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SELC Marshals Opposition, Readies for Litigation Against Offshore Drilling

The Trump administration in January announced a risky five-year offshore drilling plan that proposes to open nearly all U.S. waters to exploration, including the waters off the coast of Virginia, the Carolinas, and Georgia. The plan would allow drilling within miles of the South's iconic beaches, wetlands, and coastal communities, and comes on the heels of the administration's equally reckless proposal to roll back safety rules put in place in response to the Deepwater Horizon disaster.

Nobody thinks this is a good idea. An overwhelming majority of coastal communities in the Southeast, and thousands of businesses, trade groups, and tourism associations have already passed formal resolutions opposing offshore drilling. Most elected officials on the coast are also opposed; they know that the risks are too great. Offshore drilling threatens our clean beaches, our healthy fisheries, and the livelihoods of millions of people who depend on our region's \$14.5 billion ocean economy.

Coastal governors, too, know that oil drills mean oil spills. Just two days after the Trump administration's announcement, Interior Secretary Ryan Zinke granted the governor of Florida's request to remove his state's coastal waters from the offshore drilling plan. Since then, Gov. Northam in Virginia, Gov. Cooper in North Carolina, and Gov. McMaster in South Carolina have all asked the administration to remove their states from the leasing plan as well.

SELC is playing a leading role in protecting the Southeast coast from offshore drilling. Our regional campaign is engaging coastal communities, local partners, and city and state leaders in an ongoing effort to mobilize public opposition to the Trump administration's drilling plan. More than 140 East Coast municipalities

have taken a stand against offshore drilling and seismic testing, most recently the City of Atlanta, which passed a resolution in early February. The City Council's unanimous motion not only calls for protection of the Georgia coast, but also aligns with Atlanta's goal to phase out fossil fuel-based energy and to obtain 100 percent of its power from clean renewable sources by 2035.

SELC is also readying for legal action, preparing to challenge both the five-year leasing plan and the administration's attempt to fast-track permits for seismic testing, which would further harm coastal wildlife. Seismic-testing vessels search for oil deposits by firing continuous, explosive airgun blasts at the sea floor, filling the ocean with noise that disrupts commercial fisheries and disorients marine mammals; it's the destructive precursor to offshore oil wells.

As coastal residents have made clear, neither is worth the risk. In a worst-case scenario, a single oil spill from a rig, tanker, or pipeline would devastate coastal communities, economies, and ecosystems. Years after the Deepwater Horizon disaster, the Gulf of Mexico is still in critical condition: resurfacing oil is fouling the Gulf's waters and wetlands, nesting areas continue to be lost, and fisheries are only slowly recovering. Even without a catastrophic accident, the industrialization that accompanies offshore drilling—the rigs, refineries, pipelines, and traffic—would irreparably harm the land, water, and people of the Southeast coast. If the Trump administration does not yield, we will challenge its damaging plans in federal court.

You can act now and make your voice heard as well. Visit ProtectOurCoastNow.com to learn how and to explore our new interactive story maps, which show what's at stake for communities, key resources, economies, and quality of life along our coast.

REGIONAL HIGHLIGHTS

Defending the Public's Voice in Forest Protection

At a moment when the U.S. Forest Service is seeking to undercut a key federal environmental law to fast-track logging projects, SELC is protecting our Southern Appalachian forests and all they provide: clean water, fish and wildlife habitat, scenic vistas, places for recreation, and the economic benefits of tourism and outdoor businesses.

SELC has been defending the South's national forests for decades, and we are now standing up for the National Environmental Policy Act to preserve its essential leverage for forest protection. Enacted nearly 50 years ago, NEPA requires government agencies to evaluate the environmental impact of federal projects. It also gives citizens a seat at the table and opportunities to voice their concerns.

In our national forests, NEPA provides a required forum for local Forest Service staff to inform the public of their plans and for SELC and

our partners to point out concerns and offer better ideas early on. When staff listen to us, good outcomes usually flow. In the Cherokee National Forest, for example, we're working with the Forest Service to restore native pine and hardwood forests in areas degraded by past logging, and we're protecting healthy areas in the forest as well.

