A publication of the **Blue Ridge Environmental Defense League**

The LEAGUE LINE

www.bredl.org

Fall 2010

The Inside Line:

- Phase Out PERC
- "Hit 'em where they ain't"
- Z Smith Reynolds Grant
- How We Beat Fibrowatt
- Successful Media Message Framing Workshops: Anti-Biomass / Anti-Nuclear
- EPA Interagency Working Group on Environmental Justice (EJ IWG)
- Chapters United: CAN and CHE focus on NC medical waste incinerators
- CHE Cancer Count Survey
- Nuclear Power Update
- Is Biomass carbon neutral?
- Waste or Fuel? Incinerator or Boiler?

Phase Out PERC Dry Cleaning's Toxic Solvent

Perc has contaminated land, groundwater, private drinking water wells, rivers, creeks, public buildings, private residences and people.

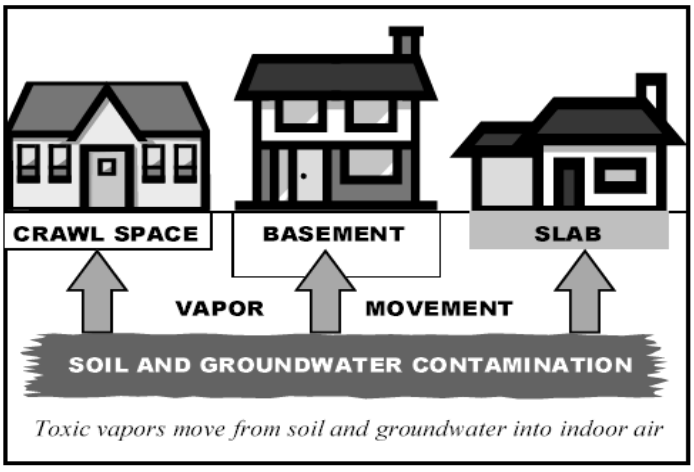
People don't usually think about what kind of chemicals are being used in the process of dry cleaning. You just walk into a store, hand over your clothes, and come back a few hours later to pick them up. You don't think about the dangers certain chemicals can have. For many working Americans, dry cleaning is a fact of life. Unfortunately, an estimated 85% of the dry cleaner services in the United States use a type of liquid solvent called perchloroethylene (perc).

Perchloroethylene Contaminates Soil, Water and Air

The commercial dry-cleaning industry utilizes a toxic solvent which pollutes the soil and groundwater. The pollutants released are principally perchloroethylene (PCE or perc) and its breakdown products, trichloroethylene (TCE) and vinyl chloride. All three are toxic. Perc is toxic, volatile, persistent, and bioaccumulative. Short-term low-level exposure of humans to perc results in dizziness, sleepiness, and irritated skin, eyes, nose, and throat, and at higher levels can result in respiratory irritation, nausea, vomiting, headache, confusion, unconsciousness, and death. Long-term exposure to perc is associated with neurological effects, reproductive disorders, damage to central nervous system, memory loss, damage to liver and kidney. Perc is classified by both the EPA and the National Academy of Sciences as a "strong human carcinogen." Human exposure to perc has been linked with breast cancer, leukemia, and esophageal, bladder, and colorectal cancers. Perc is toxic to aquatic biota and has a detrimental impact on forests over the long-term.

Perc enters groundwater by way of municipal sewer systems carrying wastewater discharged from dry cleaning and other industrial sites. Once in the sewer system, perc, which is heavier than water, escapes through cracks and joints in sewer lines and by penetrating as vapor through sewer walls into the surrounding soil. It sinks through the soil in vapor form until it reaches the groundwater. Perc in groundwater is a liquid that is mobile and cannot be reliably controlled in place. Perc plumes traveling through groundwater can cover tens of thousands of square feet. Communities throughout the southeastern U.S. are dealing with perc pollution, and many forms of remediation are in practice.

It will require a concerted effort from key interest groups —government, the dry cleaning Industry, loaning credit unions and banks, consumers, citizens and researchers— to coordinate the reduction of perc exposure and its effects on health, social and economic well being.



Toxic vapors move from soil and groundwater into indoor air

The NC Department of Environment and Natural Resources Division of Waste Management has invited BREDL to serve on the working group formed to reevaluate some of the conclusions relating to the potential impacts of exposure to perc vapors from dry cleaning operations.

Public Education, Community Organizing and Policy Advocacy

The goals of BREDL's Perc Campaign are to preserve water quality and to protect public health. BREDL campaigns for real clean-up of contaminated groundwater and for the elimination of the problem at the source: the use of the toxic solvent perc in commercial dry-cleaning. In support of these goals we educate and organize communities affected by perc groundwater pollution, advocate for clean-up of contaminated dry-cleaning sites and lead a campaign for phase out of use of perc.

(*continued pg 4)*

BREDL: Who and what we are

In March 1984, fifty citizens of Ashe and Watauga Counties met in the Mission House of Holy Trinity Church in Glendale Springs, North Carolina. Teachers and farmers, home-makers and merchants listened to the report of the Episcopal Church Women on the US Department of Energy's siting search for a high-level nuclear waste dump in the rain-rich east.

Recognizing that the North Carolina mountains were a region at risk, the assembled group organized the Blue Ridge Environmental Defense League (BREDL) to protect their own backyard and those of other threatened communities.

Grassroots organizing was a cornerstone of our early all-volunteer organization. One of our first multi-county boards of directors adopted our credo, which embodies our mission statement:

BREDL Credo

We believe in the practice of earth stewardship, not only by our league members, but by our government and the public as well. To foster stewardship, BREDL encourages government and citizen responsibility in conserving and protecting our natural resources. BREDL advocates grassroots involvement in order to empower whole communities in environmental issues. BREDL functions as a "watchdog" of the environment, monitoring issues and holding government officials accountable for their actions. BREDL networks with citizen groups and agencies, collecting and disseminating accurate, timely information. BREDL sets standards for environmental quality, and awards individuals and agencies who uphold these standards in practice.

Moving into the future

Since then, the Blue Ridge Environmental Defense League has grown to be a regional community-based, nonprofit environmental organization. Our founding principles - earth stewardship, environmental democracy, social justice and community empowerment - still guide our work for social change. Our staff and volunteers put into practice the ideals of love of community and love of neighbor, which help us to serve the movement for environmental protection and progressive social change in Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama and Tennessee.

Grassroots Campaigns

Nothing creates hopefulness out of helplessness like a successful grassroots campaign - and our chapters have a history of winning. For twenty-six years Blue Ridge Environmental Defense League chapters have protected their communities by stopping dangerous facilities and promoting safe alternatives.

