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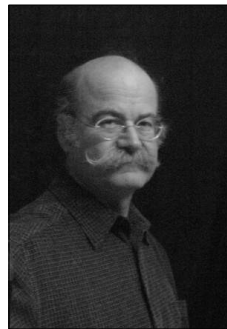
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The LEAGUE LINE



Fracking Poisons Air and Food

By Louis A. Zeller



Air Pollution

On September 12, 2013 the Blue Ridge Environmental Defense League presented a request to the North Carolina Environmental Management Commission for the adoption of regulations which would reduce the public health impacts of toxic air pollution caused by fracking.

In her letter to the Commission, Therese Vick wrote that the state's Environmental Standards Committee has recommended setbacks of only 150 feet from occupied dwellings.¹ If the North Carolina Mining and Energy Commission were to adopt this standard, residents would breathe unsafe levels of toxic air pollution. Air testing results provided to us by Stephen Lester of the Center for Health, Environment and Justice reveal the following compounds in the air 250 feet from fracking wells:

October 1, 2013 Hydrofracking, the extraction of natural gas and oil by fracturing rock formations with high pressure injection, clearly poses a threat to groundwater. Evidence of contaminated residential drinking water wells has been found in many states. Early on, the risk was considered to be so grave that well-connected industry leaders pressed for and won major exceptions for the practice from the Clean Water Act, the Safe Drinking Water Act and other environmental laws.

But fracking also poses serious threats to the air we breathe and the food we eat. Action is required to alter, amend and prohibit this practice before irreparable damage occurs.

Toxin	Result	MRL ²	Excess
Chloromethane	0.95	0.61	60%
Acetone	15	6.8	121%
Trichloro-fluoromethane	1.5	0.84	79%
Trichloro-trifluoromethane	0.61	0.23	165%
Methyl ethyl ketone	1.9	0.88	105%
Carbon tetrachloride	0.61	0.095	542%
Toluene	0.99	0.55	80%
Dichlorobenzene	1.9	1.8	5%

All of these substances are hazardous to breathe. All present risks to human health. The right to know what is in the air we breathe outweighs the energy industry's desire for secrecy. It is the mandate of state agencies to "control and limit the pollution of our air and water."³

(continued on page 4)



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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. ■

A quarterly publication of:

**Blue Ridge Environmental Defense League
(BREDL)**

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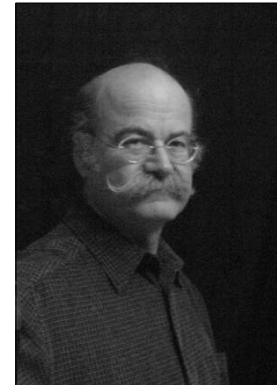
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Invasive and Destructive Energy Mining Goes Up Against Justice and Reason

October 2013



© Twentieth Century Fox, Photo: hy*drau*lx



By Louis A. Zeller

In *Gulliver's Travels*, Jonathan Swift wrote:

It is a Maxim among these lawyers, that whatever hath been done before, may legally be done again: And therefore they take special care to record all the decisions formerly made against common Justice and the general Reason of Mankind. These, under the name of Precedents, they produce as Authorities to justify the most iniquitous Opinions; and the Judges never fail of decreeing accordingly.

Swift, lampooning British colonialism, wrote a satire on the tendency of humans to use political authority to manipulate the public and ultimately to deceive ourselves. Swift's immediate concerns may have been the economic inequities and trade wars of 18th Century imperialism, but his tale carries lessons for us in the 21st. His satire bites in a particular way with regard to the energy wars which consume us today.

It is likewise to be observed, that this Society hath a peculiar Cant and Jargon of their own, that no other Mortal can understand, and wherein all their Laws are written, which they take special Care to multiply; whereby they have wholly confounded the very Essence of Truth and Falsehood, of right and wrong; so that it will

take thirty years to decide whether the Field, left me by my ancestors for six generations, belong to me, or to a Stranger three hundred miles off.

The energy industry's reports to investors reveal that corporate heads know its operations are subject to explosions, blow-outs, pipe failures, fires and uncontrolled gas well releases. To protect themselves from financial liability, years ago they worked to pass laws exempting themselves from environmental protections which have been on the books for decades. They claim the chemicals injected into fracking wells are proprietary, trade secrets, to be kept secret not from competitors, to whom fracking is no secret, but from the public who are left in the dark.

Elsewhere in this issue of the League Line you may read of the pollution caused by the invasive and destructive energy mining techniques known as fracking. Therese Vick's exposition of the North Carolina Mining and Energy Commission would have provided Swift with fodder for another episode of *Gulliver's adventures*, about land grabs and other practices made against common justice and the general reason in a land of small people with grandiose ideas.

Gulliver's Travels is about the folly of human pride.■



Fracking Poisons Air and Food

By Louis A. Zeller

Pollution Plus Inefficiency

A further downside of fracking is that the natural gas fuel used to generate electricity is largely wasted. Combustion turbines are remarkable for their lack of efficiency. They don't convert chemical energy to mechanical energy very well. Part of the energy output is lost because intake air must be compressed to 30 atmospheres of pressure before the fuel is burned. In engineering terms, "More than 50 percent of the shaft horsepower is needed to drive the internal compressor and the balance of recovered shaft horsepower is available to drive an external load." The typical external load is an electric generator. A simple cycle natural gas turbine has an efficiency of only 15 to 42 percent. Combined cycle units may achieve an efficiency of 38 to 60 percent. Even so, from 40 to 85 percent of the natural gas burned produces no electric power. Nevertheless, air pollution is created by combustion whether electric power is produced or not.■

(continued from pg 1)

Food Contamination

Even if you don't live near a natural gas well site, fracking could affect the food you eat. Last year evidence surfaced that livestock are negatively affected by hydrofracking in rural areas. For example, cattle grazing near well pads were found to have petroleum residues in their systems. Case studies at dozens of farms in six states revealed a host of illnesses in cattle including gastrointestinal problems, neurological disorders and reproductive failure. As these animals enter the food chain, the chemicals ingested by them also contaminate people who consume the meat, milk or cheese. The full extent of this problem is unknown. The research found:

"Complete evidence regarding health impacts of gas drilling cannot be obtained due to incomplete testing and disclosure of chemicals, and nondisclosure agreements. Without rigorous scientific studies, the gas drilling boom sweeping the world will remain an uncontrolled health experiment on an enormous scale."

