BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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The LEAGUE LINE

WINTER 2021

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"Environmental Pains Bring Environmental Gains"

2021

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Campaign victory!

In big win for communities, coal ash disposal company drops appeal of Chatham, Lee County cases

By Therese Vick

Almost a year to the day that Administrative Law Judge Melissa Owens Lassiter reversed her decision which had allowed coal ash to be disposed of in Chatham and Lee Counties, North Carolina, the communities are announcing another victory. Charah, Inc., the company that owns the two sites, has dropped its appeal of the 2019 ruling and has agreed that no coal ash will go to the Colon site in Lee County. The Brickhaven site will be closed as required by the permit issued by the North Carolina Department of Environmental Quality (DEQ). In the settlement, the company also agreed on enhanced groundwater monitoring of the Brickhaven site in Chatham County.

After the Dan River coal ash spill in February 2014, Governor Pat McCrory and Duke Energy had a 150-million-ton coal ash problem. The resulting public outrage culminated in the Coal Ash Management Act -- including a last-minute addition: disposing of coal ash in mines would be considered "beneficial reuse." Emails obtained by BREDL through public records requests showed a scheme was hatched as the CAMA legislation was introduced. State regulatory staff met with Charah, the owner of the landfills and the contractor handling coal ash disposal for Duke, and former House member, Mitch Gillespie, who was at that time



(Continued on page 3)

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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 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 over three decades 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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(Campaign victory! - Continued from page 1)

Assistant Secretary of Environment for the Department of Environment and Natural Resources (now DEQ) to "discuss permitting options."

In November 2014, it was clear what the plan was. Duke Energy announced its plan to dump up to 20 million tons of toxic coal ash on unsuspecting Chatham and Lee County communities. They claimed it was "mine reclamation", even though large portions of the actual footprint of the proposed coal ash megadumps had never been mined. There was an unprecedented rush to permit these sites. Local officials gave up and told residents, "We can't fight Duke." Legislators turned their backs. It took 6 years, but we didn't give up.

This victory was based on grassroots organizing and the principled position that BREDL and our chapters, Chatham Citizens Against Coal Ash Dump and EnvironmentaLEE, and allies took – that coal ash must be kept on utility property and not taken to other backyards for disposal.[1] No other applications to use mines for coal ash disposal have been submitted to DEQ.

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[1] BREDL technical report *Coal Ash Disposition: The Alternative for North Carolina* https://www.bredl.org/pdf4/Coal_ash_report_14-083_w_Appx_A_B.pdf

"They didn't give up"

By Cathy Cralle-Jones, Law Office of F Bryan Brice Jr.

December 16, 2020 marked the end of a six-year struggle by BREDL, Chatham Citizens Against Coal Ash, and EnvironmentaLee to protect their communities from the legacy of generations of improper coal ash waste management. Like a reserve quarterback called in to finish the game, I was privileged to be called on to help finish the legal challenge initiated by BREDL after John Runkle's retirement.

Undeterred by the proverbial "it's a done deal, why bother" commentary, BREDL and its chapters fielded a team to try to stop the mounds of ash heading for their communities, and organized quickly. They presented substantial comment and evidence at the public hearings challenging the safety of the planned ash disposal and its likely impacts on the communities, and filed their Contested Case Petitioners only two days after the permits issued. After a December, 2015 hearing, BREDL lost the initial fight before North Carolina Office of Administrative Hearings Judge Lassiter who ruled, even before hearing evidence from DEQ or Charah, that the permits were valid. Again undeterred, in June of 2016, BREDL appealed Judge Lassiter's final decision to Chatham County Superior Court. In November of 2016, Judge Fox reversed, in part, Judge Lassiter's decision. Fox held that, to the extent that they allowed the placement of ash in "areas not already mined or otherwise excavated", the permits were void.[1]

Many voices continued to say it was a "done deal" and a waste of time to try to challenge Duke Energy and its contractors, and encouraged BREDL to stand down. Committed to protect their community and the environment, they didn't give up.

At the August 2019 continued hearing, I was not allowed to offer new evidence, and was allowed only limited cross examination of DEQ witnesses. Observers said it was like watching David fight Goliath with one stone and arms tied. However, on December 13, 2019, to everyone's surprise, Judge Lassiter issued her ruling. This time she aligned with Judge Fox and held that, to the extent that the permits allowed placing ash in areas that had not been previously excavated prior to June 2015, the permits were void.[2] As a result of their courage, persistence, and cooperation in larger struggles regarding coal ash management, BREDL and its chapters were able to check the "win" column on this one.

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[1]This decision was appealed to the North Carolina Court of Appeals, which remanded the case back to the original Administrative Law Judge.

[2]This led to the cases being settled in December, 2020.

