on the Harrison County Power project to a group of local elected officials and construction labor representatives at the Carpenters offices in Bridgeport on August 31.*

## **MVP and ACP Stopped by FERC**

# Pipeline Shutdowns Mean Many Jobs Lost

The Federal Energy Regulatory Commission (FERC) has ordered both the Mountain Valley Pipeline (MVP) and Atlantic Coast Pipeline (ACP) projects to stop construction while federal agencies and environmental groups fight over permits.

The actions threaten thousands of jobs for local construction workers and create major disruptions to the projects.

Combined the projects represent more than 900 miles of pipeline and \$9 billion in costs.

FERC issued a stop-work order to MVP on August 3 saying that the U.S. Forest Service and Bureau of Land Management will likely be able to re-issue approvals that were struck down July 27 by the 4th U.S. Circuit Court of Appeals.

MVP will cross 3.6 miles of the

Jefferson National Forest (JNF) in Virginia. On December 1, 2017, the Forest Service issued a ROD (Record of Decision), approving Forest Plan amendments specific to the MVP.

The Bureau of Land Management (BLM) issued a ROD on December 20, 2018, granting a right-of-way for the MVP to cross the JNF.

Construction of the MVP began in February 2018.

Currently approximately 2.2 miles of the right-of-way has been cleared and graded in the JNF, with pipe strung along the entire stretch and over 1,000 feet of pipe welded.

On July 27, 2018, the Fourth Circuit issued an opinion in an action by the Sierra Club challenging BLM's and the Forest Service's ROD's.

The court faulted the Forest Ser-

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## New Asbestos Rules

Conflicting news reports about new EPA rules to review asbestos in manufactured products is raising much concern among construction workers and families.

In June, the Environmental Protection Agency announced it would review applications for new uses of asbestos.

Many had thought the product banned after it was linked to cancer in the 1970's but it was not.

According to the EPA the rule makes it clear they can review products like floor tiles, reinforced plastics and roofing felt for companies who want to use asbestos.

Without the June rule, any company could start importing or processing asbestos for these products because it is not banned.

What has added to the concern is the review process by EPA has apparently changed and is weaker than expected.

Congress and the EPA tried to completely ban asbestos in the 1980's but the 5th U.S. Circuit Court of Appeals overturned the ban in 1991.

In 2016 the Toxic Substance Con-

trol Act was strengthened by Congress and a new attempt to ban asbestos was anticipated.

Under the new law the EPA said in early 2017 they would re-evaluate 10 toxic substances including asbestos.

However EPA has changed the way reviews are done and limited investigation of indirect exposure to chemicals. For example asbestos that ends up in landfills would no longer be included in the agency's risk assessments, nor would material known to be in older buildings be considered.

The prospect of allowing the manufacture or import of products that contain asbestos is alarming to those who suffer from exposure in the workplace or have friends or family members with asbestosis and mesothelioma.

"Asbestos clearly leads to disease and death and is a horrible way to go," said Jim Cassidy, Business Manager of Insulators Local 2 in Pittsburgh. "We would be strongly opposed to any weakening of standards about asbestos use or exposure." ■

## Plant Developer

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Supreme Court regarding their siting permit from the Public Service Commission.

ACT's Steve White spoke about the anticipated jobs and payroll from the projects noting the Harrison project alone would create around \$70 million in construction wages and benefits.

When considering the Harrison, Brooke and Moundsville projects together more than \$215 million in wages and benefits for local workers are at stake.

The \$615 million Moundsville project was set back due to appeals from OVJA which ultimately were denied. So far, at the end of the process, none of OVJA's appeals have been upheld.

The total economic impact expected from each project is much larger than construction workers

wages because the developers have committed to hiring local workers and because there are other workers and companies involved in a project of this magnitude.

"We want to help this project and others get started," said Mike Jenkins of the Keystone-Mountain-Lakes Regional Council of Carpenters. Jenkins organized the event and hosted it at the KML offices in Bridgeport.

In various proceedings it has come to light that Murray Energy has funded the lawyers used by OVJA. At the meeting it was unclear what the point could be.

"If these projects are stopped in West Virginia there is no evidence it will lead to more coal being sold," said ACT's Steve White. "It likely will only mean more gas plants will be built in surrounding states and West Virginia is left with nothing." ■

## Hospice Nets \$8,500 from Industry Event

The 25th annual Kanawha Valley Construction Labor-Management Golf Scramble raised \$8,500 for HospiceCare, a nonprofit organization serving 16 counties in West Virginia with end of life services.

The Kanawha Valley Builder Association and the Charleston Building and Construction Trades Council have teamed up over the years to raise funds for community services.

According to Paul Breedlove, Business Manager of the Charleston Building Trades, HospiceCare has

been the recipient of the effort for many years because of the valuable services they bring to the region.

