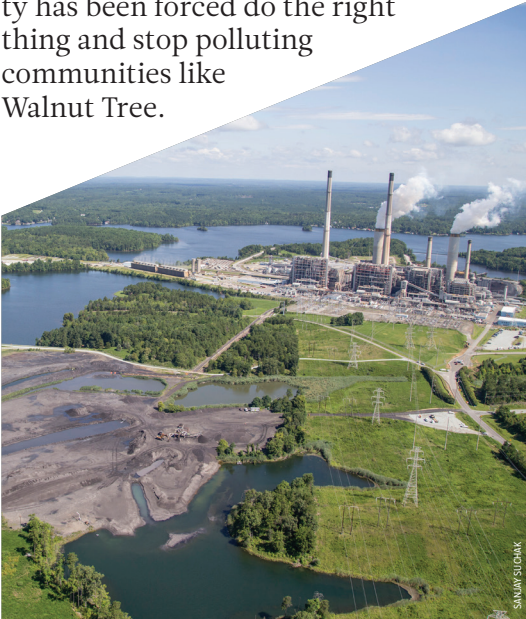


COAL ASH POLLUTION'S DISPROPORTIONATE IMPACT

In 2017, SELC filed suit in federal court against Duke Energy on behalf of community groups, including the North Carolina NAACP and the Stokes County NAACP, because of Duke Energy’s polluting coal ash disposal at its Stokes County Belews Creek coal-fired plant. For decades, the utility disposed of coal ash produced by this facility in a large, unlined pit on the banks of a stream that flows into the Dan River. In 2015, nearby residents, many of whom are African American, were told by the state not to use their well water for drinking or cooking due to elevated levels of arsenic and other toxins. But Duke Energy’s plans to only place a cap on this pit would allow toxic waste to continue leaking into the surrounding groundwater and pollute nearby waterways, with impacts on community property

values as well. “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 groundbreaking lawsuit and advocacy helped secure an order from the state environmental protection agency in early 2019 requiring that Duke Energy fully excavate and safely store or recycle the coal ash at Belews Creek and five other sites. When the utility refused to comply and challenged this action in state court, SELC joined with North Carolina to uphold its order. In early 2020, we reached a settlement with Duke Energy to clean

up 80 million tons of coal ash at these six sites, including almost 12 million tons of coal ash in the Belews Creek pit. Finally, the utility has been forced to do the right thing and stop polluting communities like Walnut Tree.



ADDRESSING INDUSTRIAL ANIMAL WASTE

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 low-income rural communities of color in the southeastern part of the state. SELC has collaborated with the North Carolina Environmental Justice Network and the Waterkeeper Alliance, among other partners, to address the unfair burden of pollution on these communities. In 2019, we successfully advocated for initial improvements in state-wide pollution monitoring and disclosure standards. We are also assisting residents seeking damages in federal nuisance lawsuits against Smithfield Foods and its subsidiaries. Five juries have awarded millions of dollars in compensatory and punitive damages in these

cases, but the company appealed these outcomes on the basis that it is operating within the state’s laws. SELC recently filed a friend of the court brief explaining to the federal appeals court that ineffective regulations do not free a company from accountability for damages. We are also working in the state legislature to advocate for stronger regulations and to block attempts to further limit the rights of residents to file nuisance lawsuits. This remains an uphill battle, but over the last few years we have successfully rallied eastern North Carolina communities around the goal of legislative reform. We will continue to educate lawmakers and other decision-makers on the serious impacts industrial farms have on residents and their private property.



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“Environmental justice is a commitment to right the wrongs of our past that persist today.”  
—SELC Executive Director Jeff Gleason  
New York Times op-ed, January 23, 2020

SELC SUPPORTS A  
HEALTHY ENVIRONMENT FOR ALL

SELC believes that everyone deserves to breathe healthy air, drink clean water, and live in an environment free from harmful pollution. Yet too often, communities of color and people with limited financial means bear the brunt of environmental degradation. That’s why SELC works hard—throughout our six states of Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Alabama—to ensure that environmental protections are adopted, applied, and enforced fairly and equitably to all. Through a broad and growing network of partners across our region,

SELC has strong relationships with communities and grassroots organizations that advocate for fair and equitable distribution of environmental benefits and fight against environmental injustice. We work alongside these partners and get to know the challenges their communities face and the solutions they desire so we can identify how best to leverage our legal and policy expertise to address their needs. Here are some highlights from SELC’s efforts to work toward environmental justice in our region.



