

THE  
NEXT  
30  
YEARS

SOUTHERN  
ENVIRONMENTAL  
LAW CENTER

# ADVOCACY in ACTION

Summer 2017

## STANDING OUR GROUND: SELC RESPONDS to the TRUMP ADMINISTRATION

*During the first 100 days of the Trump administration, nearly two dozen environmental protections came under attack, from longstanding clean air and clean water safeguards to our national plan for addressing climate change. Together, these efforts to revoke, repeal, and weaken America's environmental laws threaten to undermine our nation's capacity to protect the environment and public health. As the administration tries to undo 50 years of bipartisan progress, SELC is mounting a vigorous defense, using the power of the law to uphold the right of every citizen to breathe clean air, drink clean water, and live in a healthy environment. In this special issue, we take a close look at the challenges we face; the most pressing threats to the South; and what SELC is doing in Washington, D.C., and in our six states to protect the health and wellbeing of our region.*

After the 2016 election, SELC began to prepare for a president whose tumultuous campaign signaled an uncertain future for environmental protection. On the campaign trail, Donald Trump's a la carte menu of policies and promises had presented contradictory visions of where his presidency might lead. He had vowed to open federal lands to the fossil fuel industry and get rid of the Environmental Protection Agency "in almost every form," but had also pledged to "make sure we have clean air and clean water."

Once in office, however, President Trump appointed a team of avowed oil and coal boosters to lead his administration, and a torrent of roll-backs soon followed. Within weeks, the president repealed the Stream Protection Rule, opening rivers and streams to coal mining pollution. He signed an executive order signaling his intention to eliminate the Clean Water Rule, which could threaten the drinking water of 20 million people in the Southeast. Executive orders meant to boost fossil fuel

**Environmental laws will be adequately enforced, and our natural resources will be protected, only if citizens and nonprofit citizen organizations take direct action and insist in the public arena and in the courts that our water and our air be protected.**

— SELC's Frank Holleman,  
*The Atlantic Monthly*

production soon followed, including orders to undo the Clean Power Plan, revise limits on power plant pollution, and re-open the Atlantic coast to offshore drilling. In the Rose Garden, Trump vowed to pull the U.S. out of the Paris accord.

The White House also took aim at the EPA, proposing a 31 percent budget cut that would eliminate 3,200 jobs, end climate change research, and cripple the agency's capacity to protect the environment and public health. Along with the president, the new EPA administrator, Scott Pruitt, would like to reduce the agency he leads to "little tidbits." As Oklahoma attorney general, Pruitt repeatedly sued the EPA on behalf of the fossil fuel industry, challenging the agency's efforts to limit carbon and mercury emissions, reduce interstate air pollution, and enforce clean water protections. He steadfastly denies the scientific consensus on climate change and is weakening the EPA's scientific mission, replacing academic scientists with representatives from industries

*(Continued on page 2)*

the agency is supposed to regulate.

Citing “federal overreach” and a desire to restore “state sovereignty,” Pruitt wants to leave environmental protection to the states, an approach that proved to be a colossal failure decades ago. In the 1970s, Congress enacted landmark environmental laws and created a national environmental protection agency precisely because individual states were overmatched, unable or unwilling to enforce basic protections or safeguard citizens from interstate air and water pollution. With the Clean Air Act and the Clean Water Act, lawmakers parted ways with the piecemeal, state-by-state approach and embraced a national commitment to environmental protection. The mission was simple and clear: ensure every American’s right to breathe clean air, drink clean water, and live in a healthy environment.

Built on science, democratic values, and the law, this national system

has steadily improved human and environmental health for nearly 50 years. Thanks to the Clean Water Act, rivers once awash in sewage and trash are now celebrated waterways, anchoring the renaissance of cities and towns. The Clean Air Act’s public health programs have cut national emissions of common pollutants by 70 percent, saving hundreds of thousands of lives every year. Federal protections also enable cooperation between states, such as the six-state compact that has worked for decades to restore the Chesapeake Bay, an effort launched by Republicans, funded by the EPA, praised by Ronald Reagan, and widely regarded as an international model of coastal conservation.