A virtual Catch-22 has been created whereby the public's right to know is curtailed by the fracking industry's failure to disclose. So we see the problem is one not merely of pollution, but a wholesale abrogation of responsibility by the government agencies charged with protecting the air we breathe, the water we drink and the food we eat.■

¹Letter to Benne Hutson, Chairman, NC Environmental Management Commission, available at: http://www.bredl.org/pdf4/130912_BREDL_letter_to_NCEMC_re_fracking_TV1.pdf

²MRLs are minimal risk levels developed by the Agency for Toxic Substances and Disease Registry (ATSDR) and the US EPA. MRLs are levels at or below which exposure is not expected to cause harm.

³NC Constitution, Article XIV, Section 5

HEAT Members Work for Zero Waste

By Grace Gifford of HEAT

Bi-Lo Supermarket in Myrtle Beach

Grace Gifford (HEAT)

Amanda Grefski (Five Rivers Friends- Quakers)

Cecilia Cook (Be Plastic Bag Free)

Goffinet McLaren (Founder, Be Plastic Bag Free)

Amy Barrett (Bi-Lo Manager)

Maggie Thompson (LWV HC)

Valerie Moliterno (LWV HC)



You've heard of tweeting and twittering, so let us introduce CHIRPING! Members of the **Horry Environmental Action Team (HEAT)** have joined up with a grassroots group calling ourselves the Chirping Bird Society. The name is derived from the apartheid era in South Africa, when a Member of Parliament (MP) named Helen Suzman, insisted that apartheid was wrong. She stood up to the other (all male) MPs declaring the evils of apartheid. Helen talked so much about the evils of apartheid, she was dubbed the 'chirping bird' hence the Chirping Bird Society to encourage individuals to speak up, or "chirp" in order to bring awareness. Our Mission is to alert others to the dangers of the Plastic Age to our health and planet. We seek to encourage Zero Waste events, so that plastic trash is not generated. In Congress, Rep. Jim Moran (D-VA) has introduced the Trash Reduction Act of 2013 (H.R. 1686) We support local efforts to prevent the spread of hazardous plastic trash (learn more at "Classify

Plastic Waste as Hazardous" [Nature](#), February 14, 2013, Vol.494).

- * Members of the Chirping Birds were present when BREDL's own Lou Zeller presented at the League of Women Voters of Horry County in Conway on the topic of Zero Waste several years ago. We have continued to educate ourselves. The threat of South Carolina becoming the east coast "Waste Colony" has gained focus as waste companies lobby to undermine local zoning ordinances and state legislation. In addition to supporting the Trash Reduction Act which will introduce a user fee for single use plastic bags in the nation, Chirping Birds:
- * Salute industry leaders who are already demonstrating reduced plastic impact by presenting our home made Certificates of Appreciation (in recycled frame).
- * hold our monthly meetings at restaurants that embrace low/no

waste

- * recognize grocery stores that offer bag credits and other incentives with Certificates
- * chirp in the checkout when fellow shoppers, family and friends need encouragement
- * refuse single use disposables and arm ourselves with metal waterbottles and eating utensils, and cloth napkins
- * have zero waste parties, church fellowship meals and club gatherings
- * oppose out of state dumping and waste stream privatization

FLOCK with us right where you are, purge your NEST of plastic, FLY in the face of Big Garbage, CHIRP a warning about the hazards of plastic trash and HATCH a plan for Zero Waste!■

This Land is Their Land

By Therese Vick



"[To be] Forced Pooled is the act of being forced by state law into participation in an oil and/or gas producing unit. Pooling is a technique used by oil and gas development companies to organize an oil or gas field.

When two or more separately owned tracts are embraced within a drilling unit, or when there are separately owned interests in all or a part of the drilling unit, then persons owning such interests may pool their interests for the development and operation of the drilling unit. It is sometimes the case that not all interests within a drilling unit are in agreement about development. In that case, a party interested in development can make an application to the concerned state authority for forced or involuntary pooling."¹

On August 28, 2013, the Compulsory Pooling Study Group of the North Carolina Mining and Energy Commission voted to allow gas companies to force people into selling the gas under their land.² Many BREDL members spoke out eloquently and passionately during the time allotted for public comment. Some members of the Study Group attempted to justify their decision saying that it prevented waste, and protected landowners. Calling forced pooling for hydraulic fracturing "landowner protection" is deceptive, at best. How can you pretend to be "protecting" a landowner while taking away their ability to make decisions about their personal property? Allowing forced pooling simply hands bully power to gas companies so that they can coerce landowners into leasing when they may not want to. Its just common sense. Members of

the Mining and Energy Commission agree, saying that this will "encourage negotiation." That is a pretty way to describe it, but in truth, an incredibly powerful industry has been handed another tool to take personal freedoms away, and will be using taxpayer-funded agencies to do so.

