BLUED LINE WINTER Edition 2023

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By Ann Rogers

On October 31, 2022, BREDL received notification of an award from the U.S. Environmental Protection Agency (EPA) in the amount of $365,368 under the Enhanced Air Quality Monitoring for Communities program, which made approximately $20,000,000 available for grants for community-based air quality monitoring.

BREDL’s proposal sought funding to purchase very high quality air monitoring equipment from The J. J. Wilbur Co./Wilbur Technical Services, Raleigh, NC (“Wilbur”). This equipment will be mounted securely on a covered trailer and driven to and parked at strategic locations in the southeastern U.S. where BREDL chapters have confirmed a need for air pollution monitoring and the commitment to provide a safe, secure location to park the trailer and conduct air monitoring. Air monitoring data as generated by this project will be used by BREDL chapters and staff in our ongoing environmental protection campaigns.

The project’s name is CARE-4-AIR: BREDL Air Guardians.

Founded in 1985, Wilbur specializes in analytical instrumentation sales, air quality monitoring systems integration, service, and support. The company has offices in Mont Vernon, New Hampshire, Farmington, Connecticut, and Raleigh, North Carolina. Their clients include state and federal government environmental regulatory agencies, tribal nation environmental organizations, U.S. Army environmental health department, universities, and private industry.

BREDL’s CARE-4-AIR mobile unit will monitor for Nitrogen Dioxide, Ozone, and Particulate Matter (PM2.5 and PM10). The unit will be equipped with Federal Equivalent Method monitors from Teledyne API that are commonly used by state agencies across the country. Envidas Ultimate data logging software will be used to perform weekly, automated calibration checks. This Envidas Ultimate software is currently being utilized by numerous state agencies as well as the EPA Office of Air Quality Planning and Standards group in Research Triangle Park, North Carolina. Along with weekly automated calibration checks, Wilbur will also be programming email alerts for percent error failure of an automated check. Upon failure, Wilbur will perform a remote calibration of the equipment utilizing Numaview Remote program from Teledyne API. Wilbur successfully implemented and

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BREDL chapters are fighting the fossil fuel industry across the Southeast. We try to remain nonpolitical, but often, it’s only by following the money trail that we enlighten ourselves to how money allows climate change and global warming to wreak havoc on this country. The floods, fires, and hurricanes should make everyone stand up and protest the perils caused by the fossil fuel industry. Some towns like Charleston, South Carolina have started to sue the fossil fuel industry for rising sea levels and flooding expected to destroy the tourist mecca and historical treasure if something isn’t done to combat the continuing damage from global warming.

It is often an uphill battle. According to websites like OPENSecrets.org, fossil fuel companies pour billions of dollars into lobbying and political campaigns. The website describes ways cash is funneled through the system.

Senator Joe Manchin makes millions from the fossil fuel industry on a $174,000.00 salary. Activists call him a walking conflict of interest as he is over climate change policy. His tactics to continue Mountain Valley Pipeline have only been stalled by protests from environmentalists and organizations like BREDL who watch Manchin’s every move.

As a nonpartisan organization, we at BREDL want to stay out of the political arena. However, how do we keep influential legislators honest? It is only through grassroots campaigns, funded by much needed donor contributions, that we reverse the political trajectory of the fossil fuels industry and its claims to be a public utility for the good of the people.

The seemingly unbounded flow of funds from the fossil fuels industry to politicians is even more disturbing in the context of Dominion’s treatment of elderly African American landowners in Pamplico, South Carolina, who were offered only $100 for use of their land to construct Dominion’s natural gas pipeline.

It is corruption and intimidation that seems to know no boundaries. These companies often target areas with low income, African American heirs who vividly remember Jim Crow, and who already suffer from health problems caused by pollution; communities already frustrated with a system that appears rigged against them.

Activists across the country at a recent pipeline conference in New Orleans discussed stalking and intimidation by fossil fuel industry employees attempting to put unnecessary pipelines in their backyard. The unethical treatment is happening not only in Pamplico, but across the country.

