

Blue Ridge Environmental Defense League

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VIRGINIA SUPREME COURT HEARS NORTH ANNA CASE TODAY

Today the Virginia Supreme Court will hold oral arguments on Blue Ridge Environmental Defense League's appeal of an environmental permit for Dominion-Virginia Power's North Anna nuclear power station.

The case centers on a Clean Water Act permit for the North Anna nuclear power station. The Blue Ridge Environmental Defense League first challenged the permit in 2008 and won; the Circuit Court of the City of Richmond concluded that the State Water Control Board's NPDES wastewater permit for the North Anna electric power plant was not in accordance with the law. However, Dominion-Virginia Power and the state Department of Environmental Quality obtained a reversal in the Court of Appeals. Early this year the Blue Ridge Environmental Defense League was granted the right to take its case to the state Supreme Court.

Lou Zeller, the League's Science Director and director of the four-year effort, said, "Continued violations of federal law by the power company threaten the well-being of the people in this region. In fact, the errors are so egregious and the moment of law so consequential that we could not fail to take it to the state's highest court." Zeller said that the Appeals Court ruling undermines the federal Clean Water Act, sanctions unlawful deference to state agencies and heralds more rubber-stamping of flawed regulatory agency decisions.

The appeal to the Supreme Court of Virginia (Record No. 101476) seeks to reinstate the wisdom of the Circuit Court. Lake Anna is the second largest freshwater lake in Virginia. If allowed to stand, the Court of Appeals decision would allow 3,400 acres of Lake Anna to be Dominion's private waste lagoon, a cesspool for hot water and dangerous microbes. Local residents report water temperatures of 104 degrees-F in the power plant lake, raising the risk of propagating a dangerous "brain-eating" amoeba, *naegleria fowleri*, which can cause hemorrhage and encephalitis.

The trigger for the League's legal challenge was Dominion-Virginia Power's 2003 application to expand the North Anna power station from two nuclear reactors to four. Working with the residents of Louisa, Bumpass and Charlottesville, the League organized the People's Alliance for Clean Energy and began an educational campaign to stop the first new nuclear power plant since the Three Mile Island disaster. The grassroots legal campaign pared Dominion's plan from four reactors to three. Then, in

2007 The Virginia Department of Environmental Quality re-issued a thermal discharge permit for North Anna Units 1 and 2 which allows straight piping of nuclear power plant pollution into Lake Anna. BREDL sought judicial review in circuit court of the decision by the State Water Control Board to issue Virginia Pollution Discharge Elimination System Permit No. VA0052451.

The Blue Ridge Environmental Defense League's goals are: 1) re-instate a favorable Clean Water Act decision in the Supreme Court of Virginia, 2) pressure the State Water Control Board to issue a permit which complies with the law and 3) prevent construction of Unit 3. The League's attorney in this case is Robert L. Wise of Bowman and Brooke in Richmond, Virginia.

Dominion-Virginia Power's North Anna nuclear is located in rural Louisa County. Although the plant has operated since 1978, a promised economic boon has never materialized. Today, Louisa County's population of 25,600 is mostly poor white 66%, and African American 22%. Although lakeside properties have attracted retirees, full-time median income per household in the county is just \$29,519.

The Blue Ridge Environmental Defense League is a southeastern regional grassroots environmental organization founded in 1984. Our chapter organizations are located in Maryland, Virginia, North Carolina, South Carolina, Tennessee, Alabama and Georgia. Our league of community groups is dedicated to public health protection, earth stewardship, environmental democracy and social justice. We serve rural, mostly poor, disadvantaged communities adversely affected by pollution. We employ legal tactics in concert with strategic action campaigns to prevent pollution, to protect public health, to change public policy and to promote social justice.

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