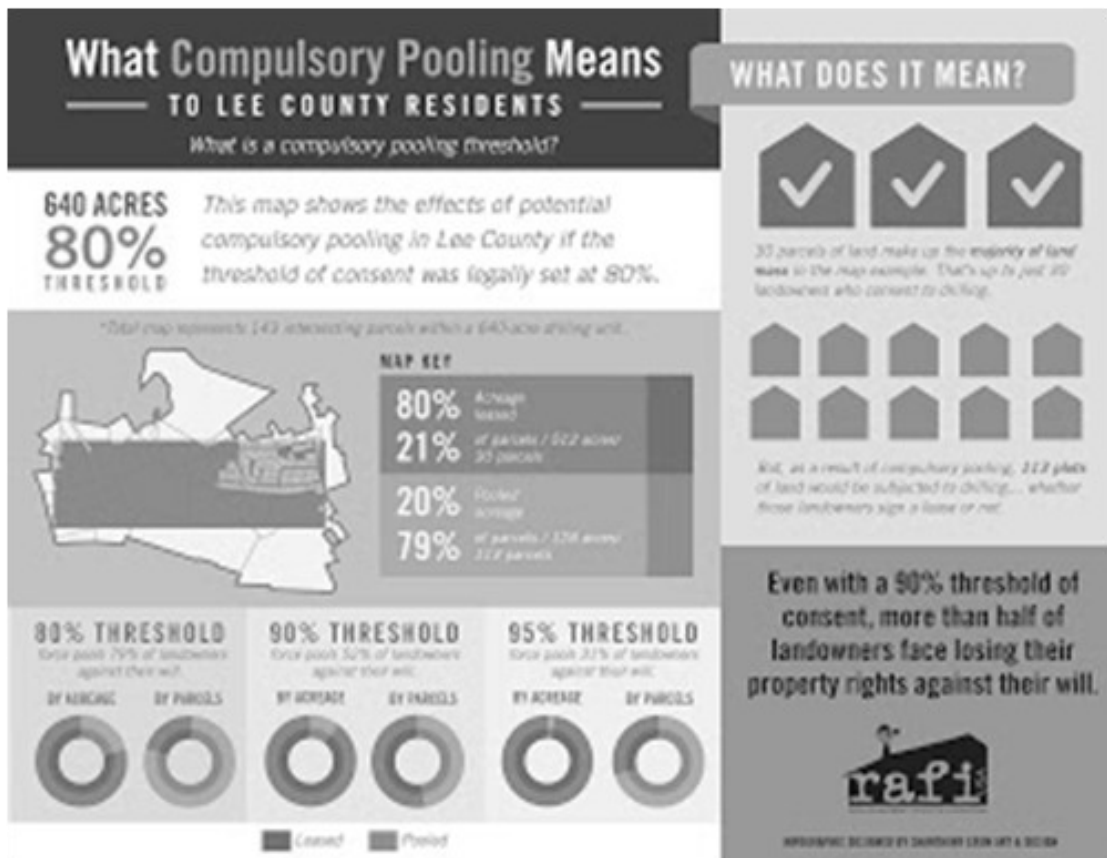
We teach our young people that "no means no." If landowners are unfortunate enough be included in a drilling unit, and compelled into a pool, it's not majority rule as we understand it in our democracy- 100 people and 51 say yes. It's the "whoever has the most land rule"

Depending on the size of the drilling unit established, which Mining and Energy Commission Chair Womack has stated on numerous occasions, may be smaller than the average 320 -640 acre size, this means that a few large landowners may control dozens

of families, even at the recommended 90% voluntary participation rate before a pooling order can be issued. So, until actual drilling units are established it cannot be said with certainty that any required percentage of voluntary participation, no matter the lofty goal, will make it virtually impossible for people to be forced into a pool. Right now, it is essentially a paperwork exercise.

¹"Forced Pooling Law and Legal Definition." Web. Uslegal.com. <http://definitions.uslegal.com/f/force-pooled/>

²Murawski, John. "Officials ok rule to force fracking on NC landowners." *News and Observer*. 28 August 2013. Web. <http://www.newsobserver.com/2013/08/28/3145187/officials-ok-rule-to-force-fracking.html>



Used with permission from Rural Advancement Fund International (RAFI)

The Study Group's final report also contains recommended protections for landowners, and these recommendations were to be carried down Jones Street to the Legislature by the North Carolina Department of Environment and Natural Resources (DENR). At the October 1, 2013, meeting of the Joint Legislative Commission on Energy Policy, Assistant Secretary Mitch Gillespie explained DENR's program for hydraulic fracturing to those assembled. Even though the Compulsory Pooling Study Group's final report had been completed, DENR clearly sidestepped the Study Group's recommendations, *including all of the landowner protections.*

This means that everyone is exposed and vulnerable—every single person who lives in currently identified and yet to be explored shale basins, those who have signed leases, those who have not, those that own their mineral rights, and those who do not. In other words, DENR carried an empty bucket to the Legislature.

Some on the Compulsory Pooling Study Group were torn and did a lot of soul searching during this process. Unfortunately, deciding what would be acceptable to certain individuals or the industry does not mean it is right, or fair. ■

Contact Governor McCrory and tell him to say “No” to forced pooling, and that he has left North Carolina communities without any property rights or protections.

Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301
Phone: (919) 814-2000

Email from this link:

<http://www.governor.state.nc.us/contact/email-pat>

Twitter: @PatMcCroryNC

News from Scotland County Of Tomorrow (SCOT) Chapter

NC Senate Bill 328 is a controversial proposal to loosen the rules for landfills in NC and has been called an assault on the health and well-being of low-income and rural North Carolinians.

SB328 would allow landfills to be built within 1,500 feet of national wildlife refuges, state parks and game lands. Current law requires a distance of 5 miles from refuges, 2 miles from state parks and 1 mile from game lands.

The bill also allows faster permitting and longer permits (up to 30 years), relaxes regulations on landfill operators and drastically limits the reasons in law for which the Department of Environment and Natural Resources can refuse to issue a permit for a new landfill.

