



BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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The LEAGUE LINE

Summer 2016

Ethics Complaint Filed Against North Carolina Governor Pat McCrory

by Therese Vick, Sustainable Economic Development Coordinator



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On June 24, 2016, Blue Ridge Environmental Defense League filed an ethics complaint against North Carolina Governor Pat McCrory. The Governor, who was an employee of Duke Energy for almost three decades, has come under fire for his administration's actions on the disposition of coal ash in the state.

The complaint, filed with the North Carolina Ethics Commission 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. The State Government Ethics Act, NCGS 138A states that the Act's purpose is

"to ensure that elected and appointed State agency officials exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence. To this end, it is the intent of the General Assembly in this Chapter to ensure that standards of ethical conduct and standards regarding conflicts of interest are clearly established for elected and appointed State agency officials, that the State continually educates these officials on mat-

ters of ethical conduct and conflicts of interest, that potential and actual conflicts of interests are identified and resolved, and that violations of standards of ethical conduct and conflicts of interest are investigated and properly addressed. (2006-201, s. 1.)"

The complaint centers on a June 1st, 2015 dinner meeting at the Governor's Mansion between Governor McCrory, Duke Energy CEO Lynn Good, the Secretary of the North Carolina Department of Environmental Quality Donald van der Vaart, and an assortment of legal counsel. This meeting occurred two weeks after Duke Energy pleaded guilty to environmental crimes, and four days before, permits were issued for two controversial coal ash landfills in Lee and Chatham Counties. Although DEQ received numerous public records requests, this meeting was not disclosed. Also troubling, to BREDL and Chapters Environmental Lee (ELEE) and Chatham Citizens Against Coal Ash Dump (CCACAD) did not receive information regarding the meeting during the formal discovery process in their ongoing legal challenge to two coal ash mega dumps in Chatham and Lee Counties. A sep-

arate records request was submitted to the Governor's office on January 27, 2016. So far, there has been no response. From the complaint: "To date, the purpose of the June 1st meeting has not been disclosed. The conversation could have included ongoing investigations of Duke Energy, ranking of coal ash pits under the Coal Ash Management Act, fines, the issuance of the Lee and Chatham County coal ash landfill permits, 'do not drink' advisories and many other issues of vital importance to the people of North Carolina." The full complaint can be found here: http://bredl.org/pdf5/compForm_McCrory06222016.pdf.

Sue Sturgis with Facing South did an excellent article explaining the BREDL complaint. Link here: <https://www.facingsouth.org/2016/07/another-ethics-complaint-against-gov-mccrory-involving-duke-energy> BREDL also raised the legal depositions of state staff employed by the Department of Health and Human Services (DHHS) which indicate that the Governor's office was apparently attempting to influence (*Continued on pg. 15*)

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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 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 over twenty-eight 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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(BREDL)**

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The “Smoke” of Environmental Justice.

by Cary Rodgers, Environmental Justice Coordinator



On a Sunday afternoon, Kim McCall's quiet is suddenly interrupted. Startled and frustrated she hears loud roaring noises coming from behind her house again. She knows exactly where it is coming from, and she grabs her camera phone for more evidence. McCall goes outside. The sound is still roaring, and she sees a thick cloud of smoke rising above the pine trees less than a mile from her house. She takes pictures and video of the scene for a few minutes until she begins to cough from the smoke. McCall goes back

inside and sees the red irritation in her eyes from the smoke as she looks into the mirror. After while she uploads her pictures and video to her group's Facebook page to add to the chronological file of evidence of the toxic environmental assault to her community.

For the past two and a half years, Concerned Citizens Of Richmond County (CCRC), a BREDL chapter, has been hard at work to hold the state and the Environmental Protection Agency

(EPA) accountable concerning Duke Energy Combustion Turbine's permit to expand and dump more formaldehyde, benzene, and other toxic pollution into the air of Richmond County, NC. Duke Energy's Combustion Turbine site looks like a small city of smokestacks that lights up the night sky of Hamlet, NC of the Hwy-74 bypass.

McCall says that she has been living in the shadows of Duke's turbines for *(Continued on pg. 14)*

Governor McAuliffe: You Can Run, But You Can't HIDE!

by Carolyn Reilly, Community Organizer



The trees are still this morning, yet life and motion flutter all around them. Birds flit from branch to branch, calling and singing of the dawn. But the tree trunk is steadfast and solid, no wind to bend and sway its body. Underneath the ground, there's a root web, connecting these breathing beauties. I believe there must be spirit and life that dwells within each and every one. They are their own little worlds with life swarming and dwelling on and under each tree. To disrupt and destroy hundreds of thousands of trees just to bury a pipe underground and pump a fracked fossil fuel is murder and mass destruction of habitat.

Oh! But the Governor of Virginia (McAuliffe) wanted to plant a tree;

a humble American chestnut, inside the Smith Mountain Lake State Park, where over 100 water crossings upstream would be made by the proposed Mountain Valley Pipeline. And not to mention thousands of trees clear cut and burned. Several pipeline fighters and I decided to let the Governor know how we felt about this and how contradictory it is as he has been supportive of two massive fracked gas transmission pipelines proposed to be buried in the state of Virginia.