EnvironmentaLee Organized to win

By Debbie Hall and Keely Wood



For the past six years, ELEE has been involved with the battle to keep coal ash out of Lee and Chatham Counties, North Carolina. Part of our effort to achieve that goal sent us into the Colon Community, canvassing the residents, gleaning information that would help us understand the people and what was important to them. We learned that the clay holes Duke Energy/Charah proposed to "reclaim" were used for the fishing and hunting that supplemented food resources. When Mt. Calvary Baptist Church opened its doors as a meeting place for us, we engaged with the concerned community residents. We held many fundraisers, ate cornbread and pintos, attended gospel sings, and even looked for Big Foot. We talked, we listened, and under the leadership of BREDL Community Organizer, Therese Vick, we planned actions. We learned of possible legacy contamination that had already claimed some wells in a disenfranchised community. That contamination made it impossible for some residents to drink or use their water in any way.



We attended Lee County Commissioners' meeting with Colon residents, provided bottled water donated by many churches in the area, and purchased water filters for the affected households. We rejoiced as Lee County Commissioners extended county water to the community. We heard stories of past industry "sharing" coal cinders to pave driveways, and an unusually large number of people who suffered from illness. The Colon Community became more to us than another community faced with industrial abuse -- they became our neighbors and friends. Their backyards became our own.

We are grateful for the reversal of decision from Judge Owens Lassiter. It was the right thing. It was proof that our voices and a community's justifiable concerns matter. We are grateful to Therese Vick, John Runkle, and Cathy Cralle-Jones for their untiring leadership and work. We remember those faithful activists who left us way too soon. We are thankful and proud to be a BREDL Chapter. There are so many thanks to be given, hugs to be hugged, pats on the back, and of course, food to be shared. But that will have to wait.



Chatham Citizens Against Coal Ash Dump
Endurance prevails

By Judy Hogan

January 6, 2021 a coal ash victory, at last! In 2014, I didn't want to be an activist any more. It took too much time, and I'd been fighting environmental issues in Moncure since the summer before I moved here. It was a low-level nuclear dump then, and I wanted the house I'd found and could afford, so I said I'd buy the house and join the fight. I've been fighting ever since 1998. Somehow I thought we'd win, but I had no reason to believe that, and it didn't happen fast.



BREDL Chapters EnvironmentaLEE and Chatham Citizens Against Coal Ash, Duke intern Kristina McKean and BREDL's Therese Vick outside the courtroom ("mine reclamations" case) August 6, 2019

Then we won in the Superior Court with Judge Fox, but the Court of Appeals sent us back to the first court, and she, who had ruled against us in 2016, ruled for us in 2020. It took a year for Charah to admit that they would not contest her judgment, and papers were signed to mean we had won. As early as 2015, our own Board of Commissioners had made a deal with Duke for receiving 19 million dollars for taking 12 million tons of coal ash. Meantime, some of our activists –Terica Luxton, Johnsie Tipton, and John Cross --had all died of cancer. The groundwater became polluted. The coal ash was being put down where the land was known to have dikes and other irregularities such that it was impossible to monitor the groundwater accurately. The site was wrong, but it took years to win in court.



Dr Andrew George (UNC) presenting well-test results at Chatham Citizens Against Coal Ash Dump meeting June 7, 2019





Chatham Citizens Against Coal Ash Dump Fish Fry – August 26, 2016



Coal Ash Campaign Timeline

February 2, 2014

DAN RIVER COAL ASH SPILL

An estimated 39,000 tons of ash and 27 million gallons of ash pond water were released into the Dan River from the Duke Energy Dan River facility. This contamination highlighted the threat to water resources and escalated the need to properly dispose of coal ash.

March 20, 2014

DON'T DUMP COAL ASH ON OUR COMMUNITIES

BREDL announces new campaign to block landfilling of coal ash from Duke Energy. In a press release, BREDL called on other NC organizations to oppose "this quick and dirty solution". We knew EPA Subtitle D landfills were not designed for the hazards of coal ash.

March 24, 2014

A BETTER ALTERNATIVE

BREDL releases technical report detailing alternative for Duke Energy coal ash disposal. The report detailed the dangers of landfilling of coal ash and recommended the proven saltstone technology, which would encase the coal ash waste and isolate the toxins from the soil, air and water.

April 16, 2014

PLOT TO SACRIFICE COMMUNITIES IS HATCHED

General Shale (former owner of Lee and Chatham County clay/shale mines) wanted areas released from their permit so Charah could buy the properties. Email from NC DEMLR staff that "the areas either have been completely reclaimed or were never disturbed to begin with" proved that NC DEMLR knew the areas had either not been excavated or had been reclaimed.

May 5, 2014

Charah, Inc. reserves the name "Green Meadow, LLC" with the North Carolina Secretary of State.

May 8, 2014

Charah meets with state agency and legislative staff to "discuss permit options."

May 14, 2014

Green Meadow files articles of incorporation.

NC Coal Ash Management Act is introduced. CAMA allows coal ash to be used to "reclaim" open pit mines.

November 13, 2014

PLAN BECOMES PUBLIC

Residents of Chatham and Lee Counties were shocked to discover that Duke Energy planned on dumping 20 million tons of coal ash in clay pits at Brickhaven Mine in Moncure and the Sanford Mine in Sanford. The scheme was being called "beneficial reuse" and "mine reclamation." Out of state ash could be dumped too.

November 21, 2014

Charah submits permit applications to NC DEQ.