Under the Trump administration, unfortunately, there is a growing reluctance to listen to the public, and SELC is countering the damaging results on the ground and in Washington, D.C. We are formally challenging projects that fail to follow NEPA and that would harm special places like the High Knob area of Virginia's Jefferson National Forest, where a

logging project failed to involve local citizen groups or take into account the area's ecological values. At the national level, we are challenging the Forest Service's proposal to curtail NEPA protections and limit the public's voice—your voice—in our national forests.



Solar Advocacy in the Shadow of V.C. Summer



In the wake of the abandonment of the \$9 billion expansion of the V.C. Summer nuclear power station in Fairfield County, South Carolina, SELC's Charleston office is seizing the

opportunity to offer a new approach to meeting the state's energy needs. Working with local communities and the state legislature, we are advancing solar power—clean, affordable, home-grown power—as a safe, cost-effective, and economy-boosting alternative to energy monopolies, dirty fuels, and utility profiteering.

Our solar advocacy has strong roots in South Carolina. Thanks to the landmark solar law we helped pass in 2014, energy businesses are in the process of adding more than 2,000 megawatts of solar capacity to the state's

power system, up from just 11 megawatts when the law was enacted.

Post-V.C. Summer, we're building upon a surge of interest in solar to seal the deal on clean energy. Working with energy researchers, we're developing models that illustrate the carbon-reduction and cost-saving benefits of solar power. Our policy experts are helping draft legislation to prevent a recurrence of the V.C. Summer debacle and to make solar power more accessible, which will lead to job growth and lower electricity bills. And at utility proceedings, our attorneys are advocating for solar and energy efficiency programs that serve households of all incomes. As SELC sows the seeds of solar, we are building a bright, clean energy future in South Carolina.



Turning up the Pressure on the Atlantic Coast Pipeline

Ignoring studies demonstrating the project is not needed, multiple federal and state agencies recently approved the Atlantic Coast Pipeline. Running from West Virginia through Virginia and into North Carolina, the 600-mile natural gas pipeline would cut through forests, farms, and streams; involve appalling self-dealing by Dominion Energy and Duke Energy; shift the \$5.5 billion price tag onto customers; and lock up capital better spent on

renewable energy development.

The decisions to green-light this project are seriously flawed. For example, when the Federal Energy Regulatory Commission approved the pipeline, it failed to consider environmental impacts and to independently vet the developer's claimed demand for new pipelines—concerns that were expressed by one of the three FERC commissioners in a blistering dissent. Similarly, the U.S. Forest Service issued a permit even

though the agency admitted it lacked adequate information to assess the pipeline's ill effects on national forest lands.

SELC is vigorously opposing the pipeline and has already challenged the approvals by FERC, the U.S. Forest Service, the National Park Service, the U.S. Fish and Wildlife Service, and the Commonwealth of Virginia. Never in our history have we marshaled this many simultaneous, coordinated federal court lawsuits to halt a single destructive project.

A Victory for Hitchcock Woods

With more than 2,000 acres of trees, Hitchcock Woods in Aiken, South Carolina, may be the largest urban forest in the nation. Boasting virgin stands of longleaf pine and a population of red cockaded woodpeckers, Hitchcock Woods is a sanctuary that remains open to the public free of charge and is frequented by equestrians, hikers, joggers, and school groups.

But over time, stormwater flowing

through the city of Aiken has eroded 200 acres of the forest, and today there is a canyon that runs 60 feet deep where drainage flows directly into the woods. For decades, the foundation that owns Hitchcock Woods has not been able to secure a solution to protect this natural treasure.

Last year, SELC joined with the foundation as it renewed efforts to collaborate with city officials on a way

forward. As a result, the city established a study committee, including representatives from the foundation, which endorsed a comprehensive stormwater management plan to address the issues impacting the Woods. In January, the city council unanimously approved the committee's action plan and committed \$5.2 million to fund the first stage of a restoration project that will better manage stormwater and work toward remediation of the eroded land.

Preserving a Beloved Creek and the Right to Challenge Polluters

Blounts Creek is an angler's paradise. Beginning in rich wetlands in Beaufort County, North Carolina, this pristine blackwater stream flows slowly through swamp water, freshwater, and saltwater habitats as it gradually meanders towards the coast. The creek's unique ecology makes it home to a

diverse abundance of fish—including red drum, speckled trout, and river herring—and allows visitors to cast lines for freshwater fish in the morning and saltwater fish in the afternoon, all in the same stream. People come from miles around to fish in these fertile waters.