The Trump Administration wants to end all of this. The president’s budget would eliminate all funding for the restoration of the Chesapeake Bay, a goal Pruitt embraced years ago; while he was the Oklahoma attorney general

he joined a lawsuit to end the Chesapeake cleanup, claiming “federal overreach.” A federal judge disagreed, ruling that the Clean Water Act “envisioned a strong federal role” in protecting the health of American waters.

But Pruitt’s crusade continues. He and the president are not simply trying to ease the government’s hand in regulation; they are taking a wrecking ball to the very foundations of environmental protection, dismantling the agencies, laws, and democratic processes that have been put in place to ensure that powerful private interests do not run roughshod over the common good. We’ve never seen anything quite like it.

The good news is: the president cannot simply revoke environmental protections with the stroke of a pen. Executive orders do not change the law. They initiate a lengthy, well-defined process that requires public participation, scientific justification, and compliance with the law.

## Before & After the EPA



Before the Clean Air Act and the Clean Water Act set national standards for environmental protection, individual states were unable or unwilling to safeguard their citizens from pollution.



As a result of strong federal protections, southern cities have cleared their air and water, and are now cleaner, healthier places to live and work.

Thanks to the Clean Water Act,  
rivers once awash in sewage and trash are  
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anchoring the renaissance of cities and towns.**

At SELC, we have a lot of confidence in that process. As the Trump Administration attempts to revoke, reject, and repeal environmental protections, we are mounting a vigorous defense, using the power of the law to uphold the safeguards that protect

Clean Water Act protections for 50 percent of U.S. streams and wetlands (*see page 4*).

While the administration attempts to disable the Clean Power Plan and do away with our national climate strategy, SELC is upholding science-based clean

air protections and continuing to offer a clear pathway to a clean energy future, as we have by expanding solar capacity in the Southeast by 5.4 gigawatts—

lands. We have championed Southern Appalachian national forests for three decades, seeking to have these natural treasures managed primarily for wildlife, water quality, and human enjoyment and recreation (*see page 5*).

And while addressing federal threats, we will continue to do what we have always done: when state or federal agencies are unwilling or unable to do their jobs, SELC will be a strong, place-based advocate, enforcing environmental laws wherever needed, throughout our six states, to keep our air and water clean and our communities safe and healthy (*see pages 6-7*).

## The Washington Post

### By the numbers, Trump's big environmental regulation rollback is all kinds of unpopular

#### Polls Tell the Story

**69%** Support stronger enforcement of environmental regulations (Gallup)

**59%** Believe U.S. government is doing too little to protect environment (Gallup)

**82%** Hunters & anglers support EPA's Clean Water Rule (Quinnipiac; Public Opinion Strategies)

**65%** Say renewable energy is a more important priority than expanding coal, oil, natural gas (Pew)

**61%** Disapprove of President Trump's handling of the environment (Quinnipiac)

the health and wellbeing of our region. We are well prepared for this role, positioned to respond like no

other organization in the nation. We know how to work at the national level to shape, shore up, and enforce federal laws and policies. Our local presence and place-based approach help ensure that environmental protections are fully implemented and faithfully enforced throughout our six states. We are skilled, experienced litigators, and when necessary we use the courts to hold local polluters accountable or defend national laws in Washington, D.C.

Facing this challenge, SELC is using every tool at our disposal to stand up for the American commitment to environmental protection and for everything we love about the South.

When the administration attempts to roll back federal safeguards, SELC will challenge them in court, as we did with the president's executive order to dismantle the Clean Water Rule. The Supreme Court ruled in our favor on our initial defense of the rule, deciding not to delay a case that could uphold

enough to power 885,000 homes (*see page 4*).

Facing the administration's effort to open Atlantic waters to offshore oil and gas exploration, SELC has re-launched a regional campaign to mobilize broad public support for coastal conservation. Last year's effort to protect the coasts of Virginia, the Carolinas, and Georgia was a landmark bipartisan success, with more than 120 cities and towns passing resolutions against offshore drilling and seismic blasting. As the administration looks to revisit the issue, SELC and our network of partners are mounting a new effort, mobilizing citizens, businesses, and elected officials to once again stand up for the South's coastal communities (*see page 5*).