We gathered and carpooled on a cool, wet day in early May. Our travels were delayed because of the rain and traffic. I received a phone call from my fellow co-worker Sharon Ponton who was on the ground at the State Park; “McAuliffe may

not make it for the tree-planting. He's running late,” she said. As we meandered our way through the rain and back country roads, we found ourselves behind a shiny black Suburban with Virginia government tags. All in the van were excited as we felt sure we were following the Governor (who wasn't late at all!). The vehicle took a sharp turn to the right, just a half mile before the entrance to the State Park. Our van-load of protectors and protestors careened around the corner, following the state vehicle. It sped away and we quickly realized we'd be better off to get to the tree-planting location at the park, even if the Governor didn't.

In fact, we *(Continued on pg. 6)*

2nd Annual Hands Across Our Land On August 18th, 2016

by Sharon Ponton, Community Organizer



On August 18, 2016, grassroots groups across the country will once again assemble to hold hands in solidarity and unity for clean, renewable energy! Hands Across Our Land, sponsored by the Blue Ridge Environmental Defense League (BREDL), is a grassroots action designed to bring attention to the plight land-owners and communities face at the hands of bullying, multi-billion dollar corporations in their quest to build new fossil fuel infrastructure. Community groups fighting pipelines, compressor stations, LNG export facilities, wastewater injection wells, fracking wells, and frackquakes are all encouraged to participate. This year BREDL is also inviting communities who are facing the devastating effects being caused by coal ash contamination to participate in Hands Across Our Land.

These grassroots groups believe the rights of property ownership are fundamental to our democracy; that eminent domain should never be used for corporate gain and economic development. They also believe the health, safety and welfare of our families and communities are paramount. BREDL will continue to work to empower affected communities to assert their rights, to not be bullied into submission by the energy industry which chooses greed over people and profit over our environment. BREDL continues to foster and support the many communities who choose not to become the energy industry's sacrifice zones!

BREDL recently published a fact sheet, "Unequal Protection," outlining rules created by the Pipeline & Hazardous Materials Safety Administration (PHMSA) we believe to be discriminatory. These rules also in-

centivize construction of natural gas infrastructure in communities with low socio-economic status in predominantly rural communities. "Class" levels are the basis for PHMSA's pipeline construction rules. The "class" designations allow energy companies to build with thinner-walled pipe, and fewer shut-off valves in communities with smaller populations.

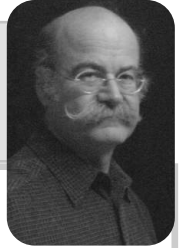
As utilities and energy companies rush to close their coal ash pounds, billions of gallons of toxic coal ash wastewater are being dumped into our streams and rivers. These streams and rivers are the very same source for many water intake systems to municipal water supplies. The Environmental Protection Agency let citizens and communities down when it refused to classify coal ash as a hazardous material knowing all the while it is radioactive and contains many heavy metals, some known to be carcinogens. Now these communities face the continued degradation of their groundwater resources and air quality.

BREDL's Hands Across Our Land national action encourages individuals and grassroots groups to put their feet in the street, and their hands across their land to proclaim their choice for a clean energy future for their communities and our planet. We look forward to a successful campaign on August 18, 2016! I, the hands across our land coordinator, am our Hands Across Our Land coordinator, is busy recruiting groups from across the country to participate in this action. For more information and to sign up, please go to our website: www.handsacrossourland.org



Director's Report—Forming Coalitions: Be Wary, Be Smart

by Lou Zeller, Executive Director



Coalition: the action or process of joining with others for a common purpose.

Building coalitions of organized groups often arises in environmental issue work. Coalitions can be useful, but they can also become problematic. Walter Davis of the Southern Empowerment Project told me: “You don’t need a coalition to do what you can do yourself.” Within this brief sentence is distilled wisdom from a sister organization experienced in community organizing. Blue Ridge Environmental Defense League has participated in many coalitions; not all were fruitful.

The key to successful coalition building with independent organizations is a fundamental understanding of what you want to do and how you want to do it. A coalition created to accomplish an agreed upon, short term goal has the greatest likelihood of success; for example, to hold a rally in a state capital. A coalition founded as a vague, generalized get together is more likely to crash and burn; for example, to end nuclear power.

Entering a coalition without accounting for differing group tendencies risks failure and division. There are three general organizational tendencies: centralist, spontaneous and empowerment. Centralist organizations have ongoing programs and paid staff. They are top-down. They pick issues likely to succeed. They are long-established and well known. They depend on access to officials. They work within the system and do not seek social change. They can be narrow focused and rigid, lacking creativity and diversity. On the other hand, spontaneous organizations have creativity, are informal and decentralized. They lack staff, eliminating the need for salaries, but absence of formal structure allows for poor strategies and for strong individuals to dominate. They assume good intentions will suffice. Finally, empowerment organizations rely on long-term commitment, skill-building, creative thinking, and flexible structures accountable to its members. They are bottom-up. Leadership roles are defined, and they may have paid staff. They focus on the big picture and social change.

These different groups can work together in coalition so long as there is recognition of diversity, acceptance of different approaches and mutual respect for one another. Recognition of diversity means that new ideas are welcome. Acceptance of different approaches means groups may pursue varying tactics. Mutual respect means no member of the coalition can be allowed to run the show.

A coalition of groups should not be an organization. (Of course, some organizations of individuals call themselves coalitions. I am not referring to them here.) A coalition which

starts out as or drifts into a top-down organizational structure is a coalition to avoid because it can take funding and power from its member groups.

We have participated in successful campaigns working with our chapters and independent groups. The key to success was a recognition by sister groups that our chapters were part of something larger and that working with Blue Ridge Environmental Defense League meant working with the League, not cherry-picking our chapters.