December 15, 2014

COMMUNITY OPPOSITION

After community pressure, Chatham County Commissioners adopt resolution opposing coal ash disposal "due to the substantial health and environmental risks represented by the current disposal plan and governmental regulations."

December 19, 2014

EPA deems toxic coal ash as "non-hazardous", but never claims coal ash is harmless.

January 5, 2015

COMMUNITY OPPOSITION

After community pressure, Lee County Board of Commissioners adopt resolution opposing coal ash disposal "due to the economic hardship and environmental risks associated with this plan."

January 9, 2015

BREDL investigation points to vulnerability of clay mines statewide as potential coal dumpsites. The League's map showed nearly 100 active and inactive clay mines located in over 20 NC counties.

January 23, 2015

NC approved a request to transfer mining permits for the Colon Mine in Lee County and the Brickhaven tract in Chatham County to Green Meadow, LLC.

March 10, 2015

BREDL LAUNCHES RADIO AD CAMPAIGN

Joined by Lee and Chatham County residents, BREDL announced an ad campaign calling on the Governor to stop Duke Energy's plan to dump millions of tons of dangerous coal ash into clay mines located in Lee and Chatham counties. The ads featured children singing "Ashes, ashes, we all fall down".

May 8, 2015

Emails obtained by BREDL show that Tom Reeder, NC DEQ Assistant Secretary for Environment, solicited permit decisions before the public comment period concluded.

May 16, 2015

BREDL COMMENTS ON DRAFT PERMITS

BREDL Comments on draft permits for the Lee and Chatham County coal ash landfills stating, "The applicant and the Department have failed to address important environmental, public health and safety, and statutory concerns."

June 5, 2015

Two of the major permits for the coal ash dumps, for mining (DEMLR) and structural fill (DWM), were issued.

June 18, 2015

THE DANGERS OF COAL ASH A COAL ASH FORUM

Esther Calhoun and Adam Johnston, activists from Uniontown, AL, spoke at BREDL's "Ashes Ashes We All Fall Down" Forum in Sanford, NC. Uniontown is where the coal ash from the Kingston, TN TVA spill was disposed of, prompting a Title VI civil rights complaint.

July 6, 2015

LEGAL CASE

BREDL, Chatham Citizens Against Coal Ash Dump, and EnvironmentaLEE filed a petition for a contested case hearing with the Office of Administrative Hearings challenging Duke Energy's coal ash dumping plans.

October 23, 2015

COAL ASH AT BRICKHAVEN

First delivery of coal ash from Riverbend coal facility to Brickhaven landfill.

October 30, 2015

First delivery of coal ash from LV Sutton coal facility to Brickhaven landfill.

Coal Ash Campaign Victory!

Coal Ash Campaign Victory!

November 28 2015

In a letter to Duke Energy President and Chief Executive Officer Lynn Good, BREDL demands that Duke Energy immediately cease the dumping of coal ash at the Green Meadow, LLC landfill at Brickhaven.

December 2015

POLICY CHANGE

Duke Energy response to BREDL, "Where we can, our strategy is to keep as much ash on existing sites as possible." This policy change is a direct result of BREDL's campaign.

January 11 2016

LEGAL CASE

BREDL & chapters file Motion to Amend Petition, in the NC Office of Administrative Hearings, stating that DEQ issued permits based on negotiations between the Governor & Duke Energy.

February 5 2016

CIVIL RIGHTS TESTIMONY

ELEE and CCACAD's story about coal ash made it all the way to DC as CHEJ's Lois Gibbs presented testimony before the U.S. Commission on Civil Rights.

February 10 2016

LEGAL CASE

BREDL's legal challenge was dismissed in the State Office of Administrative Hearings. Administrative Judge Melissa Owens-Lassiter ruled to allow coal ash.

February 16 2016

BREDL staff presented on coal ash during CHEJ training call. The training was for community leaders dealing with coal ash disposal.

March 2016

BREDL and members testified at NC DEQ hearings on coal ash remediation. The hearings were held throughout the state.

May 2016

Chapters ELEE and CCACAD public workshop forums held at Cumnock Baptist Church in Lee County.

June 2016

LEGAL CASE

BREDL and chapters file appeal in state superior court alleging manipulation of landfill permitting process.

June 24 2016

BREDL filed an ethics complaint against Governor McCrory. Filed with the NC Ethics Commission, the complaint details actions taken by the Governor and his appointees which appear to violate the law prohibiting acts exerting undue influence and improper use of state agency time and resources.

January 2017

A new coal ash dump proposal was slated for Northampton County, NC by VistaGreen, a private developer. VistaGreen wanted to truck in coal ash from out of state to 800-plus acres outside of Seaboard.

March 31 2017

LEGAL CASE

Superior Court Judge Carl Fox revoked mine reclamation permits for coal ash landfills in Chatham and Lee Counties. The mine reclamation permits were a scheme concocted by NC DEQ to get the process out from under more stringent landfill requirements.

May 2017

LEGAL CASE

NC DEQ appealed the March 2017 decision to the State Superior Court. Judge Fox heard the case again and reaffirmed his earlier ruling.

