



BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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The LEAGUE LINE

Spring 2016

North Carolina's Weird Science

by *Therese Vick*



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2016



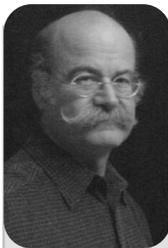
We have witnessed a true miracle in North Carolina! Hexavalent chromium aka Cr(VI) has been rendered safe by sheer willpower and four magic words. Who, you might ask, is responsible for this feat? None other than our very own Mr. Department of Environmental Quality (DEQ) Assistant Secretary, Tom Reeder.

Cr(VI) is an endocrine disrupting and carcinogenic toxic metal that is almost always produced by industrial processes, and is found in coal

ash (magic words). The US EPA has been avoiding requirements to control this substance in drinking water, not because it isn't dangerous, it is -their own research shows that. After EPA proposed limits for Cr(VI) in 2010, the industry push back was so fierce it sent EPA running to put their recommended level back on the shelf.

Fast forward to North Carolina in 2014. The Coal Ash Management Act (CAMA) was passed in 2014 following the Dan River spill. Testing

private wells around Duke Energy (two more magic words) coal ash impoundments was one of the provisions of the law. Because Cr(VI) and vanadium had no established limits in North Carolina, DEQ and the Department of Health and Human Services (DHHS) were tasked with coming up with recommendations, which they did. Testing began around the coal ash impoundments, and, among other nasty things, surprise, surprise Cr(VI) and vanadium (*cont. on pg. 15*)



Victory at Bellefonte

by *Lou Zeller*,
Executive Director

Blue Ridge Environmental Defense League celebrated a huge victory in February. Tennessee Valley Authority withdrew the license application for two nuclear power plants at its Bellefonte Power Plant near Scottsboro, Alabama. The eight-year campaign was particularly significant because when we organized the local community in 2008, the conventional wisdom was, "TVA has no rules; they can do whatever they want." Together we

proved that this was not so.

The Initial Strategy

The campaign began with the organizing of a local committee, which on February 28, 2008, became the BREDL chapter Bellefonte Efficiency and Sustainability Team, or BEST. The week before, at a meeting in Chattanooga, Tennessee, we had held a round table discussion for developing strategies to link local efforts with a regional and national network. BEST's first action was to request that the Nuclear Regulatory Commission suspend the federal notice of the license application because it was incomplete. In BEST's February 29 letter to

NRC, Louise Gorenflo wrote, "the only way to restore a modicum of fairness to this process is to immediately suspend the public intervention process until these issues have been resolved." In April, BREDL filed a legal motion to suspend or delay the proceeding. The lawyers of both NRC and TVA opposed the motion. Nevertheless, on April 7, 2008 the Commission issued an order granting a 60-day extension. After the setback, TVA resubmitted its application: for two Westinghouse AP1000 reactors, designated Units 3 and 4. Bellefonte Units 1 and 2 were partly constructed then abandoned (*cont. on pg. 10*)



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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.



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(BREDL)**

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Clean Water—The Common Denominator

by Sharon Ponton, Community Organizer



For the last two years, landowners and concerned citizens in Virginia, West Virginia, and North Carolina have been steamrolled, bullied and bamboozled by Dominion and its subcontractors regarding the proposed Atlantic Coast Pipeline. Grassroots community groups have been organized along the route fighting for their property rights, clean water, endangered species, forests and their livelihoods.

In December of 2015, BREDL learned of Dominion's plans to close coal ash ponds, including requesting permits to de-water ponds at its Bremo and Possum Point power plants in Virginia. These de-watering permits would allow millions of gallons of toxic wastewater laden with heavy metals to be dumped into the James River from the Bremo Plant as well as into Quantico Creek, a tributary of the Potomac River from the Possum Point Plant. Over 600 comments were filed regarding the permits and over 200

concerned citizens attended Virginia Department of Environmental Quality's public hearings cautioning DEQ against

BREDL's Richmond, VA Chapter, No ACP, said, "Within days of the permit approvals, we



allowing the toxic wastewater limits in the permit requests to stand. Virginia's State Water Control Board voted in favor of the permits, with only one member of the Board speaking to slow down, to take a more discerning look at the levels of toxicity being allowed.

Whitney Whiting, a member of

suddenly heard a lot of dismay and disgust from people all over Virginia that our own Department of Environmental Quality would take such minimal steps to protect our waterways, especially our beloved James River." In response, No ACP, planned a rally and march to bring attention to Dominion's abuse of Virginia's rivers they called, "Dump Dominion: A March for Our Rivers." In the interim, an oil leak on the Potomac was linked to faulty Dominion equipment by the Coast Guard, and the Potomac Riverkeepers accused Dominion and VA's DEQ of allowing Dominion to illegally dump millions of gallons of untreated wastewater during 2015 into Quantico Creek from its Possum Point plant.



(cont. on pg. 14)



Safeguard America's Resources

Small Modular Reactors

FACTS

4/12/16

Economies of Scale?

- Lower cost does not mean cost-effective.
- A study done in 2011 concludes that Small Modular Reactors would be MORE expensive than existing plants.

Relaxed Security Standards?

- Proposed 70% reduction of security forces for SMRs exposes them to risk from terrorist attack.
- Underground siting raises threat from some types of attacks.

Are Small Modular Reactors Safer?

