



## BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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# The LEAGUE LINE

FALL 2017

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2017



## BREDL Drives Successful Fight to Halt Spraying of Toxic Leachate

By Therese Vick, Community Organizer



### Landfill Leachate Aerosolization - A Terrible, Horrible, Very Bad Idea

The technique known as "aerisolation" would have involved the spraying of the liquid which has drained through the waste back over the top of the dump site. The technique was required by House Bill 576, as approved early this year by the North Carolina General Assembly. Strong opposition from BREDL Chapters and allies across North Carolina stopped this terrible, horrible, very bad idea.

### The Problems with the Aerosolization Process

What could possibly go wrong with a snow blower-like machine blowing toxic leachate into the air?

Solid waste landfill leachate is a toxic witch's brew of chemicals, heavy metals and radionuclides. Additionally, pathogens (viruses, prions and bacteria) are present in leachate. A study by the United States Environmental Protection Agency (EPA) showed that viruses can survive in landfill leachate for weeks or months in moderate temperatures.<sup>1</sup> Another practical concern is how difficult it would be to "evaporate" anything in this part of the country.

(continued page 6)

<sup>1</sup> U.S. EPA. Evaluation of Persistence of Viruses in Landfill Leachate. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-16/368, 2017. [https://cfpub.epa.gov/si/si\\_public\\_record\\_report.cfm?dirEntryId=335601](https://cfpub.epa.gov/si/si_public_record_report.cfm?dirEntryId=335601)



Photo Source: The Progressive Pulse



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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.

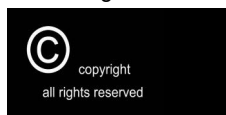
### **Moving into the future**

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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# League Line Director's Report

Louis A. Zeller

Fall 2017



"O say can you see"

The power of the American Experiment rests upon the foundation of the freedom of speech. This freedom to question, to assert new ideas has enabled us to right many of the wrongs which accompanied the birth of the republic, and is an ongoing struggle.

The First Amendment to the US Constitution states: "Congress shall make no law...abridging the freedom of speech..." Similar language is found in various state constitutions; for example: Georgia, "Every person may speak, write, and publish sentiments on all subjects but shall be responsible for the abuse of that liberty"; Virginia, "The freedoms of speech and the press are among the great bulwarks of liberty and can never be restrained except by despotic governments."

This principal freedom enables other civic virtues—freedom of thought, freedom to assemble and petition the government—which in the absence of free speech would have little practical meaning. For example, the North Carolina constitution guarantees that "The people have a right to assemble together to consult for their common good, to instruct their representatives."

However, during the last few years there has been an anti-democratic trend at the local level in which elected officials present barriers to the citizens who hold contrary views; particularly, on natural gas pipelines. People attempting to speak at public meetings are being silenced. County boards prohibit speakers on certain subjects during regular public comment sessions. A woman who sang a hymn during her three-minute testimony touched off a tirade by the chairman specifically prohibiting any further singing. Elsewhere, a woman who recited a poem during her testimony was ejected from the meeting. Government officials block news reporters from attending public hearing

testimony. Unchallenged, these events allow government officials to ride roughshod over the freedom of speech and freedom of the press.

Social media sites are becoming public forums to which constitutional free speech protections apply. Recently in Loudon County, Virginia, a federal judge ruled that "The suppression of critical commentary regarding elected officials is the quintessential form of viewpoint discrimination against which the First Amendment guards."<sup>a</sup> The case centered on a resident who had been banned from a Facebook page which a county supervisor used to share information with her constituents. The resident's critical comments prompted the ban. The court ruled that her Facebook page operated as a public forum and was subject to the First Amendment, lifting the ban.

The body of federal law which governs public forums divides them into three categories: 1) traditional, 2) non-public and 3) designated. The traditional public forum encompasses large meetings in parks or town squares. It is the person-on-a-soapbox, which the government cannot interfere with on the basis of content, but can regulate for public safety. The non-public forum includes government staff meetings and such which are not subject to free speech requirements.

The designated public forum includes hearings required for public purposes, such as zoning and environmental permits. Notably, it also includes any meeting of government officials open to any sort of public comment. A governmental body creates a designated public forum when it opens public property "for use by the public as a place for expressive activity." According to the US Supreme Court, this means that First Amendment rules apply.<sup>b</sup> What this means is that county boards cannot restrict speakers on the basis of who they are and what they want to talk about.

