



BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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The LEAGUE LINE

WINTER 2020

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Coal ash victory for Chatham and Lee Counties, and communities across North Carolina!

By *Therese Vick*

On Friday, December 13, 2019, Administrative Law Judge Melissa Owens-Lassiter reversed her 2015 ruling on our coal ash cases regarding so-called "mine reclamation" in Chatham and Lee Counties, North Carolina. The significance of her change of heart cannot be overstated. The case had been remanded back to the Office of Administrative Hearings by the North Carolina Court of Appeals in 2018.

Attorneys from the Brice firm, Cathy Cralle-Jones and Seth Barefoot, represented Blue Ridge Environmental Defense League (BREDL), Chatham Citizens Against Coal Ash Dump (CCACAD) and EnvironmentalLEE (ELEE). They argued the case before Judge Lassiter in August of 2019. Seth Barefoot forecasted the threat to other North Carolina communities from the permitting scheme: "This opens a Pandora's Box, setting forth a dangerous precedent that any party with a mining permit to do this

can as long as it's within the property boundary,"

In her ruling, Judge Lassiter found that "Petitioners established by a preponderance of the evidence that [the Department of Environmental Quality (DEQ)] substantially prejudiced Petitioners' rights, and exceeded their authority or jurisdiction, acted erroneously, failed to use proper procedure by issuing a structural fill permit to Charah, Inc. and Green Meadow, LLC for both the Colon and Brickhaven Mine sites to the extent the two sites had never been mined or otherwise excavated." And, "... the "affected land" at both Mine sites was not a "reasonable rehabilitation of the affected land for useful purposes."

Currently, the permits for both sites are in limbo, and it is unclear what DEQ's plans are to enforce Judge Lassiter's ruling. As of the date of this writing, Charah has appealed Judge Lassiter's decision to Superior Court but DEQ has not. CCACAD and ELEE remain vigilant; the Brickhaven landfill in Chatham County may be leaking, and although the Colon facility in Lee County has not been constructed, it remains fully permitted pending action from DEQ.



2020



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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 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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2nd Annual Dr. Martin Luther King, Jr. Legacy Banquet

Drum Major for Justice Awards

By BREDL Associate Director Rev. Charles N. Utley

The second annual Dr. Martin Luther King, Jr. Legacy Banquet was held on January 11 at the Burke County Office Park in Waynesboro, Georgia. The banquet was sponsored by the Black Church Benevolent Association and Burke County Improvement Association. This year's theme was "A Legacy of Service."

Sponsors included local police departments, the city of Waynesboro, several area churches, and businesses.

At the banquet, the sponsors presented two Drum Major for Justice awards. Both honorees are a part of our BREDL family.

Honoree: Minister Annie Laura Howard-Stephens



Minister Annie Laura Howard-Stephens is a founding member of the Blue Ridge Environmental Defense League's chapter in Burke County, the Concerned Citizens of Shell Bluff. She has continued her service to the community by contributing her time and encouraging words of support.

The Concerned Citizens of

Shell Bluff is proud to know her as one whose faith never wavers as she always gives us her favorite words, *"It's all about Jesus."*

We congratulate our friend and longtime supporter on being the recipient of such a distinguished award.

Honoree: Rev. Charles N. Utley



Rev. Utley has been a part of our BREDL staff since 2002. At that time he said, "You know, contamination is like faith. It's something you don't see, but you have to realize it's there. We have to let everyone know that contamination does not know any race, creed or color either, but it's there."

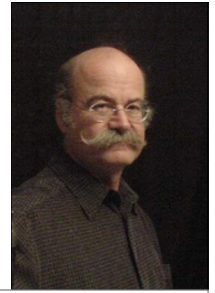
The award presented to Rev. Utley states the following:

"Dr. Martin Luther King, Jr. Drum Major for Justice Award presented to Rev. Charles N. Utley for support in eliminating economic, political and social inequalities through Blue Ridge Environmental Defense League and advocating nuclear environmental justice in Burke County, Georgia. Given this 11th day of January, 2020. Burke Black Churches Benevolent Association."