- SMR passive cooling systems do not have active backup systems.
- Less robust containment of SMRs have greater chance of damage in hydrogen explosions.
- Underground siting increases risk during flooding, evacuation.
- Multiple SMRs present HIGHER risk if operators reduce support staff or safety equipment.

Shrinking Evacuation Zones?

- Reducing current Emergency Planning Zones for Small Modular Reactors from 10 miles to 1000 feet is based on false assumptions.
- Fukushima evacuation extended 30 miles, indicating existing zone should be increased, not reduced.

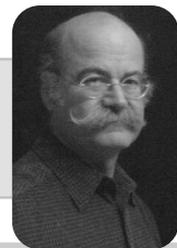
"There is therefore no basis at the present time for the NRC to grant SMRs any special exemptions to its regulatory requirements, and the Department of Energy should take steps to insure that its Technical Licensing Support program does not use taxpayer funds to endanger public health by undermining nuclear safety and security standards." Dr. Edwin Lyman

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Director's Report: Solidarity Pacts

by Lou Zeller, Executive Director



The divide-and-conquer strategy is often used by polluting industry representatives to throw people off balance. It reduces the argument about waste dumps and other environmental calamities to a matter of “it’s either us or them.” Unless someone raises a red flag and halts the divisive tactic, it can hoodwink otherwise sensible people. For example, during the US Department of Energy’s search for a national waste dump for nuclear power plants—the Crystalline Repository Project—I heard some say, “Why don’t we ship it to the western deserts.” But what looked like a wasteland to some was cherished as an ancestral home to others. Likewise, during the Southeast Compact’s selection of a state to take 32 million cubic feet of radioactive waste from eight states, they said that “It’s North Carolina’s turn.” But it was never anybody’s “turn.” It was just a convenient cover story. Other examples in our experience include hazardous waste incinerators, pipelines, powerlines and solid waste dumps that accompany heedless industrial expansion.

To create an effective response to the divide-and-conquer tactic, we devised a pledge of solidarity with the targeted communities, a promise of unified opposition to waste dumping here, there, anywhere and everywhere. As community after community took the pledge, the combined strength of many isolated communities became a force that would eventually overcome the political clout of the dukes and dominions.

Coal ash exploded into the headlines following the devastating disasters of 2008 in Kington, Tennessee and of 2014 in Eden, North Carolina. The responses of Dominion-Virginia Power, Duke Energy and other utilities are to close leaking coal ash impoundments and transport the toxic ash to dumps in Perry County, Alabama; Homer, Georgia; Sanford, North Carolina; Jetersburg, Virginia and other unlucky communities. Of course something must be done to relieve the pollution threats in Bremono Bluff, Virginia; Belews Creek, North Carolina; Milledgeville, Georgia and hundreds of other coal ash impoundments in the Southeast. According to the Center for Public Integrity, 130 million tons of coal ash is added to the total annually, more than half of which is bound for lagoons, landfills and mining pits. However, we must find a better solution than dig-and-dump.

Therefore, to drive the campaign to clean up the mess created by coal and stop the wholesale injustice of ash dumping, we advance the following:

Solidarity Pact: Pledge of Assistance of the Blue Ridge Environmental Defense League

- Because we know that present coal ash sites are contaminating our rivers and our drinking water;
- Because we recognize that any community is diminished by becoming a coal ash dumping ground;
- Because we hold that states should neither import wastes from other states nor export wastes to other states;
- Because we maintain that the costs of managing coal ash waste should be borne by the coal-fired power industry;
- Because we believe in environmental democracy—that if all of us are responsible for the coal ash waste problem, then all of us should decide if it is produced and how it is managed;
- Because we demand environmental justice, with affected communities having control over decisions which affect them;
- Because a coal ash waste dump is an unreasonable burden for any community;
- Therefore, we pledge our assistance to all victim communities selected by environmental regulators, waste hauling companies or power companies; and
- We commit our support to all residents confronted by this threat to their health and well-being; and
- We promise that no community shall face coal ash hazards alone.

A handwritten signature in black ink that reads "Louis A. Zeller". The signature is written in a cursive style with a long horizontal line extending to the right.

North Carolina Will Not Play Host To Polluters

by Denise Lee, Pee Dee WALL

Whenever I hear the term "Host Community" in regards to a for-profit dump company in our county it makes my stomach turn. We are not a host community, we are a victim community.

The information, obtained from Duke Energy's Riverbend and Sutton power plant coal ash excavation plans, states that "In the event the structural fill options are not available in Lee or Chatham County, the Anson County Landfill, a permitted solid waste landfill, has been identified as the alternate location." The plan indicates that coal ash would be transported from the power plants to the landfill by rail.

When the contract for the landfill was originally debated, and approved by the commissioners, we were told that the landfill company had no plans to use the railroad. All along, citizen's concerned about the truth of that statement are now faced with the reality that our suspicions were correct. It also states that no radioactive material can be disposed of in this landfill. The catch here is "If you don't look for it, it doesn't exist".

There are several reasons why this is alarming:

1. Waste Connections already has had violations for the leachate from solid waste
2. Coal ash is very toxic and can be radioactive
3. The current method to determine toxicity is the TCLP test. EPA recommends using more accurate methods to test the coal ash for toxicity other than the "Toxicity Characteristic Leaching Procedure" (TCLP), it is not required. If you don't look for it, it isn't there.

