



## BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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# The LEAGUE LINE

AUTUMN 2020

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### Mountain Valley Pipeline obtains two-year extension and approval to resume construction

### Fight is not over!

By Mark Barker



Late on Friday afternoon October 9, the Federal Energy Regulatory Commission (FERC) on a 2 to 1 vote granted the Mountain Valley Pipeline its two-year extension request on its certificate to construct and operate a pipeline. Commissioner Richard Glick dissented in part because the FERC decision denied motions to intervene from numerous landowners and an environmental group who were not parties to the underlying Certificate Order proceeding. Commissioner Glick stated:

Time and time again, landowners do their very best to navigate the complexity of FERC proceedings. And, time and time again, the Commission relies on technicalities to prevent them from even having the opportunity to vindicate their interests. When it comes to protecting landowner interests, we

should look at what the Commission does, not what it says. With that in mind, today's order tells you everything [you] need to know about how much the Commission cares about landowners.

Also on October 9, FERC ruled 2 to 1 granting MVP permission to resume construction activities except between mileposts 196.0 and 221.0, consisting of mainly National Forest land. The segment on the National Forest is awaiting U.S. Forest Service approval. The Forest Service has released a Supplemental Environmental Impact Statement with public comments due by November 9. Once again, Commissioner Glick dissented referencing the "Commission's decision to allow piece-meal construction on the MVP pipeline while the remaining federal authorizations are still outstanding."

Commissioner Glick stated:

I would take a more measured approach to recommencing construction. Especially given the troubled history of MVP's various federal authorizations, I do not believe that we should be restarting construction

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## **BREDL: Who and what we are**

In March 1984, fifty citizens of Ashe and Watauga Counties met in the Mission House of Holy Trinity Church in Glendale Springs, North Carolina. Teachers and farmers, home-makers and merchants listened to the report of the Episcopal Church Women on the US Department of Energy's siting search for a high-level nuclear waste dump in the rain-rich east.

Recognizing that the North Carolina mountains were a region at risk, the assembled group organized the Blue Ridge Environmental Defense League (BREDL) to protect their own backyard and those of other threatened communities.

Grassroots organizing was a cornerstone of our early all-volunteer organization. One of our first multi-county boards of directors adopted our credo, which embodies our mission statement:

### **BREDL Credo**

We believe in the practice of earth stewardship, not only by our league members, but by our government and the public as well. To foster stewardship, BREDL encourages government and citizen responsibility in conserving and protecting our natural resources. BREDL advocates grassroots involvement in order to empower whole communities in environmental issues. BREDL functions as a "watchdog" of the environment, monitoring issues and holding government officials accountable for their actions. BREDL networks with citizen groups and agencies, collecting and disseminating accurate, timely information.

BREDL sets standards for environmental quality, and awards individuals and agencies who uphold these standards in practice.

### **Moving into the future**

Since then, the Blue Ridge Environmental Defense League has grown to be a regional community-based, nonprofit environmental organization. Our founding principles - earth stewardship, environmental democracy, social justice and community empowerment - still guide our work for social change. Our staff and volunteers put into practice the ideals of love of community and love of neighbor, which help us to serve the movement for environmental protection and progressive social change in Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama and Tennessee.

### **Grassroots Campaigns**

Nothing creates hopefulness out of helplessness like a successful grassroots campaign -and our chapters have a history of winning. For over three decades Blue Ridge Environmental Defense League chapters have protected their communities by stopping dangerous facilities and promoting safe alternatives.

In the 1980's and 1990's, BREDL prevented a multi-state ThermalKEM hazardous waste incinerator, a southeastern nuclear waste dump and a national nuclear waste dump. In the 2000's, our coordinated grassroots citizens' campaigns have had further victories. We won a legislative victory with the passage of the NC Solid Waste Act, effectively blocking at least four multi-state mega-dumps. Our Person County chapter convinced their Board of Commissioners to reject expansion of the Republic Services landfill. Our Cascade, Virginia, chapter shut down a huge hazardous waste incinerator. We eliminated mercury waste from the Stericycle incinerator, shut down a tire incinerator in Martinsville, won the landmark environmental justice court decision in Greene County, NC. Further, with our chapters we have protected air quality by blocking scores of asphalt plants, four medical waste incinerators, a PVC plant and a lead smelter, and passage by local governments of eight polluting industries ordinances. Our work on nuclear power and coal plants laid the groundwork for our new Safe Energy Campaign. Victories over twenty-four mega-dumps have resulted in our affirmative Zero Waste Campaign. Guided by the principles of earth stewardship and environmental justice, we have learned that empowering whole communities with effective grassroots campaigns is the most effective strategy for lasting change.