In the 1980's and 1990's, BREDL prevented a multi-state ThermalKEM hazardous waste incinerator, a southeastern nuclear waste dump and a national nuclear waste dump. In the 2000's, our coordinated grassroots citizens' campaigns have had further victories. We won a legislative victory with the passage of the NC Solid Waste Act, effectively blocking at least four multi-state mega-dumps. Our Person County chapter convinced their Board of Commissioners to reject expansion of the Republic Services landfill. Our Cascade, Virginia, chapter shut down a huge hazardous waste incinerator. We eliminated mercury waste from the Stericycle incinerator, shut down a tire incinerator in Martinsville, won the landmark environmental justice court decision in Greene County, NC. Further, with our chapters we have protected air quality by blocking scores of asphalt plants, four medical waste incinerators, a PVC plant and a lead smelter, and passage by local governments of eight polluting industries ordinances. Our work on nuclear power and coal plants laid the groundwork for our new Safe Energy Campaign. Victories over twenty-four mega-dumps have resulted in our affirmative Zero Waste Campaign. Guided by the principles of earth stewardship and environmental justice, we have learned that empowering whole communities with effective grassroots campaigns is the most effective strategy for lasting change.■

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30% GENUINE RECYCLED PAPER

FSC



Moments before she was ejected from the TV studio, Pam Jopson filibustered the waste authority about the dangers of radioactive dumping in the Richmond

Executive Director's Report

By Janet Marsh

October 2010



Hit 'em where they ain't

"Catch your opponents off guard," advised Pete Hill, our organization's early mentor.

On February 21, 1990, we put Pete's advice into action by taking over a live public television program. The setting was a WUNC -TV studio; the occasion was the televised meeting of the North Carolina Low Level Radioactive Waste Management Authority; but at stake was the selection of two finalist sites for dumping 32 million cubic feet of radioactive waste. Dressed in our Sunday best, eight activists took charge of the debate and changed the balance of power. Speaking in even tones, one by one we told the truth about the injustices and the dangers of radioactive waste dumping. First, Lou Zeller—completely out of order—insisted on a change in the agenda. Lou spoke for eight minutes about the technical problems of the North Carolina sites, the lack of scientific rigor in the decision making, and about the threats to our democracy. Second, Kay Cameron, a Methodist minister's wife from Chatham County, dressed in a navy blue suit with a white carnation, stood up and told about the environmental injustice threatening her home county. One by one, we were expelled from the televised meeting—carried out and dumped in the mud.

All the networks and all the print press were there. The next day, the headlines read, "Environmentalists Filibuster Nuke Waste Meeting." By exercising our democratic rights of free speech, we told the truth about nuclear waste dumping and caught our opponents off guard. No radioactive waste dump was ever built.

In the early 1990's, North Carolina attempted to site the nation's second largest hazardous waste incinerator designed to serve dirty industries in five southeastern states. After 22 counties had rejected the waste incinerator, Northampton County was the final target. The state and ThermalKEM dug in.

Our Blue Ridge Environmental Defense League was called in to help the Northampton Citizens Against Pollution resolve on a winning strategy. The first Northampton County public hearing had resulted in the arrest of 17 NCAP leaders, including Sam and Betty Tesh. The second and final public hearing was at hand. It was to take place on the eve of Woodland's city elections which would determine the fate of the hazardous waste incinerator.

Some NCAP leaders wanted to conduct civil disobedience and disrupt the public hearing. Other NCAP leaders were fearful of rumors that all those arrested would be removed from the county and thus prevented from voting the next day. NCAP members wanted to ensure that the research and other documentation against ThermalKEM be included in the state's public record.

As a result of our intensive discussions, NCAP decided to do the unexpected. The campaign centerpiece was a *Red White and Blue Rally* against the ThermalKEM project—replete with good food, music, entertainment and speeches. NCAP's attorney John Runkle presented hours of videotaped testimony to the empty public hearing room two blocks away. The next day Woodland elected the entire Clean Slate which would go on to help defeat the incinerator. Mayor Bill Jones—later dubbed Landslide Bill—won by a margin of three votes.

No one can know ahead of time what the turning point is going to be. Community action campaigns are like poker. Every hand's a loser and every hand's a winner. Strategy and timing are everything.

In order for direct action to shape public opinion, we must have already done what is expected: spoken at public hearings, provided technical information and analysis, sponsored TV, newspaper and radio ads, held press conferences, and even filed lawsuits. Any of these strategies can result in a community level victory over a polluting industry. However, when all of these strategies and tactics come up short, the time may be right to catch our opponents off guard.

Today our League and our chapters are continuing to be advised by the wisdom of Pete Hill. Pete told us, "Write down everything that your opponents expect you to do and if there is nothing in your community action campaign which is not on their list, go back to the drawing board."

Today our League and chapters are catching our opponents off guard by:

- Filing a legal challenge against the Westinghouse nuclear plant design which threatens communities throughout the Southeast;
- Securing more than a dozen county and municipal resolutions in support of restricting medical waste incinerator pollution;
- Using unanticipated methods such as conducting our own environmental testing and carrying out door-to-door cancer counts;
- Pushing for elimination of stimulus finding for polluting waste incinerators masquerading as clean energy projects;
- Creating a 30-second spot in which a mother tells her children about the dangers of nuclear power.

Finally, we are catching our opponents off guard by creating and sustaining a seven-state league of community based chapters who believe that clean air and clean water are reasonable and that environmental democracy and social justice are imperative.■

(continued from cover page 1) Phase out perc

Some dry-cleaners have adopted safe alternatives for dry-cleaning which include wet-cleaning and carbon dioxide cleaning. Despite the existence of proven alternatives, the industry insists on continuing to pollute. Past pollution occurred largely under accepted practices as permitted by state environmental agencies. Yet even when dry-cleaning operators abide by current laws, contamination of the soil and groundwater with perc can still occur. The problem has not been adequately addressed. Perc from groundwater plumes enter the air inside homes and other structures. Chemical perc plumes present in groundwater range in size from several feet to thousands of feet in length. In many instances toxic vapors from perc-contaminated soil and groundwater threaten residents living in or near these contaminated dry cleaning sites. Vapor intrusion occurs when volatile chemicals in soil or groundwater enter through gaps in the foundation, basement, or crawl space.

At risk populations are those that are located in close proximity to the contaminated sites. Low-income and minority populations are more vulnerable to the negative human health and social impacts upon exposure. These affected populations are less likely to afford the costs associated with moving to a different home to avoid exposure, incurring property value loss, covering health care costs or losing productivity at work. This may have other long-term negative economic effects. A good way to reduce human exposure in the area is to educate local residents and avoid developing contaminated sites.