We know there is a light at the end of the tunnel as was the case with the Atlantic Coast Pipeline where property owners had no idea that they would succeed against great odds. It was property owners and community leaders speaking out and protesting that finally made ACP throw in the towel.

The secret to winning is to never stop protesting, to never give up, to come up with creative ways to combat fossil fuel companies that give donations to the powerful and intimidate the most vulnerable.

"We must accept finite disappointment, but never lose infinite hope."

- Martin Luther King, Jr.
On January 31, 2022, the City of Winston-Salem was faced with a potentially disastrous situation at the Winston Weaver fertilizer plant. A portion of the plant caught fire near several thousand tons of dangerous explosive chemicals, including ammonium nitrate. The site smoldered for several days, sending clouds of smoke across the triad area.

The Piney Grove neighborhood, which sits adjacent to the plant site, is home to both lifelong residents of Winston-Salem as well as Wake Forest University students. A newly formed group known as Piney Grove League for Change has been working closely with BREDL to address ongoing concerns relating to the fire. At the December 12 Winston-Salem City Council Public Safety Committee meeting, residents of Piney Grove hand delivered a statement to members of the committee.

In their statement addressed to Public Safety Committee chair, James Taylor, Piney Grove residents sought answers to several ongoing questions brought about by the fire and its aftermath:

1. Soon after the fire, the city remained in close contact with the communities surrounding the plant, holding community meetings and providing updates. **Will there be any forthcoming updates from the city?**

   Communities surrounding the plant have ongoing concerns about impacts on health, groundwater quality, and property values, among other things.

2. The fire burned for several days and plumes of smoke were rising from the plant long after the fire was over. Residents of the community have concerns about the long-term health impacts of this exposure. **Have there been any surveys of the community, in terms of health impacts? If not, are there plans for such a survey?** Will the health of residents be tracked in any way?

3. In the days following the fire, the Forsyth County Department of Health warned residents of elevated levels of nitrates, nitrites, ammonia nitrogen and other potentially harmful chemicals in creeks surrounding the plant. **How has the soil surrounding the plant been impacted by runoff of chemicals burned during the fire?**

4. The city recently amended land use rules, which means that the fertilizer plant likely will not be able to reopen at the current site. The Winston Weaver Company still remains in possession of the property and could have other plans for this site. **Will there be**
In September 2022, we submitted a public records request to the North Carolina Department of Health and Human Services (DHHS) regarding any documents that they had on communication efforts with the public and others after the U.S. Environmental Protection Agency (EPA) published updated health advisories of four PFAS: GENX, PFBS, PFOA, and PFOS. EPA also recommended that if ANY amount of two - PFOA and PFOS - were found that water users be notified. There were many interesting emails and documents in the produced records, but one series of emails stood out. It appeared that DHHS and the North Carolina Department of Environmental Quality (NC DEQ) had received a draft letter from Chemours in reference to EPA’s new health advisories which was to be sent to the public. The emails indicated that DHHS and NC DEQ were assisting with the drafting of this letter. Over the many years I have done federal government FOIAs and state records requests (likely numbering in the hundreds) I had never seen such a thing.

Because the letter and changes to it were in email links that could not be accessed, I requested the draft, the tracked changes, and the final version. Upon reviewing the draft, suggested changes, and final letter, I saw nothing that was obviously nefarious, but the level at which DHHS and NC DEQ assisted with it was astonishing. Edits like “deleted”, “move this up”, “not sure repeating this paragraph is necessary”, and suggested language are examples. Chemours undoubtedly has a stable of highly paid attorneys who should have been able to provide this editing.

That the NC DEQ and DHHS helped Chemours - an international company that has paid fines for permit violations and is allegedly at fault for contaminating air, water, crops, land, and more - is problematic at best. PFAS have contaminated the whole country. Southeastern North Carolina has been hit particularly hard, but PFAS have been found in drinking water and water bodies throughout the state.