Garbage trucks would no longer be required to be leak-proof, just leak-resistant. ■



BREDL Community Organizer, Therese Vick came to our SCOT September meeting and gave a comprehensive overview of the 2013 landfill legislation, and pointed to the need to continue to stay in contact, particularly with our new Senate and House members, who may not have the full picture of past activities, and of the long term determination of the waste industry to site a "waste to energy" mega landfill in the area.

SCOT formed in 2005, barely stopping a third reading at the Board of Commissioners, on a Waste Management contract for a service area from Maine to Florida. The proposed location was in the sandhills, over our aquifer. SCOT became involved, with many other BREDL Chapters, at the state level; the Moratorium and the Solid Waste Management Act of 2007, resulted in the Board of Commissioners tabling that proposal.

In 2010, there was another proposal to build a mega landfill next to our current C&D

landfill. That location happened to be 1/2 mile from the Town of Maxton, and 3 miles from Laurinburg. A classic grassroots Town Hall meeting in Maxton stopped that one in a hurry. A Resolution against mega landfills was passed by the Board of Commissioners, and several "fence sitters" were voted out of office.

The final landfill legislative directives that come out of the 2014 short session will be significant in terms of our ability as a county to keep our community safe from the negative health and economic impacts of a mega landfill.

We will also be closely watching limitations on local government controls. Safeguards that could be taken away would leave counties and municipalities vulnerable to landfill hazards.

Presently, educating our local legislators by telling our story, is our primary goal, in our effort to preserve the health and well being of the people of Scotland County. ■



Changchang, Dan, Wenjing and Maria at BREDL Board meeting.



**Rave Reviews from
Summer Interns of 2013
At Blue Ridge
Environmental Defense League**



Changchang Zhou: The BREDL internship experience is creative and educational. It is a very flexible project and enables me to exercise and strengthen my time arrangement skills and self-control ability. Advisors at BREDL are patient and helpful. BREDL also provides interns the chance to attend their Board of Directors Meetings and conduct on-site visits. The internship was a very rewarding and valuable experience, and I am very grateful for the opportunity. Overall, the experience at BREDL has encouraged me to pursue a career in the environmental field and advocate for the health and safety of people around the world.

Wenjing Shi: BREDL is a fantastic organization with kind and enthusiastic people. They gave me valuable guidance and helped me explore Hydraulic Fracturing, Perchloroethylene and Prion issues. Moreover, I was also invited to the BREDL Board of Directors meeting on April 20th. It was really useful for me to communicate with the directors who were nice and knowledgeable. On June 6th, Beverly and Julius Kerr and I went to Durham City Council for the Perchloroethylene presentation. I addressed the current PERC situation in North Carolina and especially for Durham. We called on the Council to require the phase-out of PERC immediately. The presentation went successfully and the city council committee members are interested in getting further details. They have asked me to present the council with a resolution that they can consider. This was my first time to give a presentation at City Council. Beverly and Julius encouraged me a lot and I did a good job and well represented BREDL and Duke University. I will never forget this wonderful experience with BREDL.

Dan Zhou: BREDL is a fantastic non-profit organization. So many passionate and kind people gather here making a difference for our sustainable future. I am really grateful for having this internship. Besides knowing so many great colleagues, BREDL gave me opportunities to join the board meetings, on-site interviews, and phone meetings with other great NGOs. What is more, through my project: the Biomass Controversy, I began to truly consider the environmental impact and health risk for the communities, especially in the rural places, and to try to find the truth under the surface. I will never forget the experience at BREDL and I really want to thank my advisor who gave me great guidance and helped me accomplish my research goals.

Maria Khvatskaya: My internship with BREDL this summer has been an enriching and a rewarding experience. I worked on the trade secrets in hydraulic fracturing, which is a very controversial and current topic in North Carolina. The BREDL staff was very supportive and helpful in getting me started and keeping me updated on all the on-goings in the legislature and the news. They also allowed me to develop and structure my research and involvement on my own initiative. The ability to delve into the issue, and prioritize sub-issues within, on my own has been an invaluable experience for my own development and future career. Because fracking is a very current issue, I was able to attend the meetings of the Mining and Energy Commission as they considered the disclosure rules for fracking in North Carolina and it has been a wonderful opportunity to be in the midst of the debate. I also presented in front of the BREDL board with the overview of my research and they have been extremely receptive and encouraging of my progress. I have really enjoyed my summer with BREDL and am grateful to have had this experience. ■

Turning the other cheek: What Happens if you are SLAPPED?

By Therese Vick

What Does Being SLAPPED Mean?

A Strategic Lawsuit Against Public Participation, or “SLAPP” suit is intended to do just that-- intimidate, silence and chill public opposition to undesirable activities or decisions. These kinds of suits can be brought by corporations and government entities and can ask for millions of dollars in damages. The reach of a SLAPP suit can be long, including family members and have included “Doe” defendants, a placeholder for others who may be named in the future. SLAPP suits are often dismissed, the Courts generally disapprove of this misuse of the law to limit free speech, however, the personal and professional costs of defending such an action can be devastating.

Double Agents

Of additional concern are “agents provocateur” - those who infiltrate a meeting or event in order to create controversy or incite violence in order to cause detention or even arrest. Sometimes, they can even be a “member” of your organization. “Promised Land”, the recent movie starring Will Damon featured an agent provocateur in such a role, the environmental protagonist trying to discredit the opposition from within.