BREDL campaigns for clean-up of contaminated dry-cleaning sites to levels protective of environmental quality and public health. These clean-ups must extend to contaminated neighboring properties. As there are an estimated 2,000 contaminated sites in the NC, there is a substantial population that lives near perc contamination. Those who live near contaminated areas are likely to be open to learning more about perc contamination and the need for a shift towards non-perc dry cleaning practices. Two major problems must be addressed: Future drinking water uses or other groundwater uses of adjacent properties must be taken into account .Second, dangerous vapor intrusion into foundations, basements and living areas of nearby homes must be considered.

BREDL is opposed to any method which allows soil and groundwater contaminated by dry-cleaning sites to remain untreated. Safe and economical alternatives for cleaning clothing are commercially available which do not use toxic perchloroethylene. We advocate the phased out elimination of the use of perchloroethylene as a dry cleaning solvent.

Dry-cleaning Solvent Cleanup Act (DSCA) Program History

Funding for clean up of the contaminated dry cleaning sites comes from a tax placed on both perc and petroleum-based solvents under the Dry-cleaning Solvent Cleanup Act (DSCA) Program. The tax paid by dry cleaners to decrease the levels of contamination at these sites does not include compensation for residents whose health and property has been ruined by perc contamination.

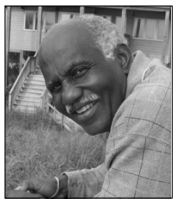
- State program created in 1997 to mitigate widespread contamination from contaminated dry cleaning sites
- Clean up fund established through sales tax revenues
- August 26, 2009, Senate Bill 700 extended sunset date of DSCA program to January 1, 2022
- Clean up fund balance: $37.6 million (DSCA Oct. 2008 Annual Report)
- 226 sites certified under DSCA, 5 closed
- Mitigation not to exceed $1 million per contaminated site
- Land use restrictions will be required for most sites
- Program under-funded, subject to budgetary shortfalls, revisions, and restrictions
- PERC contamination will be minimized, not eliminated
- Risk-based “clean up” – favored by dry cleaners. Costs less, groundwater and public health compromised
- No compensation for affected residents re: health issues related to PERC exposure
- No compensation available to property owners with contaminated homes
- No incentives for dry cleaners to switch to cleaner, safer alternatives
- Contaminated dry cleaning sites will go unnoticed by majority of public due to lack of requirement to notify residents who live near such sites
- Residents who refuse to comply will continue to be exposed to PERC through contaminated drinking water wells
- Surface water and environment at risk because of non-compliance issues and lack of funding to mitigate contamination
- Dry cleaning businesses continue to use PERC resulting in further risks to public health and environment ■

By Beverly Kerr
Communications Coordinator
and Community Organizer



“Suffice it to say there are many alternatives which do not poison retail dry-cleaning workers, customers or neighbors. And the costs of the alternatives are reasonable, even for the diminishing number of so-called mom-n-pop operations.” ~ Lou Zeller, BREDL Science Director

Georgia Perc Campaign



By Charles Utley, Environmental Justice / Community Organizer

Since 2002 BREDL has worked in Georgia. Charles Utley of Augusta serves as our Environmental Justice Coordinator and our Community Organizer. With our established work on perchloroethylene contamination in North Carolina, BREDL is uniquely qualified to champion our Georgia Perc Campaign. Public education, community organizing and policy advocacy are our principal methods.

BREDL is constantly monitoring PERC, the toxic solvent from the commercial dry-cleaning industry, that is impacting Lumpkin Road communities in Augusta, Georgia. BREDL is also organizing community meetings with residents to discuss the problem and to create an action plan. BREDL has identified 56 sites in Georgia which have soil and groundwater contaminated with perc from dry-cleaning operations. The hazardous perc sites are in many of Georgia's major watersheds. The key goals of the BREDL perc campaign are to preserve water quality and to protect public health.

For information on dry cleaner regulations and the health effects of perc, http://epa.gov/drycleaningrule/index.html.

For information on Hazardous Waste Requirements, http://www.gaepd.org/Files_PDF/techguide/hwb/drycleanbook.pdf

Z Smith Reynolds Grant Awarded October 2010

The Z. Smith Reynolds Foundation has awarded a grant of $60,000 to the Blue Ridge Environmental Defense League for our program work in North Carolina. The award will support general operating expenses for statewide projects including medical waste incineration, sewage sludge spreading on farmlands, dry-cleaning contamination and perchloroethylene phase-out, steel galvanizing plant pollution and our continued work to block commercial solid waste megadumps.

The cornerstone of our ZSRF award is support for our work for environmental justice. Our League serves rural communities across North Carolina threatened by dangerous and undesirable facilities. Further, our League seeks to establish sustainable economic development projects. Zero waste and clean energy are central to our sustainability goals. ■

"Megawatts, Negawatts* and You."

America's best known public advocate speaks on cost effective and sustainable energy choices for the 21st century.

September 13, 2010 BREDL Chapter, *Peoples Alliance for Clean Energy* (PACE) co-sponsored a presentation by Ralph Nader at University of Virginia, along with a *meet-n-greet* reception at the home of Helena Cobban, a member of PACE.

Mr. Nader spoke of seeing the 'BIG Picture', how our country is controlled by big business corporations, by lobbyists hired by the thousands and sent to Congress, a few who decide for the many. Corporations were originally chartered and were seen as our servants and not our masters. Now we are growing up corporate and we need to unlearn this mindset. We are taught to believe and not to think, to obey and not to challenge.

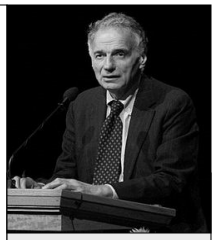
Corporations choose oil, coal and nuclear power because it brings them more money and control and political power. Solar power is more efficient and price competitive and cannot be controlled, not even by Exxon! Yet, one percent of the people make bad choices for our country and the rest of the people just follow along.

Mr. Nader quoted an ancient Chinese proverb, *"To know and not to do is not to know."* ■



" If everyone learned as much as I have from Ralph Nader, we could change the world. BREDL and PACE provided me a unique opportunity to meet a true American hero."

By Julius Kerr, husband of Beverly Kerr, *Be Safe Not Sorry* BREDL Chapter member and BREDL volunteer.



Ralph Nader

Attorney, author, lecturer, activist, public advocate.

"Practical, renewable and efficient energy has reached critical mass. It's time for victory."

Anatomy of a Win
Or
"How We Beat Fibrowatt"



By Betty Tesh, Citizens' Alliance for a Clean, Healthy Economy (CACHE)

In June, 2008, Fibrowatt, LLC, announced that Surry County had edged out Wilkes as one of three NC counties "selected" by the company to host a "bio-mass-fueled energy plant." The announcement came as a surprise to most of the county, but even more so to the citizens of Elkin, since the proposed site was less than a mile from the city limits and hardly a stone's throw from the Yadkin River. However, many Elkin-ites breathed a sigh of relief: Having recently lost a major industry, they were concerned about unemployment and a shrinking tax base. A "power plant" seemed, on the surface, to be an excellent neighbor.