Cary Rodgers, and I met with Anna Baucom and expressed our concerns about the leachate. With documentation in hand we informed her of the dangers of the leachate from coal ash. Our concerns were that since violations have already occurred with the leachate from Waste Connections how on earth could they safely treat or handle leachate from coal ash. Ms. Baucom later told me that Waste Connections would not send the leachate to our waste water treatment plant. Instead they would store the leachate in a pit, on site. Problem solved? No, far from it.

Ammonia is a major pollutant in the coal ash leachate. Residents living near a landfill where coal ash leachate is stored in a lagoon reported, very serious odor problems, probably from high ammonia levels and volatile bacterial degradation products from the leachate. This was undoubtedly an unbearable situation for those nearby residents. The ammonia, is also causing odor, breathing and other health problems for people living around the open lagoon where the leachate is stored. There is an increasing belief among solid waste experts that unless further steps are taken to detoxify landfilled materials, today's society will be placing a burden on upcoming generations to address future landfill impacts.

It is widely recognized that even the best-installed plastic liner will succumb to deterioration and eventually will allow leachate to be created and released. However, this may not happen within the required 30 years of post-closure groundwater monitoring. Moreover, it may not be detected during the time the landfill operators are actively in-

olved and financially obligated.

While coal has been known to contain high levels of radiation for years, a new study shows coal ash is up to 10 times more radioactive than unburned coal. This is particularly startling because coal ash is the second most common type of waste in the US.

The focus in explorations of the hazards of coal waste in regions where it is produced in the United States has previously centered on the heavy metals and toxins that are contained by the ash, but now there is another peril to add to the list, according to researchers at Duke University.

"Until now, metals and contaminants such as selenium and arsenic have been the major known contaminants of concern in coal ash," according to Avner Vengosh, professor of geochemistry and water quality at Duke and co-author of the study. He went on to say, in a statement. *"This study raises the possibility we should also be looking for radioactive elements, such as radium isotopes and lead-210, and including them in our monitoring efforts."*

According to a recent study, radioactive contaminants are found in coal ash at rates of up to five higher than in normal soil, and up to 10 times higher than in its parent coal because of the way that radioactivity is concentrated during combustion. Radium isotopes and lead-210 naturally occur in coal, but during combustion "the radium isotopes become concentrated in the coal ash residues, and the lead-210 becomes chemically volatile and reattaches itself to tiny particles (*cont. pg. 7*)



(cont. from pg. 6) of fly ash".

Fly ash particles make up the majority of the waste that goes into holding pools and landfills, according to Nancy Lauer, a Ph.D. student in Vengosh's lab who was lead author of the study.

Anson County should not be the dumping ground for any of Duke's 150 million tons of coal ash. Why does Duke Energy want to send the coal ash off site? Because then it limits their liability. This is not a legacy we should shoulder on our future generations.

It is a well known fact that all landfills will eventually leak. Even EPA has admitted this. The liner system they use is about the thickness of two credit cards.

How well is this landfill monitored? The state may average a visit to the site about once every year. Whose

data do they depend on to determine if they are within regulations? The landfills.

Now let's look at the transportation risks: According to the National Transportation Safety Bureau, about every 115 minutes, a person or vehicle is hit by a train in the U.S. Rail accidents and/or incidents include the following scenarios:

- Derailment
- rain-train collisions
- Train-car collisions
- Train-person collisions
- Damage to property

Approximately 1,000 people die in train accidents every year. Further, United States train and railroad accident statistics estimate that almost every two weeks a train derailment leads to a chemical spill. Some of

these spills are so serious that they require the evacuation.

We cannot afford environmentally or monetarily to be victims of both Waste Connections and Duke Energy.

We call instead for solidifying coal ash with concrete and storing it in aboveground vaults on power plant property -- the "saltstone" disposal approach originally developed by the U.S. government for storing hazardous radioactive waste.

We ask our commissioners to take a bold stand and pass a resolution which prevents this unnecessary burden on our water, air, land and lives.

If Waste Connections is serious about being a good neighbor then we ask them to endorse this resolution.

The Strength to Stymie Surveyors

by Carolyn Reilly, Community Organizer



Personal space. Private property. We all enjoy privacy and a place to call our own. Whether walking through pastures and woods or dancing in your living room, we crave the ability to express ourselves in our surroundings. Now imagine strangers bursting in on your living room dance party. I don't know about you, but I would feel violated.

Here is our tale of trespass at Four Corners Farm.

Let me share up front that we are not alone; many



landowners have had their private property rights violated by trespassing surveyors. I've met the people who lament the Virginia law that gives Natural Gas companies the right to survey land. Virginia law, § 56-49.01 "Natural gas companies; right of entry upon property" allows natural gas companies to survey without permission. Their legal obligation is to mail a certified letter to the landowner stating the intended date(s) to enter the landowner's property. They must mail the letter 15 days before the proposed surveying date.

Our family's first-hand experience with the wily and untrustworthy nature of the Mountain Valley Pipeline occurred in April of 2015. We heard that surveyors were inspecting the areas along Teels Creek. Our farm sits where this creek merges into another. My husband jumped in his truck and headed down to our west woods. It is here that he found the blue marking tape on many shrubs and bushes along our creek. When I arrived on the scene, my stomach was in my throat and my heart was pounding. I felt a whirlpool of emotions. I was furious. I was horrified. I was depressed. We were violated.