As the administration attempts to fast-track logging, oil and gas drilling, and pipeline construction, SELC will fight to keep these destructive activities out of our region's public

We are facing the challenge of a lifetime, but we are hopeful. One of our nation's founders, John Adams, was fond of pointing out that our Constitution guaranteed "a government of laws, not of men." By that he meant that the power of the law transcends, and outlasts, the wishes of the powerful. Now more than ever, we need the law to serve the common good. The Clean Air Act, the Clean Water Act, and the federal system of environmental protection are essential to the strength and wellbeing of the South and our nation, and SELC is committed to doing everything in our power to preserve, protect, and defend them.

In the following pages, we'll take a closer look at the threats we face, the challenges we anticipate, and the work that we must do to protect the people and places of the South for years to come.

# DEFENDING the FOUNDATIONS of ENVIRONMENTAL PROTECTION

From abandoning the Clean Power Plan and Paris Climate Accord to eviscerating the Clean Water Act, the Trump Administration and the new Congress are attempting to undermine our government's ability to protect the environment and public health. SELC is closely monitoring the volatile federal policy landscape, identifying the most pressing threats, and developing strategies to meet them.

## Clean Water at Risk

Defending Protections for the South's Wetlands & Streams

The Clean Water Act is one of the pillars of SELC's work. When we challenge pipeline spills, industrial waste, and toxic coal ash pollution, it's the Clean Water Act that empowers us to keep our rivers clean and our drinking water safe.

Virtually since the day it was passed, however, there have been heated debate and uncertainty over precisely which waterways and wetlands are covered by the Clean Water Act. The 2015 Clean Water Rule clarified this, guaranteeing protections for tributary streams and wetlands that feed major waterways. The heart of the rule was the recognition that the health of entire river systems depends upon controlling pollution at its upstream source.

On February 28, President Trump signed an executive order intended to

eliminate the Clean Water Rule. The order calls for revisions that would leave more than 50 percent of U.S. waters without protection, including streams and wetlands linked to drinking water sources for 20 million people in the Southeast. Under the revised rule, 40 percent of the industries and municipalities that now need permits to discharge wastewater into rivers and streams would no longer be required to meet federal clean water standards.

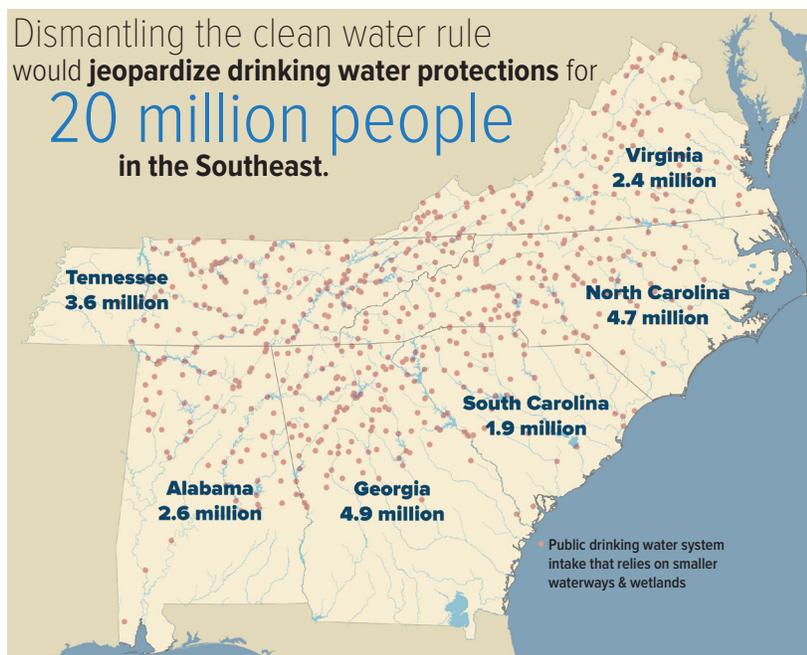
SELC will continue to defend the Clean Water Rule in the courts,

Clean Air Act to shutter old, dirty power plants and prevent new ones, helping the South move away from its over-reliance on this dirtiest of fossil fuels and toward clean, renewable energy.

The Clean Power Plan is the latest addition to the Clean Air Act toolbox. Designed as the centerpiece of U.S. climate strategy, the Obama-era plan set the nation's first-ever carbon pollution standard for the power sector, America's largest source of carbon emissions. Calling for a 32 percent cut in carbon pollution by 2030, the Clean Power Plan is

intended to accelerate the transition to renewable energy, which would mean cleaner air for everyone, and real progress on climate change, an issue of particular concern to coastal communities in the Southeast.