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

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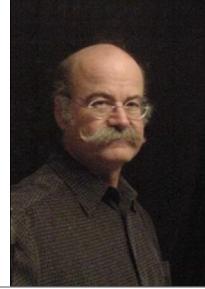
Jenn Galler

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# LEAGUE LINE DIRECTOR'S REPORT

*Louis A. Zeller, Executive Director*

October 2020



## BREDL's approach to community organizing

"Making the Southeast better, one community at a time" is what our website states on the opening page. More than aspiration, the statement embodies BREDL's approach to community organizing; it is based on our founding principles. From the beginning, BREDL established chapters, or local task forces, based on the recognition—by Bernard Goss, Janet Marsh and other members of the founding board—that a community targeted for one environmental insult will sooner or later face another. In the 1980s, it was a radioactive waste dump for the nation's nuclear power plants. In the 2010s, it was a 600-mile pipeline for fracked gas. These two examples bookend the many comparable campaigns we waged during the last 36 years.

Beginning in 1984, BREDL organized community groups in several western North Carolina counties which were on the U.S. Department of Energy's maps for potential dump sites: Ashe, Watauga, Mitchell, Madison, Haywood, Buncombe and more. These community groups effectively and efficiently fomented local opposition and

created a nexus of organized leaders who pressed local, state and federal officials in a top-to-bottom strategy. Local people know where the levers of neighborhood power are. After a five-year campaign, which also reached out to activists in similarly targeted communities across the country, Congress changed the law it had created in 1982 to select a dumpsite. This effectively ended the program.



In 2014, BREDL's organizing strategy was employed again, this time in response to the U.S. Federal Energy Regulatory Commission's initiative to permit a huge climate-killing natural gas pipeline across three states. Once again, a map of targeted counties provided us with a warning sign. So, like beads on a string, we organized community groups from Fayetteville, North Carolina to Buckingham, Virginia. As before,

local organizing work provided the power for a unified movement and common strategies based on mutual benefit. Ultimately, the power companies abandoned the project.

Our method of organizing communities begins with learning the unique situation of each group, taking the time to know local people and their history, and focusing strategy on tactics which reveal their inherent power. Until recently, this first contact was always done face-to-face, with generous travel budgets for organizers to go to the communities requesting help. Other means of providing this personal attention have become necessary, but the principle of one-community-at-a-time with a unified goal remains unaltered.

Community organizing is about people, not about issues or technology.

Some use the term "empowerment", but that is not what we offer. In no way do we authorize or give permission to any community. Our relationships with community groups are not transactional. Presuming that BREDL could empower any group of independent human beings when we have neither power to

*(Continued on page 4)*

# Activists don't quit

By Renee Cail

As we continue our quest for environmental justice, I had to stop and reflect as we cope with a pandemic that has killed thousands of people worldwide. I thought about our strategizing, our hard work, our frustrations, and our time spent away from our families. I have heard comments about the "New Normal", but is it normal? We are zooming daily without the in-person face to face contact, computers doing their own thing, our eyes tired from researching and learning new innovative methodologies.

As we sit at home dodging COVID-19, facing concerns for the wellbeing of those we love, some often wonder, are we going to be all right? Our children, grandchildren, nieces, nephews, friends, neighbors, strangers, leaders, essential workers and the like seem to be struggling to survive in a climate of

uncertainty.

Our planet, our environment, that darn climate change. Everyone is affected whether they deny it or not. Since many of us are hunkered down, we have time to think about ways to enhance our lives and the lives of others. Yes, we are all interconnected whether we want to



be or not.

We cry, we

sing, we

dance, we

talk, we

fuss and most of us genuinely seek a better world. As for the profit conglomerates, I hope they will see the damage they are imparting to the world.

As I think of my co-workers and BREDL staff, those we are joining and those joining us, we have much to do. I believe that with the adversity we face, we will see there is certainly light at the end of the tunnel. Your good work will lend itself to awesome and unforgettable legacies, your tears and smiles will live on for centuries to come. Your spirited tenacious journey is such an inspiration to so many. Always remember, activists do not quit, they thrive.



## BREDL's In Our Backyard Podcast

Anne Crabill, Nanda Suresh, Addyson Rowe and Gabrielle James discuss their programs of work during their Summer 2020 BREDL internships.