A month prior, we mailed a certified letter denying MVP permission to survey our land. So to know that someone had stepped foot on my personal and treasured land, and that there was *NO* notice of intent stirred up the fighter and protector of justice within me. As a homeschooling mother of four children who often explore our farm and play down by the creeks, this violation was not only about private property rights; this was a matter of the safety of my children. I was ready to fight.

In July 2015, we received a certified letter stating MVP's intention of entering our property to survey and a week's worth of dates in August. The stress leading up to those dates was unnerving. On the first date of entry, our family decided to do something about it. We drove to the local gas station where the surveyors were meeting every morning. There we were – my father, my husband and our two older children, watching the surveyors look over schedules, talk to each other and look at us in a confused manner. My kids took notes and wrote down their license plate locations (Utah, Kentucky, Georgia) and I snapped some photos. We approached various people who helped point us to the lead surveyor. We told him in no uncertain terms, "We don't want anyone to enter our property who is surveying for MVP."

Fall came and went and winter was quiet and restful for our family. Then spring arrived and with it came a certified letter stating intentions to survey. The familiar ache in my abdomen came back. This time, we were told there was nothing we could legally do to impede them from surveying our land. Various court cases around the state of Virginia (*cont. on pg. 15*)



Pipeline Fighters Motivated by Message from Jane Kleeb

by Mara Robbins



Jane Kleeb, known as the "Keystone Killer" for her successful work in grassroots activism with the group Bold Nebraska, visited Virginia recently to educate, inspire and suggest effective actions for groups who intend to stop the Mountain Valley and Atlantic Coast Pipelines. Bold Nebraska formed a nexus of diverse and successful resistance to the

Keystone Pipeline which ultimately led to its downfall.

Her first stop was in Southwest Virginia, where she met with citizens from BREDL chapters "Preserve Franklin" and "Preserve Roanoke," ending her day with a presentation in the New River Valley. "The only thing that will stop these pipelines will be you sticking together," Kleeb said to an enthusiastic group of pipeline fighters in Franklin County.

Nearly six years ago, Kleeb founded Bold Nebraska,

helping to organize what she called "an unlikely alliance" of farmers, ranchers, Native Americans, various political groups, faith leaders and environmentalists to fight TransCanada's Keystone XL crude oil pipeline. Kleeb said East Coast pipeline foes could emphasize property rights, environmental damage attributed to fracking, the potential impact of pipeline spills on agriculture and water as well as the larger, global issue of climate change. She said we need to "do whatever we can to delay the pipeline project."

Kleeb's visit also included a meeting in Weyers Cave with opponents of the Atlantic Coast Pipeline. She told the large group that gathered that they had to "fight like hell" and "look impossibility in the face," to stop the pipeline, encouraging citizens to make the pipeline fight personal and political. "You CAN stop this pipeline," she said. Kleeb facilitated a morning session entitled "Lessons from the Battlefield," sharing successful grassroots techniques from her experience.

Everyone who was lucky enough to meet Jane Kleeb was encouraged, reassured and motivated by her message. It is obvious that BREDL will, with the help of our national neighbors and the diversity and effectiveness of our local efforts, succeed in our fight.



(cont. from cover) by TVA.

Next, on June 6, 2008 under federal rules of procedure, the Blue Ridge Environmental Defense League filed a 107-page petition to intervene. The petition was a team effort, with over 40 people signing affidavits for standing. Many of these individuals also provided technical points, which we edited and worked into the required legal format. We also allowed Southern Alliance for Clean Energy to be co-plaintiff, who brought in an expert in support of a water argument. All told, we raised twenty-four separate arguments, including issues of due process, hydrology, terrorism, uranium fuel, air pollution, water pollution, power alternatives, radioactive waste, global warming, economics and human health. In an argument which proved prescient, Contention 14 challenged whether high-level radioactive waste fuel could be safely stored at reactor sites. With no national waste site available, irradiated fuel would remain at Bellefonte for an indefinite time. TVA had failed to address options for permanent disposal.

With the legal filing underway, we broadened the campaign. In July BEST launched a contest: "How Would You Spend \$14 Billion?" The challenge was to find safer and cheaper ways to add 2,234 megawatts of electric capacity for TVA customers. The cost figure was based on the price tag for the new nuclear reactors. The preferred alternatives included solar, wind, efficiency and conservation. The prize was awarded to a young student on Earth Day.

Following a flurry of opposing legal briefs, on July 30, 2008, a three judge panel of the Atomic Safety and Licensing Board held oral arguments in Scottsboro, Alabama, hearing from all parties. In this courtroom-style proceeding, BREDL and SACE *pro se* representatives defended our petition

against both NRC and TVA attorneys. Ultimately the judges accepted four of our contentions: excessive impacts on aquatic resources, two on radioactive waste—regarding safety and environmental questions, and flawed cost estimates. The radioactive waste contentions were later dismissed by the Nuclear Regulatory Commission, but the decision was not unanimous. Commissioner Jaczko dissented saying: "As it currently stands most of the states where new reactor license applicants are hoping to site new reactors do not currently have a path for disposal of [low-level radioactive] waste."

The Middle Campaign

On August 26, 2008, the Tennessee Valley Authority submitted to the Nuclear Regulatory Commission a request to reinstate construction permits for Bellefonte Nuclear Plant Units 1 and 2. This was a stunning turnabout because in 2006 the Nuclear Regulatory Commission had granted TVA's request to withdraw construction permits for Bellefonte Units 1 and 2, and it would have doubled the size of the power station. It was clearly illegal, but who would challenge it?