Recognizing that our region is central to any global climate change solution, SELC has strongly supported the Clean Power Plan and pushed our states to meet, if not exceed, their carbon targets. We're working with utilities, co-ops, and local communities to seed the



and we will be a leader in any related rulemaking. Meanwhile, our attorneys expect to be engaged in dozens of site-specific Clean Water Act enforcement cases throughout the Southeast.

## The Clean Energy Transition

Defending the Clean Air Act & the Clean Power Plan

In a region long dominated by coal-fired power, SELC has used the

growth of solar power in the South, and we've initiated policy reforms that are breaking down barriers to widespread access to clean, renewable energy. Georgia is now one of the fastest-growing solar markets in the nation; it's home to nearly 200 solar companies, and in 2016 it ranked third in the U.S. in new solar installations. North Carolina ranks second in total solar capacity and boasts more than 7,000 solar jobs.

As the Trump administration tries to dismantle the Clean Power Plan, SELC is determined to further the South's clean energy progress, ensuring that renewable power is readily accessible and coal-fired power plants are dutifully retired. While the administration denies global warming and offers a false choice between clean energy and economic growth, SELC will press the facts, enforce science-based clean air protections, and lead a regional effort both to prevent and respond to climate change.

### Protecting the Coast

#### No Offshore Drilling & Seismic Blasting

Facing actions to override restrictions on oil and gas exploration in the Atlantic Ocean, we're defending two federal decisions that prohibit offshore drilling and seismic blasting in the coastal waters of the Southeast.

In March 2016, thanks to a regional campaign coordinated by SELC, coastal communities helped persuade the Obama Administration to reconsider a controversial plan to open the coasts of Virginia, the Carolinas, and Georgia to oil and gas exploration. More than 120 cities and towns joined a chorus of opposition, passing resolutions against

offshore drilling and seismic testing. Swayed by the public outcry and by our science-based case for protecting the marine environment, the U.S. Department of the Interior excluded the southeast Atlantic from its five-year oil and gas leasing plan and declared it off-limits to seismic blasting.

As the Trump Administration looks to reopen the issue, SELC is mobilizing the communities, businesses, and elected officials who said a resounding "no" to offshore oil exploration last year. The stakes are high. Beaches, fisheries, and the character of coastal cities and towns would be irreparably changed by the rigs, refineries, and certain spills that come with offshore drilling. Also at risk are ocean-based jobs and businesses, which contribute more than \$14.6 billion annually to the economies of our region. Our new campaign is already underway, and with our network of local partners we will once again marshal broad public support for conservation and shield the coast from harm.

### Where the Wild Things Are

#### Protecting Critical Habitat

In the wake of the presidential election, wildlands in the Southeast faced a swift attack from a coalition of

states seeking to undo new protections for the "critical habitats" of threatened species. Adopted last year under the Endangered Species Act, the new standards give federal agencies the flexibility to adjust the boundaries of habitats affected by climate change, such as the shifting beaches of the Southeast that provide nesting and feeding sites for shorebirds and sea turtles.

The critical habitat challenge is one of many seeking to weaken the Endangered Species Act, which currently protects well over a thousand species and the places that support them. The last Congress saw 130 bills and amendments that would have weakened the ESA, and in the new Congress there have already been more than a dozen. The new administration has no love for the act and has signaled its intent to weaken it.

On behalf of our conservation partners, SELC has intervened in the case in support of the critical habitat rules, and we will continue to defend the Endangered Species Act and the wild places it protects. To safeguard the rare and threatened habitats of the Southeast—our barrier islands, ocean beaches, wetlands, and forests—it's imperative that these protections remain in place.

**At risk** are  
**ocean-based jobs**  
that **contribute more than \$14.6 billion**  
annually to the economies of our region.





# A HEALTHY ENVIRONMENT for ALL

While addressing federal threats during these challenging times, SELC will continue to be a strong, place-based advocate for the South, upholding environmental protections and furthering environmental progress in local communities throughout our six states.

been both a beloved scenic river and a conduit for sewage effluent and stormwater from the fast-growing counties south of Nashville. Twenty miles downstream, where the City of Franklin treated its sewage, the Harpeth sometimes flowed with as much as 80 percent effluent.

