

SEPTEMBER 2021

# SELC is fighting for environmental justice in the South



SELC believes that all people are entitled to the equal protection of our environmental laws. Due to historical patterns of racial and economic injustice, people of color and the impoverished often face disproportionate exposure to and more adverse impacts from environmental harms. That's why SELC works hard—throughout our six states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia—to be a powerful partner and advocate ensuring that all communities in our region have clean air, clean water, and a healthy environment.

A leading example is our successful partnership with Friends of Buckingham to help Union Hill residents in Virginia stop plans to build a polluting compressor station for the Atlantic Coast Pipeline in their historic community. Standing with Union Hill, which was settled after the Civil War by people who had been enslaved on nearby plantations, SELC challenged the state's air pollution approval for the facility. In early 2020, a federal court invalidated the permit, holding that “environmental justice is not merely a box to be checked.” Months later, the entire pipeline was canceled, ending this threat to Union Hill. The precedential court ruling represents a major victory for local families. As SELC executive director Jeff Gleason wrote in a New York Times op-ed, “Union Hill is as important a marker of the history of Virginia and America as Jamestown, Mount Vernon, and the state's Civil War battlefields.”

Here are some highlights from SELC's collaborative efforts to work toward environmental justice in our region.

## BYHALIA PIPELINE CANCELED: JUSTICE SERVED IN MEMPHIS

In July, a multi-billion dollar oil pipeline company buckled under comprehensive pressure from SELC and local partners and gave up on the Byhalia Pipeline, producing a significant step forward in SELC's long-term efforts to protect Memphis' vulnerable drinking water supply. It is also a victory for environmental justice that resonates across the nation. Plains All American wanted to build a 49-mile crude oil pipeline through predominantly Black neighborhoods and a municipal drinking water wellfield, while taking landowners' property in a historic part of Memphis already unfairly burdened by industrial pollution. At a rally organized by Memphis Community Against Pollution (MCAP), former Vice President Al Gore called Byhalia a “reckless, racist rip-off.”

With our years of experience defending Memphis' drinking water, SELC was ready to work alongside MCAP and Protect Our Aquifer and provide the legal muscle needed to win a just outcome. In collaboration with our regional Environmental Justice Initiative, our Nashville Office provided comprehensive legal pressure, from contesting the company's ability to use eminent domain to take property from Black landowners to coordinating with Congressman Steve Cohen filing a Civil Rights Act complaint with EPA. Byhalia and its big oil backers tried every trick in the fossil fuel playbook. But the coordinated strategy and unrelenting energy of our SELC team, together with the powerful advocacy of our partners, resulted in a victory for local communities that also builds momentum for environmental justice in Memphis, in the South, and across the nation.



**“Environmental justice is a commitment to right the wrongs of our past that persist today.”**

—JEFF GLEASON  
SELC EXECUTIVE DIRECTOR



### **DECADES OF BENZENE LEAKS END IN ALABAMA COMMUNITY**

In suburban Birmingham’s predominantly white Jefferson County, the Drummond Company’s ABC coal coking plant is situated in the midst of a majority African-American zip code. Spewing toxic emissions in violation of federal clean air and clean water standards, the facility produces contamination at such dangerous levels that EPA in 2014 proposed designating areas near the plant as federal Superfund sites—a process disrupted by a bribery scandal that resulted in multiple felony convictions. Through a secretive new consent decree that fails to address decades of cancer-causing benzene emissions from the plant, EPA and local officials have continued to let Drummond off easy at the community’s peril. SELC intervened in the case and secured a commitment from Drummond to detect and repair benzene leaks for the life of the plant. We also ensured that related civil penalty funds will be redirected to the benefit of the affected communities in Tarrant and North Birmingham.

### **ENSURING RESTORATION OF A SUPERFUND SITE**

For 44 years, the chemical giant Kerr-McGee mismanaged a 300-acre wood treatment facility in the predominantly African-American town of Navassa, North Carolina. The company’s practices contaminated Navassa’s soil and groundwater so severely that the area was designated a federal Superfund site. With \$115 million available for cleanup and restoration efforts, town officials, and concerned citizens asked SELC to help community groups ensure the Superfund money was properly used to redress this environmental injustice. We have spent years getting to know the town’s residents and listening to their stories, and we are using our experience and expertise to advocate for the community’s goals. In 2019, an initial \$6 million was awarded to restoration projects that will benefit Navassa, including a 71-acre waterfront park with a trail system and fishing opportunities. And in 2020, the first parcel of land from the Superfund site was thoroughly tested and released as safe for residential use.

### **FIGHTING AN UNJUST CONCRETE RECYCLING PLANT**

In metro Atlanta, SELC and community members are working to stop Metro Green’s massive construction waste recycling facility under construction next door to predominantly Black neighborhoods in Stonecrest and DeKalb County. Nearby residents had no idea that a solid waste site was moving into their backyards until after the company cleared 60 acres of trees. If completed, the facility would accept around 400 tons per day of concrete, metal, rock, and other construction and demolition debris and expose residents to intrusive noise, dust, and heavy truck traffic directly across the street from their homes. Stonecrest filed suit against Metro Green and the state after realizing that the city lacked authority over the facility at the local level. SELC joined the case on behalf of Citizens for a Healthy and Safe Environment and helped win a preliminary injunction against further construction. The litigation continues and SELC is calling on the state to revoke Metro Green’s solid waste permit to correct the environmental injustice forced upon this community without their knowledge or input.