In 2013, however, a water pollution

discharge permit issued by the North Carolina Division of Environmental Quality threatened to inundate Blounts Creek with 12 million gallons of wastewater a day from an open-pit

limestone mine. The discharges would have irreversibly altered the creek, transforming its life-giving headwaters into a torrent and ruining its unique character.

SELC, and the people who love Blounts Creek, stepped in to protect it, and in late December, after a four-year legal battle, we celebrated a Superior Court ruling that struck down the harmful DEQ permit. The decision not only preserves the biological integrity of Blounts Creek, but also reverses a decision that had prohibited local citizens from being able to challenge the permit to protect their interest in preserving the creek's natural condition. The order reaffirms the basic principle that North Carolina citizens have the right to challenge industrial polluters and to take DEQ to court when it breaks the law.



WHAT'S HAPPENING IN YOUR STATE?

ALABAMA

Fighting to Reduce Hydropower's Impact on the Coosa River's Aquatic Life

SELC urged the D.C. Circuit Court of Appeals in January to review a 2013 decision by the Federal Energy Regulatory Commission to renew a 30-year license for Alabama Power's seven hydroelectric dams on the Coosa River. We argued that the license was issued illegally; FERC did not adequately evaluate the environmental impact of the dams, and thus failed to require Alabama Power to maintain minimum stream flows or adequate levels of dissolved oxygen

in the river, both of which are essential to the health of aquatic life. FERC's poor oversight endangers a river that has already lost a significant portion of its biodiversity since the dams were built, a crash experts describe as one of the largest extinction events in North America during the 20th century. While awaiting the court's ruling in this case, SELC will continue to pursue other projects to fight for the long-term protection of the Coosa River.



NORTH CAROLINA

Navassa: Overcoming

SELC is working along with the community of Navassa to develop cleanup and recovery plans at the site of a Superfund site. For 40 years, a chemical giant operated a wood treatment facility there, which is primarily African-American. The site is covered in creosote-soaked lumber, and the earth and polluting materials have seeped into the soil up to 17 feet deep. Our attorneys are working with state officials and local community leaders to amplify the voices of Navassa residents in remediation efforts. By adopting effective cleanup, the town is interested in restoration funding to turn the Kerr-McGee site into a park and nature park with a new pier on the Br...

GEORGIA

Protecting Water Quality on the Coosa

Upstream on the Coosa River, Georgia Power's 60-year-old Plant Hammond withdraws 600 million gallons of water per day to feed an outdated cooling system for its coal-fired generating units; all told, the state's power plants pump more water from Georgia waterbodies to produce electricity than is withdrawn for any other use. The Plant Hammond system traps 60,000 fish per year and discharges water back into the river at dangerously elevated temperatures. In January, SELC challenged Hammond's wastewater permit, which was renewed without calling for Georgia Power to address these impacts, as required by the Clean Water Act. If successful, our challenge would begin to rein in the industry's consumptive use of fresh water.

SOUTH CAROLINA

SELC's Coal Tar Suit Aims to Clean up the Congaree



In November, SELC sent notice of its intent to file suit to require cleanup of coal tar coating the bottom of the Congaree River as it flows through the town of Columbia. The industrial toxin is carcinogenic and a skin and eye irritant. The affected Congaree, near the historic Gervais Street Bridge, is popular with tubers. Carolina Electric and Gas is proposing an ineffective solution that involves removing a third of the tar with permeable fabric. SELC is holding SCE&G accountable to clean up the river fully and is advocating removal of the coal tar as th...

CAROLINA

Becoming a Legacy of Pollution

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TENNESSEE

Promoting Cleaner Vehicles

In 2016, a federal settlement with Volkswagen—which allegedly sold half a million cars that were designed to cheat emissions tests—designated \$2.7 billion for initiatives that cut air pollution in individual states. SELC is weighing in throughout our region on how these funds should be spent. In January, we urged Tennessee regulators to invest the state’s \$45.7 million share of settlement funds to accelerate electric vehicle deployment. Our recommendations call for maximizing spending on charging stations along major highways and near urban centers, and investment in electric transit and school buses to protect those most vulnerable to air pollution—children, low-income, and minority populations.