If you haven't listened to our podcast, you are missing some great interviews and guests! Search for "In Our Backyard Podcast" on your podcast app or click the link at [www.bredl.org](http://www.bredl.org). Recent podcast guests have included:

**Shelby Ward** is a public interest environmental lawyer as well as Director of Sustainable Tennessee and Staff Attorney at the Tennessee Environmental Council.

**Brady Watson** is the Civic Engagement Coordinator with Southern Alliance for Clean Energy.

**Brian Terrell** is the co-coordinator with Voices for Creative Nonviolence located in SW Iowa.

(Community Organizing—Continued from page 3)

give nor the right to bestow authority would be hierarchical and colonizing. We may inspire by example or encourage initiative, but we may never invade another's domain.

In the above examples—nuke dumps and pipelines, and scores of others—the targeting of select sites by government agencies and industry groups is potentially a divide-and-conquer strategy, picking winners and losers, offering incentives and other persuasion. But the tactic can be turned back on

the antagonist when it is met with broad-based, unified opposition. And when the opposition comes from a variety of places in a variety of ways, it is more difficult and complicated to respond to. With enough sand in the gears, even a well-oiled machine can grind to a halt.

# Roanoke County forwards BREDL's request to DEQ for revision of stormwater plans prior to further construction of MVP in Virginia

By Ann Rogers



On October 6, Roanoke County forwarded to Virginia Department of Environmental Quality (DEQ) a request from BREDL and 49 residents of Roanoke County and neighboring communities to require Mountain Valley Pipeline (MVP, LLC) to revise the *Project Specific Standards and Specifications for Virginia (Standards)*, the Erosion and Sediment Control Plans (ESC Plans), and the Stormwater Management Plans (SWM Plans) for the Mountain Valley Pipeline, prior to any further pipeline construction in Virginia.

The letter from BREDL and 49 co-signers states: "In an effort to prevent construction of the MVP from damaging the headwater streams of the South Fork of the Roanoke River in Bent Mountain, and in an effort to prevent sedimentation from damaging the Roanoke River and many other waterways downstream of those Bent Mountain headwaters, the requested revision should include:

- Correction of MVP, LLC's flawed calculations, as described in this letter, that have resulted in under-reporting of peak stormwater discharge and employment of inadequate sediment barriers and techniques
- Recognition of the presence of a high concentration of groundwater in the Roanoke County

portion of the MVP project area, as detailed in Roanoke County's LiDAR mapping, and consideration of how this groundwater is anticipated to be transferred to the surface during pipeline construction, where it will contribute significantly to stormwater runoff

- Recognition of the risk of pipeline explosion in Roanoke County due to the high volume of groundwater in steep and rocky terrain, which may lead to subsurface flows and earth movement in the pipeline corridor
- Plans for utilization of the highest-capacity, highest quality sediment barriers at every MVP construction site, as based on correct calculation of peak stormwater runoff
- Consideration of the hundreds of variance requests for the MVP approved by FERC that are not addressed in the 2017 or 2020 *Standards*, ESC Plans, or SWM Plans, including variance request H-21 which alters the method of crossing the Roanoke River just upstream of the Spring Hollow Reservoir Intake
- A public comment period and public hearings in each MVP-affected community in response to the corrections to stormwater calculations for the MVP as requested in this letter."

The letter identifies a flawed assumption that is pervasive throughout MVP, LLC's calculation of stormwater runoff from MVP construction areas, which results in employment of ineffective stormwater management protocols and equipment. MVP's calculations use the condition of the pipeline corridor after the vegetation has been successfully restored as the basis for calculation of the stormwater runoff immediately following pipeline construction. In other words, soil condition that would occur after a period of successful re-vegetation is used in MVP, LLC's stormwater runoff calculations as a substitute for actual soil condition immediately following pipeline construction.

As described in BREDL's letter, this substitution is strongly associated with failure of MVP, LLC's erosion and sediment control activities throughout the period of pipeline construction from May 21 through November 15, 2018 that resulted in detrimental impacts to soils, streams, and wetlands as documented in the DEQ and State Water Control Board Complaint against MVP issued December 7, 2018. MVP was fined \$2,150,000 for these water quality violations in a Consent Decree signed on October 23, 2019.



# PHMSA rules must be rewritten to stop systemic racism

By Sharon Ponton

Since the Atlantic Coast Pipeline's demise, there has been much talk about reforming Federal Energy Regulatory Commission (FERC) and its approval process regarding natural gas and oil pipelines. I agree that FERC needs reform, especially in its dealings with landowners. It is also imperative that the Pipeline & Hazardous Materials Safety Administration (PHMSA) pipeline construction rules be rewritten.