August 2017

LEGAL CASE

Charah and NC DEQ appealed Judge Fox's May decision to the Court of Appeals and successfully requested a stay on the decision.

November 2017

EPA FOIA'd documents show EPA's position is that the coal ash dump in Chatham Co. is not beneficial use or re-use; that the NC DEQ was aware that no clay was being sold off-site, and that EPA considered this facility a landfill, supporting Judge Fox's decision to revoke the permits and stop new excavation at both sites.

December 16 2017

Duke Energy announced that the proposed coal ash dump in Lee County was considered a "contingency". They would only use it if needed. However, this dump remained fully permitted.

April 3 2018

LEGAL CASE

NC Appeals Court ruled that Lassiter and Fox were both wrong on coal ash in former clay mines in Chatham and Lee Counties. The case was sent back to State Superior Court and Office of Administrative Hearings.

July 2018

BREDL independent study analyzing the Brickhaven coal ash landfill found the company's analysis mischaracterized groundwater flow patterns. It revealed "incorrect, meaningless" data which, "demonstrates a lack of understanding of the fundamentals of groundwater flow."

September 18 2018

CAMPAIGN VICTORY!

Northampton County Board of Commissioners deny Vista Green LLC's request to rezone. Our chapter Northampton County Citizens Against Coal Ash gathered 1400 signatures, sent 2000 postcards to county officials, established telephone call lists to alert people to events, created a video detailing the hazards of coal ash, and turned out over 300 residents to the public hearing voicing their opposition during their campaign.

August 6 2019

LEGAL CASE

The NC DEQ's senior inspector admitted in a legal proceeding that in 2015 there was no testing of a water supply well onsite at Brickhaven because "I didn't check for one." Further, there was no survey or testing of the residential drinking water wells in the area.

December 13 2019

LEGAL CASE

Administrative Law Judge Melissa Owens-Lassiter revoked the permits for both the Chatham and Lee County coal ash landfills. The case was remanded to the Office of Administrative Hearings by the North Carolina Court of Appeals in 2018. Judge Lassiter initially heard the case in December 2015.

December 16 2020

CAMPAIGN VICTORY!

Almost a year to the day that Administrative Law Judge Melissa Owens-Lassiter reversed her decision which had allowed coal ash to be disposed of in Chatham and Lee Counties, the communities are announcing another victory. Charah has dropped their appeal of the 2019 ruling and has agreed that **no coal ash will go to the Colon site in Lee County. The Brickhaven site will be closed** as required by the permit issued by the NC DEQ.

Coal Ash Campaign Victory!



EnvironmentaLee members Keely Wood, Susan Alexander, Debbie Hall, Terica Luxton with attorney John Runkle



"Hands across our land" - August 2015 Lee and Chatham Counties



Chatham Citizens Against Coal Ash Dump members Rhonda Whitley, Judy Hogan with Keely Wood



Northampton County, NC planning board hearing on 800+ acre proposed coal ash landfill in June 2018



Donald (NC DEQ Secretary Donald van der Vaart) you're fired! action - Dec. 15, 2016



Flash-Protest during Duke Energy presentation – Sept. 12, 2016



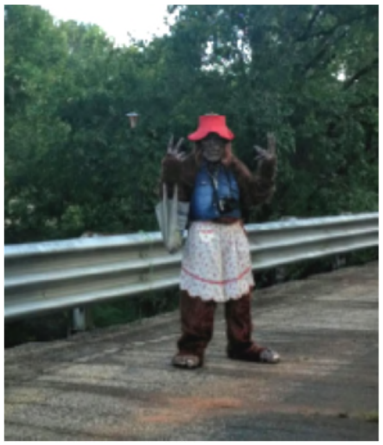
Still of drone video over Brickhaven coal ash site – May 2017



ELEE/CCACAD celebration of Judge Fox's ruling which revoked the mining permits - April 25, 2017



Our Chatham Citizens Against Coal Ash Dump chapter held a demonstration near the Chatham County coal ash site on December 4, 2015. Check out the coal-ash truck in the background.



EnvironmentaLEE Bigfoot Festival Fundraiser - September 24, 2016



Northampton County Citizens Against Coal Ash - August 2019

Coal Ash Campaign Victory!



EnvironmentaLee meeting at Mt. Calvary Baptist Church in the Colon Community



Lee County elementary school student



Northampton County, NC planning board hearing on 800+ acre proposed coal ash landfill in June 2018



Terica Luxton and Therese Vick



Family greeting coal ash train



Chatham Citizens Against Coal Ash Dump member John Wagner leading discussion at ACT Meeting in Sanford on November 14, 2015.



Chatham Citizens Against Coal Ash Dump meeting - June 1, 2018



January 2017 meeting in Northampton County on proposed coal ash dump





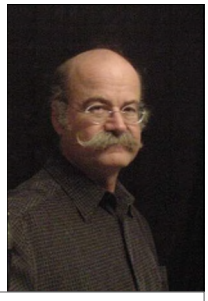


Our chapters EnvironmentaLEE and Chatham Citizens Against Coal Ash Dump held a joint Hands Across Our Land event - August 18, 2016

LEAGUE LINE DIRECTOR'S REPORT

Louis A. Zeller, Executive Director

January 2021



The tears of things

The test of our time is raised in sharp relief by the corona virus; that is, the manner in which we confront the plague which has claimed four hundred thousand lives in the U.S. alone and over two million worldwide. But will we set our sights high enough? Or will we settle for the possible? Justice and simple fairness require more.