Little did we know that the "power plant" would turn out to be a poultry litter incinerator! We also later learned that the element of surprise is a trademark of Fibrowatt, whose methodology includes making early contact with county officials, selling them on promises of jobs and other economic benefits while keeping under wraps the negative impacts of poultry incineration. In addition, the company convinces the elected officials that secrecy is necessary because other counties are vying for the deal.

Later that summer, Claudia Thiel, a resident of Elkin, asked a member of the Town Board if the plant were actually a good deal. He assured her that he and other invitees of the company had toured Fibrominn in Benson, MN, and he was convinced Fibrowatt would be a valuable addition to the county's dwindling industry base. She had nothing to worry about, he told her. All over town, other citizens were being similarly comforted by elected officials. The message from both town and county was "This is a great opportunity."

In August, 2008, at the urging of Barry Carlton, Claudia met with Barry and Sam and Betty Tesh to discuss their concerns about poultry litter incineration. From that group of four, CRED (Coalition for Responsible Economic Development) was formed. Letters to the editor of the local paper and word of mouth soon increased membership.

The first thing CRED did was work on an in-depth study of all available information on bio-mass burning, the use of poultry litter for fuel, and the background of Fibrowatt. Only when that material was fully researched and documented, CRED issued a call for a community meeting in March, 2009,

Over 100 curious Elkin and Surry County residents attended. Hank Thiel presented a power point presentation, and many people asked questions. When Dr. Hal Stuart, a much-respected, retired physician spoke passionately about his concern for the health of the community, many in the audience were convinced for the first time that Fibrowatt was not a good deal, and wanted to learn more.

Following the community meeting, CRED continued to work on the economic impact of such an industry. However, Sam Tesh, as Co-Chair of BREDL, was growing increasingly concerned about the environmental impact of Fibrowatt, as well as the possibility of a lawsuit resulting from opposition to the company. In the end, the group agreed to divide. CRED would continue to work on economic issues, and the new group would begin taking a more activist stand about the environmental impact.

With the assistance of the BREDL staff, Citizens' Alliance for a Clean, Healthy Economy (CACHE) was formed in June, 2009, for the purpose of defeating the proposed Fibrowatt facility. It was clear by this time that agreements between the county and the company had been made without clear notification to the public and without the commissioners doing "due diligence" on the health costs to those living near the incinerator.

However, when citizens tried to approach the commissioners with information, the commissioners turned a deaf ear, saying, in effect, that the plant's coming was a "done deal." Indeed, the commissioners had already purchased the proposed site as part of their incentives plan for the company.

CACHE members began attending county meetings regularly. At each meeting, a CACHE member would speak against the incinerator during the Open Forum period. One of the best-attended meetings was for the re-zoning of the proposed site from *Farming* to *Heavy Industry.* Speakers were told they could not use the word "Fibrowatt'. No matter how compelling or well-researched our information, the commissioners either ignored our speakers or treated them rudely. The vote was unanimous to re-zone the land.

One of our strongest strategies after that was a letter-writing campaign. Hardly an issue of the local paper came out without a letter from some CACHE member. When non-CACHE begin writing letters in support of our position, we knew our campaign was being successful. We discovered that more and more people were aware of what Fibrowatt was and were questioning the judgment of the county in inviting this industry to the area.

In October, 2009, three of our members were threatened with arrest simply because they were wearing badges identifying them as members of CACHE at a downtown festival sponsored by the local Chamber of Commerce. They obediently removed the badges, but reported the incident to the local paper, which carried a front-page story on the event. Many people who had been indifferent to our message reacted strongly to this attack on our First Amendment rights and began listening to what we had to say. We received an apology from the town and the police department, but not from the Chamber of Commerce.

After many requests for a public hearing, we were finally granted a "public" meeting at Surry Central High School. It was a farce. We were told not to disseminate printed material; our speakers were limited to 3 minutes and one question of the Fibrowatt representative while he was given almost unlimited time; the commissioners were rude and inattentive (At one point a commissioner put his head on the table and pretended to sleep, and another commissioner told a person to " sit down and shut up" when he requested a follow-up question of the Fibrowatt representative.)

To refute claims by elected officials that our organization was “anti-business” and “negative” we entered a float in the 2009 Elkin Christmas Parade which carried a positive message. The theme was “CACHE’S Christmas Dreams for Elkin” and we had children sitting around a Christmas Tree, holding up “dream clouds” with things like *Increased Tourism, More Vineyards, and Downtown Re-vitalization* written on them. We even won a judges’ prize!

In January, 2010, when former Elkin resident Hal Weatherman wrote on his blog and published a letter in the local paper outlining his “vision” for an improved town, we jumped on the idea of having him speak at a banquet. He agreed and in February, 2010, spoke to about 140 people presenting innovative ideas on how Elkin could improve the economic situation without inviting a polluting industry.

At about the same time, Dr. Wells Steward, a member of the local Chamber of Commerce, became concerned that the local chamber had gone on record in support of Fibrowatt. He decided to poll the membership. After the poll was completed, Dr. Steward discovered that 94% of the members were opposed to the incinerator. His poll forced the CEO and the local Board to withdraw their support.

Shortly thereafter, Susan Stewart and others decided to submit a request under the Freedom of Information Act for all commissioners’ correspondence regarding Fibrowatt. This request would prove to have a major impact.

Feeling the pressure from CACHE and with the election for his seat coming up in November, 2010, one of the commissioners offered the motion that the county withdraw the incentive package previously offered to Fibrowatt. Although the motion was approved unanimously, the next morning the chairman sent an email to the company saying “…don’t worry, there are a few hurdles to get over…”

Surprisingly, the commissioners scheduled a meeting in Elkin. Knowing that an Open Forum was usually scheduled for each meeting, CACHE encouraged people to attend and speak. When the chairman announced that he had requested the Elkin police be present and that the board had decided not to have an Open Forum at this meeting, most of the crowd walked out (under the watchful eye of the police), while openly expressing their disdain

During the spring of 2010, Susan Steward had been designing a petition for the residents of Elkin to indicate whether they supported the town’s decision to provide water to the site, or opposed it and how they felt about the proposed incinerator. She and other town residents began to take the petition door-to-door.

Also, Dr. Bill Blackley continued to research the health effects of incineration and created a Power Point presentation based on his research. He had also worked to get the North Carolina Academy of Family Practice Leadership and the Council on Public Health to go on record as opposing incineration. His research, along with Jeanette Stingone’s paper “Waste to Energy Conversion in North Carolina: Potential for Environmental Injustice” was invaluable that spring in convincing people that poultry litter incineration was harmful.

