

# The LEAGUE LINE

A publication of the Blue Ridge Environmental Defense League Summer 2009

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## PC PRIDE Brings Green Jobs to Person County

*County EXPANDS Recycling AND Creates Jobs!*

*By David Mickey  
Zero Waste/Clean Energy Campaign Coordinator*

Recycling jobs have finally come to Person County.

Four years ago, Republic Services proposed a major expansion of their Upper Piedmont Regional Landfill in Person County. Local residents, already upset by operations at the landfill near Rougemont, organized *Person County People Rising In Defense of Ecology*, a.k.a., *PC PRIDE*, as a new chapter of the Blue Ridge Environmental Defense League. Their goal was to stop the landfill expansion. They successfully accomplished this, first in 2005, and again in 2007 when Republic came back with the same proposal. In the process, PC PRIDE gained a reputation as strong advocates for recycling, Zero Waste and protecting the environment.

At about the same time, Wanda Rogers, Director of *Person Industries*, was looking for projects to replace contract work lost to outsourcing. Person Industries is the county's rehabilitation program that employs the disabled. PC PRIDE had already identified recycling as an opportunity for growth in Person County. The county had very limited recycling services and ranked near the bottom in the state. PC PRIDE was ready to change directions, from opposing a mega-dump to promoting a recycling facility, and Person Industries needed new jobs for their employees. The Materials Recovery Recycling Facility (MRF) project was born!



*The new MRF is housed in this 50,000 sq. ft. building in Roxboro, NC.*



Changing the world  
one community at a time

*(continued on page 5)*

# 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 southwest Virginia, east Tennessee, north Georgia, the foothills of South Carolina, and all of North Carolina.

## Grassroots Campaigns

Nothing creates hopefulness out of helplessness like a successful grassroots campaign -and our chapters have a history of winning. For twenty-four 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 stopped the ThermalKEM hazardous waste incinerator and the proposed southeastern nuclear waste dump. In 2007, our coordinated grassroots citizens' lobby won a legislative victory with the passage of the NC Solid Waste Act, effectively blocking at least four multi-state mega-dumps. This year our chapter won a victory when the Person County Board of Commissioners rejected attempts to expand the Republic Services landfill there. Our Cascade, Virginia, chapter shut down a huge hazardous waste incinerator. Other chapter victories over the years include the elimination of mercury emissions from the Stericycle incinerator, the shut down of a tire incinerator in Martinsville, the landmark environmental justice court decision in Greene County, and passage by local governments of eight polluting industries ordinances. Further, our chapters have protected air quality by blocking scores of asphalt plants, four medical waste incinerators, a PVC plant and a lead smelter.

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. Our work on air and water quality has led to the creation of our newest campaign: the NC Healthy Communities Project. Guided by the principles of earth stewardship and environmental justice, we have learned that empowering whole communities with effective grassroots campaigns is an effective strategy for change. ☀

### **The LEAGUE LINE**

BREDL NC Healthy Communities

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NC Healthy Communities



## DIRECTOR'S REPORT

### Nothing with a smokestack is green energy

*By Janet Marsh, Executive Director*

Fifteen years ago, when 22 counties said “no” to the state’s proposal for the nation’s second-largest hazardous waste incinerator, people from across North Carolina understood the dangers of incineration. Incinerators are landfills in our lungs. Incineration creates air poisons which are not in the original waste material: dioxins and furans. Dioxin is the stuff of Agent Orange, and is deadly at levels far below current detection methods.

The Blue Ridge Environmental Defense League has now published three investigations into pollution impacts from poultry waste incineration. A fair-minded person might not make a decision based on one report, but the evidence is piling up, and the negatives are too large to be ignored.

Recently, we published a groundbreaking pollution report which has drawn fire from Fibrowatt’s spokesman. The report, “Poultry Manure Incineration Toxic Air Pollution Impacts,” is based on a US Environmental Protection Agency computer model and evaluates the site-specific impacts of air emissions from a Fibrowatt poultry waste incinerator if such an incinerator was built in Surry County. The report predicts disturbingly high levels of air toxics. How did we do this?

In short, we took the Fibrominn permit and pollution emissions from Benson, Minnesota, and transposed them to the proposed Elkin site. Long ago, Fibrowatt should have provided Surry County and Elkin officials with a detailed air pollution permit application, but they did not. Since we did not have a draft permit application from Fibrowatt for North Carolina counties, we chose the only way available to illustrate that the proposed incinerator would emit dangerous levels of arsenic, cadmium, chromium, hydrochloric acid and sulfuric acid.

Because the Minnesota plant is the only poultry manure incinerator in the nation, and because the State of Minnesota and Fibrowatt have refused to release information about the plant’s violations, our organization has asked for full disclosure of toxic emissions and enforcement actions.

The truth of the matter: the Fibrominn permit was inadequate from the start. For example, the State of Minnesota did not require particulate emission limits. This fill-in-the-blank permit approach is not good enough for North Carolina. Particulates carry air poisons deep into the lungs causing cancer, respiratory distress and heart disease.

Our organization is gravely concerned that the political power of Fibrowatt may influence state decision-makers and local elected officials to allow a dangerous incinerator in our state and counties. Our role in the public debate is to push for stringent regulations on air toxins, and the best pollution controls available. I am amazed that any local government official would not agree.

Since 1984, our Blue Ridge Environmental Defense League has been dedicated to public health protection, environmental democracy and earth stewardship. We want green jobs and healthy communities. During the past 25 years, we have worked with state and local officials, civic and church groups, and professional organizations to promote zero waste, safe energy and family farms.

To date, North Carolina officials have not yet demonstrated a widespread problem of over-application of poultry manure on land. Certainly, this valuable and inexpensive fertilizer should be moved from places where there is abundance to places where there is need.