In 2015, when I first began working for the Blue Ridge Environmental Defense League, I researched and wrote a fact sheet about PHMSA rules entitled, "Unequal Protection." I focused on the class designations

PHMSA has created which I believe incentivize pipeline developers to build in rural communities, specifically in communities of color, low wealth and/or indigenous communities. FERC does not oversee or permit construction rules, that's PHMSA's job. FERC does, however, approve pipeline routes which are chosen by developers based on PHMSA's class designations.

Environmental justice is a part of FERC's approval process, but we have experienced firsthand its willingness to ignore the facts on the ground even when evidence is presented during the permitting process. This was clearly the case

along the route of the Atlantic Coast Pipeline. FERC's environmental impact documents indicated that 58% of the census blocks through which the ACP would have been built could have been environmental justice communities. But the Environmental Impact Statement for the ACP concluded there was no disproportionate impact on those environmental justice communities. Those of us living and working in the communities affected knew those statements to be false. We knew about the community settled by freed slaves during reconstruction, Union Hill, where ACP planned to build a compressor station. We

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**Unequal Protection**

The Pipeline & Hazardous Materials Safety Administration's Discriminatory Laws & Regulations

**Classifications**

The PHMSA's discriminatory Safety Administrators (PHMSA) laws and regulations for natural gas pipelines are discriminatory. Classify PHMSA uses the life of a citizen in rural areas as a "rural area" and the life of a citizen in an urban area as a "non-rural area". The discrimination is seen in the wide differences in regulations created by "class" along the lines of pipelines. For example, the PHMSA's discriminatory laws and regulations, it suggests to local governments, that rural areas can have less stringent requirements than non-rural areas. This creates incentives to site or enter development along the path of a pipeline.

Small communities are likely to have their attorney affect the outcome of any permitting spin from the construction phase through the maintenance and security phases of the pipeline.

**The Construction Phase**

**Permit Wall Thickness:**

Permit wall thicknesses for PHMSA regulations are set forth and ordered. The minimum thickness for new pipeline with thickness are: Class 1: 23/8"; Class 2: 3/8"; Class 3: 3/8"; Class 4: 3/8". A native gas pipe is required to be thicker than the PHMSA's minimum thickness. Even the thick PHMSA says the life of a citizen (this is the point, less regulation).

**Permit Wall Thickness:**

Class 1: 23/8" plus 1/8" dead weight  
Class 2: Contains more than \$3, but less than 46 dwelling units  
Class 3: 1/8" plus 1/8" dead weight  
Class 4: 1/8" plus 1/8" dead weight. When they show above ground dwelling units are present.

**A residential location in North Carolina from the PHMSA's discriminatory laws and regulations:**

Class 1: 23/8" plus 1/8" dead weight  
Class 2: 3/8" plus 1/8" dead weight  
Class 3: 3/8" plus 1/8" dead weight  
Class 4: 3/8" plus 1/8" dead weight.

**Conclusion:**

Not only are these regulations discriminatory, offering less protection for the health, safety and welfare of the citizens of rural areas, but they are discriminatory to the energy industry to build in our communities. Weaker standards make more dangerous and expensive pipelines less attractive in rural areas. Weaker standards that make pipelines more dangerous and expensive for our communities.

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Fact sheet available on our website at [www.bredl.org](http://www.bredl.org)

knew Northampton County, North Carolina where another compressor station was to be built, is a majority minority community. We also knew that the Lumbee tribe would be disproportionately impacted if the ACP were ever built. However, state regulators, Dominion and FERC ignored the evidence presented when

approving permits until the courts ruled to vacate the Union Hill air permit based on environmental justice.

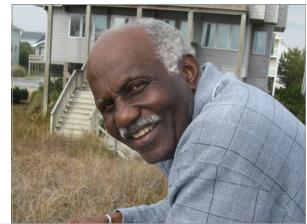
The class designations instituted by PHMSA in its construction rules create a situation where building on rural land is much more economical for developers. Not only is the land itself cheaper, developers can use thinner walled pipe, install fewer shut off valves, use manual instead of automatic shut off valves, bury pipe shallower in the ground, and conduct fewer inspections after the pipeline is in service, to name just a few of the rules which point developers to rural communities.

Historically, low wealth and/or people of color have borne the brunt of pollution from toxic industrial projects being built in or adjacent to their communities. I believe the PHMSA pipeline construction rules are an example of the systemic racism we find written into our regulation and laws today. I totally agree FERC needs major reform including its approval of pipeline routes, but we must also reform PHMSA's construction rules. Marginalized communities must not continue to face the disproportionate health and safety risks forced on them in the past.