League Line Director's Report

Louis A. Zeller, Executive Director

January 22, 2020



Listen to women for change

On January 21, 2020, Greta Thunberg addressed the World Economic Forum meeting in Davos, Switzerland. Her speech pointed to the lack of progress made by Forum members, who label themselves as “regional and global businesses with the desire and



potential to significantly transform the future,” to respond to the ongoing crisis of climate change caused by the burning of fossil fuels—coal, oil and natural gas. She called for action and an end to delays because the “world is on fire.” She said half-measures—such as mitigation, emission offsets, low-carbon economies, net zero—were not acceptable. Only “real zero.” Thunberg’s three demands reflect the global emergency: 1) Immediately halt all investments in fossil fuel exploration and extraction, 2) Immediately end all

fossil fuel subsidies, and 3) Immediately and completely divest from fossil fuels.

Thunberg’s message followed the logic first laid out by the Intergovernmental Panel on Climate Change, established by the United Nations Environment Programme and the World

Meteorological Organization, and approved by the UN General Assembly in 1988.

The Paris Agreement of 2015 commits the US and 187 other countries

(all but Syria and Nicaragua) to reduce greenhouse gas emissions and a goal of limiting global temperature rise to less than 2 degrees-C. But now the United States has announced it will withdraw from the Agreement, effective November 4, 2020. To this, Thunberg said, “The fact that the USA is leaving the Paris accord seems to outrage and worry everyone, and it should.”

On March 3, 1913, in Washington, DC, eight thousand women marched down Pennsylvania Avenue demanding the right to vote. Alice Paul, who

organized the march held the day before the inauguration of Woodrow Wilson, criticized the President-elect for his failure to support the right of women to vote. She said, “We march that the world may realize that...the newly elected President has been chosen by only one half of the people.”

The movement for women’s suffrage—the right to vote in elections—had pursued this goal with limited success since 1848 when Elizabeth Cady Stanton organized the first women’s rights convention in Seneca Falls, New



York. After the Civil War, the passage of the 15th Amendment assured voting rights to freed men but was a grave

(Continued on page 5)

Union Hill victory!

By Sharon Ponton



The Atlantic Coast Pipeline (ACP) Compressor Station 2 sited in the historic African American community of Union Hill ran into a buzz saw in January when the Federal 4th Circuit Court of Appeals vacated the Air Permit and remanded it back to the Commonwealth's State Air Control Board. You might believe using the term "buzz saw" is hyperbolic, but in this case it's not. The Southern Environmental Law Center made many of the same arguments before the 4th Circuit that we had made previously in filings with the EPA in our Title VI complaint and in our lawsuit which was denied by the Virginia Supreme Court.

Residents of Union Hill and their allies have repeatedly said and proven, throughout the permitting process, that Union Hill is an environmental justice community. The County's planning Commission, the Board of Supervisors, the Virginia DEQ, the Air Control Board and the Governor attempted to erase this historic community. This time, in the 4th Circuit, the voices of the community were heard. In its decision, the court stated, "Environmental justice is not merely a box to be checked, and the [Air Control] Board's failure to consider the disproportionate impact on those closest to the Compressor Station resulted in a flawed

analysis."

Since the permit was remanded back to the State Air Control Board, the DEQ and the Air Board will have to revisit the permit. At this time, we have asked if DEQ will require ACP to reapply and when/how public input will be accepted.

Kathie Moseley, Concern for the New Generation chair, was excited when she learned of the court's decision. "It feels very good to know that the court turned down the permit," she said. "I'm very pleased that our voices were finally heard. Our community fought a really long time to make a difference and we did."

(Women for change—Continued from page 4)

disappointment to the movement because it omitted women, black and white. For decades after, women continued the fight for their rights, enduring rebuke, belittlement, arrest, forced feeding and other attacks on their persons and their cause. President Wilson, the strategic target selected by Paul, had said, "Universal suffrage is at the foundation of every evil in this country." But together with Lucy Burns and others, Alice Paul created ways to protest never seen before, such as the Woman Suffrage Procession and Silent Sentinels. They drove adoption of 19th

Amendment to the Constitution, ratified August 18, 1920. And the tactics they employed provided subsequent social change movements with new ways of organizing effective, non-violent protest.

More statements from Alice Paul and Greta Thunberg below. To find out who said what, see page 11.