To that end, we are establishing a Poultry Manure Exchange. We ask Surry County farmers and farmers in surrounding counties not to sign restrictive contracts with Fibrowatt, but to contact us for a better deal. ☀

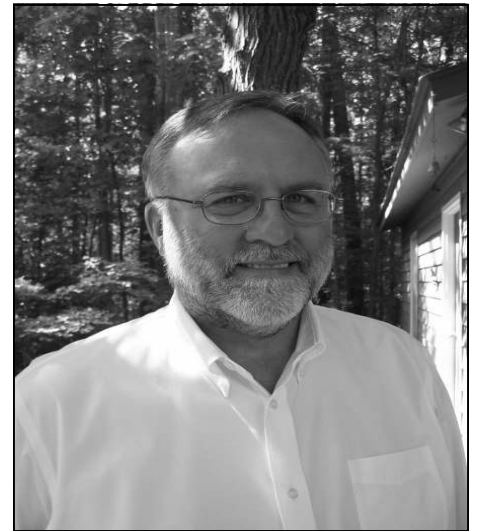
# GUEST COLUMN

## Need an attorney?

*The ins and outs of when and how to hire legal help*

*By John Runkle, Attorney at Law*

Seeking legal help is a major decision for a community group. Sometimes there is no other choice but to appeal a bad decision or challenge an unfair practice. This can often be a daunting task because it can be an expensive and lengthy process, often taking a group into unfamiliar territory. However, it often can be an effective and empowering step in achieving your goal. Here are some considerations that might make it easier:



1. **Hiring an attorney should be part of a group's campaign plan.** An attorney can help you focus on what is achievable, and what your limitations may be. The attorney can explain the legal processes that may range from providing assistance in preparing for a hearing, collecting relevant information, reviewing documents, giving you legal options, to advocating on your behalf by representing you in a law suit.
2. **Call the attorney as early as you can.** Many of the decisions taken by local government and state agencies have to be appealed within 30 days. Don't expect the attorney to drop everything *and* do a great job for you if you show up on the 29th day. Initially, don't try to give the attorney all the facts; a short summary of the problem is much more important than all the names, dates and actions taken.
3. **Be clear about money.** An attorney is a professional that will tell you his or her hourly rate, and exactly how expenses should be handled. It may be difficult to get an accurate estimate of how much time will be involved unless the attorney has handled similar cases. Talk about how much money you need to raise, and when you need to raise it. Sign a retainer agreement that spells out exactly what's expected of the attorney, and what it will cost. If you have a dispute over finances, it's better to discuss it sooner than later.
4. **The attorney works for you.** If the attorney says he or she will do something, it should be done. If you're not satisfied with the job the attorney's doing, get a new attorney. All files in the attorney's possession legally belong to you, and will be given back to you or to your new attorney.
5. **Set up a legal committee to work with the attorney.** Not all legal strategies should be discussed at a full group meeting. It makes for better communication if the attorney has a contact person or two, who can work with the attorney in letting the group know what's going on. This will save time and expenses.
6. **Keep on organizing.** One of the traps a community group can fall into is to rely on the attorney to do all the work, and then forget about the media campaign, educating the public, expanding the group, lobbying the county commissioners and fund raising. A legal action is just one part of a successful campaign.
7. **Don't expect a guarantee.** No attorney can guarantee an outcome. Environmental and land use decisions can be very complex, and are often based on highly technical matters, even if all of the politics are taken out of them.
8. **The outcome of a legal action is not always to win or lose.** Sometimes a compromise may be reached, but often you must fight all the way. Many courts are ordering mediation in trying to reach a settlement that all parties can agree to rather than going to trial. Work with your attorney to find the most you can effectively get out of the legal action.
9. **Protect yourself from attack.** One of the major reasons to incorporate your group, or become a BREDL chapter, is to provide liability protection for spokespersons for the group. An individual cannot be so easily intimidated knowing that the rest of the group is backing him or her.
10. **Talk to other groups who have used attorneys in the past.** Talk with BREDL staff to find out what has worked, and what hasn't. Remember, sometimes you will need to have legal help. Make sure you know what you are getting into. ☀

*For more information contact John Runkle, Attorney at Law: (919) 942-0600 or [jrunkle@pricecreek.com](mailto:jrunkle@pricecreek.com)*

(MRF, continued from page 1)

As PC PRIDE's Frances Blalock described the change. "The birth of the MRF is the beginning of a new era for Person County. While it marks a huge success for us, the job is just beginning. Getting people to recycle is our next big task, but we accept this challenge and will continue the work that we have started. We are grateful for every victory."

PC PRIDE used Horry County, South Carolina, as an example of how a local government could pursue recycling and waste reduction. The group organized tours of the facility, and met with the director, Ricky Hardee. Mr. Hardee went on to join DavCo Steel, a Georgia company that designs, fabricates and installs recycling equipment. Everything needed to build a recycling facility came together - like bees to honey. All that was needed was approval by the Person County Commissioners for the project to move forward.



*Employees with Person Industries undergo training in learning how to separate recyclables on the MRF's "assembly line." The MRF currently recycles aluminum cans, cardboard, glass bottles, plastics office paper, mixed paper and white goods. In October, 2009, (Phase 2) the MRF will take automotive batteries, automotive oil, fluorescent light bulbs, and oil filters. Beginning in January, 2010, (Phase 3) the facility will take empty pesticide containers, wood pallets and electronic equipment.*

I

Wanda Rogers presented the MRF concept to the Person County Commissioners in May of 2008, and the commissioners approved the business plan in June. Bid requests went out in October, financing was secured in January, 2009, and in May, DavCo Steel was installing the equipment. Following extensive training of Person Industries staff and employees, the new facility was officially open on June 29, 2009 (\*see the DavCo Steel website below for a photo album of the Person Industries MRF).