The encyclical letter of Pope Francis, quoted below, takes issue with the business-as-usual approach to international relations, an observation extending beyond public health.

> "We are reminded of the well-known verse of the poet Virgil that evokes the 'tears of things,' the misfortunes of life and history. All too quickly, however, we forget the lessons of history, 'the teacher of life.' Once this health crisis passes, our worst response would be to plunge even more deeply into feverish consumerism and new forms of egotistic self-preservation . . .. If only we might keep in mind all those elderly persons who died for lack of respirators, partly as a result of the dismantling, year after year, of healthcare systems." [1]

The Rev. Dr. Martin Luther King, Jr. invoked thunder with his sermon most often remembered as accepting of a drum major for justice; however, only as an exception and otherwise unapproving of self-centered drum majors. In his sermon, he was critical of the world's major drummer, saying, "But this is why we are drifting. And we are drifting there because nations are caught up with the drum major instinct. 'I must be first.' 'I must be supreme.' 'Our nation must rule the world.' And I am sad to say that the nation in which we live is the supreme culprit. And I'm going to continue to say it to America, because I love this country too much to see the drift that it has taken." [2]

Recent reports on COVID-19 vaccines by the World Health Organization lambast widespread profit-seeking and favoring of the rich over the poor. Healthier adults in wealthy countries are getting vaccinated before older people or health care workers in poorer countries. WHO's Director-General Tedros said, "Just 25 doses have been given in one lowest income country—not 25 million, not 25,000—just 25. I need to be blunt: The world is on the brink of a catastrophic moral failure." The people he referred to are in the west African nation of Guinea.[3]

Pope Francis offers further insights, based on meetings with Grand Imam Ahmad Al-Tayyeb and representatives of many faiths, recognizing all human beings as equal in rights, duties and dignity. He said:

> "True, a worldwide tragedy like the Covid-19 pandemic momentarily revived the sense that we are a global community, all in the same boat, where one person's problems are the problems of all . . .. If everything is connected, it is hard to imagine that this global disaster is unrelated to our way of approaching reality, our claim to be absolute masters of our own lives and of all that exists . . .. The world is itself crying out in rebellion." [1]

In Virgil's epic poem, Aeneas sees a mural that depicts battles of the Trojan War and the deaths of his friends and countrymen. Aeneas is moved to tears and says, "There are tears of things and mortal things touch the mind." [4]

Pope Francis concludes, "If only this immense sorrow may not prove useless but enable us to take a step forward towards a new style of life. If only we might rediscover once for all that we need one another, and that in this way our human family can experience a rebirth, with all its

(Continued on page 11)

Treaty on the Prohibition of Nuclear Weapons

The beginning of the end

Halt Savannah River Site's return to nuclear weapons production

By Charles Utley, BREDL Associate Director



The U.S. Department of Energy National Nuclear Security Administration has prepared a draft environmental impact statement that evaluates the proposed production of 50 plutonium warheads per year at Savannah River Site in South Carolina and development of capacity to produce 80 warheads per year by 2030, all for the U.S. nuclear weapons stockpile. *April 3, 2020 Federal Register notice* (85 FRN 18947). But international treaty obligations and U.S. law prohibit further development of atomic weapons; e.g., the 1970 Nuclear Non-proliferation Treaty. The new Treaty on the Prohibition of Nuclear Weapons compels the global end of nuclear weapons development, production, testing, and possession.

We call upon the new Biden Administration and Congress to right this wrong, break with the past, rejoin the world and ratify and sign the Treaty on the Prohibition of Nuclear Weapons.



Representatives of five community groups who live near the Savannah River Site gathered this day to express solidarity with people at 44 sites across the United States and 94 more around the world to mark the historic January 22nd entry-into-force of the **Treaty on the Prohibition of Nuclear Weapons**. *In the photo from Left to Right*: **Eugene Lowry**, President Richmond County Neighborhood Alliance Association; **Charles Utley**, Associate Director BREDL; **Claude Howard**, President Concern Citizens of Shell Bluff; **Melvin Stewart**, Hyde Park and Aragon Park Improvement Committee; **Richard Colclough**, Call To Action.



Madison County Clean Power Coalition is mailing 1400 postcards to residences near the Georgia Renewable Power biomass plant. The chapter is using the mailing to gauge the public's concern over noise emissions.