## SELC CHALLENGES PIPELINE'S UNFAIR BURDEN

The Atlantic Coast Pipeline would cut a 600-mile swath from the fracked-gas fields of West Virginia across Virginia to the southern border of North Carolina. Among those in the crosshairs for this massive, unnecessary project is the historic, predominantly African American community of Union Hill, Virginia. Dominion Energy has proposed building the state's only compressor station for the pipeline in this rural, residential part of Buckingham County settled after the Civil War by people who had been enslaved on nearby plantations. The compressor station would bring to Union Hill a 68-acre industrial facility that would emit huge amounts of fine particulate matter, nitrogen oxides, and other precursors to smog pollution. To stand with the Union Hill community, SELC challenged the Virginia Air Pollution Control Board's approval of this facility. In January 2020, a federal court ruled in favor of Friends of Buckingham, represented by SELC, and invalidated the Virginia air board permit. This is a major victory for Union Hill families, and it is one of the most important court rulings for environmental justice in Virginia's history. 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." The court's ruling acknowledges this history and puts state officials and developers on notice that they cannot locate polluting facilities in Virginia communities without accounting for the unfair impact on minority families living nearby.

## 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—including leaving creosote-soaked lumber to dry on the bare earth—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 church leaders became concerned about the potential misuse of these federal funds and 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 of a full, effective cleanup and a restoration plan that honors the area's natural resources and brings new economic vitality to Navassa.

## BAD AIR POLLUTION DEAL IS LAST STRAW FOR ALABAMA COMMUNITY

In suburban Birmingham's predominantly white Jefferson County, the Drummond Company's ABC coal coaking 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 in 2014 the EPA proposed designating areas near the plant as federal Superfund sites—a process that was 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. On behalf of concerned community members, SELC is asking the Department of Justice to step in and demand a transparent process that requires full accountability for the ongoing benzene leaks and just compensation to the Tarrant community for decades of harm.



"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.

—SELC Senior Attorney Chandra Taylor

Watch Chandra share what inspires her work at SELC in our video series at [SouthernEnvironment.org/above-and-beyond](https://southernenvironment.org/above-and-beyond)



## JUSTICE FOR WEST BADIN

Alcoa's shuttered facility in Badin, North Carolina, will no longer be able to discharge unsafe levels of cyanide and other pollutants into the local water supply thanks to a settlement between the state, the polluter, and SELC's client, the Concerned Citizens of West Badin. The agreement resolves a lawsuit SELC filed in 2017 challenging contamination at the site and addresses decades of pollution harming the majority African American neighborhood near the plant. The facility, found on the shore of Badin Lake, closed in the 1990s, but hazardous waste from the site continued leaking into nearby rivers and streams where local residents once fished. The settlement negotiated by SELC includes tough cyanide pollution controls and requires Alcoa to build a new stormwater system that will stop contaminated groundwater from discharging toxins into surrounding waterways.

## CLEAN, AFFORDABLE ENERGY

SELC is a driving force behind a transformation of the South's energy economy few thought possible—one in which fossil fuels are being left behind and renewable alternatives are quickly replacing them. As we supercharge this clean energy revolution, we must make the benefits of cleaner, cheaper energy accessible to all. The improvements that make the biggest difference for families struggling to make ends meet are solar power and efficiency upgrades that reduce home energy use and save money. These benefits should be attainable for all, but big utility companies focused on maximizing profits have created policies that make solar and energy efficiency more expensive than they need to be. SELC is working to lower utility bills for everyone, especially those who need it most. Delivering cost savings through efficiency measures and ensuring fair access to clean, renewable energy are the best ways to accomplish this goal.

### Solar for All

Rooftop solar in South Carolina has taken off since 2014, when SELC and our partners helped to enact legislation removing barriers that made solar unaffordable for many. With greater accessibility, solar has boomed—adding over 11,000 new rooftop solar installations and 3,000 new solar industry jobs in just a few years. 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 installed 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. Solar grew so quickly in South Carolina that by 2018 the state nearly exceeded the initial caps lawmakers placed on the programs driving the solar renaissance. SELC successfully advocated for 2019 legislation to extend the pro-customer, pro-solar policies, and this time lawmakers committed specifically to making solar more affordable for customers facing economic hardship. During this time, we also partnered with the state conference of the NAACP to successfully oppose Duke Energy's over-the-top proposal 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.

### Saving Energy, Saving Money

In downtown Birmingham, the energy burden of some residents is among the highest in the nation. A combination of higher than average utility bills and lower than average monthly income has created a situation where residents are sometimes spending more than five times the national average of their monthly income on energy. Energy efficiency is our cleanest, cheapest energy resource, and incentives to upgrade lighting, heating, and cooling systems can help customers meet their power needs with less electricity and at a lower cost. SELC is using this data to advocate with Birmingham leaders for new programs that would provide relief for residents struggling with high power bills and help the city meet its commitment to clean energy use at the same time.