At the same time that Dr. Blackley was preparing his report and the Stewarts had been reading the documents provided by the county under the Freedom on Information Act, Elkin native Lucy Chatham had been collecting research on impact of incinerators on local communities.

All four were scheduled to speak at the May, 2010, meeting of the Surry County Commissioners. However, at the very beginning of the meeting, before those presentations could be made, the commissioner from the Elkin area moved that the county cease any further discussion with Fibrowatt. He said he was doing so because the company had not answered his questions, nor the concerns voiced by CACHE. The motion passed unanimously, effectively bringing an end to a two-year battle.

This was our success story. Some counties won quickly; some are still fighting. If your county faces danger from a proposed or existing industry, we have come up with a list of what worked for us.

1. Get BREDL staff to help you organize and strategize.
2. Start a letter-writing campaign to local papers.
3. Do your research and have a presentation that is factual and well-documented. Don’t exaggerate the danger…the truth is frightening enough.
4. Plan a community meeting to present your message.
5. Attend county and/or town meetings. Speak when given the opportunity. Have a succinct, well-researched message.
6. Blanket the community with yard signs.
7. Keep the media informed. Have a “sound bite” ready for interviews.
8. Use the Freedom of Information Act to obtain correspondence from elected officials.
9. Celebrate the little victories. In a long, drawn-out battle, you need stress relief!
10. Never give up. Never accept, “It’s a done deal.” ■

You may grow weary in your battle,
but as Andy Crew was fond of saying, when Northampton County (NC) battled ThermalKEM, a hazardous waste incinerator,

“Remember, we only have to fight one day longer than they do!”

Successful Messaging Workshops
Teach Creative Media Techniques

By Beverly Kerr, Communications Coordinator and Community Organizer

September 18, 2010 - The Biomass Messaging Workshops at NAACP Headquarters in Durham, NC was well attended and full of useful information. Many thanks to presenters Lou Zeller and David Mickey of BREDL and Lois Gibbs and Anne Rabe of CHEJ.

Participants were shown how to create and frame anti-biomass messages to reach a broad audience on a local, statewide and regional level. The group developed messages into three sections: Problem, Solution and Action. All enjoyed roll play with key words, framed messages and visibility activities for all media, including radio, television, billboards, news releases, newspaper advertisements and more. Participants came away with their own Media and Publicity Plan to organize a regional response to their environmental issues.

Translating the dangers posed by the biomass/incineration industry into effective common sense messages is a challenge. The BREDL/CHEJ Messaging Workshop participants created an overarching frame (*Incinerating resources is a waste.*), provided solutions (*energy conservation, Zero Waste, recycling, green jobs*) and identified several actions to take (*public awareness, energy legislation*).

There was a recognized need to expand outreach to other groups and communities that are facing new incineration proposals. Working with CHEJ and armed with the lessons and tools from the messaging workshop, BREDL chapters are now moving forward with their new campaign to stop biomass incineration and promote safe energy alternatives.■



Vogtle Reactor
Nuclear Messaging Meeting

September 24 & 25, 2010 — Residents living in the shadow of Georgia Power's Plant Vogtle nuclear power station met with national leaders to craft effective methods of getting out the message: *Stop nuclear power.* Working with a steering committee of local ministers and civic leaders, Lois Gibbs and Anne Rabe of CHEJ and Charles Utley and Lou Zeller of BREDL organized the weekend workshop. Meeting at the Fairfield Baptist Church fellowship hall, residents of Waynesboro and Shell Bluff and supporters from Augusta and Atlanta delved into local history, brainstormed messages, and practiced live television interviews; all with the goal of halting nuclear power.■

Values

* Quality of life in community
* Generational roots of families
* Safe community and environment
* Jobs for children
* Health concerns – cancer
* Tradition of fishing – right to fish & right to hunt



Presentation by Rev. Willie Tomlin

History of Reactors

* Built on land owned by black families forced through court lawsuit
* Started to push it in 1969 – community was not organized. Today people are doing it.
* 1st reactor at Plant Vogtle in 1987
* 2nd reactor at Plant Vogtle in 1989

Targets

* Churches
* Local Baptist Association
* NAACP
* Senior citizens
* Home owners
* Concerned Citizens of Shell Bluff

Frames

* For faith-based institutions: SERMON - The Lord is my light and salvation. Light bill goes up; Income stays the same, which leaves you in the dark physically, mentally, and spirituality.
* For Senior Citizens: MONEY, HEALTHCARE, FUTURE GENERATIONS – We can't afford power bills. It is time for the audacity to hope for an alternative to GA Power – costs burden on people/rates, etc.
* For people of low wealth or limited income: Georgia Power is leading you into the dark.

Problems

* Shell Bluff, Burke County is a poor community
* Transport and importation of goods is key to the economy
* Farming community - history of large plantations
* Today, farming is controlled by large corporations using pesticides
* White/back separation; racism
* Burke County Chamber of Commerce & Improvement Association have a rigid agenda and don't contribute to development of the whole person, and spiritual development.

Solutions

* Money for nuclear program could be assigned to safe energy, which won't pollute water
* Protect our water, don't pollute it.
* GA Power is not greater than Gods Power
* We want to be good stewards of the Earth
* Solution: End the plans to construct 3 & 4. Roll back the call for rate increase to pay for GA Power profits.

Action

* Get Commission to vote in new Public Service Commission
* Reduce the rates. Boycott and don't use power on Sunday!
* Oppose the construction of two nuclear reactors in Burke County, Stop Vogtle 3 & 4
* On a fly swatter: "Kill the reactors"
* Attend public hearings: "Your silence will not protect you"



Chapter Updates!

Let Your Voices Be Heard Through BREDL, by sharing your strategies, actions and updates.



Interagency Working Group on Environmental Justice (EJ IWG)

From Left to Right:
Nancy Sutley, White House Council on Environmental Quality; Administrator Lisa P. Jackson, EPA; Attorney General Eric Holder, Department of Justice; Secretary Shaun Donovan, Department of Housing and Urban Development.

Protect All Children's Environment (PACE)

Elizabeth O'Nan, presented written and oral comments before the Interagency Working Group on Environmental Justice (EJ IWG) regarding the need to include citizens who were disabled by chemical injuries and disabilities in the Environmental Justice (EJ) agenda. PACE and their western affiliate PACE West, represented by John Shapiro, were two of only five that presented comments during the meeting.

For the first time in more than a decade, U.S. Environmental Protection Agency Administrator Lisa P. Jackson and White House Council on Environmental Quality Chair, Nancy Sutley, reconvened the Interagency Working Group on Environmental Justice (EJ IWG) in a meeting held at the White House. The meeting, attended by five cabinet members, was to demonstrate the Obama administration's dedication to ensuring all Americans have strong federal protection from environmental and health hazards. Pollution like dirty air and contaminated water can have significant economic impacts on overburdened and low-income communities, driving away investment in new development and new jobs and exposing residents to potentially costly health threats. This historic gathering marks a recommitment to advancing the mandate of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which states that each agency, with the law as its guide, should make environmental justice part of its mission.