People who attend a meeting of government officials which is open to the

public—the type of forum which is most common to environmental work—are, under the law, protected by the First Amendment. This includes all manner of expression, such as poetry, songs, and non-verbal symbols, including buttons and arm bands. We cannot allow public officials, elected or appointed, to misuse their authority by steamrolling the public they are supposed to serve.

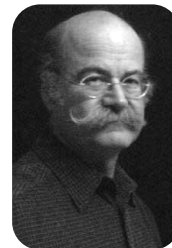
*Those who won our independence . . . believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.* <sup>c</sup> (Brandeis)

When we see injustice, we must act. It's time: more people should take the knee.

a. *Davison v. Loudon County Board of Supervisors*, US District Court for Eastern Virginia, slip. op., 7/25/17

b. *Madison School District v. Wisconsin Employment Relations Commission*, 429 U.S. 167 (1976)

c. Supreme Court Justice Louis Brandeis, in his dissent from *Whitney v. California* (1927)



*Louis A. Zeller*

# The truth behind the AP 1000 Nuclear Design Vogle Presentation A Nuclear Disaster Waiting to Happen



*by Charles Utley,  
Environmental  
Justice Campaign  
Director*

There has been much discussion on the development of the AP1000 design. The AP100 is the name of the nuclear reactor that is being built at Plant Vogtle by Georgia Power and Southern Company in Shell Bluff community near Waynesboro, Georgia.

As we seek to learn more about the design and function aspects of the AP1000, we sought the assistance of Arnold Gundersen, a noted scientist on the development and the design of the AP1000, to explain his finding with us in a press conference in Augusta and Decatur Georgia.

Mr. Arnie Gundersen is a licensed atomic reactor operator and former nuclear industry senior vice president, with more than 45-years of nuclear power engineering experience. Currently the chief engineer for Fairewinds Associates, Mr. Gundersen is an expert witness regarding nuclear safety issues and atomic power reactor operations.

Beginning in 2009, Mr. Gundersen uncovered unreviewed safety issues and engineering design

flaws in the highly touted AP1000 atomic power reactor, and he has presented those issues on more than six occasions to both the Nuclear Regulatory Commission and NRC Advisory Committee on Reactor Safeguards.

As an expert on the meltdowns in Japan at the Fukushima Dai-ichi nuclear power site, he is an author of a best-selling book in Japan detailing the meltdowns in Fukushima. Therefore, we wanted to have someone of his caliber to speak to the residents of our two chapters Shell Bluff in Waynesboro and CHASE in Lithonia, Ga. The press conference took place at Paine College in Augusta, GA, an historic institution where numerous first-time events have taken place throughout our county's history.

With the information that was shared, we will take it to our community meetings to build a better understanding of the safety issues surrounding the development of the AP1000. It's imperative that the local community have a clear understanding of how dangerous this design is and how much of the unknown is unknown. There has never been a design built this way with so many

unknowns and just speculations without a pretested model for the design. Mr. Gundersen breaks it down where the common man can understand how dangerous this design really is. We must supply this information to our communities who live within a football field distance from the proposed plant.

The information will be available through the Shell Bluff Concerned Citizens to add to our ongoing Potassium Iodide workshop presentation program, strengthening our efforts to bring knowledge through better understanding to all the citizens of both Waynesboro and the surrounding communities. The information that was presented was absolutely great and has the potential of adding quality to the life of the residents in our communities. We feel the more information about the development of the AP1000 the more we can protect our families and our environment.

We will continue to work with the students and faculty at Paine College, other local institutions and schools sharing Mr. Gundersen presentation.■



**Press Conference Paine College Decatur, GA  
Citizens for a Healthy and Safe Environment  
With Lou Zeller, Arnold and Maggie Gundersen**



**Press Conference Paine College Augusta, GA  
Concerned Citizens and member of Community**

## DIVERSIFICATION OF FUNDING SOURCES

*By Ann Rogers, Development Director*

In order to maintain a healthy stream of funds to support our work, BREDL is diversifying its base, gathering support from a creative amalgam of grant writing, direct mail solicitation, special events hosted by BREDL chapters, and contributions from chapter members, friends and supporters in the communities who are on the front lines.