Good examples of coalition: a) BREDL joined effort to prevent the lifting of Virginia’s moratorium on uranium mining that has been in place since 1982. BREDL met with residents and toured the proposed uranium mine and mill site at Coles Hill in Pittsylvania County, where we saw an area prone to pervasive, heavy flooding. Working with BREDL chapter PRIDE and a broad coalition, we achieved victory in 2013; b) The Radioactive Waste Roundtable had member groups of all three organizational tendencies; our goal was the defeat of an eight-state nuclear waste dump. This goal was achieved after much collaborative work over a period of a decade.

Bad examples of coalition: a) we collaborated on getting a renewable energy standard in North Carolina. Although it established a sensible target, it compromised on the construction of three chicken manure-powered electric generating plants. Promises of help from our erstwhile allies to stop these environmental disasters were never honored; b) A statewide coalition of groups focused on Duke Energy’s electric generation impacts, fossil-fuel and nuclear. Much activity was directed towards the NC Utilities Commission on integrated resource planning and rate hikes. We put on the table ideas for an expanded campaign to include all Duke’s service areas and to reach people not already active on the environmental, energy or economic issues. Sadly, day-long meetings left too little time for all-important strategic planning.

In sum, the formation of a coalition should not be done lightly. The risks of failure can create rifts among organizations which may take a long time to repair. Moreover, if you just need more people to accomplish your goal, a coalition may not be the way to get them. After all, if you are spending your time preaching to the choir, the movement will not reach the new, uncommitted people it needs to grow.

N.B.: The three organizational tendencies outlined in this article are from our mentors Bill Moyer and Pete Hill.

A handwritten signature in black ink that reads "Lou Zeller". The signature is stylized with a large, looped "L" and a cursive "Zeller".

(Continued from pg. 3) discovered that he was not coming to plant a tree and sent Molly Ward, chair of Virginia's Department of Natural Resources, in his place. We obtained a permit from the State Park, giving us the right to protest and the seven of us stood in the cold rain, calmly proclaiming our chant for protection: "Save our trees! Save our water! No Pipelines!" We respectfully abstained during the ceremonial speeches and held out to shout our refrain just as the tree was being placed into the ground. The sacred act of planting a tree *is* beautiful; a young tree nestling down into the welcoming warmth of spring soil, its roots reaching and connecting to the web of life that sustains us all. And the Governor? His state vehicle zipped by minutes after – **on the run** from the trees and the people who protect them.

Other Virginia citizens and residents have gathered and garnered energy in the movement to protect our state's environment. From fracking to Coal Ash, people are meeting to share their experiences and concerns surrounding climate change and the indifference of big business when it comes to the health of communities. For example, Coal Ash dumpsites throughout central Virginia have been leaching contaminants into wells and waterways. Utility giant, Dominion recently purchased a neighboring property purportedly to create a "larger buffer" around its Bremo Power Plant, but soon after a report released by Duke University's Dr. Avner VenGosh indicated that this same plant has been leaching heavy metal toxins into ground water. Utility corporations rush to apply and receive permits from the Virginia Department of Environmental Quality (VADEQ) to de-water and close coal ash ponds in communities from Lebanon to Chesapeake. Instead of 1 million tons of coal ash at one Dominion plant, in depositions they admit the total is 3 million tons. The Governor's inaction and lack of concern that our rivers and streams are being contaminated with "treated" toxic wastewater is astounding, and the belief that these utilities will be allowed to cap in place coal ash ponds when there is current proof they are leaking, contradicts his claim when running for Governor that he cares about the people and our environment.

Several of BREDL's Virginia chapters are working to obtain fracking bans in the counties of Warren, Fredrick, Clarke and Nelson. Others are working with landowners to understand the consequences of biosolids being spread on their farmland. VADEQ says it's safe, yet they fail to tell farmers they don't test the sludge for pharmaceuticals or chemicals which are dangerous to their crops and livestock.

McAuliffe's climate record has been spiraling downward since elected in 2013. Being a Governor who has ignored his constituents and tended to run when opposition shows up, citizens are calling him out – **he can't hide!** As more and more people have continued to rise up and hold the governor accountable, a movement has grown, bringing together a variety of organizations, grassroots groups, advocates and faith leaders from communities throughout Virginia. A coalition has formed to organize a targeted action: ***March on the Mansion***. Activists, landowners, people of faith, fighters for justice and many others will gather to rally and march to the Governor's mansion in the state capital on July 23rd. At this Richmond event, we march for our land, clean water and climate. We demand that McAuliffe stand with the people, NOT corporate polluters! (Join in the movement and keep up to date at MarchontheMansion.org.)

Just as the roots of trees form a web of life and support, so does the connection of many people who pull together and unite to fight in protecting our environment and the climate we in which we live. In Virginia, we are strong, and our roots spread wide to touch others as we encourage life and health for our communities. May we **all** be inspired by the strength, beauty, and life of trees and nourished from the encouragement our community roots give us.





ROANOKE, VA - NC LINE

25 Years of no funding - time to close this road



by Mark Barker

Is time finally running out for the I-73 project from Roanoke, Virginia to the North Carolina line?