# Pamplico Stop The Pipeline Defense Committee

A community focused on keeping their inheritance clean and free from contamination

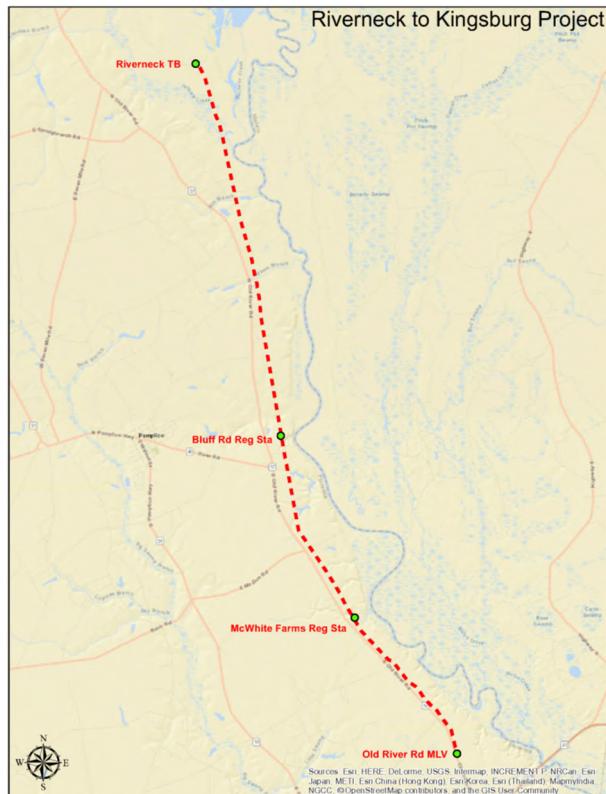
By Charles Utley, Associate Director



A new community group located in Florence, South Carolina, spearheaded by Rev. Reatha Jefferson and Ms. Kathy Andrews, made contact with us through our long time BREDL friends and Board Vice Presidents Elizabeth and Daisy O'Nan.

Lou and I have been working with this community to help them to maintain the integrity of their property from being exposed to additional gas pipelines from Dominion Energy.

Dominion Energy, a private company, wants to build a huge dangerous gas pipeline through heirs property, the land of former slaves and working class residents.



Proposed River Neck to Kingsburg Natural Gas Pipeline  
Source: Dominion Energy Project Map

It is rural property bordering the Great Pee Dee River in Florence County, Pamplico, South Carolina.

The proposed 14.5-mile-long (23-kilometer-long) gas line is small in comparison to the Dominion Atlantic Coast Pipeline that was successfully stopped by BREDL and others who joined the campaign.

However, the same problems are prevalent in the Pamplico Community Campaign. There is still the concern of fully understanding the procedures of Heirs Property that must be considered and addressed by all family members. Community organizing is always important to make sure that all voices are heard, and all concerns

are addressed. Therefore, we have addressed the United States Army Corps of Engineers South Carolina office through a supported letter to Mr. Austin Dartez, Project Manager, and the South Carolina Department of Health and Environmental Control Water Quality Certification and Wetlands Section for the River Neck to Kingsburg project. The support letter was done through the South Carolina Environmental Law Project. We also submitted a letter to Mayor Stephen J.

Wukela, City Council of Florence City, and we continue to seek ways of speaking with the Florence County Council.

We have received support from other organizations such as Shelley Robbins, energy and state policy director of Upstate Forever, an environmental watchdog group focused on preserving land in South Carolina, who *"wonders if the proposed pipeline is being designed with a relatively large diameter so that it could connect to a natural-gas power plant in addition to supplying customers with electricity. Such a plant would have a far bigger footprint in the community than the proposed line."*

Rev. Jefferson and Ms. Andrews are concerned about the Dominion record which includes the explosion that took place in Ohio and pollution of the Pee Dee River. This community is like many other minority communities across the Southeast who are standing to protect what was given to them as their inheritance to be passed on to the next generation.

*"My goal is to let everyone in my family know how dangerous this pipeline will be and what effect it will have on the health of our family from now on"* wrote Rev. Jefferson.

As BREDL continues to work with the Pamplico Stop the Pipeline Defense Community it is our goal to make every effort to support those same desires, and that Equal Justice will prevail.

# Atlantic Coast Pipeline Guide for Landowners

This fact sheet was prepared by Gabrielle James, a student enrolled at University of North Carolina at Chapel Hill, who was a 2020 intern with BREDL and worked with the Brice Law Firm, Raleigh, NC.