Folks in Person are ecstatic about the MRF. "I'm excited about the awesome opportunity that we now have here in Person County," said Ken Hill, PC PRIDE member and key player in the effort to build the MRF. "But our work has just begun. Now that the facility is truly in existence, we need to look at a countywide recycling pick-up program." As the Chair of the Solid Waste Advisory Committee, Ken added, "I also plan to encourage an economic development platform that seeks out industries that will partner with our MRF."

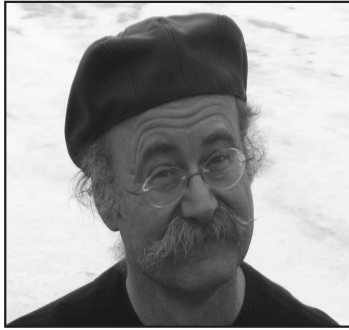
The Institute for Local Self Reliance reports that recycling creates far more jobs than landfills and incinerators. Their report, "Recycling Means Business," compares different solid waste management options in terms of job creation. North Carolina already employs more than 14,000 people in recycling. With the MRF in place, Person County is well positioned to recruit companies that will use their recovered commodities to manufacture new products. These companies will add not only new investments to the county's tax base, but they'll add even more employment opportunities for Person County citizens.

PC PRIDE's vision is "to effect change so that Person County becomes a clean, safe, healthy environment for future generations." The Person Industries MRF reflects this vision. Instead of being a target for a mega-dump, Person County is now an opportunity for growth in the new "green" economy. Republic is still there, but now they have competition. It's a change that PC PRIDE can be proud of. ☀

#### Resources on the web:

- Person Industries: [www.personindustries.com](http://www.personindustries.com) ■ DavCo Steel: <http://www.davcosteel.net/>;
- Pollution Prevention: [www.p2pays.org](http://www.p2pays.org) ■ Institute for Local Self Reliance: [www.ilsr.org](http://www.ilsr.org);
- Horry County Solid Waste Authority: <http://www.solidwasteauthority.org/>

For more information contact David Mickey: (336) 624-2412 or [davidmickey@bellsouth.net](mailto:davidmickey@bellsouth.net)



## Nuclear Follies: Part Two?

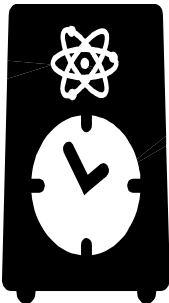
By Lou Zeller, BREDL Nuclear & Clean Air Campaign Coordinator

Nuclear power's so-called Renaissance is beginning to look more like the Dark Ages. Sometime between the end of the Roman Empire and the Enlightenment an actual priesthood held sway over royal leaders. Today, nuclear prophets seek to command energy policy. But the verbal vestments shrouding nuclear power are made from a cloth woven long ago.



For decades, power company executives and elected officials (and, lately, pro-nuke bloggers) have imbued nuclear power with supernatural abilities: electricity too cheap to meter, energy independence, etc. In fact, the former head of nuclear operations at Oak Ridge National Labs envisioned "100,000 year-priesthoods," and the "creation, and continuation into eternity, of a cadre or priesthood who understand nuclear systems, and who are prepared to guard the wastes." \*

A decade later reality had intruded and business leaders opined: "the failure of the US nuclear power program ranks as the largest managerial disaster in business history." After hundreds of billions of dollars had been invested, "nuclear power was killed, not by its enemies, but by its friends." The so-called friends in this case were nuclear contractors, engineers, utility executives, and regulatory agencies.\*\* Are we on the verge of a replay? Below are four campaign updates to consider.



### Two Strikes Against Dominion

On June 8, 2009, the Circuit Court of the City of Richmond concluded that "the [State Water Control Board's] decision is 'not in accordance with the law.'" This was the second time the court ruled in favor of Blue Ridge Environmental Defense League on heat discharges from North Anna Units 1 and 2 into Lake Anna.

The review was prompted by Dominion-Virginia Power's motion to have the court reconsider its February decision in favor of BREDL. The court denied Dominion's attempt to use *Ohio Valley Environmental Coalition v. Aracoma Coal Company* to overturn the League's victory. Although that case involved similar sections of the Clean Water Act, the court ruled that power plant cooling lakes must meet water quality standards and cannot be exempted as waste treatment ponds.

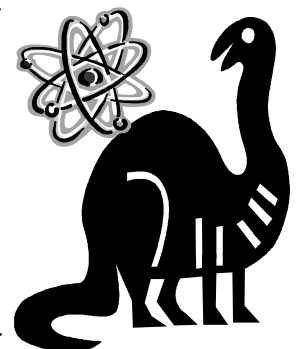
### Third Reactor on the Ropes?

Dominion-Virginia Power's hot water problems with two existing reactors make a third problematic. But the technology selected for a third reactor has become an albatross.

In January, 2009, Dominion, unable to reach an agreement with nuclear reactor builder GE-Hitachi, abandoned the design for a proposed third nuclear reactor at North Anna. Dominion now says it will search for an alternative plan. However, its proposal at North Anna is based upon the GE-Hitachi reactor; the change spells financial trouble: How much extra expense are taxpayers and ratepayers willing to pay for? By agreement, the U.S. Department of Energy will pay most of the \$500 million cost of obtaining a license for Unit 3. Also, Congress's 2005 Energy Policy Act guarantees up to 80% of Dominion's construction costs. The price tag for a new nuclear plant ranges as high as \$12 billion. The handwriting is on the wall: "New nuclear power is not economically competitive."\*\*\*

### TVA Nukes Itself

In Alabama, the Tennessee Valley Authority is second-guessing its proposal to build two brand new nukes at Bellefonte by asking the Nuclear Regulatory Commission for construction permits for two mothballed reactors on the same site. In response, Blue Ridge Environmental Defense League filed a legal challenge against the new proposal on May 8<sup>th</sup>. Major safety problems include: 1) the 1970's-era Babcock and Wilcox design; 2) cannibalization of key components of the plant; and 3) poor maintenance and oversight of the neglected plant. TVA's on-again, off-again approach means that these technological dinosaurs would be nearly a century old by the time they reached the end of their 60-year lifespan.







