

EVERYONE'S BACKYARD

VOL. 31 No.2 SUMMER 2013

TRAIN WRECK: A COMMUNITY FIGHTS BACK



FRACKING WASTEWATER TARGETED FOR INJECTION WELLS



The Journal of the Grassroots Environmental Movement

www.chej.org

Center for Health, Environment & Justice

CHEJ BOARD OF DIRECTORS

Alonzo Spencer, Chairman
 Dave Beckwith, Ohio
 Suzie Canales, Texas
 Ken Grossinger, Washington, D.C.
 Luella Kenny, New York
 Janet Marsh, North Carolina
 Esperanza Maya, California
 Maria Pellerano, New Jersey
 Peter Sessa, Massachusetts
 Terri Shuck, Maryland

SPRING 2013 INTERNS

Jose L. Aguayo
 Thomas Mutell
 Lauren Wilson

Everyone's Backyard is published quarterly by the Center for Health, Environment & Justice, Inc. The Managing Editor is Stephen Lester, with Action Line contributions from Jose Aguayo, and layout design by Gregory Kolen II. EBY is printed on 100% recycled and 100% post-consumer waste paper, not bleached with chlorine, using low VOC vegetable oil-based inks.



CHEJ grants permission to other publications, including websites, to reprint materials from *Everyone's Backyard*. All reprinted material should contain a statement acknowledging that the material was originally published in *Everyone's Backyard*, the quarterly newsletter of the Center for Health, Environment & Justice.

Library of Congress
 #ISSN 0749-3940.
 Copyright by CHEJ.

Unsolicited manuscripts, news items, artwork, photographs and other submissions are welcome. All submissions become the property of CHEJ and will not be returned unless special arrangements are made in advance.



Center for Health,
 Environment & Justice, Inc.
 P.O. Box 6806
 Falls Church, VA 22040-6806
 (703) 237-2249
 chej@chej.org - www.chej.org

On the Cover:

**Train derailment in Paulsboro,
 New Jersey**

Photo By Mel Evans

YESTERDAY, TODAY, AND TOMORROW

Thirty-Five years ago I was stunned that someone would build an elementary school on the perimeter of a 20,000 ton toxic waste site. Then I was shocked to learn that the playground at the school was literally on top of the dumpsite. But most of all, I was astonished to learn that the entire problem was studied, defined as a serious public health risk by local, state and federal authorities and then ignored with the studies and reports buried in a file cabinet.

I am sure my surprise is not an isolated reaction even today as health authorities go about doing the same thing. Thirty five years ago I was a simple (and I mean simple) homemaker whose biggest concern was taking care of my family. I wasn't interested in the environment, public health issues or politics. Yet, here I am today, assisting groups across the country that face similar situations as I did at Love Canal. Thirty-three years ago I sat in Woburn, MA across the table from Anne Anderson and Donna Robbins who found that their children's cancer was related to chemicals in their drinking water. They too were shocked to realize that they were the ones to make this discovery.

Jump ahead to 2013 and I am sitting across the table from a mother in Portland, Oregon who is frustrated and yes, stunned, to find out that their local school and the children at the school are at increased risk of cancer, asthma, and other diseases and no one in authority seems to care. "What do we do? "Where do we turn? "How do we get our representatives to act?" These are the same questions I asked 35 years ago.

There are many answers to these reoccurring questions. There are big picture answers such as hold corporations accountable and don't let them get away with "murder" or get government to require labeling of all toxic chemicals found in a product so that consumers can make educated choices about what to buy.

Sometimes, however, the best answers are right in your own backyard. Our greatest chance for change is at the local and state level, not nationally. When the people lead, the leaders will follow is not just a cliché, but a fact. If everyone stood their ground, like the families at Love Canal or the workers in factories across this nation who demanded to know what they were exposed to, we could create serious change. And if consumers used the 800 number on the label of most every product and asked for a list of chemicals in the product or disposed of to make the product, we could shift the market toward safer products. In fact, next time you become angry at your partner, boss, friend, or spouse, pick up a product and no, don't throw it, instead find the 800 number and call to ask for information. You can release your anger at a company that is trying to keep you in the dark and may be poisoning a community somewhere. This is one way to help celebrate the 35th anniversary of the Love Canal crisis.