This year marks twenty-five years since Congress identified I-73 as a high priority corridor in its 1991 transportation bill known as ISTEA. During this time, the cost of building the nearly 70-mile highway has significantly risen to an estimated \$4 billion. Only about 0.5 percent has been allocated. Those meager allocations, in the form of earmarks, came from the 1998 TEA-21 (\$10 million) and the 2005 SAFETEA-LU (\$9.8 million) federal transportation bills. There has been no additional federal money for I-73 since 2005. Earmarks for specific highway projects are now taboo in Congress. Earmarks have been the only federal funding source, and a very limited one at that, for I-73

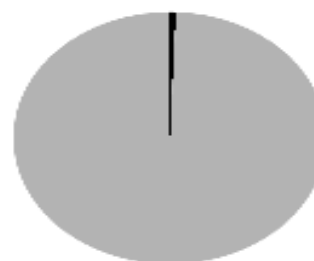
There's no money for I-73.

- The 2009 Federal Stimulus Bill, which included \$48.1 billion for transportation-related projects, did not include any money for I-73.
- The 2012 federal transportation bill MAP-21, which authorized \$118 billion in spending through September 2014, did not include any I-73 money.
- The current federal transportation bill, the 2015 FAST Act (a five-year, \$305 billion highway bill) does not contain any earmarks for I-73.



Funding Allocations Compared to Estimated Cost.

Approx. \$24.8 million allocated.



Estimated cost \$4 billion.

Funding from 1991 projected through 2022.

Over the years, several attempts in the Virginia General Assembly have failed to produce state funding for I-73. Now, Congress through The Consolidated Appropriations Act of 2016 is allowing states to repurpose earmarks from more than ten years ago. In general, if less than ten percent of a so-called “orphan earmark” has been obligated or the project has been completed and closed, the balance may be used for other projects within fifty miles of the original project.

As outlined in a March 8, 2016, Federal Highway Administration memo, the state has until August 29, 2016, if funds are to be obligated before the end of the fiscal year and September 12, 2016, if after the end of the fiscal year. The repurposed funds must be obligated on or before September 30, 2019.

If these orphaned earmarks are not repurposed by states, they risk the loss of this funding. There is a push in Washington to collect the remaining unused earmark money. As reported in a March 2016 USA Today article, in 2011 when the U.S. House of Representatives banned earmarks, there were \$13 billion in unspent earmarks.

Virginia has previously “repurposed” I-73 funding. In 2003, in its Six-Year Improvement Program, VDOT diverted \$7.36 million in I-73 funding to U.S. 220 improvements. U.S. 220 improvements included interim safety and mobility improvements such as adjusting grades, adding message signs, installing warning signs with flashing lights, closing various crossovers and installing guardrails. In addition to National Highway System funds diverted from I-73, these U.S. 220 projects were partially funded from state (Continued on pg. 8)

(Continued from pg. 7) Primary, Open Container, Repeat Offender, and Safety funds.

This time around VDOT could repurpose \$9.8 million. If the I-73 project is closed by September 12, then the state could repurpose an additional \$4,957,167 bringing the total to nearly \$15 million at \$14,786,527.64.

Earmarks that are less than 10% Obligated and eligible for repurposing

Demo ID	Description	Allocation	Used	Balance
VA176	Construct 3.6 miles of I-73 near Martinsville	\$616,588.64	\$398.00	\$616,190.64
VA178	Engineering and Right-of-Way for I-73 in Roanoke County	\$1,201,777.00	\$0.00	\$1,201,777.00
VA214	Construct I-73 near Martinsville	\$7,010,325.00	\$0.00	\$7,010,325.00
VA227	Engineering and Right-of-Way for I-73 in Roanoke County	\$1,001,475.00	\$407.00	\$1,001,068.00
TOTAL	I-73 Orphan Earmarks	\$9,830,165.64	\$805.00	\$9,829,360.64

Earmarks that are more than 10% Obligated and are not eligible unless project is closed

Demo ID	Description	Allocation	Used	Balance
VA045	Conduct preliminary engineering on I-73 between Roanoke and Virginia/North Carolina State line	\$10,250,995.00	\$5,293,828.00	\$4,957,167.00

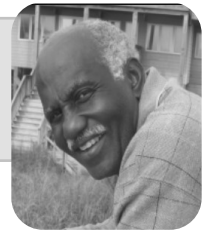
While Martinsville and Henry County leaders are finally realizing that I-73 may be over, they are still pushing for a new highway scheme. According to a May 26, 2016, Martinsville Bulletin article, a proposal is being tossed around to construct a corridor connecting the Patriot Centre at Beaver Creek Industrial Park to U.S. 58 east of Martinsville in the Laurel Park area. While details are scarce on this new proposal, it is estimated to be just over six miles with water impacts most likely. Today the cost of constructing a 4-lane highway averages anywhere from \$5 to \$10 million per mile. It's evident that the repurposed I-73 earmarks would not be nearly enough to construct this new connector. Also, with the September FHWA deadline looming it may be a risky move.

The new proposal would have to move through the Virginia SMART SCALE (formerly known as HB2) process. SMART SCALE stands for System for the Management and Allocation of Resources for Transportation. Under SMART SCALE, a candidate list of eligible projects is gathered each August with project applications due by September 30. Each project is then evaluated and scored. Those scores are released to the Commonwealth Transportation Board (CTB) and the public in mid-January. With no guarantee that this new connector will make the list, local leaders should focus on U.S. 220 upgrades.