If you need more information contact BREDL at  
[www.bredl.org](http://www.bredl.org) (336) 982-2691.

## WHAT IS HAPPENING?

On Sunday, July 05, Dominion Energy announced that it would be **cancelling the Atlantic Coast Pipeline Project.**

## WHAT SHOULD I DO NEXT?

**FIND THE EASEMENT AGREEMENT:** Review the final deed containing the easement agreement between you (the landowner) and the ACP. If you are unable to locate your copy, check Register of Deeds for your county either online or, in person if needed. Generally, an internet search ("Register of Deeds NAME County") will get you to the County database where you can search by Grantor (Owner Name) and Grantee (Atlantic Coast Pipeline). Some sites (County GIS) will allow you to search by address or property parcel number.

**READ THE EASEMENT:** See if your easement includes an "Abandonment" provision. Not all easements will address abandonment. If it does, it may be something like: "After the pipeline is approved by the Federal Energy Regulatory Commission to begin commercial service, Grantee agrees in the event of complete non-use of the pipeline by Grantee or its successors or assigns for a period of four (4) consecutive years, this Easement shall be considered abandoned. Grantee shall furnish at its expense, upon receipt of written request from Grantor, a release of the Easement. In this event, Grantee shall have the right to abandon the pipeline in place or remove the pipeline. The time during which Grantee fails to use the pipeline due to: (i) authorized acts or orders of federal or state government; (ii) strikes; or (iii) the exercise of shut in rights under an oil and gas lease shall not be included in calculating the four (4) year period of abandonment."

## REPORT PROBLEMS AND STAY INFORMED

**REPORT PROBLEMS:** If you are experiencing issues with the easement portion of your property such as fallen trees, or torn up roads, be sure to submit a complaint to the ACP because they are obligated to keep the land open for your reasonable use. Contact the land agent or call: 888-895-8716. If ACP doesn't respond, contact the FERC Landowner Helpline (877-337-2237 or [LandownerHelp@ferc.gov](mailto:LandownerHelp@ferc.gov)).

**STAY INFORMED:** ACP has been reported to allow landowners to keep the compensation that they received from ACP regardless of the project cancellation. ACP has not publicly provided any details, but has directed interested parties to check their website for details. <https://atlanticcoastpipeline.com>

## LET YOUR VOICE BE HEARD

Write your federal representatives or FERC to let them know how you have been impacted by this process and request termination of the easements. File a comment with FERC concerning the status of the easements.

How to file a FERC Comment:

Go to the website <https://www.ferc.gov/> and click "eFile" which should be on the right-hand side of the screen.

Visit the eComment page and click on the "eComment" button.

1. From here an "Authorize eComment:" screen and Key in your name, email address, and phone number.
2. You will then receive an email at the address that you submitted stating "Thank you for your interest in submitting eComments to FERC." You will receive an email with detailed instructions on how you can submit.
3. You will also receive a "Confirmation of eComment" email where you will be able to click and be redirected to the "Submit eComment" screen.
4. There you can enter the docket numbers which are "CP15-554-000 & CP15-554-001"
5. From there you will be able to key your comment in to the large text box.
6. Click on Submit Comment

## Groups sue over weak emission standards for chemical plants linked to cancer

EPA's rule for organic chemical facilities allows toxic air pollution at levels dangerous for public health

On October 13, 11 community, scientist, environmental, and environmental justice groups—including BREDL—represented by Earthjustice sued the Environmental Protection Agency (EPA) over a weak national emission rule for hundreds of chemical facilities whose pollution is linked to cancer. The Miscellaneous Organic Chemical Manufacturing, or MON rule, regulates toxic emissions for about 200 chemical plants across the country. These plants emit over 7,400 tons a year of dangerous air pollutants, including at least 2,000 pounds of ethylene oxide, an aggressive carcinogen. EPA updated the rule earlier this year after the national air toxics assessment showed this pollution is contributing to cancer risk hot spots in the United States.

Industrial plants covered by the MON rule handle chemicals used in the production of solvents, plastics, and pesticides. During this process, potent carcinogens, like ethylene oxide, 1,3-butadiene, benzene, formaldehyde, and other toxic fumes that people breathe, are dumped into neighboring communities. The MON rule leaves people in surrounding areas exposed to cancer risks of 200-in-1 million, twice the level EPA admits is unacceptable under the Clean Air Act.