How We Can Help

Blue Ridge Environmental Defense League has a long history of legal victories involving SLAPP suits. There are two major examples of this, both with positive legal outcomes, but because of the timing of their decision to become a BREDL chapter exacted different tolls on the individuals named in the suits. A company calling itself “Three Seasons Disposal” was attempting to locate a contaminated soil incinerator within the city limits of Saltville, Virginia. A local group, organized by Fred and Joy Dye, had spoken out at local government meetings and had protested against the location of this polluting facility in their community. In 1992, the group, who subsequently became our Mountain Empire Environmental League (MEET) chapter, contacted BREDL. MEET was very effective and the Saltville government decided that having an incinerator burning highly contaminated soil in the town limits was not such a great idea, after all. The company proceeded to file a \$53,000,000.00 SLAPP suit against Fred and Joy, citing actions prior to their being members of a BREDL chapter. The Dyes had to take time off from work and travel to court many times. BREDL and other organizations in

the region helped to obtain pro-bono legal assistance for the Dyes, and the suit was ultimately dismissed, but not before the Dye’s suffered health problems and job losses. The takeaway from this is notable: by only claiming incidents that happened *prior* to MEET joining BREDL, Three Seasons was acknowledging the strength of the protections provided to BREDL chapters.

The second example comes from Camden County, North Carolina. In December 2005, BREDL staff met with local people concerned about the proposed siting of a 10,000 ton-per-day megadump in the Great Dismal Swamp. The group decided to become a chapter, forming Camden Citizens’ Action League (CCAL). There were several irregularities around decisions made by the Camden County Board of Commissioners, which led CCAL and BREDL to sue. The County reversed their decision, and the company, Black Bear Disposal, countersued in February 2006, also naming BREDL and individual members of CCAL.



In April 2006, the suit was dismissed; neither BREDL, CCAL, or any individual was ever held responsible for damages to Black Bear Disposal.

As industry becomes more aggressive, and government less protective of the people, we are all more vulnerable to these nasty tactics. Of particular concern are the risks to those involved in fighting fracking across the country. The oil and gas industry has been notorious for their bully tactics in other states, and as the issue continues to become more controversial in North Carolina, we can expect more pushback from those who would frack our state.

All of this sounds ominous and frightening, and it is serious, but being part of a BREDL chapter gives members protection from SLAPP suits.

Protect your members by:

- * **Becoming a BREDL chapter**
- * **If you are already a member of the BREDL family, be sure your group is in good standing; with all members being BREDL members and dues current**
- * **Always telling the truth**
- * **Never threatening or implying violence**
- * **Taking advantage of BREDL's media and direct action trainings**

We must work smart, act with integrity, and be vigilant. If you would like more information on SLAPP suits, or are interested in becoming a chapter, please contact BREDL staff.■

¹"Agent Provocateur." *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 30 Sept. 2013. <[http://www.merriam-webster.com/dictionary/agent provocateur](http://www.merriam-webster.com/dictionary/agent%20provocateur)>.

²*Promised Land*. Dir. Gus van Sant. Perf. Matt Damon, John Krasinski, Frances McDormand. 2012. http://www.focusfeatures.com/promised_land

Prions in Sewage Sludge Endanger Farming Communities

By Kate Dunnagan

We all create sewage sludge. Anything dumped down the drain or flushed down the toilet flows through the sewer system to sewage treatment plants, which clean the liquid part of the sewage and attempt to remove some of the toxic metals and pathogens. The resulting liquid is discharged into rivers, lakes and streams as effluent. The leftover solids that are "filtered" from wastewater make up the "sewage sludge." Over 60,000 toxic substances and chemicals can be found in sludge, and yet land application of sewage sludge in the US Southeast is widespread because it is the cheapest method of disposal that is legally available to municipalities and water treatment plants. In NC alone, over 50 million tons of sludge is spread on rural, low-income area farmlands every year.

Research shows that substances known as prions can be found in sewage sludge. Prions are unusual pathogens distinct from parasites, fungi, bacteria and viruses, that ravage the brain and leaves it full of holes. They are misfolded proteins, that can transform healthy proteins into sickly versions, leading to the death of cells. One of the most common prions in humans is diagnosed as Creutzfeldt Jakob Disease (CJD), which is linked to Alzheimer's Disease, Parkinson's, and senile dementia. Prions have been found in the blood and urine of CJD victims that shed into public sewers, and medical facilities routinely discharge CJD infected blood and body fluids into public sewers (Pederson). The prions end up in both Class B sewage sludge and Class A sludge compost. Prions are also transmittable by surgical equipment, which is not sterilized against prions and cannot be detected in victims for several months after the disease has been transmitted (Yam). Even prions are known to be transmittable, the US EPA and the waste industry including SYNAGRO, promote Class A sludge "biosolids" as being "pathogen free" or "sterile" for spreading on home vegetable gardens,

and parks, playgrounds, and ball fields where children will be playing.

BREDL opposes the land application of sewage sludge. While sludge may be economical for farmers to use as a fertilizer in providing nutrients to crops, it is not a fertilizer with standardized or consistent rates of nitrogen, phosphorus and potassium which are harmful to fish and other wildlife species, and poses a risk to human health. We support the banning and/or reduction of certain chemicals at the source, additional testing for and removal of specific chemicals, and the development and implementation of prescription drug take-back programs to prevent contamination of drinking water, food and environment via land application of sewage sludge.

BREDL members advocate for better enforcement of existing regulations and greater oversight by local governments in their communities, based on the Occupational and Environmental Epidemiology Branch (OEEB) 2005 study, "Human Health Risk Evaluation of the Land Application of Sewage Sludge/ Biosolids":

- Increased setbacks from sludge fields to residential areas, schools, churches, private wells, surface waters and adjoining properties.
- Continuous monitoring of wells at all non-dedicated sites where sewage sludge is being applied.
- Steps to minimize or eliminate odors from land applied sewage sludge through the use of increased setbacks or buffers.
- Assessments to determine whether land application at a particular site is not in excess of its capacity to absorb sludge to protect against groundwater contamination.