One of the exciting projects that we are seeking funding for is the expansion of BREDL's work on Section 106 of the National Historic Preservation Act. During the past six months, our work in Section 106 has focused on identifying historic resources in the path of the proposed Mountain Valley Pipeline, working more or less exclusively in Roanoke County, VA. This work has been very fruitful, resulting in the identification of the Coles-Terry Rural Historic District, a 2,600-acre block of historically significant land on the eastern slope of Poor Mountain in Roanoke County containing the headwaters of the South Fork of the Roanoke River. We are now in the process of identifying another new district, this one called the Bent Mountain Apple Orchard Rural Historic District, containing a historic apple orchard that played a significant role in the Bent Mountain orchard industry that sprang up during Reconstruction. Both these districts are crossed by the proposed Mountain Valley Pipeline, and BREDL's work in preventing this is ongoing.

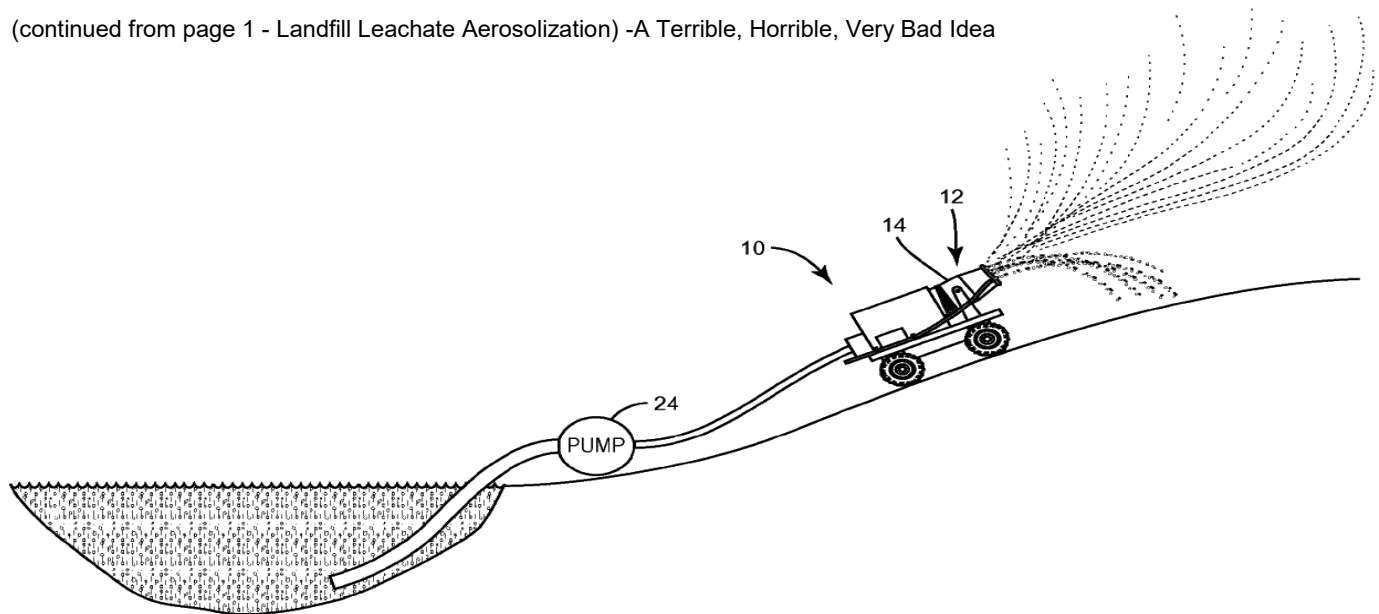
In 2018, our work on Section 106 will expand to include historic surveying in North Carolina as well as in properties in both Virginia and North Carolina affected by the proposed Atlantic Coast Pipeline. We will be seeking grant funds to support this expansion, which promises to open an exciting new chapter in BREDL's historic preservation initiatives.