The agencies often claim that they are underfunded and understaffed, yet they spent precious time helping Chemours with this letter. BREDL recently sent a letter to Secretary Elizabeth Biser “urgently requesting that the North Carolina Department of Environmental Quality notify the public about the PFAS that are being found in their drinking water using press releases, emails, even the U.S. mail. This will give water users the information that they need to make choices that will protect their and their families’ health based on the latest information.” (Full letter available upon request). We have received no response as of this date.

We have questions.

For more information on PFAS and actions you can take, please contact Therese Vick.

Who’s helping who? We have questions!

By Therese Vick

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On January 6, 2023, we filed a friend-of-the-court brief with the Supreme Court of North Carolina which included the following statement:

Amicus Curiae, BREDL and its local chapter POFA, seek to assist this Honorable Court in its understanding of critical issues in this case, specifically how granting permit choice and vested rights based on an incomplete, inaccurate, and misleading application jeopardizes public health and participation, undermines certainty of the rights of preexisting landowners and residents, is inapposite to statutory aims of certainty, stability, and fairness, and would cause grave environmental harms.

The fight began in 2015 with the application for a local permit for an asphalt plant on the South Fork of the New River. The community organized a BREDL chapter, Protect Our Fresh Air, to spearhead the campaign—including banners, radio ads and movie theater commercials. We discovered that the plant site would have been less than a quarter mile from Camp New Hope, a nonprofit facility for families who have children with life-threatening medical conditions for which there is no known effective treatment or cure.

BREDL also ramped up support for the Ashe County’s legal battle to defend its ordinance. We filed a series of friend-of-the court briefs providing information to the court on the New River, toxic air pollution, public health and vulnerable populations.

We won a decision from the High Court in 2020, which denied the asphalt plant permit and remanded the case back to the Court of Appeals for resolution of several legal issues, including permit choice and vested rights. That’s where the ball is now.

Last year, in accord with the High Court’s order, the Court of Appeals reversed itself, stating:

[B]etween June 2015 when Appalachian Materials submitted its initial, incomplete PID application and February 2016 when Appalachian Materials supplemented the application with the required air quality permit issued by DEQ—the political winds had shifted against Appalachian Materials in Ashe County. In response to concerned citizens raising questions about the location of the proposed plant, the Ashe County Board of Commissioners...enacted a moratorium prohibiting the issuance of new PID Ordinance permits.

The “political winds” that the judge refers to are testament to the effectiveness of grassroots community campaigns. The statement is instructive, containing sound advice to those bogged down...
by the relentless onslaughts of opponents with deep pockets. It is a candle in a dark room.

Clearly, this case will have statewide impact. Polluting industry opposes us. But local ordinances and permit moratoriums are valuable tools for local governments. And industry’s arguments for permit choice and vested rights are “inapposite”; that is, wrong.

BREDL has benefited from the excellent legal representation provided by the Law Offices of F. Bryan Brice. The Ashe County Board of Commissioners and BREDL’s Ashe County chapter, Protect our Fresh Air, remain stalwart. We look forward to the final victory with them.

[Source: Court of Appeals of North Carolina, 2022-NCCOA-516, No. COA18-253-2, Filed 2 August 2022.]

DOES YOUR CHAPTER WISH TO PARTICIPATE?

If your BREDL chapter has not already communicated with BREDL about having your air quality monitored by CARE-4-AIR and would like to do so, please email the CARE-4-AIR Co-Managers, Mark Barker (mebarker@cox.net) and Therese Vick (therese.vick@gmail.com). We would be very pleased to hear from you and add your chapter to the list of those wishing to participate. Each participating chapter must send a letter to BREDL stating your commitment to provide a safe, secure site where the mobile unit can be plugged into a source of electricity for three months of continuous air monitoring.

Please reach out to CARE-4-AIR if you have questions about the project or would like to participate!