A. "We march today to give evidence to the world of our determination that this simple act of justice shall be done."

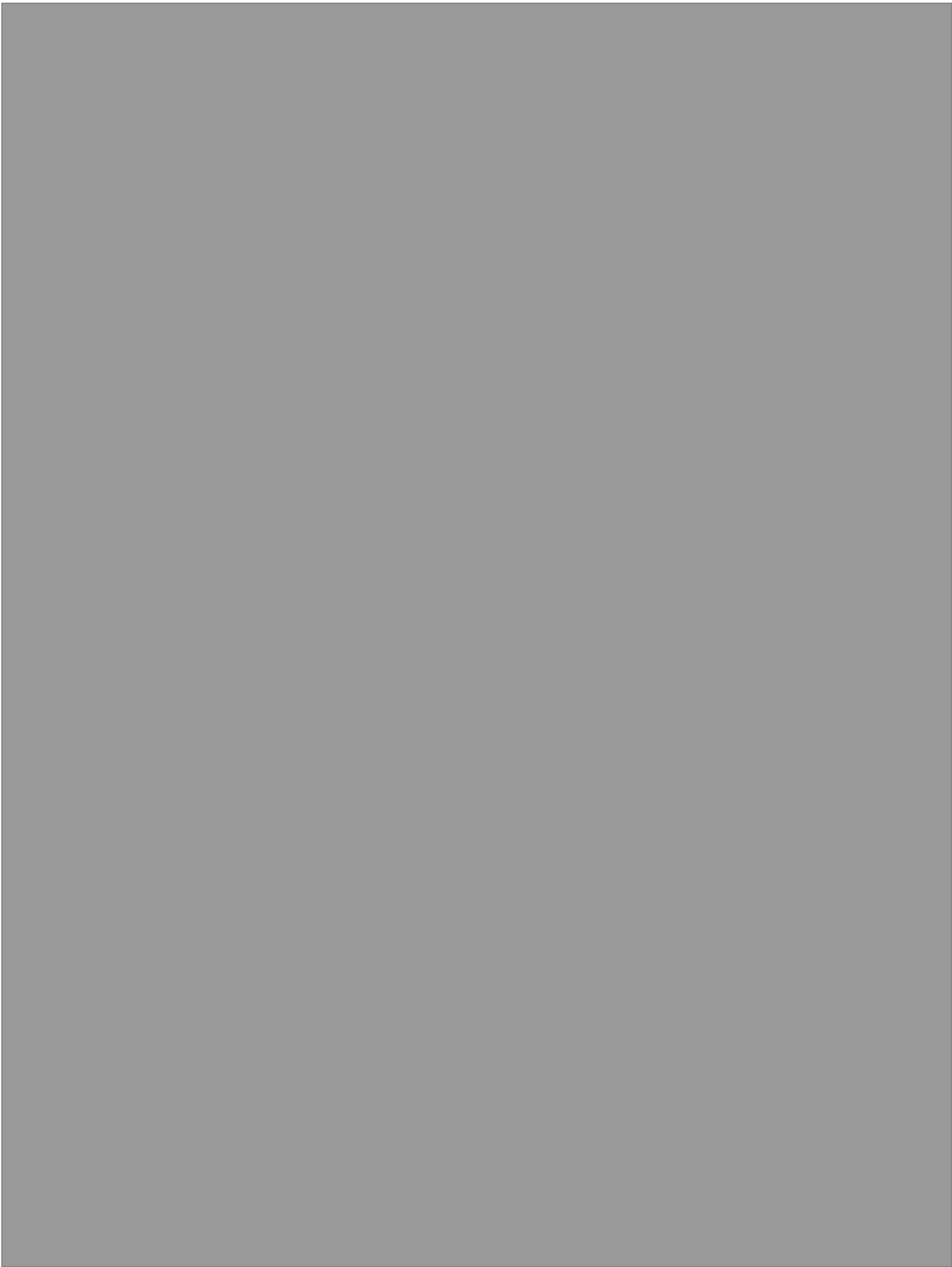
B. "You say: 'Just leave this to us. We will fix this, we promise we won't let you down. Don't be so

pessimistic.' And then — nothing. Silence. Or something worse than silence. Empty words and promises which give the impression that sufficient action is being taken."

C. "We march in the spirit of protest against the present political organization of society, from which women are excluded."

D. "This is not about right or left. We couldn't care less about your party politics."

E. "If a creditor stands in front of a man's house all day long demanding the amount of the bill, the man must either remove the creditor or pay the bill."





Welcome Madison County Clean Power Coalition!