*Ann Rogers' and friend doing what they love best.*

## BREDL Welcomes New Staffers - Ann Rogers and Beverly Kerr

BREDL is delighted to announce Ann Rogers and Beverly Kerr as new staffers! Ann and Beverly will be co-sharing the newly created position of Development Director with BREDL.

**Ann Rogers** lives in Roanoke County, Virginia, where she and her husband, John, enjoy hiking, watching wildlife, and spending lots of time in the forests of southwestern Virginia. Ann is a member of and principal organizer for the BREDL chapter *Virginians for Appropriate Roads*, a chapter formed in 1999 to protect and preserve historical and wilderness areas of Virginia from highway development. Ann describes BREDL as “a shot of reality working in an unreal world. She’s excited to be working with what she calls “one of the premier environmental groups in the U.S. that has its feet firmly planted in grassroots.” She adds: “I’ve had the privilege, since 1999, to work with BREDL as a representative of one of its chapters. Now, as a staffer, I’m writing grant proposals and developing a direct mail solicitation seeking financial support of BREDL’s legal challenge under the Clean Water Act to stop Dominion Virginia Power’s discharge of hot water into Lake Anna, a man made lake located east of Charlottesville, Virginia.”

**Beverly Kerr** is an Alamance County native, where she lives with husband and childhood sweetheart, Julius, of thirty-nine years. The Kerrs spend a lot of family time with their two daughters, three granddaughters and grandson. When she’s not spending time with her family and sailing with Julius, Beverly volunteers with the *Be Safe Not Sorry* BREDL chapter that successfully implemented a county ordinance that prevented polluting industries from locating next to residences, schools and churches. She recently joined a second chapter, the newly formed Sewage Sludge Action Network (SSAN) chapter formed to educate the public about the risks of spreading sewage sludge on farmlands. Beverly’s passionate about her new role with BREDL which includes working on cost-saving strategies that will enable BREDL to continue to provide assistance to communities threatened by polluting industries. “It’s a burning mission for me to find the most efficient ways to conduct our important work and still save money for the League,” she says. “My goal is to create meaningful, relevant and personal relationships with each chapter to form a lifetime commitment to our cause.”

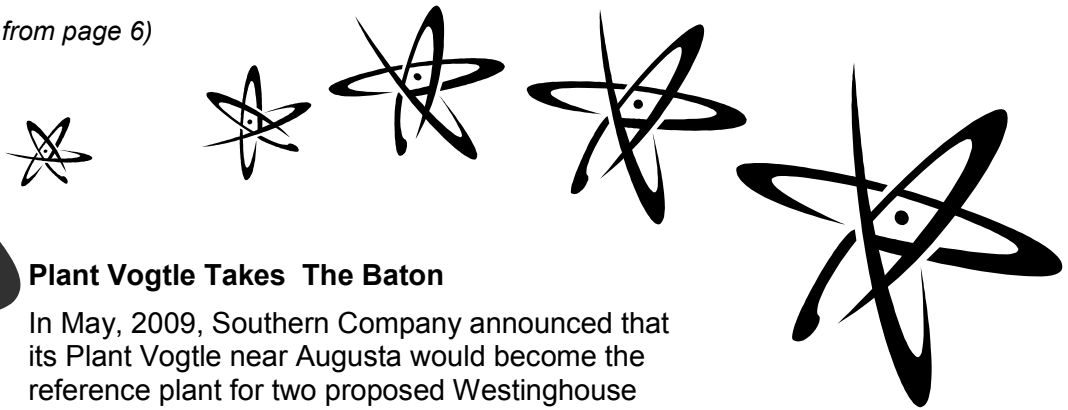
*All of us at BREDL are happy to have you both on board, and we wish you both the best of luck in your new jobs! ☀*



*Beverly and Julius, circa 1970.*



*Grandchildren: Robbie, Bethany, Mary, and Aubrey*



### Plant Vogtle Takes The Baton

In May, 2009, Southern Company announced that its Plant Vogtle near Augusta would become the reference plant for two proposed Westinghouse AP-1000 reactors. Reference plants provide up to 80% of the standards for all subsequent plants of the same make. TVA's Bellefonte reactor had been the reference plant. Why the

switch? We are investigating, but we suspect that effective opposition and TVA mismanagement are root causes. Sadly, the Nuclear Regulatory Commission appears to be playing along and ignoring its regulatory responsibility on this issue.

Our community organizer in Augusta, Rev. Charles Utley, said, "It is imperative that a stand against such environmental injustice toward our communities be taken." This is the position of the Blue Ridge Environmental Defense League. ☀

For more information contact Lou Zeller: (336) 982-2691 or [bredl@skybest.com](mailto:bredl@skybest.com)

### REFERENCES

\*Alvin Weinberg, Director Oak Ridge National Laboratory, 1974-developer of atomic weapons and power, cited by Garret Harden in *Living Within Limits*, (1995)

\*\* "Nuclear Follies," *Forbes*, February 11, 1985

\*\*\**Business Risks and Costs of New Nuclear Power*, Craig A. Severance, CPA - January 2, 2009



David Mickey having a Bad Air Day

## Air Toxics Rules in Limbo

Compiled by David Mickey, Zero Waste/Clean Energy Campaign Coordinator

After ten years of rule-making limbo, the Environmental Management Commission (EMC) has partially closed a major loophole in North Carolina's Air Toxics Program. In a narrow 9-7 split decision, the EMC brought previously exempt pollution sources into the state's health-based Air Toxics Program. Several members of the Commission argued for delay until federal technology-based Maximum Achievable Control Technology (MACT) rules are passed. That motion failed 8-9 with the EMC Chair breaking the tie vote.