VIRGINIA

SELC Announces Reed Award Winners

The Southern Environmental Law Center announced in early March the winners of the 2018 Phillip D. Reed Environmental Writing Awards.

J. Drew Lanham, an Alumni Distinguished Professor of Wildlife Ecology at Clemson University, was selected the winner of the 2018 Reed Award for literary nonfiction for *The Home Place: Memoirs of a Colored Man’s Love Affair with Nature*. By turns wise, funny, heartbreaking, and beautiful, *The Home Place* is a groundbreaking meditation on family, race, and the American landscape.

Ken Fine and Erica Hellerstein’s piece “Hog-washed” was selected for this year’s environmental journalism award. The three-part investigation is an in-depth look at the impact of industrial hog operations on the communities of eastern North Carolina.

This year’s Reed Awards will be presented during the Virginia Festival of the Book on Saturday, March 24th, 2 p.m. - 4 p.m. at Meade Hall, Christ Episcopal Church, 120 High Street, in Charlottesville, Virginia.

Preventing Bromide Pollution

Dominion’s Chesterfield Power Station sits on the James River 12 miles above the Hopewell water treatment plant. This facility draws its supply from the Appomattox River at its confluence with the James and in recent years has reported unsafe levels of potent carcinogens called trihalomethanes in the tap water it delivers.

SELC has been investigating links between these contaminants and Dominion’s use at Chesterfield of a bromide spray to neutralize mercury emissions from its smokestacks. Bromide reacts with chlorine to form the carcinogens. While the utility says it has suspended its use of the spray, bromine already exists in the coal itself and is almost certainly still being discharged into the James. We are urging Dominion to commit to permanently halting use of bromide sprays at Chesterfield, to begin closely monitoring its release of these chemicals into the river, and to stop or limit its bromide discharges.

INSIDE STORIES

SELC's Clean Water Defense Initiative

When it comes to protecting the environment, government transparency is vital to making sure agencies are doing their jobs and not letting polluters off the hook.

In another unlawful attempt by the Trump administration to advance the interests of industrial polluters, Scott Pruitt's EPA moved in February to suspend

a rule that clarifies the protective reach of the Clean Water Act. Adopted in 2015, the rule recognizes that protecting the "waters of the United States" requires protecting the ecological integrity of entire river systems, from headwater streams to coastal wetlands. That can only be done by controlling pollution at its upstream source.

Suspending the rule—known as the Clean Water Rule—muddies critical protections for streams and wetlands across the water-rich South, leaving them vulnerable to being polluted or destroyed. The waters at risk include Appalachian trout streams, millions of acres wetlands, and the headwater tributaries of every river in our region—the places we swim, fish, and visit with our families, as well as the upstream sources of drinking water for 20 million people in the Southeast.

SELC has mounted a Clean Water Defense Initiative that stands at the forefront of a national effort to preserve the full protective scope of the Clean Water Act. We have

reinforced our team of clean water and wetlands attorneys and convened our national, regional, and local partners, developing a coordinated strategy to defend the safeguards that have protected our nation's rivers and streams for more than 50 years.

We opposed EPA's initial attempt to repeal the Clean Water Rule, working closely with our partners to ensure the broadest possible public and scientific participation in the rulemaking process. When the administration saw that its repeal plan would not survive public scrutiny and moved to suspend the rule, SELC filed formal objections and, in February, filed suit in federal court. Simultaneously, we are opposing a move by EPA to adopt a new rule that would largely gut the Clean Water Act.

SELC's lawsuit will show that Pruitt's EPA and the Army Corps of Engineers, by attempting to alter critical environmental safeguards by fiat without public participation, are breaking the law and failing their most basic duties. The Clean Water Rule resulted from a four-year process of scientific research and public engagement, and the current administration cannot wish that away.

Our challenge, filed in the U.S. District Court for the District of South Carolina, opens series of major legal battles. As they play out, SELC will continue to enforce the Clean Water Act locally to protect southern waterways. We will highlight what could be lost if the law is interpreted too narrowly, and we will champion the vital resources the Clean Water Rule was designed to protect.