(Director's Report—Continued from page 10)

faces, all its hands and all its voices, beyond the walls that we have erected." [1]

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[1] Encyclical Letter, "Fratelli Tutti" Pope Francis on Fraternity and Social Friendship, October 3, 2020

[2] Rev. Dr. Martin Luther King, Jr., Sermon Delivered at Ebenezer Baptist Church, Atlanta, Georgia, on 4 February 1968

[3] "WHO chief lambasts vaccine profits, demands elderly go first," Associated Press, 1/18/2021

[4] *The Aeneid*, Book I, line 462

Tracing the muddy tracks of MVP

By Ann Rogers



Franklin and Roanoke Counties, Virginia have each taken action in response to a request from BREDL that they petition Virginia Department of Environmental Quality (DEQ) to require Mountain Valley Pipeline (MVP, LLC) to revise its stormwater management calculations prior to any further pipeline construction in Virginia. Both counties requested that DEQ require these revisions in light of MVP, LLC's consistently abysmal failures to manage stormwater runoff during pipeline construction to date.

On October 6, 2020, Roanoke County forwarded to DEQ a request from BREDL and 49 residents of Roanoke County and neighboring communities to require MVP, LLC to revise the *Project Specific Standards and Specifications for Virginia*, the Erosion and Sediment Control Plans, and the Stormwater Management Plans for the Mountain Valley Pipeline (MVP), prior to any further pipeline construction in Virginia.

On October, 20, 2020, the Franklin County Board of Supervisors unanimously passed a resolution requesting that DEQ provide appropriate plan revisions of the MVP project to protect surface and groundwater resources in Franklin County. The following are excerpts from the resolution:

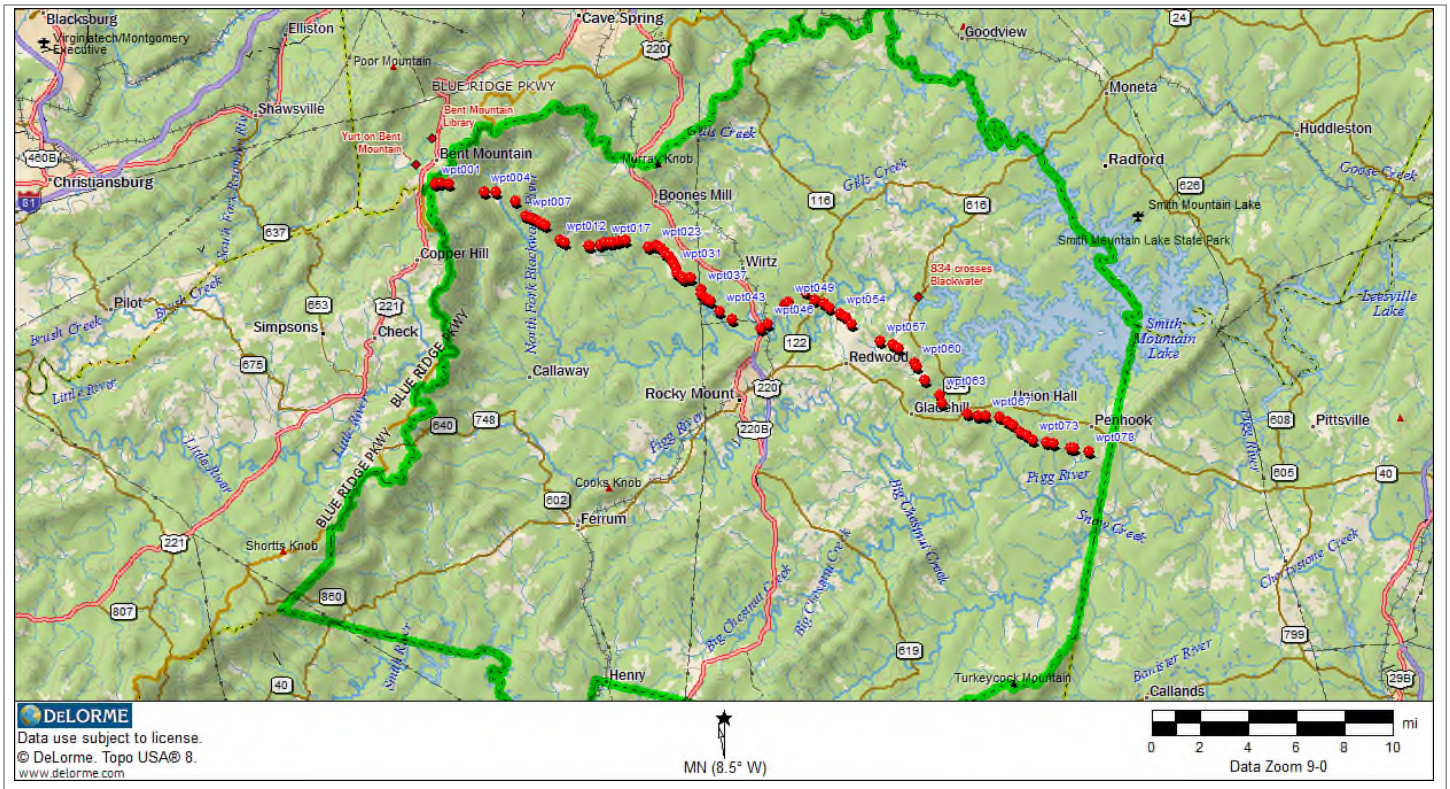
> WHEREAS Franklin County is required by the Virginia Department of Environmental Quality (DEQ) to implement a comprehensive stormwater management and erosion and sediment control program to reduce the environmental impacts of development projects within the County; and
>
> WHEREAS Franklin County has been assigned a Total Maximum Daily Load (TMDL) for sediment in the Roanoke River and is required by the Virginia Department of Environmental Quality to implement an action plan to lower sediment loads to the Roanoke River to meet the TMDL; and
>
> WHEREAS the required amount of land-disturbance associated with the MVP excavation far exceeds the area of all land disturbing activities in a typical year for Franklin County and has the potential to cause severe erosion in the County's steep mountainous terrain and sedimentation in the County's lakes, rivers and streams; and
>
> WHEREAS many Franklin County Citizens rely on untreated groundwater from wells or springs for their domestic water supplies; and
>
> WHEREAS the Blue Ridge Environmental Defense League (BREDL) by letter dated October 6, 2020 has identified a number of continued concerns related to erosion and sediment controls and stormwater management in Virginia and Franklin County; and
>
> WHEREAS without very careful engineering and construction oversight, erosion and sediment from the construction of the proposed Mountain Valley Pipeline could have severe negative consequences for the County's lakes, streams, and rivers as well as its domestic, agricultural, and business water supplies.