"EPA's recognizes that communities are facing a blatantly unacceptable cancer threat from breathing toxic

air every day, yet it does little to fix this problem," said **Emma Cheuse, Earthjustice attorney**. "It's unjust and wrong that the agency is again refusing to set standards that fully protect children and families living next to petrochemical sources. Now, in the middle of a respiratory pandemic, communities have to take EPA to court to ensure that chemical plants use up-to-date pollution controls, and common-sense fenceline monitoring for the toxic air they release into nearby neighborhoods."

MON facilities are located around the U.S., but especially concentrated in Texas and Louisiana, and disproportionately affect Black, Latino, and low-income communities. Other states with MON facilities include West Virginia, Illinois, and South Carolina. EPA's MON rule allows periodic, uncontrolled releases of chemical pollution, while communities need around-the-clock protection from toxic air. This rule allows facilities to spew fugitive emissions into communities without monitoring, and permits facilities to do so repeatedly, even if pollution levels are too high.

"Our neighborhoods are not sacrifice zones for petrochemical companies. EPA's national air toxics standards must be the strongest necessary to prevent cancers that EPA itself says the pollution from these chemical plants can cause. Those of us in Louisiana have seen first-hand the

type of harm this type of pollution can do to communities," said **Sharon Lavigne, founder of RISE St. James**.

As communities push for monitoring and stronger rules for chemical plants, the petrochemical industry is expanding in places like Cancer Alley in Louisiana, which is already facing elevated cancer levels due to industrial fumes. In fact, Formosa Plastics' petrochemical complex in St. James Parish is still on the table while RISE St. James and their partners are fighting its illegal permits in Louisiana state court. The complex would include 14 plants just one mile from an elementary school in a predominantly Black neighborhood. A weak MON chemical plant rule is disastrous for the health of St. James Parish, particularly if plans for the Formosa complex are allowed to proceed.

EPA has known of the pollution and extreme health harms associated with MON plants for years; still, it chose inaction. According to federal law, EPA was supposed to review and update the national MON standards by 2014, but years later, the agency had still failed to meet the deadline. Communities affected by these emissions represented by Earthjustice, forced EPA to finish the rule through litigation and in 2017 a court ordered EPA to review and update this rule.

Earthjustice is representing RISE St. James, Louisiana Environmental

*(Continued on page 10)*

Action Network, Louisiana Bucket Brigade, TX Environmental Justice Advocacy Services (t.e.j.a.s.), Air Alliance Houston, Ohio Valley Environmental Coalition, **Blue Ridge Environmental Defense League**, Environmental Justice Health Alliance for Chemical Policy Reform, Environmental Integrity Project, Union of Concerned Scientists, and the Sierra Club. These groups have also filed a petition for reconsideration with EPA. RISE St. James, Louisiana Bucket Brigade, and allied groups, represented by Earthjustice, are also fighting the illegal and dangerous air permits Louisiana issued to Formosa Plastics, and challenging another rule (ethylene production) that would apply to Formosa Plastics and similar petrochemical facilities as illegally weak.

"It is morally reprehensible that EPA is treating certain communities as disposable and left to suffer unacceptable cancer threats from exposure to petrochemical pollution. We will continue to fight to ensure that EPA's national air toxics standards are as strong as possible to save lives and prevent illnesses that EPA should not allow communities to face just because they live near chemical plants," said **Michele Roberts, national co-coordinator of the Environmental Justice Health Alliance for Chemical Policy Reform.**

"Today's suit is a step toward righting a grievous wrong. This administration's weak MON rule does little to protect our health and

instead leaves our communities at serious risk of cancer, both by the enormous emissions it allows and by pretending to be protective when in fact it's just the opposite. We are all at risk from these emissions, but Black people in Louisiana are in the bullseye. It's past time to change this situation, and we are filing suit today to do just that," said **Anne Rolfes, LA Bucket Brigade.**

"We cannot applaud EPA for doing what it thinks is the bare minimum, because the agency is not even doing what it knows is needed to protect people's health, based on the best available science. EPA also cannot avoid ensuring that facilities use up-to-date pollution controls, and practices, including real-time fenceline monitoring, to protect public health. People in Texas deserve the strongest protection available for our health," said **Juan Parras, t.e.j.a.s. Executive Director.**

"The EPA rule does not go far enough to reduce toxic air pollution and goes too far in allowing loopholes, including an unlimited number of so-called unforeseeable accidents known as force majeure. The problem is not acts of God, it is acts of man," said **Louis Zeller, Executive Director of the Blue Ridge Environmental Defense League.**

"EPA missed an opportunity in the MON rule to use its authority under the Clean Air Act to reduce the chemical burden on environmental justice communities exposed to the highest emissions of hazardous pollutants, including ethylene oxide. The science supports stronger action to limit emissions and expand monitoring for communities who continue to experience oppression due to social, health, and environmental disparities exacerbated by a global pandemic. EPA may be willing to abandon its mission and leave communities behind, but we won't allow it," said **Genna Reed, Union of Concerned Scientists.**

### Thanks from Nebraska

Mr. Zeller—  
Thank you for taking the time to return my call and give me some advice to fight having an asphalt plant near me. Even with the brief phone conversation we had, your information was key to my presentation.

