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

PSC Holds Public Hearing - Black Rock Wind Project

A public hearing was held by the WV Public Service Commission (PSC) in Grant County for a new 29 turbine wind project called Black Rock Wind LLC.

Members of the Trades showed up to support the project which will create a construction payroll of approximately \$10 million.

The developers, Clearway Energy Group, are seeking a siting permit from the PSC.

Clearway and the North Central WV Building Trades have entered into a Memorandum of Agreement committing the project will be built with local, union construction workers.

The project will cost around \$150 million and install 29 turbines in Grant and Mineral Counties. Each turbine has a potential to create around 4.5 megawatts meaning a combined output in the 130-megawatt range for the project. The actual turbine manufacturer has not

been finalized so the numbers could change slightly.

Clearway operates the nearby Pinnacle windfarm in Mineral County.

Opponents to the project did show up at the hearing expressing concern about the size of the towers

and the impact on wildlife.

“Representing Iron Workers who will work on this project we fully support it,” said Cliff Wendricks, Business Manager for Iron Workers Local 568. “I also have wind turbines on my property and am pleased with

the result.”

The PSC will hold a hearing in Charleston in September.

Clearway expects to start construction on Black Rock next year, with commercial operations beginning in 2021. ■



Cliff Wendricks, Business Manager of Iron Workers Local 568, speaks in support of the project for both the jobs it will create and as a landowner who has a different wind project in operation on his property.

More Problems with SBA School Projects

A new elementary school in Mercer County did not open as planned and will be delayed at least until October.

A subcontractor on a Jackson County school project has a lapsed contractor's license, no workers compensation coverage, and is in default on their unemployment payments but still allowed to work.

Both projects are funded by the state School Building Authority, the agency that was established to help

communities build schools and is supposed to enforce strict quality standards.

Mountain Valley Elementary School in Mercer County was bid in March of 2018 and received about \$8 million from the SBA to help fund the \$12 million project. DCI Shires was low bidder for the General Trades part of the project and signed a contract with the County in April for \$8.75 million.

Substantial completion of the

42,000 square foot Pre-K to fifth grade school was to be July 17, 2019 according to contract documents. In November of 2018 the contractor asked for and was granted a 43-day extension to complete the project moving the completion date to August 29.

The new school year has already begun, and the school is not ready as planned. News reports say the project will be ready October 1, well after the start of the school year.

On-time completion of school projects since the repeal of the state prevailing wage law has been a big problem according to Luke Begovich of the Keystone Mountain Lakes Regional Council of Carpenters.

“You will hear people say weather caused the delay, but we don't believe that to be the case because other projects met their schedules with the same weather,” said Begovich. “There were sunny days the contractors

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\$1.2 Billion Coal-to-Fuel

Domestic Synthetic Fuels Air Hearing Held

A public hearing on an air permit for the proposed \$1.2 billion coal-to-fuels plant in Mason County was held by the WV Division of Environmental Protection in Point Pleasant on Tuesday, July 30.

The purpose of the hearing was to allow the public to make comments about the air permit for the project called Domestic Synthetic Fuels, LLC (DS Fuels).

Members of the Trades were in attendance and made it clear they wanted the construction jobs to go to local workers.

The DEP has already issued a draft air permit and the hearing was the last day of the public comment period.

Many at the hearing supported the jobs anticipated with the project but there were a number who expressed concerns about the environmental impact.

The project would be the first of its kind in the United States and only the second in the world to take coal and convert it to a liquid fuel using a technology based on hydrogen and pressure.

Prior projects have proposed a technology which has more steps, converting the coal into a gaseous state, then to a liquid state.

This project claims to be a big environmental improvement and will discharge much less pollution than the old technology.

Financing for the project is only partially complete but the air permit, along with the announcement

last month that the South Korean firm Daelim Industrial would be the EPC (Engineering, Procurement and Construction) are major milestones.

The company also has secured coal reserved in the Kanawha County area for the project. Hydrogen will

be created from natural gas in the region.