The combustion source exemption (see **.0703 Definitions** below) for sources that burn "unadulterated" wood or fossil fuels, previously excluded these sources from meeting NC's health-based emissions rules. The amended rules remove the exemption for both new and modified sources and require all existing sources to conduct a periodic reassessment of their emissions. The Blue Ridge Environmental Defense League had urged the Commission to remove the exemption for all existing and new sources. The EMC rules move the state closer to our goal of comprehensive regulation of all combustion sources.

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The amended rules were approved by the Rules Review Commission at its June 18 meeting and should have been effective July 1, 2009. Unfortunately, the Rules Review Commission received ten letters of objection sending the rules to the next session of the General Assembly in 2010. A disapproval bill passed by the General Assembly could re-instate the exemptions or even abolish the entire Air Toxics Program. For now at least, the combustion source exemption has moved from rule-making limbo to legislative limbo. The four amended rules with a note of explanation are:

#### **15A NCAC 02Q .0701 APPLICABILITY**

(b) The Division shall assess risks from combustion sources using the latest risk assessment methodologies and information every five years starting March 1, 2014.

This rule requires all existing combustion sources to conduct **periodic risk assessments** of their facilities.

#### **15A NCAC 02Q .0702 EXEMPTIONS**

(a) A permit to emit toxic air pollutants shall not be required under this Section for:

(18) combustion sources as defined in 15A NCAC 02Q .0703 except new or modified combustion sources permitted on or after March 1, 2009;

This rule **removes** the exemption for all new combustion sources and all modifications of existing sources.

#### **15A NCAC 02Q .0706 MODIFICATIONS**

Notwithstanding 02Q .0702(a)(18) on and after March 1, 2009, an evaluation of a modification to a combustion source or of a new combustion source shall also include emissions from all combustion sources as defined in 02Q .0703.

This rule includes **all combustion sources** in the evaluation of modified sources.

#### **15A NCAC 02Q .0709 DEMONSTRATIONS**

(b) Technical Infeasibility and Economic Hardship.

or a combustion source as defined in Rule 02Q .0703 of this Section permitted before March 1, 2009.

This rule continues the **technical infeasibility and economic hardship provisions** for combustion sources.

#### **15A NCAC 02Q .0703 DEFINITIONS**

For the purposes of this Section, the following definitions apply:

(6) "Combustion sources" means boilers, space heaters, process heaters, internal combustion engines, and combustion turbines, which burn only unadulterated wood or unadulterated fossil fuel. It does not include incinerators, waste combustors, kilns, dryers, or direct heat exchange industrial processes.

(23) "Unadulterated wood" means wood that is not painted, varnished, stained, oiled, waxed, or otherwise coated or treated with any chemical. Plywood, particle board, and resinated wood are not unadulterated wood.

The North Carolina rules regulating air toxics are available at: <http://daq.state.nc.us/rules/rules/SecQ0700.shtml>

**More information and BREDL's comments on the revised rules are at:**

<http://www.bredl.org/air/index.htm>

# Super highway permanently stalled

*Unspoiled mountain areas in VA  
receive protective designations*

*By Mark Barker, BREDL SW Virginia Vice President and former MHA Secretary*

March 30, 2009, is a date that will long be remembered by former members of *Mountain Heritage Alliance* (MHA), an emeritus BREDL chapter. That's the date when President Barack Obama signed the Omnibus Public Land Management Act of 2009 (Public law 111-11) into law. This Act, which bundled together 164 separate bills, added 2.1 million acres of Wilderness protection that ultimately increased our country's wild and scenic river systems by fifty-percent.

The Virginia Ridge and Valley Act was included in this bundled bill. Former MHA President Tom Davenport was fortunate enough to be in attendance at the White House for the historic moment. Davenport, who is the Business Manager for Mt. Rogers Outfitters in Damascus, VA, provided testimony in May, 2007, before Congress on behalf of the Virginia Ridge and Valley Act.

The Virginia Ridge and Valley Act designated almost 43,000 acres as Wilderness and more than 10,000 acres as National Scenic Areas in the Jefferson National Forest. Newly protected areas in Smyth County include the 4,223 acre Raccoon Branch Wilderness Area and the 5,192-acre Seng Mountain National Scenic Area.

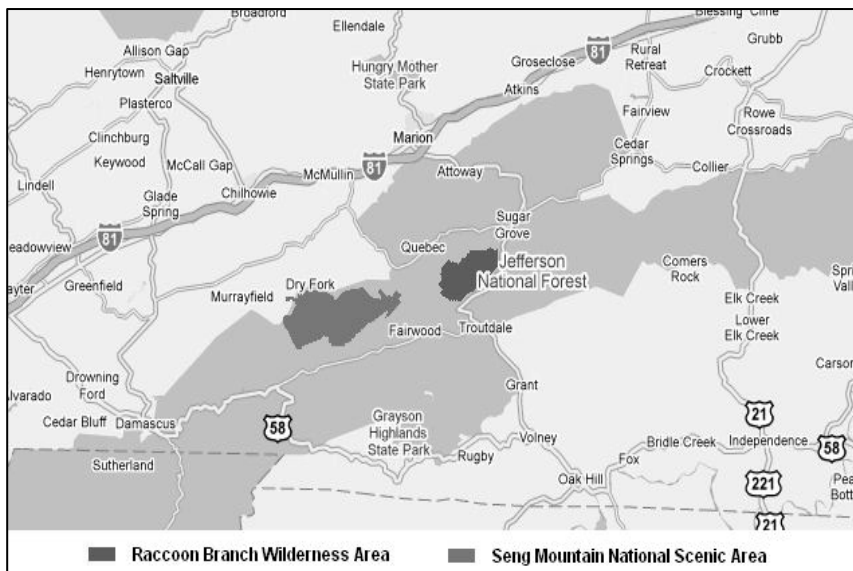
*Wilderness Areas* are established by Congress to provide opportunities for primitive recreation and solitude. Hiking, horseback riding, photography, rafting, canoeing, kayaking, skiing, bird watching, and wildlife viewing are some of the activities allowed in Wilderness areas. Hunting, fishing, and mechanized vehicles are not allowed in Wilderness Areas. *National Scenic Areas* are established by Congress to protect the scenic, cultural, historic, and natural resources in specific areas while allowing compatible uses. Hunting, fishing, hiking, horseback riding, camping and mountain biking are allowed in these areas.