Using the remaining I-73 allocations for access management and safety enhancements along U.S. 220 is the sensible, feasible thing to do. After twenty-five years, residents who have had to live with the possibility of I-73 driving them out of their homes and off their land deserve to have peace of mind. They shouldn't have this hanging over them for another twenty-five plus years. Repurposing these I-73 earmarks will need to initiate at the local level with the CTB making the final decision. VDOT and the CTB need to make this official and abandon the I-73 project in Virginia. It's time to close this road permanently!

Potassium Iodide A Must For The Medicine Cabinet

by Charles Utley, Associate Director



There are many things that we put in our medicine cabinet, and they are all there in case of an emergency. We call it an emergency because we don't expect anything to happen, but we must prepare.

We must consider our environment where we live, work, play and worship because all of these are areas where we can be exposed to an unexpected release of radioactive materials. Therefore, it is important to be prepared in case there is such a release into the air. With a little training and preparation through Shell Bluff Concern Citizen Potassium Iodide workshops, you can receive this important information and be better prepared to help yourself and others.

We can help you to gain a clear understanding to why it is so important for the residents within a ten-mile radius of Southern Company's Plant Vogtle, two operating nuclear reactors and two being built, to have these pills available.

First, we should consider the location of our communities. They are all "fence-line community" making these communities more acceptable to receiving a disproportionate amount of radiative radiation than other communities. The Union of Concerned Scientists for a healthy planet and safer world reported on EPA's Risk Management Program (RMP) that *"over 12,000 facilities that use or store hazardous chemicals nationwide. As it is true for many other polluting industries, these facilities tend to be disproportionately localized in communities of color and low-income"*.

The communities that we represent are located in Burke County, Georgia which is the poorest county east of the Mississippi. It was also noted that EPA showed that there have been more the 1,500 accidents at RMP facilities, about 500 of which had off-site impacts. Although our fence-line communities extend to the South Carolina side of the Savannah River, at this time we will focus on the Georgia side of the river with our Potassium Iodide Workshops; keeping in mind that South Carolina had made provision for Potassium Iodide in their communities.

The second thing for us to remember it is our respon-

sibility to make an assertive effort to let every household know that the unlikely is possible, and therefore, we must be prepared to be proactive and protect our families with the pill in the Medicine Cabinet. The thyroid gland with a dose of Potassium Iodide from your medicine cabinet will serve as a barrier allowing you to have an opportunity to seek safety and medical attention and assistance.

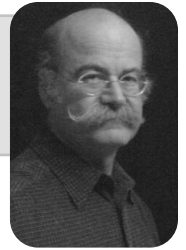
The third thing for us to remember is, *it's better to have it and not need it than to need it and not have it*. We want to encourage those living in our communities to take advantage of the "Free Workshops and Training" provided by the Blue Ridge Environmental Defense League and the Concern Citizen of Shell Bluff.

Our workshops will be scheduled throughout the area to include churches and community centers. Therefore, look and listen for the nearest one to you and put the pill in your medicine cabinet.



DON'T DUMP ON ME!

by Lou Zeller, Executive Director



On June 29, 2016, Person County PRIDE launched a campaign calling for an end to two decades of commercial solid waste dumping in Person County, a rural county just north of Durham, North Carolina. The group also issued a report: “Wasted: A Call for Person County to End its Relationship with Republic Services,” detailing the reasons to oppose the commercial megadump company, and the alternatives available.

Specifically, PC PRIDE called upon the Person County Board of Commissioners to 1) terminate the county’s solid waste franchise agreement with Republic Services of NC, 2) open a drop-off station for recyclables, and 3) establish a two county agreement with neighboring Granville County tailored to reduce waste and lower costs.

Ending the commercial waste agreement would reduce the county’s waste stream by 83% and allow the county to manage waste in better, more cost-effective ways. Regarding cost, Jason Torian, PC PRIDE board member, reported, “We believe the closure of the megadump should coincide with the introduction of a curbside recycling program.” Citing costs analysis done for the county, he said, “Studies show that Roxboro could realize annual savings of \$113,000 with a recycling program.” Presently, the commercial waste company Republic Services offers no recycling service to the town.

Unlike Person County, Granville County owns and operates its landfill as a public service. Its Director of Environmental Programs investigates illegal dumping, coordinates recycling services, and works with schools and businesses to reduce waste. To reduce waste, Granville operates seven fully staffed recycling convenience centers.

Chapter 130A of the North Carolina General Statutes requires counties to provide adequate disposal for municipal solid waste. Under this law, county governments are empowered to make agreements, called “franchises,” to manage solid waste. But since 1997 Person County Board of Commissioners has granted their franchise to Republic Services, which allows the company to haul waste from anywhere within a 60-

mile service area. However, this radius includes transfer stations and transfer stations may receive waste from anywhere.

Frances Blalock, a founder of PC PRIDE, said, “The commissioners must reject the franchise agreement with Republic.” She based her demand on four findings of fact in the county Planning Board Ordinance. The Republic megadump 1) materially endangers the public health and safety of the citizens, 2) does not abide by required conditions and regulations, 3) injured the value of adjoining or abutting property and is not a public necessity because there is a better option, and 4) is not in harmony with the area in which it is to be located. It has proven to be a nuisance.

Pat Hill, co-president of PC PRIDE, said, “It’s simple to google Republic Services and see how badly they treat both their employees and citizens residing around their dumps. Why would Person County want to continue to do business with a company with such a sorry reputation?” The report detailed the company’s track record, concluding that Person County would be better off handling trash on its own. During just the last two years, numerous violations have occurred: African-American employees in Atlanta filed U.S. Equal Employment Opportunity Commission charges against Republic for overtime favoritism; Republic owes landfill workers in California nearly \$2.6 million in back pay due to underpayment of workers by \$5 to \$7 per hour, Republic was forced pay \$6.5 million to workers in Massachusetts after overcharging them for health insurance.