BREDL has identified the land application of sewage sludge as one of the necessary campaign focus areas and it will take a

truly grassroots effort to accomplish this goal. BREDL has a 30 year history working with communities in the Southeast, and we have a rapid communication network across the region. As we continue to identify key stakeholders, BREDL staff and members will introduce fact sheets, informational forums, and facilitate planning sessions in the Carolinas, VA, and GA. Grassroots activities include letter writing, radio spots, creation and distribution of signage to demonstrate when sludge spread is applied, and generating an online and phone campaign to pressure local regulatory bodies.

Community watch groups are needed to monitor state compliance and enforcement of sludging, and document violations. Current regulations are inadequate due to budget cutbacks at the state level. For instance, the NC DENR has recently downsized and rolled the Division of Water Quality into the Division of Water Resources, while making many employee positions exempt. This is the time for the public to show that we are willing to work for our demands- setbacks from schools and community centers on the spreading of sludge, organizing an effective network organic food co-ops, farmers and grocers, and working with local medical centers to expand prescription drug take-back programs. Our work also targets state agriculture departments, to insist that sufficient regulations and enforcement be followed to protect the health of the public, particularly those most directly impacted by this polluting practice.

Pederson, et al. . "Persistence of Pathogenic Prion Protein during Simulated Wastewater Treatment Processes." *Environ. Sci. Technol.* Madison, WI: 2008.

Yam, Phillip. "Surgical Exposure to a Brain-Eating Protein: A Small but Unavoidable Risk." *Scientific American* . 2013. <<http://www.scientificamerican.com/article.cfm?id=surgical-exposure-to-cjd-prion>>. ■



Moral Monday and the Environmental Justice Movement in NC

By Kate Dunnagan

Many of the decisions made by North Carolina lawmakers in the 2013 legislative sessions carry grave consequences for environmental justice, which are intricately linked to layers of social and economic injustice. The Moral Monday movement in North Carolina, organized by the NAACP, has united the effort to confront these injustices, by recognizing and acknowledging their intersectionality. Intersectionality theory purports that:

- *there is no hierarchy of oppressions
- *all oppressions are interconnected
- *the oppressions are held together by power, continue to operate because of guilt, and
- *to eradicate the oppressions, we must challenge the systems that maintain them.

The term "oppression" is commonly used to denote the pervasiveness of the "isms." It opens the door for a discussion of the intersectionality of the "isms" and allows us to explore how they operate in concert with each other to reinforce oppressive systems (hooks). Coming together as in solidarity has been an effective tactic to battle apathy and disparity in light of the onslaught on political attacks on marginalized groups across the state. During Moral Monday protests in North Carolina, Rev. William Barber, President of the NC NAACP, has led the crowd in exclaiming that, "an injury to one is an injury to all." In North Carolina, we are seeing the interconnectedness of these injuries not only on a personal basis, but in broad, structural and statewide strokes as well, such as the restriction of voter access and deregulation of environmental protections, which threaten not only the natural environment, but the public health and quality of life for the people of NC, especially the most vulnerable populations.

Changes made to voting restrictions are perhaps the most egregious of the attacks on North Carolinians this year, because they threaten the very foundation of our democracy, by weakening access to public participation in the political process. This in turn deepens the struggle for social, economic and environmental justice because it will be increasingly difficult to use voter engagement as a tool for progressive changes in NC policy.

Across the spectrum of the public sector, direct attacks on North Carolinians to access to health care services, unemployment benefits, education and employment, racial equality, immigrant rights, women's rights, marriage equality, and environmental protection come at a price that is greater than many of us ever expected to see happen in this great state. These decisions will carry unknown consequences as unprecedented changes have been made to the constitution of our state and the fabric of our democracy. Such a burden as which we have been imparted also brings with it a great opportunity to connect in solidarity across previous political and demographic divides, and to mobilize people in greater numbers and coordination than ever seen before in NC.

Under the banner of Moral Monday, the *Forward Together, Not One Step Back* movement represents the NAACP-led coalition of 200 organizations that have organized and mobilized the Historic Thousands Jones (HK on J) march annually since 2008. The movement is deeply rooted in ideals of individual freedom and democracy, which can be expressed fundamentally with the concern for life, as stated by writer Saul Alinsky. "Believing in people, the radical has the job of organizing them so that they have the power and opportunity to best meet each unforeseeable future crisis as they move ahead in their eternal search for those values of equality, justice, freedom, peace, a deep concern for the preciousness of human life, and all those rights propounded by the

democratic political tradition" (Alinsky).

With unity and solidarity being built among groups, organizations, communities and individuals in North Carolina, the environmental movement has found its equal and intersecting place among the people's movement. Only by embracing this intersectionality, and reaching across social divides can we build effective, constructive change for the future. BREDL support this movement. "Forward together, not one step back." ■



Willing to Fight lyrics by Ani Difranc:

You know, the biggest crime
is just to throw up your hands,
say, this has nothing to do with me
I just want to live as comfortably as I
can.
You got to look outside your eyes,
you got to think outside your brain,
you got to walk outside your life,
to where the neighborhood changes.

Ani Difranc. (1997). *Willing to Fight*.
Puddle Dive, Righteous Babe Records.

Alinsky, Paul. (1971). *Rules for radicals: A
pragmatic primer for realistic radicals*. New
York: Vintage Books.

bell hooks. (1984) *Feminist Theory from
margin to center* Boston: South End Press.

Nuclear Campaign Updates

Louis A. Zeller, Blue Ridge Environmental Defense League

A 30-year High-Level Nuclear Waste Campaign

The Blue Ridge Environmental Defense League was founded in 1984 to protect the southern states from a national high-level nuclear waste dump. Three decades later, we are on the front lines again.