*Deer along Appalachian Trail, Raccoon Branch Wilderness Area*

per highway. Despite its sensitive location in the Mount Rogers National Recreation Area (MRNRA), VDOT and several other local leaders were determined to destroy these areas.

MHA quickly formed in an attempt to stop the highway from being built. MHA, along with several groups and citizens, fought for four years. In May, 1996, VDOT reversed its decision and officially backed off its plan to re-route the highway through the MRNRA. Also during this time, the Jefferson National Forest Plan was being revised. As part of the plan revision, the U.S. Forest Service was required to assess possible new wilderness areas.



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One of the early Forest Service planning meetings was held in July, 1993, in Marion. Fully energized, MHA members attended to express their support for protection of Raccoon Branch and Seng Mountain. This sentiment continued, even after the highway fight had been won. More Forest Service plan revision workshops were held in 1999. Through this process, various forest user stakeholder groups compromised and agreed to support wilderness for Raccoon Branch and national scenic area status for Seng Mountain.

In May 1999, The Wilderness Society released its report, *Virginia's Mountain Treasures of the Jefferson National Forest*. The report, co-sponsored by MHA, highlighted unprotected areas of Raccoon Branch and Seng Mountain in hopes of gaining public support to protect these wilderness treasures.

In April, 2001, the Virginia Wilderness Committee (VWC) and Virginia Forest Watch held a meeting in Radford to strategize on obtaining new wilderness and national scenic area protections. The groups combined (along with MHA) to form the Radford Group, which spent the next few years educating political leaders and members of the public about the importance of providing protections for these areas. Eventually, Raccoon Branch and Seng Mountain survived, and made the list.

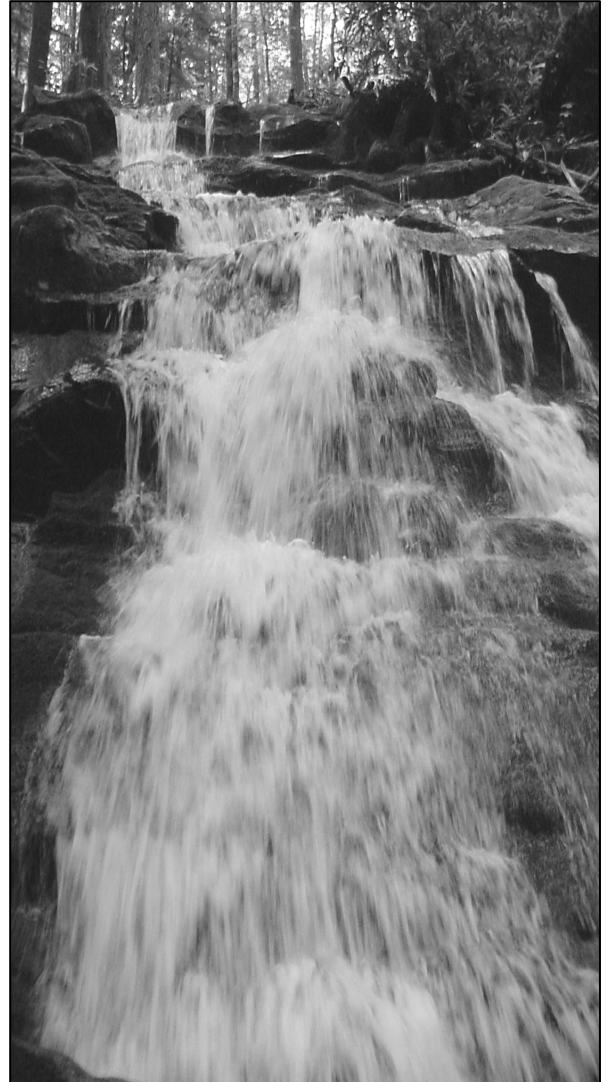
A setback occurred in January, 2004, when the Forest Supervisor released the Record of Decision (ROD) for the Jefferson National Forest Plan Revision. The ROD did not include the recommended wilderness protection for Raccoon Branch or Seng Mountain. Despite bi-partisan support from several of the Virginia legislators, the bill stalled out in committee.

Later in 2004, the Virginia Ridge and Valley Act was first introduced in Congress. The Act did include both the Raccoon Branch Wilderness Area and the Seng Mountain National Scenic Area. Despite bi-partisan support from several of the Virginia legislators, the bill didn't go anywhere, and stalled out in committee.

With strong political support from U.S. Senator John Warner (R) and Congressman Rick Boucher (D), the bill was re-introduced in February, 2007, with support from several co-sponsoring legislators from Virginia. Once again we had high hopes the bill would pass. The bill passed in the House in October, 2007, but stalled out in committee in the Senate when an Oklahoma Senator put a hold on all bills from that committee.

As the political tide changed in Washington in 2008, our hope was renewed. On March 19, the U.S. Senate passed the Omnibus Public Land Management Act of 2009 on a vote of 77-20, and on March 25, the U.S. House passed the bill on a vote of 285-140. On March 30, 2009, President Obama signed the bill - giving the Raccoon Branch and Seng Mountain their much earned permanent protection! ☀

For more information contact Mark Barker: (540) 342-5580 or [mebarker@cox.net](mailto:mebarker@cox.net)



*Rowland Creek Falls, Seng Mountain  
National Scenic Area*



# PERC ALERT



**Dry cleaning sites in NC continue to take toll  
on groundwater, properties, and members of  
African American church congregation**

*By Sue Dayton, BREDL/NC Healthy Communities*

Dry cleaning is big business in North Carolina. It's part of a culture that extends as far back as the days of Lucy and Ricky Ricardo, when a freshly laundered suit smelling of chemicals was associated with the word, "clean." Little did we know then what we know now. That "clean" smell actually was actually a warning to our nostrils that residual toxic dry cleaning solvents were still present in the fabric, a chemical known as perchloroethylene – or "perc" for short.