We are also seeking grant funding to support the salaries of our staff who are coordinating efforts to prevent coal ash dumping in North Carolina. In the upcoming year, BREDL will conduct a program of outreach and community organizing in those communities in North Carolina in which there are commercial landfills regulated under Subtitle D of the Resource Conservation and Recovery Act of 1976, including the Counties of Anson, Bertie, Montgomery, Caldwell, Person, Randolph and Sampson, as well as Northampton, the site of a proposed landfill. BREDL is concerned that these communities, most of which are low-income rural areas or communities of color, will become targets for long-term large-scale coal ash dumping on the part of private waste disposal firms, for whom the disposal of coal ash may increasingly be perceived as a profitable enterprise.



Grants are also being submitted to support the climate activism of BREDL staff. Among the exciting initiatives underway are advocacy for the replacement of a coal-fired boiler in the Floyd County High School with a photovoltaic system, and the adoption by the County of Floyd and the Towns of Floyd and Blacksburg of a resolution supporting a transition to 100% clean renewable energy for all energy sectors, including transportation, by 2050, and 80% clean renewable energy by 2030.

Starting in 2018, BREDL will be reaching out to communities whose airsheds and watersheds have been protected by our activism work since our founding in 1984. This work will be developed alongside the writing and publication of the long-awaited written history of BREDL, which we hope to use as a tool for drawing attention not only to our past work, but also to our present and future work, as the need for BREDL's environmental activism doesn't appear to be going away.



**FIG. 4**

*Illustration of the aerosolization process from the patent Source: NC Policy Watch*

### Coal Ash

Coal ash leachate is chock-full of heavy metals, silica, and can contain radionuclides and “hitchhiker” chemicals like Polychlorinated biphenyl’s (PCBs). PCBs have been shown to cause cancer and other serious health problems. With aerisolation, these constituents would be dispersed into the ambient air, drifting for miles from dump sites.

Although this dangerous and unproven method would have serious negative impacts on workers, the surrounding community, and the environment, DEQ approved a trial of the method at the Brickhaven coal ash landfill in April 2017- even after it was discovered that coal ash disposed of at the site contained PCBs. Coal ash leachate is different than solid waste leachate in that the heavy metals don’t evaporate; rather, they are-suspend in the air along with silica, and create even more concentrated leachate making it even more difficult for a waste-water treatment plant to handle. Stating that there were problems obtaining the necessary equipment, Charah,

the company that owns and operates the facility re-submitted their request for a trial of the process in June.

### How the Grassroots Won this Round

Based on decades of experience, the Blue Ridge Environmental Defense League suspected early that the method was a stunningly bad idea. Our investigation proceeded through the summer. Our review indicated that the aerisolation procedure would contaminate the residents living near municipal solid waste dumps, like the Republic landfills in Bertie, Person and Caldwell counties, and Brickhaven coal ash dump in Chatham County. DEQ had approved permits in April to conduct 90-day trials at these four locations. We worked to bring this information to the affected chapter groups in Person, Chatham and Lee counties.

Even though Governor Cooper vetoed HB576, the Division of Waste Management invited me and Judy Hogan, President of Chatham Citizens Against Coal Ash Dump (CCACAD), to a meeting held August 14, 2017, about leachate aerosolization at the Brickhaven site.

DEQ was clear that there were no studies to support claims made by industry and legislators about the process, and that the coal ash landfill at Brickhaven would be the first one of its kind to utilize such a process. This was unacceptable to us, and our educational campaign went into high gear. In the end, Charah, LLC withdrew their request and, on the same day Charah withdrew its application stating that it was not effective, solid waste giant Republic Services revealed that [they] “...have no plans for its future use or application.”<sup>2</sup> Thanks to our hard-working chapter volunteers, and the abandonment of the method by the waste companies, we can all breathe a little easier.

<sup>2</sup> Sorg, Lisa. “Republic Services pulls the plug on leachate aerosolization test program.” *The Progressive Pulse*. 22 August 2017. <http://pulse.ncpolicywatch.org/2017/08/22/republic-services-pulls-plug-leachate-aerosolization-test-program/#sthash.WAxgQWb9.dpbs>

## Five, Unified, and Winning!

By Pastor Cary Rodgers



In North Carolina there are five unified BREDL chapters actively and successfully implementing plans and strategies to stop Duke and Dominion's Atlantic Coast Pipeline that is proposed to carry natural methane gas from the "fracked" Marcellus Shale in West Virginia through Virginia to North Carolina. Each of these chapters are organized along the proposed route following the I-95 corridor.