Lois Marie Gibbs,
 Executive Director

ABOUT CHEJ

CHEJ is a national non-profit organization that helps people build democratic, community-based organizations to prevent harm from toxic chemical hazards. CHEJ works with the environmental health and justice movement to eliminate harmful toxic exposures in communities impacted by hazardous waste sites, chemical plants and other polluting industries, as well as, eliminate unsafe chemicals in products used in homes, schools and other facilities. CHEJ mentors and empowers community-based groups to become effective in achieving their goals and build a national environmental health and justice movement where every community is safe to live, work, pray and play without toxic hazards. CHEJ has assisted over 11,000 groups nationwide. To learn more, visit www.chej.org.

By MIKE SCHADE, CHEJ's MARKETS CAMPAIGN COORDINATOR

TRAIN WRECK: A COMMUNITY FIGHTS BACK

Imagine taking your children to school one morning only to discover a cloud of toxic chemicals in your path. Through days of headaches and nose bleeds, you wonder what happened, fearing for your family's lives.

That's what happened to residents of Paulsboro, New Jersey this past December, when more than 200 families were evacuated for days after a train carrying highly toxic and flammable chemicals derailed from a bridge over a creek in Paulsboro. Four rail cars that ended up in the creek contained vinyl chloride, one of the main chemicals used to manufacture polyvinyl chloride (PVC) plastic that was destined for OxyVinyls' PVC plant in Pedrickstown, NJ. One of the train cars released over 23,000 gallons of vinyl chloride, which formed a cloud of toxic gas that drifted into people's homes around the community. More than 70 people went to the hospital because of the vinyl chloride release. One resident, a 77 year old woman, was outside attending to chores when she was surrounded by a chemical cloud. She soon developed chest pains and breathing problems and was brought to the hospital where she eventually died.

Air monitoring found very high levels of this chemical in the community. Subsequent "biomonitoring" of firefighters and other first responders revealed elevated levels of vinyl chloride in their bodies. These people have now sued Conrail as the company advised them that they did not need breathing masks or other personal protective equipment.

The accident was nothing short of a major environmental and occupational health disaster. It took more than two weeks for government agencies to remove the railcars from the creek, a tributary of the Delaware River which provides drinking water for 15 million people.

Residents fight back and organize

"As a parent it's your worst nightmare. I am really concerned that my children are going to be alright, that they are going to have longevity and be lively," said Cassandra Clarke, a mother of two, whose children got sick as a result of the spill.

In the weeks and months following the chemical disaster, residents got organized and formed the Paulsboro Action Committee (PAC), a community based organization to hold local government and industry accountable for the disaster, and to make sure nothing like the Paulsboro accident ever happened again. Catherine Cruice, a



Photo By Rae Lynn Stevenson

member of the committee, got involved after she had to take her husband to the hospital on Christmas Eve because of recurring headaches and breathing problems. "The medical bills say 'vinyl chloride exposure,'" said Cruice. "We have a \$6,000 bill."

The group is looking to work with the town and area governments on developing better emergency response procedures and preventive action to protect residents from chemicals released from area plants. Residents have circulated a petition calling for training and safety tool-kits for residents to construct homemade shelters, crossing guards to help students navigate past the trains and town-wide air-monitoring systems funded by the local industry.

CHEJ's allies at the NJ Work Environment Council (NJWEC) have been working closely with the Paulsboro Action Committee. PAC has developed a door-to-door strategy to get area residents to sign and deliver their petitions to a town council meeting. NJWEC has also connected residents to doctors at the Rutgers University Environmental and Occupational Health Sciences Institute for medical evaluation. Both CHEJ and NJWEC have filed numerous FOIA requests to get more information about what really happened in Paulsboro.

Residents and firefighters file lawsuits, Conrail tries to buy people off

Many residents and first-responders have filed lawsuits against the train company, Conrail. In response, Conrail has been trying to buy people off by offering checks to