On September 11, 2008, BREDL filed a new contention opposing TVA's request for reinstatement of NRC construction permits for Bellefonte Units 1 and 2. We argued that TVA was breaking a larger proposal into two smaller proposals in order to escape comprehensive impact analysis, thereby circumventing the requirements of the National Environmental Policy Act. BREDL's motion stated: "TVA's request to reinstate raises the issues of omission of cumulative impacts and segmentation of NEPA, both of which are prohibited by law." The potential location of four reactor units at one site would have been the largest nuclear power station in the United States.

On May 14, 2009, we again petitioned the NRC, this time directly against TVA's construction permits for Bellefonte units 1 and 2. We discovered 14 flaws in the Nuclear Regulatory Commission's construction permit. Major safety problems include the 1970's-era Babcock and Wilcox design and years of salvage operations and neglect. BEST co-founder and BREDL VP Sandy Kurtz said, "NRC's got the cart before the horse. They're handing out construction permits for reactors on a 40-year old gutted plant site before new reactor designs have been approved and before environmental impacts have been determined." For this petition we had 86 residents living within 50 miles of Bellefonte sign declarations for standing.

But TVA had now run into financial problems in financing its expensive nukes. In a surprise development, on May 1, 2009 TVA informed the NRC that it would not decide whether to move forward with Bellefonte Units 1 and 2 until 2011. As a result, the NRC said it would delay issuing a draft environmental impact statement for the Bellefonte Units 3 and 4 COL until after the TVA board made a decision regarding Units 1 and 2. We welcomed the delay because it was a tacit vindication of our stand against TVA's plan to complete two nuclear power reactors and to add two more at Bellefonte. On September 18, 2009 the Atomic Safety and Licensing Board said that resolution of our two remaining environmental contentions at Units 3 and 4 would "not be in the offing for a considerable period of time."

Expanded Battle for Public Opinion

In March 2011 the BREDL, Bellefonte Efficiency & Sustainability Team, Mothers Against Tennessee River Radiation called for a review of nuclear power plants because of accidents leading to catastrophic

releases of radiation to air, ground, and water. In a letter to the TVA Board of Directors, we called for no nuclear reactors at Bellefonte. "There's no reason to add more nuclear power with its legacy for our children of radioactive waste and health concerns when there are safer and cheaper ways to produce electricity," said Gretel Johnston, MATRR founder.

In 2011 we launched a radio and television advertising campaign with guidance from a Center for Health, Environmental and Justice media messaging workshop held in Scottsboro. BREDL sponsored the two-day training session with Lois Gibbs and Anne Rabe. The messages, based on focus group studies, targeted the concerns of ordinary people: "nuclear power is a money sinkhole," "nuclear reactors threaten our water supply," and "there is no safe dose of radioactive poison." A TV spot featured a young mother and her two boys who live near Bellefonte. She said, "Nuclear power is dangerous...." The workshop also developed 30-second radio ads. One which aired on local AM stations stated: "Boondoggle. Money trap. Sink hole. That's what TVA's Bellefonte nuclear power plant has become. TVA customers should not be forced to pay for expensive and dangerous nuclear power plants. Tell TVA to stop wasting our money on expensive and dangerous nuclear plants. Paid for by the Bellefonte Efficiency and Sustainability Team."

On July 20, 2011, 40 protesters dressed as zombies, with white face paint and fake blood, lumbering towards TVA's Chattanooga headquarters, called for an end to the Zombie Nukes, Bellefonte Units 1 and 2. The protest was peaceful and ended in TVA's lobby with a hand-delivered letter citing major concerns: TVA's \$30 billion debt ceiling, location of the Bellefonte planned reactor and its antiquated

design.

The End Game

Up to now, Bellefonte was the nuclear industry's "reference" license application, designated to provide the model for all other Westinghouse AP1000 reactors to follow. But because of the delays, the nuclear consortium NuStart Energy informed the NRC that it was transferring the reference application from Bellefonte Units 3 and 4 to Vogtle Units 3 and 4. The shift spelled trouble behind the scenes.

On June 8, 2012 the US Court of Appeals ruled in favor of the Blue Ridge Environmental Defense League and two other public interest groups on high-level nuclear waste. The court nullified the Nuclear Regulatory Commission's Waste Confidence Rule, clearing the way for a variety of challenges at scores of commercial nuclear power reactors in the United States. "Waste confidence" is all about waste produced by nuclear reactors in the reactor core and highly radioactive. This case was based in part on the issue we raised at Bellefonte 3 and 4 in Contention 14 in 2008.

The campaign's final chapter played out during the last six months with a series of meetings with the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission and TVA attorneys offering a settlement. On August 25, 2015, the Atomic Safety and Licensing Board requested a status report from the parties involved in the license proceeding at Bellefonte. On a conference call TVA informed everyone that it was still evaluating its plans for Bellefonte Units 3 and 4, and did not intend to withdraw the combined license application. Nevertheless, we agreed to enter into settlement discussions. The NRC Staff posed three potential approaches to end the proceeding which would have terminated the Atomic Safety and Licensing

Board but kept alive TVA's application. All three options presented by NRC Staff were unacceptable. For example, the proposed language would have placed us in an untenable position, depending on NRC Staff to "use its best efforts" to notify BREDL and SACE of new hearing opportunities. We proposed two other options: 1) TVA withdraws its Combined License Application for Bellefonte, or 2) That the Bellefonte license proceeding remain in its current status. We pointed out that TVA's 2015 Integrated Resource Plan stated that renewed licensing activity at Bellefonte was anticipated to occur, if at all, in the mid-2020's or beyond, and that there was no immediate need for new baseload plants through 2033.