BREDL's October 6 letter to Franklin County, as cited in the resolution, was signed by 35 residents of Franklin County. The letter contains a map created by BREDL illustrating the MVP's 78 stream crossings in Franklin County. Please see map on the next page.

An article in the October 23 Franklin News Post described the Franklin County Board of Supervisors meeting at which the County's resolution passed unanimously, saying:

> Speaking on behalf of North Carolina-based Blue Ridge Environmental Defense League and a Franklin County group, Preserve Franklin, organizer Ann Rogers implored the board to demand that MVP submit erosion and sediment control and stormwater management plans specifically for Franklin County sites to the Virginia Department of Environmental Quality.
>
> Rogers asserted that considerable damage has already been done by the pipeline construction and the continuation risks tons of excess sediment washing into the Blackwater River and Smith Mountain Lake. In a

(Continued on page 13)



● = *Mountain Valley Pipeline stream crossing in Franklin County (source: Roanoke County, VA's online map of the Mountain Valley pipeline at http://gisweb.roanokecountyva.gov/pipeline/. Overlay: USGS National Map)*

(muddy - Continued from page 12)

Wednesday phone interview she said she believed an attempt by MVP to come up with specific stormwater plans for the county would show that the potential problems could not be managed.

At the meeting, board members were on board with her. "When we have all these rains, it seems like our rivers and streams are a lot more dirty, a lot more mud running through those," said Blackwater District Supervisor Ronnie Mitchell. "Everywhere you see the pipeline, it's bare ground. There's very little vegetation growing on it."

Rocky Mount District Supervisor Mike Carter pointed out flooded pipeline sites that drain into the town's water system. "I do not understand why Mountain Valley cannot get this route under control," he said.

County Administrator Chris Whitlow noted that the county made a similar request in 2015, which was not fulfilled. Assistant County Administrator Steve Sandy explained that the county has no enforcement power over MVP's erosion control measures. "This board has done this in the past," said Boone District Supervisor Ronnie Thompson. "They're not doing what they promised, and our hands are tied, and it's very frustrating, it's very aggravating."

On October 26, the Blue Ridge Soil and Water Conservation District unanimously passed a resolution requesting that DEQ "consider the concerns raised by BREDL and determine whether revisions or project specific erosion and sediment control and stormwater management plans for environmentally sensitive areas of the proposed Mountain Valley Pipeline project that meet all Virginia standards, should be required to ensure that the continued pipeline construction will not have detrimental impacts to the tributaries of the Roanoke River, Blackwater River, Smith Mountain Lake and our aquatic life including the endangered Roanoke logperch."

BREDL presented a request for revision of the MVP erosion and sediment control and stormwater management plans directly to DEQ and the State Water Control Board on December 9.

Thank you to our chapter members and allies in Roanoke and Franklin Counties who signed our requests to their county governments, and thanks to the governments of Roanoke County and Franklin County for taking significant action at the request of their constituents.

We in BREDL look forward to next steps.

Victory for clean air in Ashe County

The Ashe County chapter of BREDL is pleased to report that the Supreme Court of North Carolina has ruled in favor of the county, preserving its Polluting Industry Development Ordinance.

No asphalt plant has been built on the site located within an old rock quarry on the South Fork of the New River because it lacks the necessary county approval. Lou Zeller credits the victory to the steadfast grassroots campaign led by the Protect Our Fresh Air chapter and savvy legal guidance from F. Bryan Brice, BREDL's attorney who filed its friend-of-the-court brief. In an email, Brice wrote, "Great win for the New River! And air quality!" The case also benefited from legal support filed separately by the North Carolina Association of County Commissioners.

Protect Our Fresh Air was founded as a BREDL chapter in 2015 dedicated to preserving the environment of Ashe County. From the beginning, community organizing meetings were held in the volunteer fire department in Glendale Springs, an unincorporated rural village where the first meetings of BREDL were held in 1984.