The role of the EJ IWG is to guide, support and enhance federal environmental justice and community-based activities. By coordinating the expertise and resources of federal government agencies, the EJ IWG will work to identify projects where federal collaboration can support the development of healthy and sustainable communities. The EJ IWG will also seek opportunities to provide green jobs training in communities in need and promote a clean energy economy.

Attendees at the meeting included Attorney General Eric Holder, Department of Justice; Secretary Ken Salazar, Department of Interior; Secretary Shaun Donovan, Department of Housing and Urban Development; Secretary Ray LaHood, Department of Transportation; Administrator Martha Johnson, General Services Administration; Carol Browner, senior advisor to the president on energy and climate Change; John Holdren, director of the White House Office of Science and Technology Policy; Melody Barnes, director of the White House Office of Domestic Policy; and representatives from the following federal agencies: Labor, Health and Human Services, Energy, Education, Homeland Security, Commerce, Army, Agriculture and Defense, among others.

The committee stated that they would look into the serious complaints by PACE that the chemically injured and disabled were being ignored and neglected by the EJ IWG and pledged to investigate what was being done to assist this special needs population.

We invite all of our BREDL chapters to participate in the Environmental Justice meetings and get on their email list to keep up with their activities. We should never allow this important federal group to only hear from five environmentally abused groups again. If nothing else we must Agitate! ■

http://www.epa.gov/environmentaljustice/interagency/index.html

Clean Air NOW (CAN) is perhaps the latest newcomer as a BREDL Chapter and busier than ever! CAN's focus is on ending medical waste incineration and, specifically, targeting Stericycle's facility in Graham, NC where 2 incinerators burned 27.2 million pounds of medical waste last year which was trucked into Graham from 22 states.

CAN members joined with BREDL's Citizens for a Healthy Environment and Sept 7th saw both groups converge in Greensboro to give comments at the Public Hearing for the state's adoption of EPA rules that govern medical waste incinerators in NC. Almost 30 speakers provided compelling reasons why the state should adopt a final implementation date of 2012 rather than 2014, as well as the need to segregate waste to avoid burning plastics, paper and metals. Job well done! CAN & CHE continue to encourage local government units to pass resolutions in favor of the earlier adoption date. Thirteen have already done so with more scheduled.

In search of the solution(s) to ending medical waste incineration, CAN also held a meeting with the State's NCDENR Environmental Biologist, Bill Patrakis, to understand the alternatives to incineration as well as what process the state goes through to approve these alternatives. The state has now approved 2 alternatives to incineration for pathological waste. 'Path waste' is a category of waste that has been problematic since the state mandated it for incineration. However, with these approved alternatives, even pathological waste has a non-burn disposal solution. Ending incineration is getting ever so much closer. *Clean Air Now*: http://bredl-medwaste.org/

Other actions from CAN during June - September of 2010: *By Carole Troxler, Clean Air Now Co-Chair*

- Held open chapter meetings to recruit interested persons and involve them in subsequent action.
- Wrote a Mission Statement and elected officers.
- Obtained the support of one Alamance County Commissioner and the Alamance County delegates to the state legislature.
- Provided guest editorials for the Burlington Times-News and Mebane Enterprise addressing Stericycle pollutant issues.
- Presented the Resolution to local government units.
- In preparation for the September 7 hearing, called on an official in NC DNR Division of Waste Management for information and used the September 7 EMC hearing to raise awareness of the issue with flyers, small presentations and conversations.
- Hosted screenings of film, “Burning Issues in Medical Waste” and led discussions, distributed flyers.
- Asked NC state senators and of local representatives to support implementation of the new EPA rules by 2012.
- Purchased a full-page advertisement in a Sunday edition of the Burlington newspaper drawing attention to the issue. ■



Citizens for a Healthy Environment (CHE) has had a busy summer, leading up to the Sept. 7th Environmental Management Commission hearing in Greensboro, NC on the new EPA rules for medical waste incineration. A number of members drove up to the hearing and expressed their desire for the state to implement the new EPA rules by October, 2012, instead of the later deadline of October, 2014. Their resounding message was that 2014 is too long to wait for safer emission levels from the medical waste incinerators operating in the state - BMWNC in Matthews, NC and Stericycle in Haw River, NC. Members of both CHE and CAN spoke at the hearing, where the message delivered in public comment was unanimously in favor of early implementation.

CHE also delivered petitions to the EMC from Mecklenburg and Union Counties, and the towns of Matthews and Stallings, asking the state for earlier implementation of the rules, along with a petition from 150 students and teachers at Central Piedmont Community College in Matthews.

CHE and CAN, working together, have created strong grassroots and local governmental support across the state for earlier implementation of the new EPA rules. The EMC is expected to meet in mid-November and discussion of a date for implementation of the rules will be on the agenda.

CHE will also begin a health survey (cancer count) in neighborhoods within three miles of the Matthews incinerator in October, to begin to document the high numbers of cancers within a three-mile area from the incinerator. They will also begin air sampling with the Bucket Brigade and soil testing for dioxins in the same areas. The group has two fund raisers planned before the end of the year to help finance the testing fees. Dates to be announced! ■

Citizens for a Healthy Environment Mount Cancer Count Survey

By Sue Dayton, NC Healthy Communities



Citizens for a Healthy Environment (CHE), a newly formed chapter of BREDL, will soon take to the streets to talk with residents about cancers in their homes. Members of CHE will be conducting door-to-door surveys that focus on the numbers and types of cancers that are present in communities located near BMWNC, a medical waste incinerator owned by Healthcare Waste Solutions, based in Cincinnati, Ohio. The incinerator is located in Matthews and borders the nearby Town of Stallings. It has seen several owners throughout the years, and has burned medical waste in the community since 1985.

Residents have complained bitterly about odors, fires, fumes and ash falling from the sky from BMWNC. The incinerator has had numerous episodes of by-pass events (when pollution equipment fails releasing raw contaminants into the air), in addition to civil penalties and numerous violations throughout the years.

CHE chair Catherine Mitchell says the cancer count survey was spurred by numerous reports of cancers from residents living in close proximity to the BMWNC medical waste incinerator. "We've been hearing about large numbers of cancers in neighborhoods located near the incinerator," she says. "Certain cancers have been linked to environmental causes, and these cancers will be of particular interest. Some of these are rare childhood cancers and the same types of cancers affecting family members within a household."