The members of the chapters are mainly landowners or concerned citizens who are directly affected by the proposed pipeline. From north to south they include the Concerned Stewards of Halifax County, Nash Stop The Pipeline (Nash Co), No Pipeline Johnston County, Wilson County No Pipeline, and Cumberland County Caring Voices. Representatives from each chapter participate in BREDL's unity phone conference calls that include chapters from Virginia who oppose the ACP and other pipeline projects. These unity calls allow chapters to share ideas and encourage each other. They have also helped each chapters to initiate coordinated strategies and actions at the state and federal level and within their local communities.

Many of the groups meet regularly.

Their coordinated efforts are responsible for the submission of hundreds of public comments to the Federal Energy Regulatory Commission and NC Department of Environmental Quality from members, landowners, and local landowners. Each group has been actively reaching out and educating their community about the ACP at local churches, organizations, county commissioner's meetings, and city council meetings. Many of their actions have been reported and members quoted in several newspapers, and TV, radio, and Internet news outlets locally and statewide concerning their opposition to the ACP. Also some of the members have written multiple Op-eds and letters to their federal, state, and local elected officials. Some group have also sponsored radio ads on their local radio stations.

This summer, representatives from the NC BREDL chapters opposing the ACP met for a unity conference in Clayton, NC for fellowship and to brainstorm and discuss strategies that will energize each group's local campaigns and initiatives such as the NO ACP unity pact and a resolution opposing the ACP to be presented to local governments and organizations.

Before the end of the summer it appeared that ACP was about to easily leap over and receive a required water quality permit from NCDEQ to have permission to cross over several hundred waterways in NC without much public input. BUT it is believed that the organization and strong opposition to the ACP in NC encouraged NCDEQ to hold public comments and listening sessions. All the chapters in NC participated in the sessions with great success. Many of the sessions were well attended with a great majority opposing the pipeline and its potential dangers to the waterways of NC. NCDEQ has delayed its discussion until December 2017.

In addition, to assist each chapter with educating the community about the pipeline, BREDL in the months of September and October has sponsored several ads on seven radio stations that reach the proposed ACP route in NC.

As long as each chapter stays in the fight they are winning. Their efforts have changed the route and delayed it. Hope is still alive and growing that the ACP will be defeated!



**Pipeline Companies Concerned About Endangered Species**

# BLOCKING NUCLEAR POWER'S SMALL HOPES

By Sandy Kurtz

BREDL Vice President for TN and AL  
BEST/MATRR chapter



be just 1,000 feet, within the fenceline of the site.

It's hard to believe SMRs are even being considered, but the nuclear industry, recognizing that large nuclear reactors are dying away in the face of alternative energies, is desperate for customers. And research money from the government is seducing cash-strapped TVA. That's the same money that could be used to transition our electrical grid to more environmentally friendly solutions.

It's a battle worth fighting. ■

In 2016 Tennessee Valley Authority submitted an application asking for approval of its Clinch River site near Oak Ridge National Laboratory. They want early permission in order to place so-called small modular reactors (SMRs) on the site whenever and if ever there were to be a design for them and the licensing could be obtained, years down the road. We like to call them Small Mystery Reactors since there is no design. This cart-before-the-horse action is galling. How can a site be approved when no one knows what you think you might put on it? Furthermore this particular site is unsuitable for building much of anything as it is filled with sinkholes and karst topography that surely will eventually guide radioactive liquids to the river.

TVA's idea with small modular reactors is that if they can't find a customer for a 1000 Megawatt (MW) reactor, they can build a small one, about 300 MW in size, that will appeal to municipalities so they can afford to supply their electrical needs. They promise *cheap, safe, green energy*, none of which is true. Oh, and besides, TVA would bury to make them safer. Really? They are still using the same technology; i.e., splitting atoms to boil water.

At the Clinch River site, the perceived plan is not just to have one 300 MW reactor buried, but twelve attached to each other! Do the megawatt math. Not only that, TVA says since these SMRs are so much safer one doesn't really need the 10-mile evacuation zone. The new evacuation zone can

**Nuclear Report**  
**Lou Zeller**  
**Sept. 2017**

## BREDL Argues Against TVA Nukes

On September 12, 2017, I represented the Blue Ridge Environmental Defense League before the US Nuclear Regulatory Commission's Atomic Safety and Licensing Board, opposing Tennessee Valley Authority's Early Site Permit for a so-called small modular reactor. This was our principal argument: TVA's Environmental Report fails to provide complete and accurate information on alternatives, including the no-build option.