The Supreme Court case centered on a request by Appalachian Materials, LLC, under Ashe County's Polluting Industries Development Ordinance (PIDO).[1] The PIDO was itself the result of a moratorium promoted by a previous BREDL chapter, Ashe Citizens Against Pollution. The PIDO, adopted by Ashe County in 1999, had survived earlier legal challenges brought by the asphalt industry. Lou Zeller, who participated in both the ACAP and POFA campaigns, said, "Although the facts and the times are different, both cases hinged on the ability of local government to protect its residents from toxic air pollution."

In the earlier case, a company filed a lawsuit claiming Ashe County violated its due process and equal protection rights by enacting a one-year moratorium on the building of asphalt plants, and by subsequently enacting a Polluting Industries Development Ordinance in 1999. Ultimately, the U.S. Court of Appeals for the 4th Circuit sided with the county, refusing to "wrest decisions from the very people who will be most affected by them" and dismissed the case.[2] Since then, Ashe County's polluting industries ordinance has served as a model for other counties to follow, one of the first ordinances of its kind in North Carolina.





Two decades later, another asphalt company asked the court to decide that its PIDO permit was unfairly denied, complaining that it had "no protections" if the county planning department could alter its findings "based on the whims of political or community pressure." Indeed, the county had approved a new moratorium to update its ordinance. And new information had come to light: air pollution impacts on severely disabled children at Camp New Hope, less than a quarter mile away. In the end, on December 18, 2020, the NC Supreme Court ruled against the company. The Court also remanded the case back to the Court of Appeals for hearings on outstanding issues "not inconsistent with this opinion." As it stands, residents of Glendale Springs and Camp New Hope can breathe easy.

- - -

[1] In the Supreme Court of North Carolina, Case No. 249PA19. Ashe County v. Ashe County Planning Board and Appalachian Materials, LLC, December 18, 2020 (Slip op.)

[2] U.S. 4th Circuit Court of Appeals, Case No. 01-1931, Tri-County Paving v. Ashe County, February 22, 2002

Environmental Pains Bring Environmental Gains



For years on end
An environmental hell
Invades our very being
Heard the liberty bell?

Trees that hung
So High above us
Poisoned soil harms our plants
Can we quell this toxic dust?

I can't breathe
Is it Something in the air?
Manufactured greed
Environmental racism's ugly stare.

Generations come forth
Deliver your dreams
Your innovative spirit
Can save our polluted streams.

Equality evades us
As activists heed the call
Marginality is rampant,
Determination softens the fall.

The poor, rural, and of color
Are voicing their rights that's good,
In a nation chasing dollars
And polluting our neighborhoods

Buildings suddenly appear,
Hammering away
Devaluing our existence
Another battle, another day

Nana left her garden
Decibels crowded her ears
Diesel trucks and drills
Brought her dry, warm tears

Keep on fighting
These environmental pains
Get off my land
We welcome environmental gains.

Renee Cail
1/20/21



Join us for Season 2

If you haven't listened to our podcast, you are missing some great interviews and guests! Search for "In Our Backyard Podcast" on your podcast app or click the link at www.bredl.org.

BREDL Grassroots Mini Grant Program

The BREDL Grassroots Mini Grant Program (GMGP) is a grant being offered by BREDL to its chapter organizations and other grassroots groups who need cash for the purpose of developing, expanding, enhancing, promoting, or otherwise improving their campaigns to protect the environment in the communities where they live. The GMGP will be offered in amounts ranging from $500 to $2,500 to applicant organizations who are successful in raising matching funds equal to the amount of grant funding requested. Proposals will be accepted through December 31, 2021. **Contact Lou Zeller (336-982-2691, bredl@skybest.com) or Ann Rogers (540-312-3104, amelvin3@verizon.net) for more details.**

BREDL
PO BOX 88
Glendale Springs, NC 28629

Contact BREDL to help organize your community and plan events to educate others about your issue and expand your membership so you can win!

BREDL 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 in environmental issues. 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.

Annual Membership is only $20

Thank you for supporting Blue Ridge Environmental Defense League
It's easier than ever to **join**, **renew** and **donate** online.
Check out our secure online donation form and use your credit card at **www.BREDL.org**.
Or send your check to: BREDL PO Box 88 Glendale Springs, NC 28629
For more information contact BREDL at 336-982-2691.
All donations are tax deductible.

Name_____

Street_____

City/State/Zip_____

Email_____

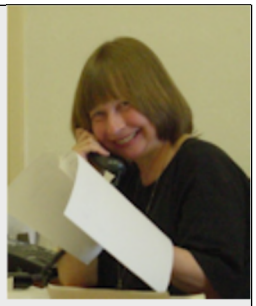
Phone_____

Chapter_____

Membership Amount: $ _____

JMZ Fund Donation: $_____

Janet Marsh Zeller Honorary Fund



The BREDL Board of Directors established this fund to honor the work of Janet Marsh Zeller, who founded the Blue Ridge Environmental Defense League and served as its executive director for over two decades.

The honorary fund supports BREDL's endowment and our long-term ability to serve communities. Individual gifts are accepted throughout the year. All donations to BREDL are tax deductible. Contributions to the fund will benefit the organization and honor the woman who gave so much to make our world better, one community at a time.