Since that time a lot of research has been done on perc. Studies link perc with reproductive disorders, liver and kidney disease, bladder cancer, esophageal cancer, and leukemia. Many of these illnesses are found among dry cleaning workers; however, studies conducted by the Massachusetts Department of Public Health found higher incidents of female breast cancer in communities where perc dry cleaning processes were used once a month. But the worst is yet to come.

There are at least 1,500 sites in various counties throughout NC where dry cleaning businesses have contaminated the land, groundwater, drinking water wells, rivers and creeks, buildings and people. A bit over two hundred contaminated of these contaminated dry cleaning sites are currently in various stages of assessment and mitigation in North Carolina under a state-funded program called the Dry Cleaning Solvent Clean Up Act or DSCA created in 1997 to "clean up" contaminated dry cleaning sites.

Many of these sites are fraught with complications. The owners of dry cleaning businesses may not have known about the contamination or may have known or known about it and opted not to disclose the information. Some property owners may have contaminated property and wells and refuse to have them tested. Others at risk for exposure are in denial about the potential health risks from dry cleaning solvents, and many fear they will risk not be able to sell their land or homes if they are tested and found to be contaminated. At some sites contamination has been spreading for years because it had gone unnoticed and unchecked.

Contaminated dry cleaning site # 032-0013 in the Trinity Park neighborhood in Durham, NC, is one example of a Mom and Pop dry cleaning operation from the 70s where dry cleaning solvents were either dumped, spilled, or buried - and never given another thought. This particular site was also the location of a bank and a men's clothing store the years following its heyday as a "One-Hour Martinizing" dry cleaning business. It wasn't until 1993 when staff from the state's Underground Storage Tank program were called out to remove an underground storage tank on the property that, in addition to petroleum contamination found in the groundwater, they found perc.

An assessment of the site by the DSCA program in 2007 revealed a 350-ft. chemical perc plume present in the groundwater moving, albeit slowly, beneath the surface of the neighborhood towards a shopping mall and the Ellerbe Creek Watershed. At least four privately-owned properties located adjacent to the contaminated dry cleaning site are nervously awaiting testing to determine whether perc has contaminated their soil and air inside their houses.

The main victims of contamination so far have been the members of an African American church congregation that leased the contaminated dry cleaning building in mid-2007. By that time staff with the DSCA program had already sampled the soil around the perimeter of the building and found high levels of perc. Despite these findings, DSCA failed to notify the church congregation that the air inside the church might be contaminated from toxic perc vapors. Perc has the ability to move through building foundations and walls where it poses a risk to building occupants. This type of contamination is known as vapor intrusion.

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Further testing of the air inside the church revealed that the levels of perc posed an “imminent threat” to the members of the congregation. The building has since been condemned by the City of Durham, and the residents of the neighborhood are awaiting the publishing in the local newspaper of the state’s plan to mitigate the site, called a Notice of Intent.

BREDL found out about the contaminated dry cleaning site from an alert neighbor who is one of the residents with house lies adjacent to the site. It was not until March, 2009, after we contacted the pastor of the church and explained the potential dangers of vapor intrusion that DSCA notified the church, tested the inside air, and found high levels of perc. This means the members of the church’s congregation had been unnecessarily exposed to perc vapors for a period of up to two years.

There are inherent flaws in the DSCA program that create additional risk to the public from exposure toxic dry cleaning solvents and greatly undermine the public’s right-to-know. These include:

- **Risk-based “clean up.”** There will be no “clean up” of the Trinity Park contaminated dry cleaning site or any other contaminated dry cleaning site in the State of North Carolina because of the state’s risk-based rules. Risk-based rules do not require contaminated groundwater to be cleaned up to drinking water standards and residual chemicals will remain posing potential additional exposures. Nor do the rules consider risks of ingesting soil that has been contaminated that may pose a risk to children playing outdoors and people who have gardens.
- **Risk “estimates.”** The EPA bases its risk estimates for perchloroethylene on one chemical (perc) and do not consider risks associated with the daughter products of perc. These daughter products include furans, dioxins, monochloroacetic acid, dichloroacetic acid, and trichloroacetic acid, many which are more toxic than perc. Risk-based clean up uses computer modeling that determines one person in a million will get cancer. The DSCA program’s “Tiered Risk Assessment” allows more “acceptable risk.”
- **Limited public notification.** The DSCA program is only required to send a written notice to adjacent property owners notifying them of a contaminated dry cleaning site and the plan for mitigation. In the case of the Trinity Park site, area property owners, Northgate Mall, and the Ellerbe Creek Watershed Association have not been contacted by DSCA about the contaminated site. Mitigation may consist of potentially hazardous methods such as thermal treatment (burning of the soil onsite), and building demolition. Such measures warrant notification to the larger community, outreach not supported by DSCA statutes.
- **Public’s right-to-know.** Senate Bill 700 sponsored by the DSCA program contains amendments to the DSCA program that minimize the public’s involvement in clean up of contaminated dry cleaning sites by cutting in half the time the public has to request a public meeting on the Notice of Intent and cutting in half the time the meeting notice. It also strikes the requirement to publish the notice on the NC Register.
- **Stakeholders.** The amendments in SB 700 were supported by members of a dry cleaning “stakeholder’s group” convened by the state *to assist in creating policy for the DSCA program*. This group is composed of dry cleaning industry representatives, their attorneys and lobbyists who in 1999 successfully put the brakes on a statewide ban on perc led by BREDL. Shouldn’t the stakeholders include those who are potentially affected by contamination from these toxic dry cleaning sites?