While news reports say construction would begin in October project officials say that is only a ceremonial event to help raise funds and actual construction is a year or so away. ■



C.D. "Piglet" Adkins, with the WV State Pipe Trades, spoke at the July 30 public hearing on DS Fuels held at the Mason County Court House in Point Pleasant. Adkins explained the crafts have plenty of local, skilled, and drug free construction workers capable of building the Coal-to-Fuels plant.

So-Called Right-to-Work Case Moves Closer to West Virginia Supreme Court Decision

Lawyers representing West Virginia union members filed their latest position challenging the so-called Right-to-Work law with the West Virginia Supreme Court of Appeals on August 1.

In February of this year Kanawha Circuit Court Judge Jennifer Bailey ruled that key portions of the so-called Right-to-Work law are violation of the state constitution.

Her ruling is being challenged by the West Virginia Attorney General.

The case stems from Right-to-

Work legislation passed in early 2016.

In December of 2016 Judge Bailey placed a temporary injunction on the law pending full consideration of the constitutional issues.

While the Circuit Court was considering the law Attorney General Patrick Morrissey asked the WV Supreme Court to void the injunction.

The Court decided in September of 2017 to lift the injunction before having an opportunity to consider the merits of the case.

Only two of the five Justices who

were on the court at that time remain.

In their decision lifting the injunction, the Supreme Court asserted that Labor would have a hard time winning a case that had been heard many times by other states.

The Court's injunction decision was incorrect on the law says attorney Vince Trivelli.

In addition, the record before the Court at that time was incomplete.

"The West Virginia law, the West Virginia Constitution and the legal arguments we have presented differ

with what has been considered by other Courts," said Trivelli.

Labor has asked the Supreme Court to have a hearing called an oral argument and is waiting to see if the Court will grant one.

Justice Tim Armstead disqualified himself from participating in this case.

He was the Speaker of the House when the legislation was passed.

If the Supreme Court sets a date for oral arguments it is likely to be sometime this fall. ■

Construction Exemption Needed

Trades Members Urged to Make Comments on New IRAP Apprenticeship Regulations

The comment period on new proposed Federal rules to define what is called 'Industry Recognized Apprenticeship Programs' (IRAPs) is open through August 26.

Members of the Trades are being urged to go online and add their comments.

"Efforts to destroy apprenticeship programs by watering down the term apprenticeship are misguided and will hurt our economy," said Dave Efaw, Secretary-Treasurer of the WV State Building and Construction Trades Council.

"We need to make our voices heard by commenting on the US DOL web site and requesting the IRAP regs keep the construction in-

dustry exemption."

IRAP's were meant to help industry sectors that have no apprenticeship to get started but now has the potential to ruin the programs it plans to copy.

IRAP's don't have to have a wage progression as a person moves through the program. Nor do they have any journeyworker to apprenticeship ratios, do not need to graduate apprentices as journeyworkers, nor other quality control and oversight features found in current apprenticeship rules.

IRAP's are only required to pay minimum wage and are not subject to the same equal employment and affirmative action obligations met by

registered apprenticeship programs.

Apprenticeship is unique because it combines on-the-job training with classroom training. By definition it is meant to provide skills for a career, not just a task. Eliminating these key characteristics would devalue apprenticeship.

"For industries that have no apprenticeship programs we don't mind a lower starting point," said

Efaw. "But for industries like construction that have worked hard to build quality programs there is no need to lower standards."
"I filed a comment and I urge all members to do the same."
A link to the comment page can be found on the ACT web site www.actwv.org or you can go there directly <https://www.regulations.gov/docket?D=ETA-2019-0005> ■

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*Secretary-Treasurer
WV State Building & Construction
Trades Council*

With Roof On, Kanawha Project Almost Complete



Members of Sheet Metal Workers Local 33 and Roofers Local 185 join forces to put a new metal roof on a picnic shelter at Big Bend Golf Course.

The course, located in Kanawha County, is part of the county park system.