Conservation in a Changing Climate: SELC Launches New Coastal Resilience Initiative

When Hurricane Irma roared across the Deep South last summer, the cyclone thrashed coastal communities hundreds of miles away from the center of the storm. In Charleston, Irma spawned tornadoes, 70 mph winds, and an historic storm surge that crashed over the Battery and swept through streets and homes, topping out at 9.9 feet, four feet higher than a normal high tide, and the city's third highest tide ever. After watching powerful hurricanes whip up floodwaters for three consecutive years, elected officials in Charleston are saying storm-surge flooding is the city's most pressing problem.

But "blue sky flooding" is also a regular occurrence on the Southeast coast. From Norfolk, Virginia, to Tybee Island, Georgia, the effects of climate change and sea level rise are increasingly evident in both fair and foul weather. In Charleston, citizens frequently kayak down King Street on clear, sunny days, paddling in the wake of surging high tides. In fact, the

ocean is rising two to three times faster on the Atlantic Coast than in other areas of the world. Compounding the problem, the rapid pace of sea level rise is endangering the Southeast's vast and valuable tidal marshes, our natural bulwark against coastal flooding.

Tidal marshes have a remarkable capacity to shift gradually inland with sea level rise. By migrating to higher ground, they are able to adapt to changing conditions and maintain an extraordinary output of natural benefits, many of which support the resilience of coastal communities. Marshes are invaluable storm buffers, absorbing surging tides and pounding waves. They filter and purify water and serve as seafood nurseries, sheltering oysters, crabs, shrimp, and a variety of prized saltwater fish. Their rich plant growth makes them a carbon-storage champion. Now more than ever, the tidal marsh is the linchpin of coastal conservation.

SELC has launched a new regional initiative to protect the Southeast's coastal communities and endangered

wetlands at this critical time. While collecting scientific information on climate change and sea level rise, identifying the region's most resilient coastal resources, and assessing the potential of priority sites to bolster storm protection and community safety, we are also defending the coast from the Trump administration's assault on our nation's core environmental protections. SELC has already filed a lawsuit to defend coastal wetlands from the administration's plan to dismantle the Clean Water Act (*see pg. 6*). We are also defending the National Environmental Policy Act, a longstanding protection that enables community input on big development projects, such as the new array of pork-barrel infrastructure and highway projects promoted by the Trump administration, which ignore climate change and coastal flooding.

By bringing together all facets of SELC's deep expertise in coastal law and policy, this initiative promises to be a profound, positive force for the future of our region's magnificent coast at a time of great threat and uncertainty.



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Court Orders Cleanup of Murphy-Brown Hog Operations

In December, a federal court granted SELC's request to order the industrial hog producer Murphy-Brown to move forward with a plan to evaluate—and ultimately clean up—groundwater contamination at 11 facilities in eastern North Carolina. SELC has been involved in protecting North Carolina's water quality from industrial hog operations for more than two decades, and in 2013 we began enforcing a 2006 consent decree between Waterkeeper Alliance and Murphy-Brown, a subsidiary of Smithfield Foods, the largest hog producer in the world.

The decree was intended to resolve four cases brought against Murphy-Brown for violations of the Clean Water Act. Like most industrial hog operations, the company stores animal waste in stagnant, open-air "lagoons". When a pit is filled to capacity, the hog waste is liquefied and sprayed onto nearby fields, where it seeps into the sandy soil and contaminates wells and groundwater. Under the consent agreement, an independent groundwater expert reviewed records from Murphy-Brown's facilities and identified operations in the Neuse, Lumber, and Cape Fear river basins with demonstrated threats to groundwater or confirmed groundwater pollution.



Murphy-Brown was required to clean up the sites, but refused to continue under the agreement in 2013. The recent federal court ruling orders the hog industry giant to comply with the agreement it made with Waterkeeper Alliance in 2006.

"This federal court decision requires Murphy-Brown to make good on its promises to clean up pollution at its hog facilities in eastern North Carolina," said Geoff Gisler, SELC's Clean Water Program Leader. "Now Murphy-Brown must once again allow an independent groundwater expert onto 11 of its industrial facilities to determine the severity of groundwater pollution and develop a plan to fix the problems. This is a clear victory for clean water and the power of citizen groups to challenge big-time industrial polluters."