Public Hearings Underway

In October the US Nuclear Regulatory Commission began holding public hearings on its Waste Confidence Rule. A total of twelve will be held. We urge you to attend, voice your opinions and send written comments, too. The hearings BREDL is targeting are:

Monday, November 4, Charlotte, North Carolina

Place: Hilton Charlotte University Place, 8629 J.M. Keynes Drive, Charlotte, NC 28262

Time: 6:00 PM to 10:00 PM (EST)

We are organizing car-pooling and bus rides from Virginia, North Carolina, South Carolina, Georgia, Alabama and Tennessee to this hearing. Contact us for information.

Thursday, November 14, Rockville, Maryland

Place: U.S. NRC Headquarters, Commission Hearing Room, 11555 Rockville Pike, Rockville, MD 20852.

Time: 1:00 PM to 5:00 PM (EST)

This hearing will have webcast and teleconference options available to the public. To listen to the hearing and make comments by telephone, dial toll-free 1-888-603-9749 and give the operator passcode 51-32-332. To view the webcast, go to <http://video.nrc.gov>

Send written comments including Docket ID NRC-2012-0246 in the subject line to: Rulemaking.Comments@nrc.gov. To access NRC documents, go to the main page at www.nrc.gov and under "Spotlight" click on "Waste Confidence."

Public comment are to address the environmental impacts of high-level radioactive waste storage at power plants in three scenarios: 1) a national nuclear waste repository available in 60 years, 2) 160 years and 3) never. The environmental impact statement would support a federal rule which applies to all nuclear power plants in the US (10 CFR 51.23); thus it is called a "generic" EIS. Issues to be considered by the NRC include fuel pool leaks, lessons learned from the nuclear meltdown at Fukushima, and any "reasonably foreseeable" events such as earthquakes, floods, tornadoes and other natural events. The GEIS is to consider many methods of nuclear waste management such as fuel pools and dry cask storage and many site options such as at-reactor storage and a centralized storage.

BREDL's position:

1. We oppose the NRC's two-year deadline to complete the waste confidence rule. The agency is rushing the process and the public will suffer if the NRC persists in pleasing the industry at the expense of public safety.

2. We call upon NRC to completely eliminate the waste confidence rule. Because it is a general rule, it cannot apply to the 65 different commercially operated nuclear plant sites across the US. Each site is different and should be treated as such. There should be individual plant environmental impact statements.

3. We oppose centralized nuclear waste dumps. A general waste confidence rule would be based on finding one or more waste dumps which would be located in economically stressed communities. We oppose potential sites in the Southeast,

such as Savannah River, or on Native American land, such as Yucca Mountain.

4. We support secure dry storage at nuclear power plant sites as the least dangerous option and oppose prolonged wet storage in fuel pools. The nuclear power industry made the waste and profited from it; they should manage it for as long as needs be.

The Problems with High-Level Nuclear Waste

In response to the nuclear melt-down at Fukushima, in June 2013 the Nuclear Regulatory Commission released its study of earthquakes and nuclear waste stored in fuel pools.¹ However, the NRC's finding is biased, inaccurate, and at odds with the conclusions of other scientific experts which is that fuel pools are unlikely to withstand severe earthquakes and are subject to leaking.

The NRC dismisses aging and deterioration of Irradiated Fuel Pool Systems by ignoring its own study which concludes, "*as nuclear plants age, degradations of fuel pools are occurring at an increasing rate, primarily due to environment-related factors. During the last decade, a number pools have had water leakage.*"² Another NRC study estimated that an earthquake-caused fuel pool fire could release approximately 2,500 times more radioactivity to the general public than a dry cask failure.³

In 2011 the Nuclear Regulatory Commission's Fukushima Lessons Learned Task Force concluded that enhancements to safety and emergency preparedness were warranted and made a dozen recommendations for Commission consideration (October 3, 2011 in SECY-11-0137). We now know that rapid combustion in the reactor building and refueling bay damaged the nuclear waste fuel pools at Fukushima; however, all of the waste in dry casks escaped damage during the earthquake and tsunami.⁴

But these recommendations were ignored when the Commission approved the Plant Vogtle construction and operation license in February 2012, the first such license issued in 30 years.

The NRC uses “probabilistic risk assessment” to determine what can go wrong, how bad it could be and how likely it is to occur *based on current information*. The problem is that probabilistic risk assessments do not account for *unexpected* failures. A physicist writing for the Bulletin of the Atomic Scientists said, “The lesson from the Fukushima, Chernobyl, and Three Mile Island accidents is simply that nuclear power comes with the inevitability of catastrophic accidents”⁵ Why are important safety warnings being ignored? Must we wait for an American Fukushima before the NRC acts?

Finally, we are well acquainted with radioactive waste proposals to potential waste dump communities. The Blue Ridge Environmental Defense League was founded because of one such program. Waste schemes invariably come with promises of jobs and economic development, promises which short-circuit debate and sway elected officials. For decades, centralized storage and the transfer of liability from private hands to public entities has been the underlying factor driving nuclear waste policy. The assumption of this liability by the people via a government agency would be an unacceptable transfer of wealth from poor to rich. Therefore, we see no justification for placing the burden of centralized nuclear waste dumps on communities anywhere.■

¹Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor Draft Report, U.S. Nuclear regulatory Commission, Office of Nuclear regulatory Research, June 2013

²U.S. Nuclear regulatory Commission, A summary of Aging Effects and Their Management in Reactor Spent Fuel Pools, Refuelling Cavities, TORI and Safety-Related Concrete Structures, NUREG/CR-7111 (2011). P. vxiii. <http://pbadupws.nrc.gov/docs/ML1204/ML12047A184.pdf>

³U.S. Nuclear Regulatory Commission, Office of Nuclear Security and Incidence Response, RASCAL 3.0.5 Descriptions of Models and Methods, NUREG-1887, August 2007

⁴David Talbot, The Case for Moving U.S. Nuclear Fuel to Dry Storage, MIT Technology Review, April 14, 2011.