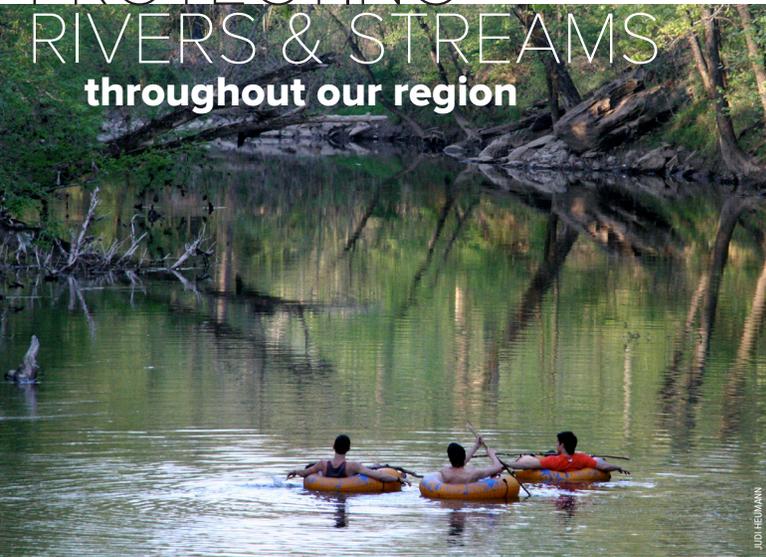
On behalf of a local citizens' group, SELC reached a settlement with the city that set the stage for the restoration of the river. The settlement re-established clean water safeguards and provided the resources for a comprehensive study of the entire Harpeth River watershed, the first of its kind in Tennessee. Conducted by the state's

a city, or a regional economy virtually free of greenhouse gas emissions. It can enhance climate resilience, protect our children's health, and grow steady jobs. Lots of jobs. Over the past four years, solar jobs in the U.S. have increased at least 20 percent per year, and in 2016 the solar industry employed more than twice as many workers as the coal industry. Virginia, North Carolina, and South Carolina all added more than a thousand solar jobs last year.

But there are still barriers to gaining access to the benefits of solar power. In the Southeast, some utilities charge punitive solar taxes, limit solar financing, and offer meager compensation for customer-generated electricity. Monopoly laws stifle solar start-ups, while hefty up-front costs keep many households dependent upon the coal-fired grid.

Seeking to dramatically increase the South's solar capacity and break down the barriers to clean energy, SELC is building a framework of policy reforms and best practices that encourages utilities to extend the benefits of solar power to every household and community in our region. To that end, in 2015 we set a bold objective: increase our six-state solar capacity from one gigawatt to seven gigawatts by 2018—enough to

## PROTECTING RIVERS & STREAMS throughout our region



### Clean Rivers, Safe Drinking Water—Harpeth River, Tennessee

Across the Southeast, aging wastewater treatment plants are failing to keep streams and rivers clean and drinking water safe. By enforcing the Clean Water Act at the state and local level, SELC is securing settlements that upgrade facilities, guarantee clean drinking water, and restore the health of southeastern rivers and streams, such as the Harpeth River in Middle Tennessee.

Just two years ago, the Harpeth River was considered one of the most endangered rivers in the nation. Flowing through the metropolitan heart of Tennessee toward the Cumberland River, the Harpeth had long

environmental agency and local partners, the project will ultimately restore the ecology and natural flow of the Harpeth River, improving water quality, protecting native fish habitat, and providing opportunities for fishing, swimming, and paddling.

### Solar for All

There are a lot of reasons to like solar energy. It's clean, cost-competitive, and super-abundant. It can power a household,



power more than 1.1 million homes. We are now more than three-fourths of the way there, and going strong.

### **Healthy Communities, Livable Cities—Durham-Orange Light Rail**

Transit is a lynchpin of healthy communities. In addition to being clean, efficient, and climate-friendly,

sion of misinformation, our attorneys led a highly visible campaign to assert the facts and benefits of public transit, enabling citizens and public officials to make an informed choice about the project, which ultimately won wide support.