The conditional use permit was denied based on zoning regulations but I was able to make the board aware of the public health concerns from the toxic emissions.

Thanks again  
Laurel Mairatt



## Chapter update on Chapel Hill Organization for Clean Energy (CHOCE)

By Jenn Galler

Since the pandemic, the Chapel Hill Organization for Clean Energy (CHOCE) chapter has still been meeting monthly, but it's been virtually on Zoom! Our CHOCE members are now accustomed and adjusted to Zoom, thanks in part to BREDL's weekly training on the use of Zoom, called Zoom Tuesday.

Even though UNC students are not attending in-person classes and there's no activity on campus, CHOCE is still pushing through and putting pressure on UNC leadership to shut down this polluting coal plant. What differentiates CHOCE from other groups working to shut the UNC coal plant down, too, is that we are a grassroots movement with

local citizens, and we want UNC to switch to clean, safe, non-combustible energy, so no wood pellets or natural gas. We are also working on the safe clean up and disposal of the coal ash. Our chairperson, Elizabeth O'Nan was quoted in the Daily Tar Heel saying:

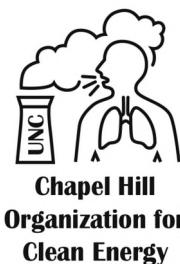
*"UNC has failed to take responsibility for its coal-burning plant in many ways. And the use of fossil fuels in any context, she said, inches the globe closer to a climate crisis."*

In August of this year, we had a strategic planning session with Lou Zeller, where we talked about our goals, strategy, and actions for the rest of the year and beyond. Some of the actions include a texting

outreach campaign. Thanks to Gustavo Andrade of CHEJ, the BREDL staff is now trained

through the Voter Activation Network to make and send out custom texts for people in whatever area we are targeting. In this case we will be sending out texts to ~60,000 Chapel Hill residents to make them aware of the coal plant and then a call to action to join us in our next meeting to learn more.

I am excited to see what this chapter accomplishes within the next year and I know we along with others can eventually shut this coal plant down!



(MVP—Continued from page 1)

when the Project lacks the permits necessary to cross vital portions of the planned route. MVP may eventually receive permission to cross the Jefferson National Forest. But, by allowing it to recommence construction before doing so, the Commission has put the cart before the horse.

That is a mistake. Even if BLM and the Forest Service

reissue the authorization it is possible that they could require potential significant changes to the route. And, as the Atlantic Coast Pipeline aptly illustrates, it is possible that a pipeline, even one already under construction, might never be completed or might have to follow a different course, leaving the work done to date little more than a pipeline to nowhere.

It's unclear if MVP will be allowed to

begin construction on the Southgate Extension project. When FERC approved the Southgate project on June 18, it directed the Office of Energy Projects not to issue any notice to proceed with construction, including tree felling, until the MVP mainline project received the necessary federal permits and the MVP stop-work order had been lifted. The stop-work order has been lifted but the right for MVP to cross federal forest land is still awaiting approval.

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**Contact BREDL to help organize your community and  
plan events to educate others about your issue and  
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BREDL is a regional, community-based non-profit environmental organization founded in 1984. BREDL encourages government agencies and citizens to take responsibility for conserving and protecting our natural resources. BREDL advocates grassroots involvement in environmental issues. Protecting children's health from environmental poisons, empowering whole communities to engage in crucial decision making, and changing the balance of power to prevent injustice are key components of our work.

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**Janet Marsh Zeller  
Honorary Fund**

The BREDL Board of Directors established this fund to honor the work of Janet Marsh Zeller, who founded the Blue Ridge Environmental Defense League and served as its executive director for over two decades.



**The honorary fund supports BREDL's endowment and our long-term ability to serve communities.** Individual gifts are accepted throughout the year. All donations to BREDL are tax deductible. Contributions to the fund will benefit the organization and honor the woman who gave so much to make our world better, one community at a time.