By Jenn Galler & Renee Cail



BREDL welcomes the first new chapter of 2020, Madison County Clean Power Coalition located in Colbert, GA. This group is fighting a biomass plant located in the midst of their homes and community. The plant is authorized to burn railroad ties treated with creosote. Their mission is “to protect the environment and advocate for the communities polluted by the processing and burning of railroad ties.” The plant has disturbed the community with



Drago Tesanovich giving us a tour of the giant biomass plant

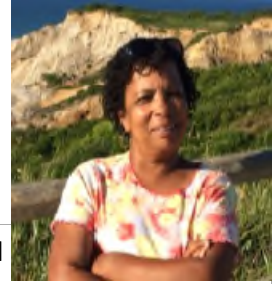
noise, air and water pollutants. The chapter's co-chair, Drago Tesanovich, said in a recent article that his family “has to keep their windows closed even in summer to keep the noise out, though the plant is more than a mile away. At a

friend’s house that’s a half mile away, the noise can be so loud it’s impossible to talk in the front yard.”

At one of the first meetings MCCPC held, a panel of scientists spoke about the dangers of the plant. There was an impressive turnout of 200+ community members, which got the conversation and actions started. In December, BREDL staff, Renee Cail and Jenn Galler both went out to Colbert to meet with the group and see the massive biomass plant for themselves. Jenn met with core group members and spoke with them about becoming a BREDL chapter. She also went to a larger public meeting with about 30 attendees where they voiced their concerns and plan of actions. Drago Tesanovich, Ruth Ann Tesanovich, Gina Ward, and other founding members' enthusiasm was very inspiring. They are passionate about saving their community from further destruction.

Renee spoke with activist Gina Ward about the neighboring biomass plant in Franklin County. The residents there are actively fighting against the biomass and its pollutants. Gina said, “We are experiencing the negative effects of this plant and would like for it to be shut down.” The plants are not far away from

each other and have been named the “Twin Sisters”.



A cattle farm that is affected sits right next to the plant in Colbert, GA

MCCPC’s website states, “Through the efforts of the Madison County Clean Power Coalition, residents will find a solution to the problems associated with the Madison Biomass Power Plant. We will stop GRP’s use of toxic railroad ties as fuel, and we will work to mitigate air, water, land, sound, and light pollution.

We look forward to having MCCPC a part of BREDL and stand in allegiance with their fight.

Find out more about their efforts at:

<http://www.madisoncleanpowercoalition.com>

also at their Facebook page

<https://www.facebook.com/madisoncleanpower/>

A new decade starting out with an old bill: rubber stamp agency approves billions

By Associate Director Rev. Charles Utley



There is consistent support from the Nuclear Regulatory Commission available to Georgia Power Company. This Rubber Stamp of approval is allowing the development and completion of Plant Vogtle Nuclear Units 3 and 4, passing the cost on to electric power customers in Georgia.

The Shell Bluff Community has focused on the protection of the citizens of Shell Bluff since its conception. The organization realized that because of the makeup of the residents, the area was targeted for nuclear development. This type of development is not something new in America, it is a continuous invasion by companies seeking out communities where the least resistance exists.

The support of NRC aids Georgia Power and Southern Company in achieving their goals by approving the license extensions, with the least compliance and oversight possible. From its beginning in 1974, the NRC has provided Southern Company with their rubber stamp of approval and continues to approve their requests as we move into a New Decade 2020.

The Georgia Public Service

Commission on Tuesday December 17, 2019 approved a rate increase for Georgia Power Company. The Commissioners' vote allows an increase of \$1.68 billion over the next three years. The new rates will be effective Jan. 1, 2020, through Dec. 31, 2022 or until the rubber stamp is needed again.

That's not all. The 2020 increase includes \$318 million for the cost

This type of development is not something new in America, it is a continuous invasion by companies seeking out communities where the least resistance exists.

of complying with environmental regulations, with an additional \$55 million in 2021 and \$184 million in 2022. Georgia Power will now be able to pass on all of these increases to the rate payers of Georgia.

The 7.1% increase will have a major effect, increasing poverty in these communities. This \$2.2 billion rate increase that the residential customers will pay for electricity will nearly double the Basic Service cost that the low-

income family is presently paying.

Sad to say, the rate payers will not get an increase in their incomes to offset these increases for 2020. The Concerned Citizens of Shell Bluff will continue to serve as a catalyst to inform citizens of the effects and potential increase of pollution and contamination. Although the communities have little that they can do to stop the Rubber Stamp Approval, they can continue to look to the support of BREDL for guidance.

Therefore, the Concerned Citizens, with assistance of BREDL, will focus on pushing forward with energy conservation and the use of solar energy. I look forward to assisting the Concerned Citizens of Shell Bluff and other communities in the pursuit of innovative new resources that will help us combat this invasion. With the assistance of BREDL we will continue to pursue Economic, Environmental and Social Justice for the residents of Shell Bluff and the State of Georgia.

