

Blue Ridge Environmental Defense League

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MEDIA RELEASE

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Groups File Legal Challenge to Duke Energy's Coal Ash Dumping Plans

Raleigh- Charging that the Department of Environment and Natural Resources (DENR) acted arbitrarily and capriciously by issuing permits for two proposed coal ash dumps in Lee and Chatham Counties, the Blue Ridge Environmental Defense League (BREDL), Chatham Citizens Against Coal Ash Dump (CCACAD), and EnvironmentalLEE (ELEE) filed a petition for a contested case hearing with the Office of Administrative Hearings (OAH) today.

BREDL community organizer Therese Vick stated “Communities targeted for coal ash disposal deserve a regulatory agency that has their best interests at heart, not what is in the best interest of Duke Energy. DENR had sufficient reason to deny the permits, and they did not.”

CCACAD president Judy Hogan commented on the challenge filed today saying, “We are very happy to have filed this appeal to challenge the mining and solid waste permits which DENR released without paying attention to its own rules to protect us.” Debbie Hall, vice-president of ELEE explained why they felt this step was necessary, “We chose to join in the complaint because we believe that any citizen who feels an action will significantly impact their lives in a

negative way has the right to oppose that action. We still believe in grassroots efforts, and that those efforts can make a difference in the outcome.”

Issues raised in the petition include:

- The actions allowed by the permits would have a significant and adverse impact on the health and well-being of the members of the Petitioners, and on their families, the use and enjoyment of their property, the value of their property and other economic interests.
- DENR’s issuance of the Permit has substantially prejudiced the rights of the Petitioners and their members. By issuing the permits, the state agencies exceeded their authority or jurisdiction; acted erroneously; failed to use proper procedure; acted arbitrarily or capriciously; and failed to act as required by law or rule.
- The proposed sites are solid waste landfills, rather than mine reclamation projects, and should be regulated as such.
- The requirements for compliance with other laws for the protection of the environment should be examined for all of corporate partners of Green Meadow, LLC.
- Environmental Justice: DENR did not investigate, or require the applicants to investigate, the cumulative impacts on the communities.

According to John Runkle, attorney for the plaintiffs, the petition was filed to “ensure that all regulations are complied with.” Filing a petition for a contested case through the Office of Administrative Hearings is the first step in challenging an agency decision.

The Blue Ridge Environmental Defense League was founded in 1984. The organization has a thirty-year track record of victories over polluting facilities.

www.bredl.org

Chatham Citizens Against Coal Ash Dump was founded in December 2014 in opposition to Duke Energy’s plan to dump coal ash in the county.

www.nocoalash.org

EnvironmentaLEE was founded in 2011. ELEE works to protect the environment of Lee County.

www.EnvironmentaLEE.org

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