The Charleston Building Trades is coordinating a volunteer effort to build the new 40' x 75' shelter. A kitchen area is the last phase needed before completion.

SBA School Projects

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could have worked but did not have people on the project."

Begovich believes the real reason is lack of skilled workers at low wages. "They can't get qualified people at low wages."

According to Gary McCallister, also with the KML Regional Council of Carpenters, DCI Shires was also behind on a different contract at the Boy Scouts and wonders if workers from the school project were diverted to another project.

A news report states completion has been pushed back to October 2019.

In Jackson County the low bid on a \$1.1 million kitchen renovation project at the Ravenswood High School came from Persinger and Associates. The project was bid on January 22, 2019.

Persinger recently built the Chapmanville Elementary School which had many problems including being many months late to complete and is now in court with suits and counter

suits over the project.

Among the subcontractors Persinger hired for the Ravenswood project is Nancy Baldwin, doing business as Tony's Painting.

The problem is the contractor has let their contractors license lapse, has no workers compensation according to the Insurance Commission's web site, is listed on the Insurance Commission's default list, and is also listed on the Unemployment default list.

"This is the second recent school project in Jackson County where a contractor who doesn't pay their bills wins a bid denying work to contractors who do pay their bills," said Brian Stanley with Painter District Council 53. Stanley is referring to a company called Applied Finishes which had multiple tax liens against the owner but was still allowed to work on a different Ravenswood project as a subcontractor.

"We apparently have policies that favor cheaters and punishes those who play by the rules," said Stanley. ■

Harrison Project Delayed

Pleasant's Power Gets Tax Relief Legislation

A bill to lower taxes paid by the Pleasant's Power facility at Willow Island in Pleasants County was passed during the Special Session of the Legislature.

The bill, which eliminates about \$12.5 million per year of Business and Occupation (B&O) Tax for Pleasants was added to the agenda of the Special Session of the Legislature and passed on July 23.

The Pleasant's plant along with several other plants owned by First Energy, are being spun-off from First Energy into a new company as part of a bankruptcy process.

According to First Energy the Pleasants plant is the only one of its kind, meaning Merchant Power, in West Virginia that paid the B&O Tax.

Merchant Power is an electric power producer that does not sell directly to West Virginia customers but instead sells on the wholesale market.

The Pleasant's plant has sold into the Ohio market since it was built in the late 1970's.

In 2001 electric power purchases were deregulated which has hurt many utility companies.

Power sold on the retail market in WV must add in a Business and

Occupation (B&O) tax and the rates charged to consumers are regulated by the state Public Service Commission.

The proposed gas-fired power plants in West Virginia, like Longview Power in Monongalia County, already avoided the B&O

nuclear plants may have led to some unintended consequences.

News reports from late July state the Federal Energy Regulator Commission had ordered the power grid operator PJM to postpone its August auction for electric capacity.

The auction had already been de-



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Dunk Tank for Charity



Delegate Phil Diserio (D-Brooke and member of IBEW Local 246) takes his turn in the "Dunk Tank for Charity" event sponsored by the Ohio Valley Central Labor Council in Wheeling.

The event took place July 26-27 during the Italian Festival and raised more than \$3,700 for a variety of local charities.

According to Ohio Valley CLC President Ron French (and member of Boilermakers Local 667) 15 political and civic leaders in the community participated in the event.

Tax by using local public entities like County Commissions to approve agreements waiving some property taxes and eliminated the B&O Tax.

Ohio undertook similar and perhaps a larger legislative measure in July to assist both coal and nuclear plants.

The measures to save coal and

laid from May.

This delay has hurt local gas-fired projects such as the Harrison County Power plant because it has delayed their financing efforts.

According to plant developers the financiers want to see what happens at the PJM auction before closing any more deals. ■



Governor Jim Justice signs legislation on July 30 at the Willow Island location of Pleasants Power to remove the B&O tax from Merchant Power plants like the Pleasant's plant.