Next, PC PRIDE will put its plan before the Board of Commissioners. Two factors make the chapter’s initiative timely: the county’s waste franchise agreement expires in August 2017, and the state-issued environmental permit is now up for renewal. With no franchise agreement, the state cannot re-issue a permit. Person County People Rising In Defense of the Ecology, a BREDL chapter since 2005, led the campaign to reject a proposal by Republic to expand the landfill that same year, winning with a unanimous vote by the Person County Board of Commissioners.

Justice for All? North Carolina's False Promises of Environmental Justice for Communities Targeted for Coal Ash Disposal

by Therese Vick,



At an April 7th hearing held by the North Carolina Advisory Committee of the US Commission on Civil Rights in Walnut Cove, Department of Environmental Quality (DEQ) Assistant Secretary Tom Reeder announced that DEQ would do an environmental justice analysis of any new Duke Energy coal ash disposal site and would not issue a permit for a Duke Energy landfill unless the US Environmental Protection Agency and the Commission approved it. DEQ followed this up with a letter. You can read it here: https://ncdenr.s3.amazonaws.com/s3fs-public/documents/files/4.14.16%20Letter%20to%20US%20Civil%20Rights%20Commission_0.pdf

The day before, at a seminar held by the UNC Institute for the Environment, Secretary Reeder stated: "We're gonna make sure we do an environmental justice screening on all landfills that handle coal ash associated with these Duke facilities...whether we permit sites on Duke facilities or off..."

On its face, DEQ's announcement seems like a good step forward on environmental justice. However, upon closer examination, it does not appear so. Let's unpack this and see what is going on between the lines. Among other things:

1. The US EPA has few legal mechanisms and little legal authority to deny a permit on environmental justice grounds.
2. The US Commission on Civil Rights only has authority to make recommendations. There are no federal rules that require any agency to enact policy/regulations based on those recommendations.

3. The Coal Ash Management Act (CAMA) does not give NC DEQ the legal authority to deny a permit on environmental justice grounds. There is no proposed rulemaking or legislation that would amend the CAMA to give them the authority to do so. This creates a legal quagmire.

BREDL repeatedly asked for clarification on this new policy; particularly as it relates to "mine reclamation" and existing solid waste mega dumps, and this is the answer we received from Mike Rusher, Communications Director for Environmental Protection: "The state environmental department plans to conduct an environmental justice analysis for each new or expanded disposal site where Duke Energy proposes to send coal ash. This would include mine reclamations and structural fills."

Most recently, the DEQ released its environmental justice analysis of the community around the proposed coal ash mega dump at the Sutton Plant near Wilmington, finding no disproportionate impact. Conveniently for Duke Energy and DEQ, the analysis is limited to one mile around the site- although an environmental justice community is just beyond that arbitrary boundary, and many polluting facilities. We need to open the drapes on DEQ's window dressing. They are setting up a straw man so that they can point fingers at the federal government and others; it is hard to know what their motivation is. If they mean it, there will be a bill or a rulemaking. Soon.

Fundraising with “Fun”-Raising
by Marsha Ligon, ELEE Public Relations

Though many nonprofits operate on a shoestring, money is still a necessity to accomplish goals. To attain our goals, not the least of which is compensation for our generous and competent lawyer, EnvironmentalLEE is continuously seeking sources of essential revenue. We try to reach a wide group of audiences thus creatively expanding the opportunity of exposure for our causes as well as financial success.

Our fundraising has often turned to "fun" raising within Lee County to raise as much money as is possible. In addition to an annual 50/50 drawing, last October, partnered with Spirits of Sanford, ELEE sponsored a Ghost Walk and "Ghoul Bus" Ride in which a local historian contributed expert information and narration. The bus broke down at Devil's Tramping Ground in remote Chatham County, all participants thinking it was part of the plan, but taking it good-naturedly as the old school bus limped back to Sanford. A paranormal investigation, into supposedly haunted buildings, in the historic section of downtown Sanford also proved to be an entertaining, successful venture, and has been requested, as well as the "Ghoul Bus Ride," to return this fall.

Recently, we offered two downtown walks ...one highlighting unsolved murder mysteries that drew a younger crowd and the other an architectural history walk.

Currently, we are planning a Concert/Dinner/Silent Auction affair to be held August 4 at Pittsboro Roadhouse and a Big Foot Festival at the Camel Back Bridge in Cumnock, September 24.

Though we have been fortunate to receive organization help and support from Spirit of Sanford, our fundraising is headed by one member, Deb Hall, but ALL of us work on EVERY fundraiser in some capacity. We brainstorm, network, publicize, advertise, beg if it comes to that! But as Deb has said in at least one of our meetings, "I like to have fun when I'm working ..." And I think our "fun" raising shows it!

**WE PUT THE
FUN
IN FUNDRAISING**

Two Ways to Give Back

by Leigh Rainey, Development Director



BREDL is so pleased and honored to be able to serve all of our chapters, and now we humbly ask for your help. We have grown quite a lot in our 30 plus years of existence, and that growth has included the addition of more staff members. It is of the utmost importance that we can continue to keep them with us.