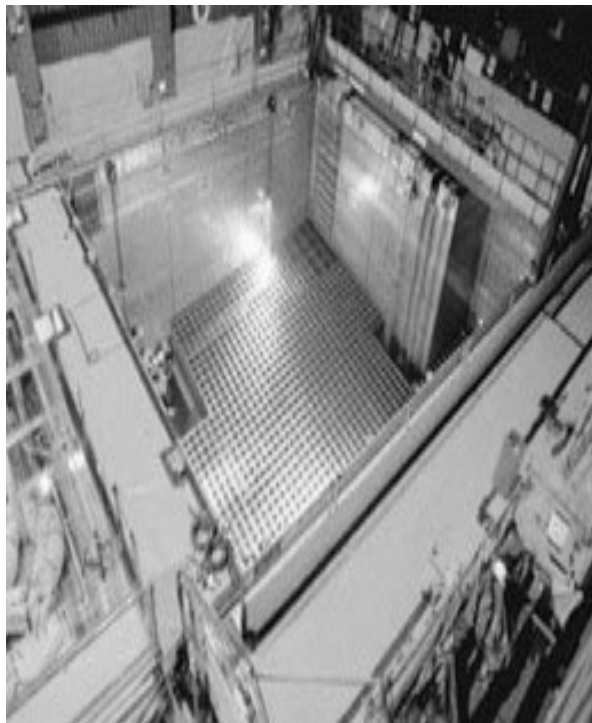
⁵Ramana, NV, “Beyond our imagination: Fukushima and the problem of assessing risk,” *Bulletin of the Atomic Scientists*, April 19, 2011.

BREDL’s Petition on Waste Confidence

On February 18, 2011, the Blue Ridge Environmental Defense League, Riverkeeper, Inc. and the Southern Alliance for Clean Energy filed a petition in US District Court to reverse decisions by the US Nuclear Regulatory Commission on high-level radioactive waste from nuclear reactors. As a result, in 2012 the US Court of Appeals nullified the Nuclear Regulatory Commission’s Waste Confidence Rule because it did not satisfy the National Environmental Policy Act. The court’s decision cleared the way for challenges at scores of commercial nuclear power reactors in the United States because it invalidated a broad federal regulation which supports all US nuclear power plant licenses. The old rule presumed that waste stored at reactors would go to a waste dump someday. Following the landmark legal decision, many groups petitioned the NRC to ensure that the new environmental analysis is properly incorporated into the licensing of nuclear power plants. The Blue Ridge Environmental Defense League has raised the waste confidence issue in several NRC licensing proceedings: Bellefonte, North Anna, William States Lee III, Vogtle and Sequoyah. But until the court ruled in our favor in *New York v. NRC* (681 F.3d 471, D.C. Cir. 2012), the Commission refused to even discuss the issue. BREDL paved the way for the successful petition in federal court and continues to fight. ■

So-called Spent Fuel is Not

The industry term “spent fuel” is a misnomer. When something is spent, it is consumed or used up. Nuclear fuel stored in pools is full of energy but unusable because of its hot radioactive by-products. Irradiation in the reactor core limits the utility of the uranium fuel. Therefore, it is heat and radioactivity of *irradiated* fuel which is at the heart of the problem of high-level nuclear waste management. ■



“Ice-condenser” Nuke Challenged on Waste Confidence

In response to BREDL and chapter BEST/MATR’s intervention in Tennessee Valley Authority’s Sequoyah nuclear plant license renewal filed in May 2013, the Atomic Safety and Licensing Board issued an order agreeing hold our waste confidence contention open for future developments (held in abeyance). In July, BREDL filed an appeal to the full Nuclear Regulatory Commission (an interlocutory review) for additional arguments on plant safety. So did TVA, asking for rejection of everything we submitted! That decision is pending. In addition to Sequoyah, four other nuclear power stations rely on baskets of ice to control excess heat and pressure during a nuclear accident: McGuire in North Carolina, Catawba in South Carolina, Watts Bar in Tennessee and DC Cook in Michigan. This system was designed to save the industry money by reducing the amount of concrete and steel in the nuclear reactors’ containment buildings. The nine nuclear reactors at these locations are the only such units operating in the United States. They should all be shut down.■



**Alamance, Anson and Lee County residents and BREDL Members
Denise Lee, Beverly Kerr, Julius Kerr and Debbie Hall**

**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.

Send your tax deductible donation to:
BREDL, PO Box 88 Glendale Springs, NC 28629
or use your credit card at www.BREDL.org.

**Save the
date!**

**Quarterly BREDL BOARD of Directors Meetings:
Saturday January 18, 2014, 11 am to 3 pm**

Updates on all the League's Virginia, North Carolina, South Carolina, Tennessee, Alabama, Georgia and Maryland issues including: nuclear power, uranium mining, hydrofracking, dry-cleaning solvent contamination, waste incinerators, sewage sludge, wind energy, landfills, CAFOs, pesticides, air toxics, highways, plutonium fuel, weapons site clean-up, brownfields, asphalt plants, wastewater...etc. All Chapter representatives are invited to update Board members on their activities during the last three months.

LIGHT LUNCH available during BREDL Board Meeting

Kathleen Clay Edwards Branch Library

1420 Price Park Rd, Greensboro, NC 27410 (336) 373-2923

in 98-acre Price Park including bird & butterfly meadow, reading garden, walking trails, ponds and wetlands.

DIRECTIONS to Kathleen Clay Edwards Library:

From I-40, take exit 213 Guilford College Rd. Turn right off exit. Follow Guilford College Rd across Friendly Ave. Turn right onto New Garden Rd., right onto Hobbs, and right onto Price Park. ■