In its Environmental Report for this project, TVA attempts to justify its site permit on the basis of global warming and energy security. However, neither of these goals is advanced by the siting of two or more modular reactors at the Clinch River Nuclear Site.

TVA cites Executive Order 13514, titled "Federal Leadership in Environmental, Energy, and Economic Performance," issued in 2009. The public policy advanced by the President's Order was: "Increase energy efficiency...eliminate waste, recycle, and prevent pollution."<sup>1</sup>

The United States is the world's largest energy consumer; the federal government is the nation's single largest energy user; the Department of Defense is the biggest energy user in the federal government; and the leading use of energy in the Defense Department is...jet fuel. In other words, energy use in the most energy-intensive federal agency is used principally to fly or drive heavy equipment over long distances. A modular nuke at Clinch River would not have any impact there.

Moreover, the general trend in energy use by the federal government has been downward for the last four decades. According to the Federal Energy Management Program, "this accomplishment is directly attributed federal employees making the choice for efficiency and striving to reduce operating costs."

The tools employed by federal agencies are: training, technical assistance and energy performance contracts. Not nuclear power.



TVA opens the door to the question of need by attempting to justify its site permit on the basis of global warming and energy security. Based on our information and analysis, the no-build alternative is the preferred option.

The Atomic Safety and Licensing Board judges have until October 27 to reach a decision to admit or dismiss our arguments and consider further information. ■

<sup>1</sup> Federal Register Vol. 74, No. 194, Page 52117, October 8, 2009



# The Quintessence of Obfuscation

By Eleanor Amidon

Quint. Five. There were five of them. The Virginia Department of Environmental Quality (DEQ) held five public hearings "to receive public comments on the proposed additional Section 401 Certification conditions" in draft certifications for the proposed Atlantic Coast Pipeline (ACP) and the proposed Mountain Valley Pipeline (MVP). Did they choose locations for those hearings in reasonable proximity to the people who would be most greatly affected by those projects? No, they did not. It left me wondering, how or why did they choose Harrisonburg, Radford, Chatham, Farmville, and Alberta?

I live in Nelson County, Virginia, and have been active resisting the proposed ACP since May of 2014 when I first heard about it. I knew DEQ had a major, if not critical, role to play, and that their moment in the spotlight was coming. I decided to attend all of the public hearings. The hearings provided stages for several events. Each hearing featured an unofficial outdoor component with demonstrators and signs both anti-pipeline and pro-pipeline, musicians, and tabling by organizations like the Sierra Club, Wild Virginia, Appalachian Voices, and the Bold Alliance. Inside the door, a host of polite DEQ employees handed out information referring to the DEQ website and helped people sign up to speak.

Prior to the hearings, I had attended briefings by Wild Virginia and Appalachian Voices for suggestions on what to say to DEQ. Their recommendations were to make it very personal, and be as specific about potentially affected waterbodies as possible. My first two statements, that I delivered at Harrisonburg and Farmville, followed that advice.

At each hearing, many of the remarks were about economic concerns, both pro- and anti-pipeline. There were obvious industry claquees as well as well-meaning, naive, misinformed speakers who supported the proposed pipelines. People sensitive to water issues tried to point out the many inadequacies and shortcomings of the draft certifications.

The first and largest hearing was held at Harrisonburg. People arrived early to display signs and hand out information. The news media sent reporters with video cameras, and got good shots of the crowd singing and chanting. Inside, I spoke about my personal use of water and how contamination or drying up of my well would impact me. An August 10, 2017, report on that hearing in the Nelson County Times quoted me: "I am very

concerned that the proposed ACP could cause untold damage to the surface waters and ground waters not only directly along the proposed route but also far from it." The hearing ended before everyone who had signed up could speak.

Radford hosted the first hearing for the proposed MVP, which I wanted to witness. Many people milled about the entrance, some with signs in the shape of the fish they wanted to protect. An outdoor ceremony honoring water was conducted while DEQ heard and recorded comments indoors. As a mixture of comments continued into the evening, my navigator Deborah and I left and ate phenomenal calzones at Sal's before starting the long drive home.