Those reading who belong to BREDL chapters will understand how crucial these staffers are to pursuing our cause and fighting our fights. For those of you reading this that we have not yet had the pleasure of working with, let me just say this—between training, community organizing, research, legal work, and all of the administrative tasks that are required to run a non-profit—our employees are indispensable.

A great deal of the funds that allow the BREDL staff to continue to work come from our chapters and members and a major part of those funds come from chapter fundraising initiatives. We ask that chapters please consider holding a fundraiser for BREDL so that we can continue to keep our fantastic staff on board.

We have seen enormously creative fundraisers from our chapters as well as elegantly simple ones and all of these have been wonderfully successful.

Here are some fundraising ideas for your chapter to consider:

Community Quiz Night – Find a venue and set up a themed quiz night with a small admission fee. You can also provide small snacks for extra funds.

Movie Screenings – Screen a movie for your community with an admission charge. This can be a movie that is relevant to your cause or a family friendly film.

Silent Auctions/Raffles – Take donations of goods from residents and businesses and let people bid on them for a specified amount of time. You can also take donations of goods and sell raffle tickets for people to win these prizes. This is a wonderful way to bring the

whole community together. Especially if you couple it with a party or other event.

Printer Cartridge Recycling – Your chapter can collect empty printer cartridges from residents and businesses (think local office buildings!) and then send them to companies such as Empties4Cash (www.empties4cash.com) who will send you money for the empty cartridges. Most cartridge donation websites provide price lists of what they will pay for certain cartridges, too.

Community Clean Up Days – Arrange a community clean-up day and ask residents and businesses to sponsor your chapter for their service.

Classic Pass The Hat – Send a bucket or hat around at your next community meeting. This is very easy to do and one of the most effective fundraising techniques out there.

Don't forget that we also have a couple of other free standing fundraising options. One is a Vehicle Donation Program (www.v-dac.com), and the other is a program through Amazon's Smile program. (www.smile.amazon.com) Your chapter can also make a straight donation to BREDL if they have the funds to do so.

We are so glad to be able to be the support that your chapters need, and we hope to be able to continue it for many years to come. Thank you all so much for your support. We are honored to work with all of you.

If you have any questions about what your chapter can do or if you would like some more suggestions you can contact me directly via email at blueridgedefenseleague@gmail.com.

Thank you all again.

(Continued from pg. 3) the past ten years, but in the last two years she had been hearing strange noises and seeing more smoke coming from the site. There have been times she complained about a metallic taste in her mouth as she witnessed excessive smoke coming from the plant. McCall, a retired U.S. postal worker, military veteran, and the secretary of CCRC, has recently been suffering from major respiratory issues for the first time in her life. She is certain her respiratory issues are linked to Duke's turbines.

If you type in "<https://www.epa.gov/environmentaljustice>" in the address bar of your browser, you will see EPA's Environmental Justice web page. As you explore the web page, it appears that the EPA has a genuine concern for environmental justice and the citizens that it is supposed to protect. Matter of fact, in the center of the page it says, "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." It continues to read, "EPA has this goal for all communities and persons across this Nation. We will achieve this only when everyone enjoys the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work." As nice and poetic as these words may sound, they are far from the reality for CCRC and the citizens of Richmond Community as they continue to choke off Duke's toxic smoke.

Multiple comments, concerns, complaints, and petitions have been sent to the state of NC about Duke's expansion permit. They were sweep under the rug and ignored, and the state issued Duke a permit anyway. When the state permitted Duke to expand their power plant and dump more pollution, they ignored the EPA's initial recommendations, environmental justice laws, and cumulative toxic air impacts. CCRC sent multiple legal petitions to EPA Region 4, Atlanta, two years later, NOTHING. They have spoken to EPA Region 4 staff face to face at an

EPA civil right public hearing at the beginning of 2016. The chief of staff of Region 4 promised to get some answers and take some action on the petition, several months later, still nothing. I have personally spoken with the chief of staff with urgency and clearly articulated CCRC's environmental justice issue and still nothing.

I am sadly amazed through CCRC's experience to see the EPA talk about environmental justice, but practically do nothing about it. EPA's "environmental justice" is, in reality, toxic smoke. Their "smoke" of hypocrisy is just as toxic as Duke's turbines. Poor minority communities like Richmond County are continually allowed to be disproportionately chosen to be toxic dumping grounds. Richmond County has more asthma emergency visits than all the surrounding counties. Do you think that this is a coincidence?

How many petitions and how much more time does it take for the EPA to act? Their "smoke" of delays, excuses and inefficiencies rise above many communities across America. People are getting sick. How many more Duke like turbines are allowed to dump excessive toxic pollution on environmentally sensitive communities like Richmond County, NC?

CCRC with BREDL will continue to fight for environmental justice. This is the reason why we exist. We all must stand as a community and demand the EPA to stop their "toxic smoke" and do justice. They should make their words on their environmental justice web page a reality. Stay involved and continue to support the environmental justice work of BREDL. Even though BREDL does not have the budget of the EPA, they have a track record of over 30 years of environmental justice success throughout scores of local communities. BREDL's years of experience has taught that the reality of true environmental justice does not come from governmental and state agencies, it comes from people like yourself getting involved and staying in the fight. Stay encouraged and keep fighting for environmental justice!