Continued on page 4

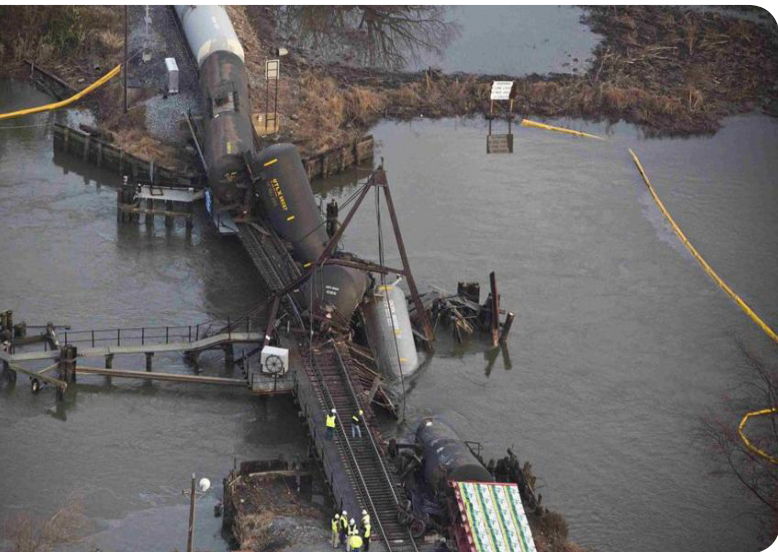


Photo By Andrew Burton

compensate residents, ranging from \$500 to \$2,500. The kicker: by accepting the payments, residents would sign away their rights to sue, as would their children, for the rest of their lives. More than 25% of the people in the town live below the poverty line, so a \$500 check can be very appealing. “They are taking advantage of people’s economic plight,” said Jim McGovern, a member and leader of the Paulsboro Action Committee. Paulsboro is a town of 6,000 residents, right outside of Philadelphia, and is also home to oil refineries and chemical plants. The railroad carries tankers full of chemicals through the neighborhood every day. You can see smokestacks from the high school football field.

The need for chemical disaster prevention

The accident in Paulsboro was bad, but the true impact may not be known for years or even generations. Vinyl chloride is a dangerous, highly flammable chemical that, according to the EPA, causes liver damage and is one of the few chemicals classified as a “known human

carcinogen.” In other words, it’s known to cause cancer in people, which could take decades to manifest.

The accident in Paulsboro is only the tip of the iceberg. What happened there could happen with devastating consequences just about anywhere in the United States. In fact, since the Paulsboro accident, a fertilizer plant caught on fire and exploded in West, Texas killing at least 14 people and leveling an entire community. The Paulsboro and Texas accidents highlight the deadly dangers associated with the massive amounts of hazardous chemicals we transport by rail and store in facilities that put the health and lives of thousands of workers and communities at risk.

It doesn’t have to be this way. We have known about this danger for too long. The EPA has the power to use its existing authority under the Clean Air Act to safeguard chemical plants and reduce the use of deadly chemicals, including vinyl chloride, at these sites. It won’t be easy, but action to begin securing dangerous chemicals would protect the health and lives of millions. Republicans and Democrats were united in their desire to protect families from accidents and acts of terror targeting chemical plants post-9/11. It’s time to unite again, for Paulsboro and the many other communities affected by toxic chemicals.

This is not just an environmental issue. It’s an issue of worker and public safety, and national security. How many more accidents do we need before we acknowledge the risks associated with the storage and transport of these chemicals? The time to act is now, before the next toxic disaster takes place in Baton Rouge, Houston, New York City, Philadelphia or any of the hundreds of cities and towns that are one accident or act of sabotage away from disaster. We must act now, to prevent another Paulsboro. ♦

Do you live near a high risk chemical plant?

One in three Americans is at risk of a poison gas disaster by living near one of hundreds of chemical facilities that store and use highly toxic chemicals. Visit <http://usactions.greenpeace.org/chemicals/map/> to find out if you’re living near one.



PROGRAM HIGHLIGHTS

Parents to Disney: Toxic Chemicals Aren't Good for Business

Photo By Elaine Spinak Rodriguez



This past March CHEJ partnered with Arizona environmental and health groups to hold a protest outside of Disney's annual shareholders meeting in Phoenix, AZ, to call on the company to phase out toxic phthalates and vinyl plastic in children's products such as school supplies. With Disney's shareholders, Senior Executives and Board of Directors in town for the company's annual shareholder meeting, CHEJ and area groups demonstrated outside holding signs and passing out leaflets to hundreds of Disney shareholders and executives. Since August, over 65,000 concerned parents across the country have signed petitions to Disney on Change.org and MomsRising.org calling on the company to phase out these harmful chemicals.

"Why does Disney sell lunchboxes and backpacks that contain toxic chemicals that have been banned in toys?" said Steve Brittle, President of Don't Waste Arizona, a statewide environmental health organization. "We would like Disney to do what's right and safeguard our children's health by eliminating these unnecessary harmful chemicals and plastic."