Last month Lou Zeller, BREDL's science director, and BREDL communications specialist and community organizer Beverly Kerr, held a cancer count training for CHE members in Stallings, NC. About a dozen residents and members of CHE took part in the training which focused on how to conduct door-to-door surveys and gather information from residents. The survey has been designed to record the numbers and types of cancers present in households in neighborhoods located within a three-mile radius of the BMWNC. "We're also hearing that a number of people's pets have cancer or have died of cancer, so this information will be recorded as well," Mitchell added.

Mitchell says that in addition to the cancer survey, the chapter plans to take air and soil samples to determine what's in the local environment. "We're in the process of trying to determine what's in the environment that may be associated with certain types of cancers. We'll be looking closely at metals and dioxins to see if these are in higher concentrations near the incinerator."

A public hearing held earlier this year in Matthews concerning the Title V permit renewal for the BMWNC medical waste incinerator showed widespread opposition to the incinerator by local residents. In October 2009, the Environmental Protection Agency (EPA) issued new rules for medical waste incinerators that include stricter standards for major air pollutants. Medical waste incinerators must comply with the new rules by 2014; however, recent stack tests show the BMWNC incinerator is releasing dioxins and furans, mercury and hydrogen chloride at levels well over the new EPA limits. A resolution sponsored by the Mecklenburg County Board of Commissioners requests that medical waste incinerators in NC be required to come into compliance by 2012 instead of 2014.

Mitchell says that even if the BMWNC is brought into early compliance with the new EPA rules, releases of toxic air pollutants will continue to be released into the environment which may be affecting communities located near the BMWNC.

"We're hoping that the cancer count survey will shed some light on what is happening in our neighborhoods," Mitchell says. "We know that the vast majority of medical waste generated does not need to be incinerated, and that more environmentally-friendly alternatives exist to dispose of medical waste. In addition to gaining more insight about cancers in our neighborhoods we plan to work with BREDL to achieve our goal of shutting down the BMWNC medical waste incinerator, once and for all."■

Update: Water Supply Watersheds Protected from Sewage Sludge

Thanks to efforts by Senator Ellie Kinnaird and the League's NC Healthy Communities campaign, drinking water supplies serving several counties in NC will be protected from contaminants in sewage sludge. However, a loophole in the 1992 Water Supply Watershed Protection Act still allows spreading sludge on fields permitted prior to 1992.

The NC Division of Water Quality (DWQ) has agreed to remove sludge fields located in critical watersheds from permits improperly issued to municipalities after 1992. The decision to remove the fields from five municipal permits came after a press conference last month hosted by NC Healthy Communities and Senator Kinnaird. Senator Kinnaird also requested that DWQ adopt a moratorium on all sludge spreading in critical watersheds of NC.

The removal of sludge fields from critical watersheds is a victory for clean drinking water and public health. Protecting our water resources is a never ending job: NC Healthy Communities and Senator Kinnaird will be working together to bring an end to sewage sludge spreading in critical drinking water supply areas to ensure the long-term health of communities! ■



Nuclear Power Updates

By Louis Zeller, Science Director

The League continues to fight proposed nuclear power plants

Throwing down the gauntlet

At Plant Vogtle in Georgia, Southern Nuclear Operating Company—also known as SNOC—has applied for a state air permit for the addition of four new cooling towers for the two proposed reactors. However, local opposition is strong and our initiative there has challenged the permit under the Clean Air Act's Prevention of Significant Deterioration PSD rule. What? You didn't know that a nuclear power reactor needed an air pollution permit? You're not alone. But, yes they do and BREDL filed a challenge on August 11, 2010 under section 505 of the Act. At press time, we have received an acknowledgement from EPA that our petition is "in the system." The petition is a direct challenge of the State of Georgia's implementation of hazardous air pollutant limits; specifically, the requirement to control radionuclides–a pollutant under federal law. If Georgia does not adhere to federal law, as an EPA agreement state it can be challenged by anyone who participated in the state's public hearing . We did, and we are. Nuclear power plants emit radionuclides into the air during routine operation. Water used to cool the reactor and to run the steam turbines can be contaminated with radioactivity. That water can contaminate the cooling tower – which evaporates water as part of its normal function. The nuclear regulatory Commission does not control radioactive cooling tower emissions, and neither did the Georgia Environmental Protection Division when it issued the new air permit for Vogtle. If Georgia fails in this area, the EPA can step in. That's what BREDL's 505 Petition is designed to make happen. The EPA has 60 days to respond.

Fool me once…

On October 3rd, the League again challenged the license to build a third nuclear power plant at North Anna. Early this year, Dominion-Virginia Power substituted a pressurized water reactor for a boiling water reactor in its design plan. According to nuclear power engineers, a shift this late in the process forecloses the consideration of far better method of cooling the reactor, virtually eliminating deleterious effects of thermal pollution in Lake Anna and reducing the impact of hazardous tributyltin, a toxic anti-fungal agent. A PWR could employ a dry-cooling system, eliminating water withdrawals from and hot water discharges into the lake. A BWR could not use dry cooling. Why did Dominion switch? Here questions abound. But the convenience of the company does not outweigh their responsibility to comply with the National Environmental Policy Act. Nor does it subvert the rights of the public to question, comment or intervene in the license process. A second argument raised by our petition calls into question the ability of the power plant at North Anna to withstand the seismic shocks common in Central Virginia. Decades ago Virginia Power failed to report fractures in the rock which cause instability in the nuclear plant's foundation. The cover-up was discovered only after the first two reactors were built. The company paid fines for its violation. In its plans for the Unit 3 boiling water reactor, the Dominion-Virginia Power sought a variance from the seismic requirement. Now, with the design change to a PWR, the company again seeks an exemption from earthquake safety standards. A reasonable person may ask: Is there no power plant design which will meet safety standards? Or, is the North Anna site itself simply unsuitable for nuclear power plants?

TVA Pitches, NRC Balks

In August the Tennessee Valley Authority apparently shelved new reactor plans and decided to reconstruct the abandoned and cannibalized Bellefonte Unit One, dedicating over $200 million to the older reactor. Meanwhile, the Nuclear Regulatory Commission, wary of further surprises from TVA, has adopted a wait-and-see attitude, suspending its environmental reviews at Bellefonte until 2011. However, the League and its chapter Bellefonte Efficiency and Sustainability Team are not holding back. We are challenging TVA's and NRC's agreement to rebuild the 1970's-era nuclear power dinosaur known as Bellefonte One. More to come.■

Is Biomass Carbon Neutral? EPA Wants To Know.

By David Mickey, Zero Waste/Clean Energy Campaign Coordinator

The Environmental Protection Agency (EPA) has identified greenhouse gases as pollutants and subject to regulation under the Clean Air Act. Beginning January 2, 2011, EPA and the states will begin phasing in new regulations to control and reduce greenhouse gas emissions. This first step is a "tailoring rule" that applies only to the largest sources of global warming pollutants. Rules expanding the regulations to smaller sources will follow.