On February 11, 2016, BREDL and BEST members spoke at the TVA Board of Director's meeting in Chattanooga. We said it would not be lawful to terminate the license proceeding for Bellefonte 3 and 4 without TVA's withdrawal of the license application. We maintained our right to a hearing under the Atomic Energy Act and that the appropriate, cost-effective and legal remedy was withdrawal of the license application. Blue Ridge Environmental Defense League, Bellefonte Efficiency and Sustainability Team/Mothers Against Tennessee River Radiation presented a fiscal analysis revealing fractured accounting and the staggering debt load which nuclear power has saddled onto TVA, further evidence favoring withdrawal of the license application at Bellefonte. "It's time to quit wasting money pursuing this project that TVA can't afford," said Garry Morgan, a spokesman for the Bellefonte Efficiency and Sustainability Team.

The next day, eight years after we started, TVA announced it was withdrawing the license application for Bellefonte Units 3 and 4. ★

Concerned Citizens of Shell Bluff Challenge Plant Vogtle

A Personal Courtroom View

by Charles Utley, Environmental Justice Campaign Director



I never imagined that I would have the opportunity to represent the community and citizens of Shell Bluff with the Executive Director of the Blue Ridge Environmental Defense League (BREDL), Louis Zeller and the President of the Concerned Citizens of Shell Bluff (CCSB), Minister Claude Howard. This court hearing was an opportunity for the Atomic Safety and Licensing Board (ASLB) to hear the voices of CCSB challenging the Southern Company's request to reduce the concrete thickness of reactors three and four, creating a gravely insufficient barrier between highly toxic nuclear waste and the citizens of Georgia.

The ASLB consisted of a three Judge panel that was very knowledgeable about the subject. They were precise and clear about what information they would be seeking. Each side delivered an opening statement. Louis Zeller began, followed by the Southern Company and the Nuclear Regulatory Commission's (NRC) lawyers. Minister Claude Howard was the first representative of CCSB to make his appeal. He displayed great compassion during his presentation. His dedication to the communities he serves was evident. It would be a better world if there were more people like him speaking for the people. As I listened to the lawyers articulately presenting their sides it reminded me of how important it would be for me to focus and clearly deliver my statement when it was my turn to speak.

There were times when the tension became very intense as the judges questioned the Southern Company to determine how they reached a conclusion that this reduction in thickness would not be significant enough

to cause a harmful environmental impact. The Southern Company and the NRC's attorneys had to ask the court for time so they could confer with their colleagues. Even after taking multiple breaks to regroup and confer, they were still not able to answer the judges' questions satisfactorily.

I made my appeal to the court concerning the impact the proposed change would have on Environmental Justice. I felt good about what I said. There was a rebuttal from Southern Company concerning my statement. During their rebuttal they quoted an older study and I rebutted their statement, citing a more recent, and more applicable, study. I was also very proud of how BREDL's Executive Director handled himself, never stumbling, remaining calm, being constantly focused and ready to respond and rebut. I think this speaks for the quality of the work we do to help keep our communities and our country free and safe.

Claude Howard put it best when he said: "It's a pleasure to be a part of this appeal and I am grateful to have Lou and BREDL assisting us. We would not have a chance if it was not for them."

I once read a slogan that said: "Do more of what makes you happy." This experience was one of the greatest highlights of my career as a community organizer. To be able to do one of the things that I have a great passion to do—to represent the people who are fighting for Environmental Justice—made me very happy. It is like having a big dream and being able to grow into it. This hearing could shape the future of nuclear energy in this country and hopefully around the world.

Two Ways to Give Back

by Leigh Rainey, Development Director



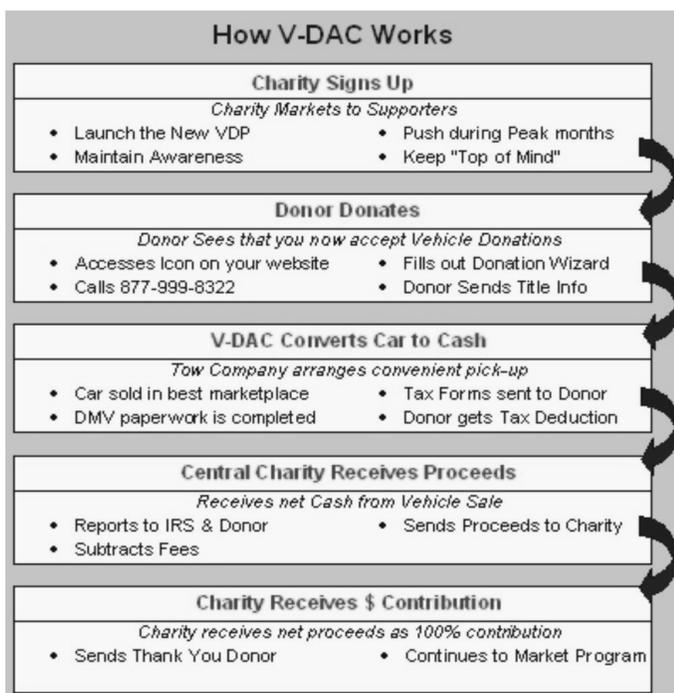
VEHICLE DONATION PROGRAM

If you've ever listened to NPR you've likely heard them talk about a vehicle donation program that allows their listeners to donate cars, and even boats, that are then sold and the proceeds from that sale are then donated to NPR. Well, now you can do the same thing for the Blue Ridge Environmental Defense League. In the Spring of 2015 we started a car donation program through Vehicle Donations to Any Charity (V-DAC), the same program NPR uses.