The remarks at Chatham's hearing for the proposed MVP seemed the most pathetic and most extreme to me. Someone had rounded up a small busload of young people in Roanoke and transported them to speak at the hearing. Their concerns were the lack of jobs in their area. They all wanted jobs, jobs, jobs. Personal comments, yes; about water, no.

At Farmville, I spoke about the failure of DEQ to address safeguarding of the recreational uses of water and my personal enjoyment of hiking along the south fork of the Rockfish River. Friends I knew from Buckingham County and Nelson County came and gave their comments. Again there were signs outside, and prayers, and singing: "Sow 'em on the mountain, reap 'em in the valley, you're gonna reap just what you sow."

Meanwhile, I struggled to understand exactly what kind of comments the DEQ was requesting, what comments on additional conditions. What were the state regulations that they were supposedly supplementing? None of the DEQ employees could give an exact answer, and kept referring me to documents posted on their website. I downloaded those documents, and read them over and over. Each time I read them, they made less sense, not more. In developing their additional conditions, the draft certification claims that DEQ had examined these state regulations: the Stormwater Management Act (Va. Code § 62.1-44.15:24, et seq.) and Erosion and Sediment Control Law (Va. Code § 62.1-44.15:51, et seq.)

I downloaded those parts of the Va. Code and read them. I never found a logical link between the DEQ additions (via "conditions"



in the draft certification) and the state code. I'm not a lawyer, but I've had a decent education, and should be able to understand DEQ's draft certification. What I found was an infuriatingly sloppy document of ambiguous statements and undefined terms couched in quasi-legal language.

It occurred to me that the comments DEQ requested were way downstream of a more basic question: should they be considering giving these projects a water quality certification at all?

I felt like I had been sucked into an intellectual black hole where time had collapsed, the conclusion had been predetermined, and would-be conditions pressed around from all sides creating a quagmire to blurringly support and enshroud the tangled, compressed fixity of that conclusion, heedless of any other conclusion that might have been reached. It was impossible to say if this had been done deliberately or through ineptitude, but the result was a very confusing caricature of a certification. A daft certification, not a draft certification.

At the Alberta hearing, I specified some complaints with their draft certification, and offered a couple of alternatives. Speaking allows you to convey more than words; you also can let the hearer know your feelings on the issues. I'm hoping my subtext, a blast of emotional energy, got through to them.

DEQ, by the August 22, 2017, end of their comment period, had received about 20,000 comments. I'm hoping they find merit with the extent of the concerns expressed, reconsider, and retract their draft certification.

I want to thank my companions Sharon, Frank, Deborah and Susan, who made the long trips with me. My advice to anyone who needs to travel to distant meetings: beg friends to come with you, to make the journeys enjoyable, and hope that one has a "magic device" (smart phone) to help you find your way. ▲

# Building Solutions for a Sustainable Future: Preserve Floyd's Pursuit of a Community Choice Climate Action Plan



**By Mara Robbins, Community Organizer**

Last April, Floyd citizens showed up in droves when Preserve Floyd held a Climate Action Demonstration in solidarity with the People's Climate March in Washington DC. Mary Freday, now Preserve Floyd's Energy Group Coordinator, was in DC marching on that blistering hot day. She returned with a relentless urgency and commitment to effectively address climate chaos in the Floyd community. Preserve Floyd was already in the planning stages to propose a resolution to the Board of Supervisors based on Mark Jacobsen's 100% solutions project and a community choice agreement.

Then, the US pulled out of the Paris Climate agreement. Rather than continue to discuss and plan, we jumped on the already moving train of

the Mayors' National Climate Action Agenda. Approximately 379 mayors (the number keeps rising) have signed the agreement at this point. Led by Preserve Floyd's inspired climate justice warrior, Mary Freday, along with Preserve Floyd's co-chair Jay-El Fogo, they created a petition, got 117 citizens of Floyd to sign it, and got on the agenda for the town council meeting. It was strongly suggested that Mayor Griffin sign the following statement in solidarity with the other climate mayors:

*"We will adopt, honor, and uphold the commitments to the goals enshrined in the Paris Agreement. We will intensify efforts to meet each of our cities' current climate goals, push for new action to meet the 1.5 degrees Celsius target, and work together*

*to create a 21st century clean energy economy.*

*We will continue to lead. We are increasing investments in renewable energy and energy efficiency. We will buy and create more demand for electric cars and trucks. We will increase our efforts to cut greenhouse gas emissions, create a clean energy economy, and stand for environmental justice. And if the President wants to break the promises made to our allies enshrined in the historic Paris Agreement, we'll build and strengthen relationships around the world to protect the planet from devastating climate risks.*

*The world cannot wait — and neither will we."*



During Mary's presentation, she pointed out: "The days of looking to and relying upon federal leadership to save us from our environmental problems are behind us. And I see this as a good thing. We ALL need to step up if we are going to solve the problems we are facing. WE ARE THE ONES WE HAVE BEEN WAITING FOR. I implore you to take this seriously, to recognize your own power, to do the right thing and urge Mayor Griffin to join majors around the country by pledging his support for innovative energy solutions and a sustainable, renewably fueled future for our children and grandchildren. "

J.L. Fogo added: "The town council must take a stand to protect the town of Floyd from any and all actions that are detrimental to the safety of our air, land, water, food, and people, now and in perpetuity. With a declaration of advocacy for alternative energy development in Floyd and discouragement of further advances of the diminishing resources of petrochemicals, I believe we can be a courageous example of moving well into the 21<sup>st</sup> century in a way that will help to preserve the way of life that we

all hold so close to our hearts... Good friends, good neighbors, safe for children, and a continued draw as a "wonderful destination" for our tourism industry."

The Floyd town council unanimously agreed to support the climate mayor's initiative and Mayor Griffin signed on July 21, 2017, stating: "The greatest resources we have in Floyd County are our people and our land. Considering that, how can preserving our climate ever be a partisan issue? Like all things, it should never be more than right versus wrong. Doing what we can to preserve our quality of life should be the goal for all of us and we can't put it off on future generations."

Four days later, Preserve Floyd presented the Floyd Board of Supervisors with a draft of a Solutions Project Community Choice agreement. It was accompanied by a petition with over 200 signatures. Several excellent presentations were made by Preserve Floyd. Simultaneously, twelve year old Archer Berzins addressed the board with a request that the high school replace the coal fired furnace with rooftop solar.

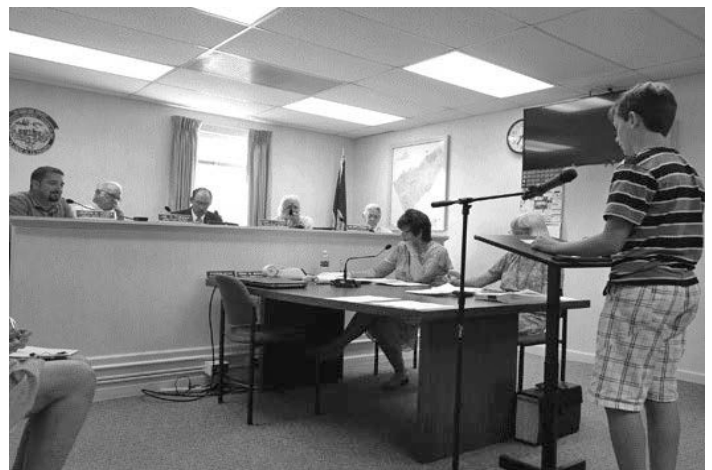
### Here is Louis Zeller's feedback:

"The statements made yesterday, July 25, by Erica Largen, Mary Elizabeth Freday, Jane Cundiff, J.L. Fogo and Archer Berzins provided elegant testimony for doing the right thing. The request to the Floyd Board of Supervisors invited them to take a leap into a 100% clean and renewable energy solution. The power of the resolution request stems from its local, practical initiative; i.e., replace the school's coal-fired furnace with solar. Preserve Floyd really is preserving Floyd! *Esse quam videri*. I look forward to our next steps."



**Mary Freday and Mayor Will Griffin with signed agreement**

<https://www.facebook.com/hari.berzins/videos/vb.1406396761/10214057477816765/?type=2&theater>



**Archer Berzins addresses the Floyd County BOS**

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!**

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