[Source: Filed January 6, 2023 before the Supreme Court of North Carolina, Case No. 249PA19-2]
In early November 2022, the source of the GenX contamination in the Roanoke River was finally found. ProChem, Inc., which services industrial water treatment equipment, was releasing GenX contaminated wastewater into the nearby Elliston Wastewater Treatment Plant. In turn, the wastewater treatment plant was discharging into the South Fork of the Roanoke River. The wastewater treatment plant is located about three miles upstream from the Western Virginia Water Authority’s (WVWA) Spring Hollow Reservoir Pump Station, where water from the Roanoke River is pumped into the reservoir for use as drinking water by municipalities served by the WVWA.

WVWA received results in January, 2020 showing that the Spring Hollow Reservoir contained 62 parts per trillion (ppt) of GenX, while the finished water – water after treatment ready for delivery to the consumer – contained 61 ppt. Efforts to locate the contamination source were expedited at the end of August 2022 when the public finally became aware that their drinking water was contaminated with GenX.

ProChem had been providing a chemical washing process on equipment from the Chemours Washington Works facility in Parkersburg, West Virginia. The ProChem vice president was quoted in the Roanoke Times saying they were not aware that the equipment they were washing for Chemours contained GenX. ProChem has publicly stated that they have ceased working with Chemours. GenX – through this washing process – has been periodically released into the South Fork of the Roanoke River since 2014 according to ProChem.

GenX is the commonly known name for hexafluoropropylene oxide dimer acid. GenX has been used since 2009 as a replacement for PFOA, which is no longer manufactured in the U.S. PFOA, also known as C8, was the contaminant highlighted in the 2019 movie *Dark Waters*, which focused on PFOA water contamination at the DuPont Washington Works facility in Parkersburg, West Virginia. Chemours was created in 2015 as a spin-off of DuPont. Chemours in North Carolina is responsible for the ongoing GenX contamination of the Cape Fear watershed in North Carolina.

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In early October, 2022, Virginia Department of Environmental Quality (VA DEQ) collected a water sample of wastewater released by ProChem, which detected a GenX concentration of 1.3 million ppt. After being treated at the Elliston water treatment plant, the concentration discharged into the South Fork of the Roanoke River was 23,900 ppt – well above the June 2022 EPA health advisory of 10 ppt.

In early 2023, WVWA spokesperson said additional testing confirmed ProChem as the GenX source. In late October through December 1, WVWA deployed passive samplers in the North Fork, South Fork and Main Stem of the Roanoke River. Results indicated no GenX in the South Fork above ProChem and no GenX in the North Fork. However, GenX concentrations were still being found in the South Fork downstream from ProChem and near the WVWA Spring Hollow intake along the Roanoke River. WVWA has deployed additional samplers and will continue to test. Once there is no GenX found in the Roanoke River, WVWA will resume pumping water back into the Spring Hollow Reservoir.

In a letter dated November 15, 2022, BREDL expressed our concerns to the Virginia Department of Health and VA DEQ that the contamination is more widespread and may be present downstream in the Roanoke River and in private wells that draw from the river. BREDL requested the agencies perform testing on private drinking wells and along the Roanoke River downstream of the pollution source.

Anthony Creech, VDH Environmental Technical Programs Manager, responded in a December 2, 2022 letter to BREDL. Creech wrote, “VDH is working to identify private wells at greatest risk to impacts from this release, and reviewing potential funding sources to assist those private well owners with sampling.”

VA DEQ will continue to test the South Fork and main stem of the Roanoke River and plans to do fish tissue testing, according to Creech.

 increased protections if the company continues to operate on the site in a different capacity?

5. Numerous residents within the blast zone have reported not being contacted by first responders about this dangerous situation on the night of the fire. How are emergency response procedures being improved to ensure that all impacted residents are contacted when such a disaster occurs?

At the time of the fire, more than 6,000 Winston-Salem residents were told to evacuate their homes. The Piney Grove residents are concerned with the potential long-term health impacts of exposure to the chemicals released during the fire. The group would also like to see protections put in place so that similar events do not occur in the future.

Piney Grove League for Change has now formally asked the North Carolina Department of Environmental Quality for assistance with addressing several of their concerns. The group also plans to speak before the Winston-Salem City Council during their January 17 meeting.
Where do we go in a shaken world with corporate greed, corruption running rampant and communities dying from pollution? We watch as self-serving investors and politicians lead aimlessly, not caring about the people much less themselves.