You just let them know that you'd like to donate your car and V-DAC takes care of the rest. They will find a tow company to pick up the car you'd like to donate, they will then sell the car in the best possible marketplace for the car and give a percentage of that sale to the charity in question, in this case BREDL.

All of this comes with no cost, liability, staff time contract or risks to you or Blue Ridge Environmental Defense League. V-DAC Takes care of everything for us. They have proven high payouts with no fundraising costs. They also provide us with detailed reports of sales, costs, donor info and marketing resources.

We feel as though a program like this fits well into our overall mission. This is not just a way to donate to BREDL but also to make sure that a car that is no longer being used will either be passed onto to someone who needs to at a price they can afford or that it will be recycled if it is no longer running.



AMAZON SMILE

Do you shop on Amazon.com? Would you like to give to Blue Ridge Environmental Defense League? What if we told you there was a way that you could do both at the same time? Well, there is. When you shop using the AmazonSmile program a percentage of your purchase goes to the charity of your choice. You can use your existing Amazon account and there are tens of millions of eligible products. AmazonSmile has the exact same wide selection of products, low prices and convenient shopping features as amazon.com. On your first visit to AmazonSmile, you will be prompted to select a charitable organization to receive donations from eligible purchases before you begin shopping. will remember your selection, and then every eligible purchase you make on AmazonSmile will result in a donation. If this sounds like a way to give back to BREDL that interests you then you'll need to follow a couple of steps. All of this is at no cost to you or to Blue Ridge Environmental Defense League.

First, you'll need to go to smile.amazon.com, from there they will walk you through choosing the charity which, in this case, is Blue Ridge Environmental Defense League Inc. This is all the set up you'll need to do. It's important to note that you will need to shop through smile.amazon.com for the donations to go through but from then on whenever you shop through smile.amazon.com a portion of your purchase price will go to BREDL.

These are small donations, 0.5% of each purchase, but they are much like the individual voices from a community, every little bit counts and they add up quickly.

You can go to https://smile.amazon.com/gp/chpf/pd/ref=smi_se_saas_lpd_spd for more details on the program.

(cont. from pg. 3) On February 20, over 700 Virginians rallied at the State Capitol and marched through the streets of Richmond with banners and signs demanding repeal of the permits, the resignation of DEQ Director, David Paylor, and protection of our environment and rivers. Some citizens dressed in costume — a favorite was Uncle Sam on stilts and the dreaded Dominion dude. Speakers included Charles Holland, a local Richmond organizer who had helped deliver cases of water to Flint, Michigan; Drew Gallagher with the Chesapeake Climate Action Network, Dennis Williams, a local activist spoke on the intersections of racial and environmental justice, and Camille Spencer a student representative of the Virginia Student Environmental Coalition. After the march, attendees congregated around the Bell Tower and some sat down on the steps of the Capitol of Virginia. Eight march participants were arrested for declining to leave the Capitol steps by Capitol police.

Within a few hours, Dominion was pushing back. Former DEQ employee, now Dominion Vice President Pamela Faggert, submitted and the Richmond Times Dispatch printed an op-ed claiming rally organizers were disseminating misinformation at the march regarding the limits of toxicity allowed in the permits. A few days later, Richmond television station, NBC12 completed an investigative report concurring with No ACP, confirming to the public the approved permits allowed three times the maximum allowable limits of arsenic and hexavalent chromium to be dumped into Virginia’s rivers.

The momentum and pressure garnered from the No ACP rally created the opportunity for strategic, tactical actions to follow. Thirty-five VSEC students took over the lobby of DEQ headquarters demanding repeal of the permits and the resignation of David Paylor.

Prince William County, the town of Dumfries and several non-profits filed lawsuits to force repeal of the permits some of which are still pending in the courts. However, the James River Association (JRA) secretly

negotiated a settlement with Dominion regarding the Bremono de-watering permit. While No ACP agrees the settlement is better than the original permits, it was done without input from the communities directly affected.

WAMU Radio also completed an investigation into the permits and the players involved. They uncovered DEQ Director David Paylor had received a “trip” worth over \$2,300 to the Masters Golf Tournament in 2013, paid for by Dominion. WAMU also made public the James River Association had received \$50,000 in 2015 for its “Expedition” program...from Dominion.

No ACP feels the JRA facilitated a way out for Dominion. As it stands today, no one really knows who will enforce the agreement between Dominion and the JRA. Is it the role of a non-profit to enforce a permit issued by a government entity? How do citizens in the communities being harmed hold the DEQ and Dominion accountable?

Dominion is now requesting solid waste permits for closure of its coal ash ponds at Bremono and Possum Point, as well as for a landfill at its Chesterfield plant. Grassroots groups across the spectrum are joining forces to continue the fight to protect our rivers and to ensure we have clean water. Dominion is, after all, Virginia’s largest polluter. Stay tuned, there will be more to come!