Money for BREDL chapters!

By Ann Rogers



BREDL is thrilled to announce the availability of a new source of funding for our chapter organizations – the BREDL Grassroots Mini Grant Program (GMGP) – which will offer grants of up to \$2,500 to BREDL chapters on the condition that each participating chapter raise matching funds equal to the grant amount requested.

GMGP grants to BREDL chapters will range from \$250 to \$2,500, and the total amount of GMGP grant funding available is \$20,000.

GMGP grants will be payable after a participating chapter has raised the matching funds. For example, a chapter will be given \$1,000 after successfully raising \$1,000, for a total cash influx of \$2,000.

The GMGP grants are designed not only to support the environmental activism of BREDL chapters, but also to encourage and expand their capacity to raise funds.

At their February 1 meeting, the BREDL board of directors will review a draft Request for Proposals (RFP), a document describing the GMGP program and providing instructions on

how to apply. Once approved by the board, the RFP will be distributed among all active BREDL chapters along with an invitation to apply.

Other exciting fund raising events are on the horizon!

Lois Gibbs, Founder of Center for Health, Environment and Justice (CHEJ), will give fund raising workshops for members of BREDL chapters on February 13 and March 19. These workshops will focus on the type of fund raising that all nonprofits need to understand – how to ask for contributions from individuals.

Ms. Gibbs' workshops are being offered just in time for BREDL chapters who are thinking about how to raise the matching funds for their GMGP grants.

BREDL is fortunate to have this opportunity not only to offer the GMGP grants, but also to be able to offer these extraordinary fund raising workshops that will educate BREDL chapters on how to raise funding and motivate them to get out there and do it!

Are you afraid to ask people for

money to support the work of your chapter?

Don't feel bad if you are, that's a very common problem faced by those of us working in the non-profit sector. Ms. Gibbs' workshops will be specially designed to help us get over those feelings of embarrassment and, even more importantly, learn how to make connections with the people who are going to be most likely to say "yes" when we make the "big ask".

Ms. Gibbs' first workshop will be held Thursday, February 13, 10 a.m. to 2 p.m., at the First Friends Meeting House in Greensboro, NC (the place where BREDL's board meetings are held). Her second workshop will be held Thursday, March 19, 10 a.m. to 2 p.m., at the First Friends Meeting House.

If you plan to attend either or both events, please RSVP to BREDL's Director of Development, Ann Rogers at amelvin3@verizon.net, so that we can plan for lunch. We encourage you to attend both workshops! See you soon!



Grassroots Mini Grant Program

Grants to BREDL Chapters will range from \$250—\$2,500. Chapters will raise matching funds.

BREDL launches major donor campaign

A huge thanks to the valiant and generous BREDLians who supported our first ever public fund raising appeal, held on December 3 at the historic Murphey School in Durham, NC. Everyone who supported the initiative – from the BREDL staff who worked assiduously and intelligently, Therese Vick, Marvin Winstead, Mark Barker, and Jenn Galler, to

the folks who volunteered to serve on our Fund Raising Cabinet, Jane Lea Hicks, Sandy Kurtz, and Hanna Reeves, to the brilliant speakers, Charles Utley, Cathy Cralle-Jones, Al Kwasikpui, Valerie Williams, Debbie Hall, and Lou Zeller – it is a privilege to work with you!



(left) Al Kwasikpui speaks about his group's fight against a proposed coal ash dump at our fundraising event.

(above) Charles Utley speaks about his years of work with BREDL.

Who said what? (from page 5)

- A. "We march today to give evidence to the world of our determination that this simple act of justice shall be done." - Alice Paul
- B. "You say: 'Just leave this to us. We will fix this, we promise we won't let you down. Don't be so pessimistic.' And then — nothing. Silence. Or something worse than silence. Empty words and promises which give the impression that sufficient action is being taken." - Greta Thunberg
- C. "We march in the spirit of protest against the present political organization of society, from which women are excluded." - Alice Paul
- D. "This is not about right or left. We couldn't care less about your party politics." - Greta Thunberg
- E. "If a creditor stands in front of a man's house all day long demanding the amount of the bill, the man must either remove the creditor or pay the bill." - Alice Paul

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Alice Paul: <https://www.bing.com/images/>

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.

**Visit www.bredl.org to view our interactive timeline that spans 35 years of
environmental work across the southeast.
Your donation will help us to carry on for years to come!**

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 forms 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_____

Date_____

Chapter_____