We do our best to save our communities, neighboring communities and the world. What happened to caring for each other? What happened to treating others as we would like to be treated? Have we lost ourselves on a spiraling whim?

Activism is not a joke nor a fleeting illusion. Everyone in this country and around the world should be able to live well and have adequate medical care. All of us have a right to breathe clean air, drink clean water and enjoy healthy soil.

I believe that all of us have a bit of activism in us even if we think we don’t. The desire to speak out or advocate for what is right lurks somewhere within. Trust your instincts.

As activists we fight the powers that be, we lose sleep when we know that our air is being polluted. We cringe at poorly monitored facilities and the misdirected individuals supposedly serving all people. We seek those with high standards, credible ideas, and dedication to the implementation of policies beneficial to all. We pray, we march, we write, we call, we scream, we strategize, we meet and we never lose hope.

As activists we hope for a brighter day for our children, our grandchildren, our families, friends and those we have yet to meet. Your activism has changed the world even when you don’t think it has. Even when tears have fallen, when we felt we could not move another step forward, you’ve said boldly, “It is going to be all right.”

Yes, my fellow activists and activists-to-be, I salute you, I admire you and I stand with you. Don’t ever stop fighting the good fight because the world needs you and depends on you! Keep up the good work and never lose faith!!

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**BREDL Grassroots Mini Grant Program**

The BREDL Grassroots Mini Grant Program (GMGP) is a grant being offered by BREDL to its chapter organizations and other grassroots groups who need cash for the purpose of developing, expanding, enhancing, promoting, or otherwise improving their campaigns to protect the environment in the communities where they live. The GMGP will be offered in amounts ranging from $500 to $2,500 to applicant organizations who are successful in raising matching funds equal to the amount of grant funding requested.

For more details, please contact Kathy Andrews (843-698-9816, kandrews@bredl.org) or Ann Rogers (540-312-3104, amelvin3@verizon.net).
In Our Backyard is BREDL’s Podcast where we discuss environmental issues that are right in our backyards. Topics include coal plants, fracking, pipelines, and much more. This podcast takes a deep dive into these topics and talks with people who are on the ground fighting for the health and safety of their communities as well as protection of the planet. Host Jenn Galler always interviews great guests! Search for “In Our Backyard Podcast” on your podcast app or go to https://anchor.fm/bredl

Property Rights and Pipeline Center
National Pipeline Eminent Domain Conference
November 29 and 30, 2022

Kathy Andrews spoke at the PRPC National Pipeline Eminent Domain Conference in New Orleans at the end of November. Below are a few photos from the event.

BREDL’s Kathy Andrews discusses pipeline strategies

Photo: Courtesy PRPC

All Other Photos: Kathy Andrews

Russel L. Honoré

Sharon Lavigne
BREDL: Who and what we are


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 Virginia, North Carolina, South Carolina, Georgia, Alabama and Tennessee.

**Grassroots Campaigns**

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

In the 1980’s and 1990’s, BREDL prevented a multi-state ThermalKEM hazardous waste incinerator, a southeastern nuclear waste dump and a national nuclear waste dump. In the 2000’s, our coordinated grassroots citizens’ campaigns have had further victories. We won a legislative victory with the passage of the NC Solid Waste Act, effectively blocking at least four multi-state mega-dumps. Our Person County chapter convinced their Board of Commissioners to reject expansion of the Republic Services landfill. Our Cascade, Virginia, chapter shut down a huge hazardous waste incinerator. We eliminated mercury waste from the Stericycle incinerator, shut down a tire incinerator in Martinsville, won the landmark environmental justice court decision in Greene County, North Carolina. 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.
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 nonprofit 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.

Annual Membership is only $20
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 form and use your credit card at www.BREDL.org
Or send your check to: BREDL, c/o Virginia Staton, CPA, PO Box 2168, Boone, NC 28607
All donations are tax deductible.

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

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