The EPA's Tailoring Rule did not exempt sources that use "biomass' for fuel and instead treated all industries and fuels equally. However, EPA acknowledged the question of "biogenic" carbon and will initiate rulemaking to address emissions from biomass incinerators and other sources such as wastewater treatment plants, livestock management, landfills and ethanol fermentation. Their Call for Information docket that ended September 13, 2010 was the first step in that rulemaking process. Hundreds of comments, including BREDL's, were submitted.

Specifically, EPA wanted comments on how to account for biogenic emissions under the Clean Air Act's PSD and Title V programs, data on the nature of those sources and emissions, and the scientific basis for an accounting approach. EPA asked for research studies, policy analysis, methodologies and other information that supports methods to account for biogenic greenhouse gas emissions.

Industry, particularly timber and pulp and paper, has pushed back hard against any effort by EPA to regulate carbon emissions using the Clean Air Act. EPA responded by leaving the Tailoring Rule in place but promising new rules for biomass and guidance on Best Available Control Technology to reduce greenhouse gas emissions.

Science has debunked the "carbon neutral" myth. Switching from fossil fuels, like coal, to biomass, like trees, does not result in a reduction in atmospheric CO2. In fact, because wood is less "energy dense" than coal, much more carbon is emitted to the atmosphere to generate an equivalent amount of energy. The assumption that growing trees somewhere absorbs the additional carbon *at the same rate that trees are being burned* is the basis of the carbon neutral claim.

In fact, the extra carbon remains in the atmosphere for decades at a time when reductions in CO2 are growing more critical. But science is not politics and it is politics that usually determines policy. Writing on behalf of her state's timber industry, Senator Susan Collins offered her analysis of the new rule: "Incredibly, the EPA proposes to ignore the carbon neutrality of biomass and place onerous permitting requirements on businesses such as Maine's biomass plants and paper mills, which use biomass to provide energy for their operations."

Her statement accurately summarizes industry responses to the EPA's Call For Information.

The Blue Ridge Environmental Defense League concluded its comments this way:

"EPA has acknowledged the complexity of carbon accounting. Permitting all sources and emissions is a necessary step toward reducing those emissions. The PSD and Title V Programs applied evenly to those sources with no "carbon neutral" loopholes is the preferred approach for landfills as well as other greenhouse gas generators. The atmosphere does not distinguish between emissions from coal and emissions from trees or waste. Best Available Control Technology should apply without regard to fuels consumed. The goal is to find a way to reduce greenhouse gases, not to excuse them." The effort to balance the global carbon budget continues.■

Judge Rejects Waste Industries Lawsuit

On September 8, 2010 Superior Court Judge Henry Hight, Jr. issued an order rejecting all of the claims in a Waste Industries, Inc. lawsuit against the North Carolina Department of Environment and Natural Resources. Waste Industries, Inc. filed the lawsuit in December 2007 challenging the legality of laws passed in the 2007 session of the General Assembly. That legislation reformed the landfill permitting process and restricted the size and location of several mega-dumps across the state, including one Waste Industries tried to locate in Camden County.

Many BREDL members worked hard for a 2006 moratorium on new landfills and to support passage of the 2007 landmark solid waste bill. Also BREDL submitted affidavits supporting the state's defense of the legislation. Judge Hight's decision confirmed:

"That Challenged Provisions (by Waste Industries) provide to North Carolina ecological and wildlife protection, financial risk prevention, tourism enhancement, environmental justice, and compatible land uses."

The law remains intact. ■



Waste or Fuel? Incinerator or Boiler?

By David Mickey, Zero waste/Clean Energy Campaign Coordinator

Waste or fuel? Incinerator or boiler? New rules proposed by the Environmental protection Agency (EPA) will soon answer these questions and change the regulatory landscape for thousands of facilities. The rules follow years of litigation, court decisions and public debate in Congress and the media. The results will either provide stronger air quality protections or open up hundreds of communities to new threats from incinerators.

Waste or fuel? This rule, ***"Identification of Non-Hazardous Secondary Materials That Are Solid Waste"***, determines whether or not a facility burning waste materials is regulated as a boiler under Section 112 or a waste combustor under Section 129 of the Clean Air Act. The distinction is important because Section 129 covers more emissions and facilities of all sizes while boilers under Section 112 are regulated either as major sources (10 tons per year of a single hazardous air pollutant or 25 tons total) or area sources. Regulations for boilers and area sources are far less restrictive than those for incinerators.

Current practice excludes many materials from the solid waste category. Scrap tires, plastics, railroad ties, used oil, demolition wastes, paper mill sludges, agricultural wastes and other industrial byproducts are burned in boilers as fuel. Many are now approved as renewable energy resources in various state Renewable Portfolio Standards.

As part of a webinar explaining the new rules, EPA developed a flow chart to determine if such materials are waste or fuel. The flow chart asks:

- Is the material a traditional fuel?
- Has the material been discarded in the first instance (i.e. abandoned, disposed, thrown away)?
- Is the material managed within the control of the generator?
- Does the material satisfy the legitimacy criteria?
- Does the material have meaningful heating value?

Depending on the answers, the material is either a waste or a fuel.

EPA also proposed an alternative approach that expands the types of materials considered solid waste by including anything that is combusted off-site of the generator. In BREDL's comments submitted to EPA, we supported this alternative approach. However, we did not support a provision that allowed petitioning for a case-by-case determination or an exemption for waste that remains in the control of the generator.

Biomass promoters are concerned about the new solid waste rule. They do not want to be labeled "incinerators" because of the long history of public opposition to such facilities. The forestry industry in particular is concerned that "wood waste" might turn out to be "solid waste" if it changes hands.

The link below includes the flow chart described above and other materials explaining the new rules.
http://www.epa.gov/apti/webinars/20100609combustion.pdf

EPA expects to issue the final rule by December 16, 2010. ■

Blue Ridge Environmental Defense League Mission Statement

The Blue Ridge Environmental Defense League is a regional, community-based non-profit environmental organization founded in 1984. BREDL encourages government agencies and citizens to take responsibility for conserving and protecting our natural resources. BREDL advocates grassroots involvement to empower whole communities in environmental issues. BREDL also functions as a "watchdog" of the environment, monitoring issues and holding government officials accountable for their actions.

We are a true league of grassroots chapters working in rural communities in the Southeast. For twenty-six years the same organizing principles have guided our work: public health protection, environmental democracy, earth stewardship and social justice. Our mission is to prevent harm from air and water pollution and to create sustainable alternatives for sound waste management and economic development. Protecting children's health from environmental poisons, empowering whole communities to engage in crucial decision making, and changing the balance of power to prevent injustice are key components of our work.

It's easier than ever to **join**, **renew** and **donate** online.

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