Services include 24/7 skilled nurses, pain management, Certified Nursing Assistants to provide bathing, dressing and other personal care for patients, support for family caregivers, spiritual and emotional support from HospiceCare chaplains and counselors.

For more information about HospiceCare visit their web site [www.hospicecarewv.org](http://www.hospicecarewv.org). ■



Paul Breedlove (right) and Luther Lasure, Executive Director of the Kanawha Valley Builders Association present an \$8,500 check to Larry Robertson of HospiceCare.

## Boilermakers 2018



On July 27 Boilermakers Local 667 graduated 14 apprentices from their program. Pictured are (from left) Sherman Bennett, Tracy Marrs, Todd Flint, Ben Matthews, Jeremiah Twyman, John Brosky, Jonathan Westfall, Tim Sapp, Zachary Chevront, Jerry Black, Elvis Gordon, David Anthony, Erik Compton, and Devin Edwards.

The four year apprenticeship program is based in Winfield and covers the entire state of West Virginia. "We are proud of the new journeymen and journeywomen who completed our apprenticeship program and are now among the most highly skilled Boilermakers in the country," said Matt Kennedy, Training Coordinator for Local 667.

# Trade Endorsement November Election

See our website [www.actwv.org](http://www.actwv.org) for a complete list of 2018 endorsed candidates.

There are 9 candidates affiliated with the WV State Building Trades.

Below is a profile of three. We will profile the rest in later issues.

**Phil Diserio** is running for re-election to the House of Delegates in District 2 which is most of Brooke County and a part of Ohio County.



A 34 year member of the International Brotherhood of Electrical Workers, Diserio was appointed to the House in 2012.

He then won election later in 2012, lost in 2014 and came back to win in 2016.

"Of course we must restore prevailing wage and repeal the so-called right-to-work. I also want to focus on workplace safety which is very important to me," said Diserio.

Diserio's brother was killed on a construction job, and he told the story of how he had to tell his mother that fact while leading the fight to pass a law requiring OSHA 10 training for public construction projects.

**Scott Brewer** is a 40-year member of the Keystone-Mountain-Lakes Regional Council of Carpenters and is running for re-election to the



House 13th District which covers parts of Mason, Jackson and Putnam Counties. He first won in the 2016 election.

"I'm running for reelection to restore a voice for working women and men in West Virginia" said Brewer.

"My first day on the job was May 8, 1978 and I have a unique perspective of how working people live and work in their communities and what they need to succeed."

Brewer plans to visit more than 5,000 homes in Mason, Jackson and Putnam counties to hear from voters about their concerns and what they need from their representative.

**Dave Walker** is a 43 year member of Operating Engineers Local 132 and is running for the House of Delegates in the 33rd District.



The district covers all of Clay and Calhoun Counties and part of Gilmer County.

Walker served in the House from 2009 until 2014 but was defeated in his bid for re-election in 2014.

In 2016 Walker was flooded out but still came within 100 votes of winning.

"Elections have consequences and since 2014 we have all seen the attack on workers and unions," said Walker.

"It's about 'we the people' not corporate profits and I aim to get back in as a Delegate to represent working people."

# Pipeline Shutdowns

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vice for not explicitly saying why it accepted MVP's sedimentation estimates after the agency had raised concerns regarding those estimates.

In addition, because the MVP could not comply with the specific Forest Plan standards for soils and riparian areas (between a river and land), the Forest Service approved an amended project-specific plan.

The court held the Forest Service did not document how the plan would meet the regulatory standards because of deficiencies the Court found in the sedimentation analysis.

Supporters of the project are asking the Forest Service to quickly address the issues, address the courts concerns about sediments and then reissue the ROD's.

"We have contacted most of our elected officials and asked for their help to get our people back to work," said Craig Harvey, Business Manager for the Appalachian Laborers District Council.

Senator Joe Manchin has sent a letter dated August 13 to FERC urging them to reconsider their total shut down order and consider the effect it has on construction workers. "...thousands of workers and dozens of communities are in need of certainty as soon as possible with respect to these two projects" wrote Manchin.

According to Harvey there are approximately 6,000 workers in both West Virginia and Virginia currently building the MVP.

In a similar action on August 10 FERC ordered work to halt on the ACP while a different set of permits

is reviewed.

At issue is the 4th Circuit of the U.S. Court of Appeals order on August 6 vacating a right-of-way permit from the National Park Service and the Incidental Take Statement issued by the U.S. Fish and Wildlife Service.

This follows a May 15 ruling by the 4th Circuit saying the U.S. Fish and Wildlife Service had failed to set clear limits for impact on threatened or endangered species.

In the August 10 letter shutting down the project FERC wrote "There is no reason to believe that the NPS, as the land managing agency, will not be able to comply with the Court's instructions and to ultimately issue a new right-of-way grant that satisfies the court's requirements, or that FWS will not be able to issue an Incidental Take Statement that does likewise."

The disruption of both projects has hurt local construction workers significantly.