## Saving energy, saving money

Some Alabamians have among the lowest median incomes in the country while spending the highest proportion of those incomes on energy costs. At the same time, many of these residents lack access to affordable clean energy solutions largely because of unfair utility policies. SELC is combining our clean energy expertise with our professional GIS team to tackle this issue. We recently mapped the Central Alabama Electric Cooperative service territory to show exactly where customers are suffering the most. This data will help our partners advocate with co-op leadership for policy reforms that can reduce standing fees and create energy efficiency programs to help customers save energy and save money on their utility bills.

## BUILDING AN EQUITABLE CLEAN ENERGY REVOLUTION

SELC is a driving force behind a transformation of the South's energy economy in which fossil fuels are being left behind and renewable alternatives are quickly replacing them, and we are working to make the benefits of cleaner, cheaper energy accessible to all. Solar power and efficiency upgrades make the biggest difference for families with limited means by reducing home energy use and saving money on utility bills. These benefits should be attainable for all, but big utility companies focused on maximizing profits often push for policies that make solar and energy efficiency unnecessarily expensive. SELC is working to lower utility bills for everyone, especially those who need it most. Virginia's 2020 Clean Economy Act commits the state to a carbon-free power system by 2050, and we insisted on the inclusion of a program that will cap energy bills for customers who struggle to make ends meet. In North Carolina, we successfully advocated for an additional \$6 million in funding for Helping Home Fund for energy efficiency and critical upgrades in low-income households.

### Solar for all

Since 2014, when SELC-instigated legislation removed key affordability barriers, solar power in South Carolina has boomed—adding over 20,000 new rooftop installations and 3,000 new industry jobs. Our Stories of Solar video series showed how this cost-effective, clean energy resource is making a difference for residents like Jacqui McLeish, a single mother who was able to lease rooftop panels with no upfront costs thanks to the new law. “I’m saving, on average, about 40 percent on my bill. That’s a no-brainer right there,” McLeish said. In 2019, SELC successfully advocated for an extension of these pro-customer, pro-solar policies, and lawmakers committed specifically to making solar more affordable for customers facing economic hardship. We are also pushing back against new utility shenanigans, collaborating with the state NAACP chapter and clean energy partners to block a Duke Energy proposal—most harmful to customers of limited means—to more than triple its mandatory, fixed charge on electric bills. We will continue to emphasize to both lawmakers and consumers that energy efficiency and solar power together can lower clean energy costs for more households.

**“I’m so grateful to have made a career doing work that protects all people and the places they live and love....I feel empowered working for an organization that acts on the belief that even the biggest polluters should be held accountable, and one that isn’t afraid to fight back against decisions by government leaders who fall short of protecting communities and the environment.”**

—CHANDRA TAYLOR,  
SENIOR ATTORNEY AND LEADER OF  
SELC’S ENVIRONMENTAL JUSTICE INITIATIVE





### COAL ASH POLLUTION'S DISPROPORTIONATE IMPACT

One of SELC's greatest achievements in our 35-year history is the successful cleanup of over 270 million tons of coal ash throughout our region. For decades, many utilities have disposed of coal ash in unlined pits on the banks of streams and rivers, threatening drinking water and public health. Some of the areas most impacted are predominately African-American communities like the neighborhood close to the Belews Creek coal-fired plant in Stokes County, North Carolina. In 2017, SELC filed suit in federal court against Duke Energy on behalf of community groups, including the Stokes County chapter and State Conference of the NAACP, because of Duke Energy's polluting coal ash disposal at its Belews Creek plant.

Two years prior, nearby residents were told not to use their well water for drinking due to elevated levels of arsenic and other toxins. But Duke's plans to only place a cap on this pit would have allowed toxic waste to continue leaking into the groundwater and pollute nearby waterways. "This is a quintessential example of environmental injustice," said Rev. Dr. T. Anthony Spearman, North Carolina NAACP president. "In a county that's predominantly white, Duke Energy's polluting coal ash pit sits in the middle of a mostly black community of limited means." SELC's advocacy helped secure an order from the state environmental protection agency requiring that Duke fully excavate and safely store or recycle the coal ash at Belews Creek and five other sites. When the utility challenged this action in state court, SELC joined with North Carolina to uphold its order. In early 2020, we reached a settlement with Duke to clean up 80 million tons of coal ash at these six sites, including almost 12 million tons in the Belews Creek pit.

### ADDRESSING INDUSTRIAL HOG POLLUTION

North Carolina has more than 2,000 industrial hog facilities that raise over 9.5 million swine in confinement and store massive amounts of feces in open-air pits, which spill waste into surface waters and leach harmful pollutants into groundwater that feeds drinking water sources. These operations—along with their noxious odors and dangerous environmental impacts—are overwhelmingly concentrated in rural Black, Hispanic, and Native American communities in the southeastern part of the state. SELC has collaborated for years with the North Carolina Environmental Justice Network and the Waterkeeper Alliance, among other partners, to address the unfair burden of pollution on these communities. Rather than taking steps to reduce harm, industrial agriculture has partnered with big energy to further entrench this unjust status quo and reap additional profit from the pollution of African-American communities.

Align, a joint venture of Dominion Energy and Smithfield (the world's largest industrial hog producer) plans to build a massive plant to generate methane gas from hog waste sourced from 19 facilities using these outdated, polluting waste systems. To confront this problem, SELC is in court challenging the state's air permit for the proposed biogas processing facility. Along with over two dozen organizations representing 200,000 North Carolinians, we also sent a letter to the state attorney general urging him to enforce an agreement with Smithfield requiring the hog giant to address the ongoing harms of its waste system.



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