These actions follow a CHEJ report that identified phthalates up to 59 times the safety level in Disney products. Disney lunchboxes, backpacks, and raingear were found to contain these chemicals at levels that would be illegal if these products were toys. **To learn more and get involved, visit: www.chej.org/disney**

New York PTA Passes Resolution to Phase-out PVC in Schools

This year, the New York Parents Teacher Association (NY PTA) passed a resolution at their statewide annual convention titled, Reducing & Phasing Out the Purchase of Polyvinyl Chloride (PVC) Plastic in New York Schools, which we plan to leverage in NYC, statewide and nationally. The resolution acknowledges the serious harm posed by PVC throughout its lifecycle, releasing toxic chemicals such as phthalates during use in products such as school supplies and vinyl flooring; releasing toxic chemicals such as vinyl chloride and ethylene dichloride during manufacture; and generating toxic chemicals such as dioxins during disposal when burned.



This resolution adds to the growing movement for PVC-free schools and follows similar resolutions enacted by the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals in the world, in 2011 and by the New York State United Teachers (NYSUT) union that represents more than 600,000 employees and retirees from New York State schools, colleges, and healthcare facilities, last year.

The full PTA resolution can be read at the following link: www.chej.org/wp-content/uploads/NYS-PTA-PVC-Resolution.pdf



PROGRAM HIGHLIGHTS

Shining a Light on PCBs in Schools

Over 250 teachers, administrators, parents and government officials learned about the problem of PCB-contaminated lights in schools and the solutions to replace them with energy-efficient lights at the Georgia Green Building Council's annual Healthy and High Performance Schools Conference in Atlanta, Georgia last month. CHEJ was there and gave a presentation that was well-received. A number of groups are now interested in investigating whether GA schools built before 1979 have PCB-contaminated lamp ballasts that could be leaking. These groups include the GA Nature Conservancy, Mothers and Others for Clean Air, and the GA Green Building Council. One shocking fact was that the EPA indoor air pollution regional staffperson had never heard about PCBs in old lighting fixtures even though all EPA regions have a person that is designated to answer inquiries about the problem and solutions. For more information on the problems and solutions, go to <http://chej.org/campaigns/focus-on-schools/>.

Nuclear Victory in Maryland



Maryland groups breathed a sigh of relief as the federal Nuclear Regulatory Commission (NRC) denied the license for the controversial Calvert Cliffs 3 nuclear reactor. The decision marks the first time in history that the NRC upheld the denial of a license for a commercial nuclear reactor. Many community, energy and environmental groups including Nuclear Information and Resource Service, Public Citizen, Beyond Nuclear and Southern MD CARES fought this proposed reactor for years. The groups brought the issue of foreign ownership to the Atomic Safety and Licensing Board who found that the project was in violation of the Atomic Energy Act, which prohibits foreign ownership of a U.S. nuclear reactor. The NRC upheld this decision.

New Resources to Promote Safer Products in Government Purchasing

Let's face it, government agencies and schools buy lots of stuff including computers, office supplies and flooring. Many of these products are often filled with toxic chemicals and materials, like vinyl plastic, phthalates and flame retardants. But what if we could change that? What if we could harness the power of government spending to promote safer products that don't contain these harmful chemicals? What if government agencies could use their purchasing power to help transform the marketplace away from poisonous chemicals?

To do just that, CHEJ is pleased to announce the release of a brand new fact-pack to assist government agencies in purchasing safer products. The package of fact-sheets summarize the health hazards of some of the most toxic chemicals commonly found in products, relevant policies that promote safe products, summary case studies of governments and businesses that are phasing out the purchase of toxic goods, and cutting-edge resources for purchasers to identify and purchase safer products.

Help us spread the word! Visit www.chej.org/greenpurchasing to download the fact-pack and share them with the purchasers/staff in your community to help transform the marketplace.

Toxic-Free Schools

The spring issue of the National Parent Teachers Association (PTA) newsletter, *Our Children*, published an article by CHEJ, titled "Help Make Your School a Toxin-Free Zone." The article focused on the hazards of lead-based paint, lead in pipes and polychlorinated biphenyls (PCBs) in school lighting fixtures installed before 1979. The article provides a list of resources to help parents and school personnel take action to address these hazards. To view the article, go to <http://www.ptaourchildren.org/ourchildren/20130203#pg1>.