(cont. from cover) started showing up above safe levels in people's wells. Also under the enchantment of the magic words, baseline testing of private wells near Duke Energy's proposed coal ash landfill in Lee County started showing high levels of Cr (VI). This site has possible legacy contamination which was not investigated prior to the permitting of the landfill- although concerns were raised about it. DHHS sent out "do not drink" letters. Then...the magic happened. The combination of those four magic words coal ash + Duke Energy was so powerful that hexavalent chromium began to be detoxified.

Toxicologists and epidemiologists with DHHS and DEQ collaborated on the assessment of Cr(VI), using established risk-assessment methodology- including the process that the DEQ uses to analyze the public health risk of chemicals in groundwater. North Carolina law requires that toxic constituents in groundwater pose no more than a one-in a-

million risk of cancer to the public. But they were no match for those four magic words, coal ash + Duke Energy. From emails obtained through a public records request: *"The MCL and the N.C. 2L standard for total chromium are dated and no longer protective of public health based on the principles by which the N.C. 2L standards are based."*

The excess life-time cancer risk estimates for the MCL and the N.C. 2L standards calculated using the 2L rule method result in an unacceptable level of excess life-time human cancer risk."

Enter Dr. Randall Williams, state health director. Dr. Williams went on the road with Reeder. I caught their magic act in Lee County. What Reeder would have us believe is that municipalities all across North Carolina have Cr (VI) levels higher than the private wells around Duke Energy's coal ash impoundments. This is incorrect. The snake

oil Dr. Williams is selling is that vanadium is good for us, and that we should ignore the state's public health experts on Cr (VI).

The "do drink" letters began arriving in communities across North Carolina, including Lee County.

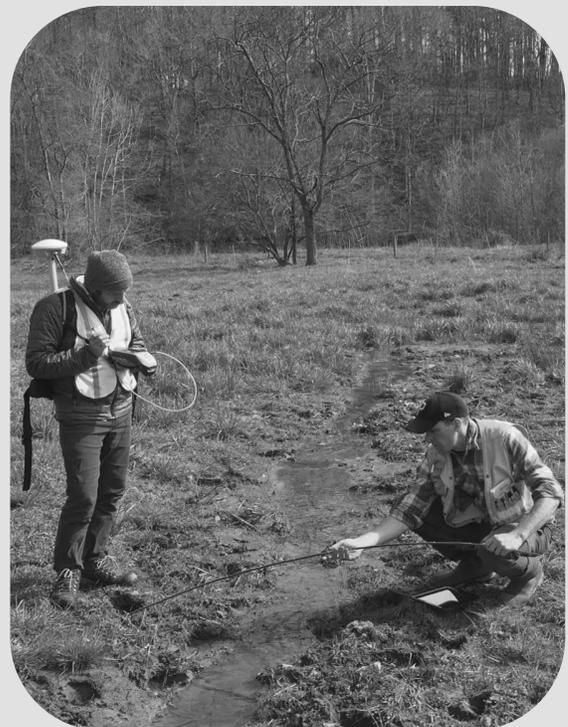
Also deeply disturbing, a legislative committee, the Environmental Review Commission is considering a bill that is frankly a gag order that will limit the ability of DEQ and DHHS to notify private well owners unless a contaminant exceeds a federal standard- which ignores North Carolina's health based screening levels.

The public deserves a state agency that protects public health and the environment, not polluters. Recently, the North Carolina Department of Environment and Natural Resources changed their name to the Department of Environmental Quality. We have a better idea DEQ: Don't Expect Quality.

(cont. from pg. 8) had ruled in favor of the Natural Gas companies and their right to survey when following the VA Gas Law. The sinking feeling that we have no power and protection over what is ours was utterly gut wrenching. On the day that we anticipated surveyors I had to take my daughter to an appointment and would be gone most of the afternoon. My husband went down to our lower pasture to check on our laying chickens and guard dog, Buster. While down there, he spied 3 men walking along one of our creeks with backpacks and reflective vests. He immediately approached them and verified who they were with. Once alerted, my heart and head felt fiery and hot. I told my husband to take photos and videos and shadow them the entire time. Being away from the entire experience was hard for me. I've been fighting this proposed pipeline for well over a year, and now there were strangers digging and surveying on our farm – again.

As I wrote this story we received another certified letter announcing six more dates that surveyors intend to violate our property. The stress and strife surrounding surveying can certainly leave a person feeling hopeless and disempowered. Fortunately, there are many ways to reclaim our power and take a stand for our land. We choose to not cower before corporations.

We choose to peacefully protest for private property rights. We grow in numbers, strength and commitment. We *can* stop the pipelines!



BREDL
PO BOX 88
Glendale Springs
NC 28629

**Contact BREDL to help organize your community and
plan events to educate others about your issue and
expand your membership so you can win!**

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

Visit www.bredl.org to view our interactive timeline that spans 30 years of environmental work across the southeast.
Your donation will help us to carry on for years to come!

Thank you for supporting Blue Ridge Environmental Defense League
It's easier than ever to **join**, **renew** and **donate** online.
Check out our secure online donation forms and use your credit card at www.BREDL.org.
Or send your check to: BREDL PO Box 88 Glendale Springs, NC 28629
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