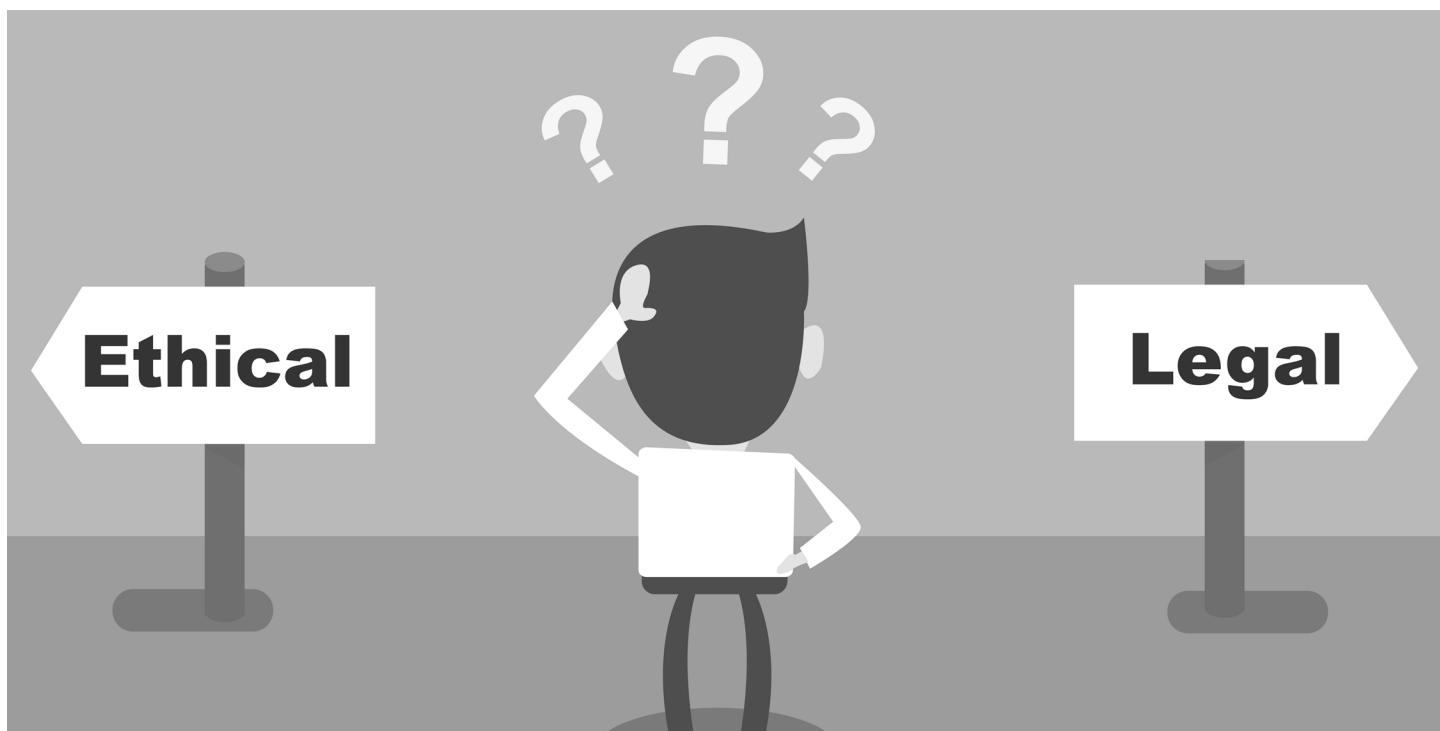
(Continued from cover) the state's epidemiologists and toxicologists regarding "do not drink" letters sent to residents near Duke Energy coal ash impoundments, particularly those that had elevated levels of hexavalent chromium and vanadium. For example, Dr. Megan Davies, State Epidemiologist with DHHS, testified on May 4, 2016, that Josh Ellis, Communications Director for the Governor expressed concern "...over wording on the Health Risk Evaluation form." The form was intended to inform well owners about the safety of their drinking water, which DHHS and DEQ had evaluated based on knowledge, expertise and the most up to date information. Winton-Salem Journal and link to deposition here: <http://www.journalnow.com/news/local/deposition-duke-energy-and-gov-mccrory-ignored-cancer-risk->

[estimate/article_85fce9cb-22c1-538d-ab8d-2689942cd98f.html](http://www.journalnow.com/news/local/deposition-duke-energy-and-gov-mccrory-ignored-cancer-risk-estimate/article_85fce9cb-22c1-538d-ab8d-2689942cd98f.html). Dr. Davies' deposition supported emails obtained from the Department of Health and Human Services (DHHS) by BREDL through public records requests.

Additionally, Governor McCrory's appointees appear to be using state staff time and resources to further the administration's re-election efforts. We looked back at DEQ press releases during 2015 and compared them to 2016. What we found was that there were few mentions of the "McCrory Administration" during 2015, other than the expected announcements of appointments, etc. This year, an election year, DEQ has produced a plethora of puff pieces that benefit Governor McCrory. Examples from the 2016 press releases: "McCrory administration helps Gastonia with \$35M

for water treatment plant updates", "McCrory administration issues coal ash violations against Duke Energy", "McCrory administration announces successful cleanup of former dry cleaning site in Durham", and "SELC admits McCrory administration is doing more to protect the environment".

As of the date of this article, neither the Governor nor Secretary Vander Vaart have revealed the purpose of the June 1, 2015, meeting. We are asking the Ethics Commission to take a hard look at the activities of the Governor and his appointees. Their next meeting is August 12, 2016; the agenda is not currently available.



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.

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