"It's extremely unfair that thousands of local workers are facing layoffs, and plenty of uncertainty of where and when they can go to work," said Chuck Parker, Business Manager for Operating Engineers Local 132.

Parker expects the projects to be approved but expressed frustration about the negative impact on workers.

"Our members have invested time and money to be on these jobs and now they are told to wait and lose money while some Washington DC bureaucrats and the environmentalists argue. The disrespect for workers and their families is sickening." ■

# Plumbers & Pipefitters 625 Apprenticeship

NAME OF PROGRAM: Charleston JATC of Plumbers & Pipefitters Local Union 625

WHERE TO APPLY: 3601 James Ave, Charleston, WV 25387

WHEN TO APPLY: Wednesday & Thursday, September 12-13, 2018 Tuesday & Wednesday, September 18-19, 2018

HOURS TO APPLY: 9:00 AM to 2:00 PM - On listed days only (\$35

Application fee, when you return your application)

MINIMUM QUALIFICATIONS:

AGE: 17 years of age at the time of application, and must be 18 prior to being indentured by the JATC.

EDUCATION: High School Diploma or Equivalent.

PHYSICAL: Must be physically able to perform the work of the trade.

A Drug test will be required.

DRIVERS' LICENSE: Must have valid Driver's license.

APTITUDE: Must score standard level on TABE test administered by WorkForce WV.

APPLICATION RETURN: All applications must be returned by October 26, 2018. No applications will be accepted after the cut-off date.

A copy of the applicant's birth certificate, high school transcript

of grades, high school diploma or Equivalent and scores, DD2-14 Form \*if former Military, and valid driver's license will be requested at the time of application. {ONLY COPIES WILL BE ACCEPTED}

The Recruitment, selection, employment and training of apprentices shall be without discrimination because of race, color, religion, national origin or sex. ■

# Chapmanville School Project Faces Delay

A new school at Chapmanville in Logan County has missed its completion date of June 30 and may not open until next year.

According to ACT research the Chapmanville Intermediate School project represents a growing number of examples where the repeal of the states prevailing wage law has brought significant problems with school construction projects.

The project was bid in April of 2017 and the low bidder for the general trades' package was Persinger & Associates Inc. out of Charleston at \$5,469,500. Bids for other contracts such as HVAC, electrical, plumbing, roofing, etc., totaled more than \$3.5 million.

The notice to proceed was given on May 8, 2017.

In early July of 2017 the Logan County Schools removed the construction manager and agreed to give Persinger & Associates additional

money to take on much of the construction manager duties.

Nevertheless the project ran into significant delays prompting a March 2018 request by the county for a "Recovery Plan" from Persinger to meet a June 28 completion target.

Persinger promised to meet the completion date but did not. The county now may have to start school in the old facility and it appears the new school may not be complete until the start of 2019.

In addition to the time delays the project also ran into significant quality and safety problems.

Project notes document problems with the ICF (insulated concrete form) walls including bulges, voids, and repairs throughout several areas.

Notes also reveal persistent concerns that the lack of manpower from Persinger to finish on schedule was causing scheduling problems for other contractors.

Project documents also show subcontractors who are not on the initial list of subcontractors supplied soon after the bid. State law and SBA policy require the list to limit the practice of subcontractor 'bid-shopping'.

OSHA inspected the project in April 11, 2018 and found multiple violations. The initial fines exceeded \$14,000 for 13 serious violations.

A subcontractor was also fined more than \$7,000 as a result of the same inspection.

According to a July 25 Williamson News report the Logan County School Board has expressed concern for months over the lack of properly completed construction and have had a contingency plan in the works for some time.

According to the report entire sections of wall need to be redone, sections of tile need to be torn out and replaced, as well as other issues in the building to ensure a quality project is completed. ■

#### Affiliated Construction Trades

600 Leon Sullivan Way  
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## Building Trades Chip in for Storybook Café Bus



Upper Ohio Valley Building Trades President Eran Molz holds a \$500 donation which he is presenting to the Hancock County Schools in support of the Storybook Café bus.

State Senate candidate Bill Ihlenfeld (left of podium) helped organize the July 26 event.

Also on hand was State Senator Richard Ojeda (D-Logan) and House of Delegates candidate Randy Swartzmiller (Hancock County).

The retrofitted bus will provide outreach services such as tutoring, literacy activities and nutrition services for county youth.

"The Trades are happy to contribute to this worthy effort to help kids," said Molz.

## Willow Island Memorial



Lee Landers, Business Agent of Cement Masons #926, works on repairing the Willow Island Memorial after it was power washed by members of Painters Local 1144.

The volunteer effort took place during July.

The Memorial recognizes the 51 union construction workers who lost their lives while building the cooling towers at the plant in 1978. It was the worst construction accident in the US.

Members of the Parkersburg-Marietta Building Trades Council along with family members of the victims built the memorial in 2002 in Pleasant County across from the plant.