**There is a continuing cost to society from the use of perc, not only in terms of the costs incurred to taxpayers who must foot the bill for “clean up” of these sites, but in terms of the impacts of perc on our environment and natural resources. No amount of money can compensate those whose homes and lives will be contaminated and whose health and well-being will be compromised from the use of perc.**

*Sue Dayton, NC Healthy Communities, will be working with communities threatened by toxic dry cleaning solvents in NC. Charles Utley, BREDL’s Environmental Justice Coordinator based in Augusta, Georgia, is currently working with communities in SC threatened by these sites. If you’d like to know if there is a contaminated dry cleaning site located near you or receive a copy of the DSCA program’s 45 “priority sites” in NC contact Sue Dayton at: (336) 525-2003 or [sdayton@swcp.com](mailto:sdayton@swcp.com) ☀*



# STOP FIBROWATT Campaign Expands

## *New Chapters Join Campaign*

*By David Mickey, Fibrowatt Campaign Organizer*

BREDL's campaign to stop the construction of three poultry litter incinerators is gaining ground. On May 6, in Elkin, we released a new report by Science Director Lou Zeller, "*Poultry Manure Incineration Toxic Air Impacts*". This report release was followed the next week with a community forum, *Waste Incineration and Health*, in Elkin and a second forum the next night in Montgomery County, another Fibrowatt site. On June 2, a third forum was held in Sampson County where over fifty people attended. BREDL worked with Stephen Lester from the Center for Health, Environment and Justice on all three forums to present information about the toxic emissions from poultry litter incineration.

Two new chapters have organized since the forums: *Citizens Alliance for a Clean, Healthy Economy* (CACHE) in Surry County and *Sampson County Citizens for a Safe Environment* in Sampson County. The two new chapters join Citizens for a Safe Environment in Duplin County in challenging the Fibrowatt poultry manure incineration projects.

Other actions by the League drew attention to the Fibrowatt issue. On May 7, Sam and Betty Tesh and David Mickey handed out flyers to shareholders at Duke Energy's annual meeting. Duke is one of the utilities negotiating with Fibrowatt over the purchase of electricity. Then on May 26 BREDL released a letter sent to Representative Pricey Harrison, a key General Assembly advocate for the environment, asking for her support in gaining the release of Fibrowatt's pollution information in Minnesota, public hearings on Fibrowatt emissions, and the defeat of legislative efforts to weaken North Carolina's Air Toxics Program.

Newspaper stories about the forums and comments from public officials prompted two opinion pieces, one from Janet Marsh in the Mount Airy News and the second by David Mickey in the Sampson Independent. We also countered repeated attempts by Fibrowatt to refute the results of our emissions modeling.

More research and additional reports on poultry waste incineration are forthcoming. At the same time, community organizing is building awareness and having an impact on local officials. The campaign to educate the public and stop dirty energy continues. ☀

See our website at <http://www.bredl.org/energy/index.htm> for more information about the Safe Energy Campaign.



# Blue Ridge Environmental Defense League Mission Statement

The Blue Ridge Environmental Defense League 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 grass-roots involvement to empower whole communities in environmental issues. BREDL also functions as a “watchdog” of the environment, monitoring issues and holding government officials accountable for their actions. We are a true league of grassroots chapters working in rural communities in the Southeast. For twenty-five years the same organizing principles have guided our work: public health protection, environmental democracy, earth stewardship and social justice. Our mission is to prevent harm from air and water pollution and to create sustainable alternatives for sound waste management and economic development. 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.

## *25 Years of Community Organizing*

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### **BREDL MEMBERSHIP FORM**

*Annual dues are \$20 per person which helps support our mission. All donations are tax deductible.*

To join please fill out this form & enclose a check and mail to:

**BREDL P.O. Box 88, Glendale Springs, NC 28629**

----- or -----

**Use your credit card at: [www.BREDL.org](http://www.BREDL.org)**

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zipcode \_\_\_\_\_

Telephone \_\_\_\_\_

If you are a member of a BREDL chapter, please state chapter name \_\_\_\_\_

Email \_\_\_\_\_



*Thank you!*

# Welcome NEW BREDL Chapters!

☀ SEWAGE SLUDGE ACTION NETWORK (SSAN) - Formed by residents of Orange, Alamance and Chatham Counties to educate the public about the risks to our health and environment from the spreading of sewage sludge on our farmlands. Visit the SSAN website: (<http://sewagesludgeactionnetwork.com/>) or call (919) 270-7534. - Submitted by Myra Dotson, Chair, SSAN

☀ CITIZENS FOR POSITIVE GROWTH (CFPG) - Organized by about a dozen residents of Salem, VA, who have organized against an asphalt plant that threatens a school, daycare and library. For more information: (540) 589-3655.- Submitted by Judy Conyers, Chair, CFPG

☀ HORRY ENVIRONMENTAL ACTION TEAM (HEAT) - *This Myrtle Beach, SC, group's original focus was to stop an "asphalt plant on wheels" that threatened a minority community. As a chapter of BREDL, HEAT is focused on advocating for clean air and educating legislators about the dangers of asphalt plants. For more information: Contact Grace Gifford, (843) 742-2261 or brfherb@aol.com. - Submitted by Julie Harbin*

☀ YORK COUNTY BREDL– A group of about 30-40 citizens against expansion of a C&D landfill, and incinerator, located in York, York County, SC. For more information: (803) 684-6519 or [www.noburn@comporium.net](mailto:www.noburn@comporium.net) - Submitted by Mary Ellen Connolly

☀ CITIZEN'S ALLIANCE FOR A CLEAN, HEALTHY ECONOMY (CACHE) - Citizens who oppose Fibrowatt in Surry County. For more information: (336) 366-7905. - Submitted by Sam Tesh, Member

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