With funding for public transportation zeroed out in the White House budget, SELC will, with even greater urgency, continue to support transportation alternatives in our region that take cars off the road, reduce carbon emissions, and provide more access to transit to more people.

fish, and relax in the great outdoors, both in wild places and close to home. SELC works locally and regionally to protect the lands and waters that define our sense of place.

Blounts Creek, a tributary of the Pamlico River, is a well-loved place in North Carolina's inner banks region, a fishing destination known for its red drum, speckled trout, and river herring. The creek's swampy, slow-moving headwaters are its claim to fame, a patch of high-quality habitat for an abundance of fish.

SELC is defending Blounts Creek from a proposed open-pit limestone mine, which would inundate its waters with 12 million gallons of waste each day. The daily flow of effluent would transform the swampy headwaters into a deep, fast-flowing torrent, consisting primarily of mine wastewater.

At stake is not just the wellbeing of Blounts Creek, but the right of citizens to have their day in court to protect the creek from destruction, which a judge in this case tried to deny. SELC remains resolute, working to protect Blounts Creek from a flood of wastewater, save one of the South's special places, and keep the courtroom doors open for the citizens of North Carolina.

## **MORE TRANSIT lays the foundation for smart growth**



transportation options like light rail help make urban growth sustainable, organizing land use in ways that limit sprawl, preserve natural areas, and support livable cities.

The Durham-Orange Light Rail Transit Project, which will connect Durham and Chapel Hill, North Carolina, is a good example. Serving the busy Triangle region, the light rail line will carry passengers up to 17 miles through a diverse collection of communities, connecting neighborhoods and shaping development around local stations.

"It's easy to envision pockets of dense, walkable communities that will spring up along the line," said SELC Staff Attorney Kym Hunter, "much like we've seen with the incredibly successful Blue Line project in Charlotte."

Thanks to SELC, the Triangle has an opportunity to duplicate Charlotte's success. When the Durham-Orange light rail project was slowed by a profu-

### **The Places We Love—Blounts Creek, North Carolina**

The Southeast is blessed with forests, rivers, and coasts that provide ample opportunities to hike, swim,

## **PROTECTING WILDLANDS for everyone's enjoyment**



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## BE PART of SOMETHING POWERFUL

*A message from Rick Middleton, SELC's founder and Executive Director*

Someone said to me last week, "It's as if SELC's first 30 years were training for just this moment!" I couldn't agree more.

This organization is better situated than most to play the hand we were dealt by last year's election. Using the law and the courts will be essential in responding to anti-environmental policies and bad site-specific decisions. And SELC's place-based approach has always been able to achieve meaningful results regardless of the political climate.

This is a critical time for the environment, perhaps the most serious period of our lifetime. But I'm here to tell you, the Southern Environmental Law Center is ready. We just celebrated our 30th anniversary, and, thanks to the partnership of friends like you, we are stronger and more powerful than ever.

We will soon have 75 attorneys here at SELC—the second-largest legal staff of any nonprofit in the U.S.—focused full-time on the Southeast. Lawyers are going to be needed more than ever over the next four years. Our highly qualified and deeply dedicated team gives SELC the expertise and the staying power to take on even the most determined opponents.

Everywhere I go, concerned friends ask me, "What can I do?" It's a hard question to answer, but here are three simple actions you can take:

- 1) Pay attention, learn the facts, and spread them to your friends. The Trump Administration is working hard to hide, obscure, and deny science and the facts. The Southern Environmental Law Center is publishing the real news about what is being proposed in D.C., how it would affect us here in the Southeast, and what law and policy actions SELC is taking in response.
- 2) Especially now, contact your elected officials—your governor, your senators and congressmen, other statewide or local officials. This is important, and be as specific as you can about what you're for and against. Also, consider this: postcard campaigns feel good to organize, but postcards and emails easily end up in the wastebasket. Pick up the phone and call.
- 3) Finally, please support the Southern Environmental Law Center. We have committed to boost our legal capacity for these four years, and to spend money on technical and scientific experts to bolster SELC's legal work and to share that expertise with our partners throughout the region. Your gift will have particular leverage right now.

By speaking up and acting together, we can send a strong message: That we believe in being responsible stewards of this good earth. That it's important to be good neighbors and to care about the health and wellbeing of those people around us. And that it is our responsibility to act today, to ensure a sustainable future for the generations that will follow us.