By TERESA MILLS, CHEJ's OHIO CHILDREN'S HEALTH ORGANIZER

WASTE PRODUCED BY HYDRAULIC FRACTURING TARGETED FOR INJECTION WELLS

The uncontrolled expansion of drilling of natural gas and oil wells in shale deposits throughout the United States using hydraulic fracturing ("fracking") appears to have spawned a \$30 billion per year expansion in the waste disposal business according to waste and investment industry executives. The fracking process uses an estimated 136 billion gallons of water a year in the United States and Canada. Once used, the water must be treated and reused, or disposed of. Much of this waste ends up in injection wells which in the Midwest means in Ohio. There are 190 active class II injection wells in Ohio and last year 587,615,532 gallons of toxic, radioactive, liquid waste were injected into Ohio's subsurface. More than half this total came from states other than Ohio.

So who is getting rich off of all this dumping? Certainly not the local community because injection wells do not create jobs and the local government has to pay for any road damage done by the increase in traffic to the wells. The State of Ohio received only \$1.8 million or .003¢ per gallon for allowing all of this toxic liquid waste to be injected into our soils.

Like so much of what we know about fracking, the health risks posed by injecting liquid waste deep into the earth through injection wells is full of uncertainty. The United States General Accounting Office (GAO) has concluded (see <http://www.gao.gov/products/GAO-12-156>) that the liquid waste produced by hydraulic fracturing in shale formations is of poor quality and varies greatly in its make-up. GAO points out that high concentrations of contaminants are found in water produced from fracking operations and that these contaminants pose health risks to humans and the environment:

"The quality of produced water from oil and gas production is generally poor, and in most situations, it cannot be readily used for other purposes without prior treatment. According to the literature we reviewed and stakeholders we spoke with, produced water may contain a wide range of contaminants in varying amounts. Most of the contaminants occur naturally in the produced water, but some are added through the process of drilling, hydraulic fracturing, and pumping oil and gas. The range of contaminants found in produced water can include, but is not limited to:

- Salts that include chlorides, bromides and sulfides of calcium, magnesium, and sodium;
- Metals that include barium, manganese, iron and strontium, among others;



Photo By Amy Sancetta

A Youngstown, Ohio injection well. Operations were stopped after a series of small earthquakes.

- Oil, grease, and dissolved organics that include benzene and toluene, among others;
- Naturally occurring radioactive materials; and
- Production chemicals that may include friction reducers to help with water flow, biocides to prevent growth of microorganisms and additives to prevent corrosion, among others.

"Exposure to these contaminants at high levels may pose risks to human health and the environment. For example, according to EPA, a potential human health risk from exposure to high levels of barium is increased blood pressure, and potential human health risks from exposure to high levels of benzene include anemia and increased risk of cancer. From an environmental standpoint, research indicates that elevated levels of salts can inhibit crop growth by hindering a plant's ability to absorb water from the soil. Additionally, exposure to elevated levels of metals and production chemicals, such as biocides, can contribute to increased mortality among livestock and wildlife."

The GAO report goes on to describe other dangerous constituents in the waste stream:

"The specific quality of water generated by a given well, however, can vary widely according to the same three factors that impact the volume of water produced from the well: the hydrocarbon being produced, the geographic location of the well, and method of production used. First, according to stakeholders we spoke with, the type of hydrocarbon is a key driver of produced water quality, due to differences in geology across the formations in which the hydrocarbons are found. Specifically, the depth at which the hydrocarbons are found

Continued on page 8

influences the salt and mineral content of produced water, and, in general, the deeper the formation is, the higher the salt and mineral content will be. For example, produced water from shale gas wells drilled at depths generally ranging from 5,000 to 8,000 feet have salt and mineral levels 20 times higher than produced water from coalbed methane wells drilled at depths of 1,000 to 2,000 feet.

“Lastly, the method of production can affect the quality of the water produced. These differences are largely attributable to the chemicals and other substances added during drilling or production processes, according to stakeholders we spoke with. Specifically, methods of production that rely on hydraulic fracturing or enhanced recovery methods can result in poorer quality produced water than other methods. For example, according to stakeholders, the range of chemicals, sand, and water that are added to facilitate the hydraulic fracturing process can lower the overall quality of the produced water from these kinds of operations.”

The discharge, treatment, disposal and storage of frack waste is not only important for Ohio—it is important for every state where fracking is occurring. With so many uncertainties about the health risks this process poses, whether the waste is produced in Ohio or some other state, it is not safe to dispose of it in injection wells. In fact, the waste management problems that accompany drilling in the Utica shale, where most of the drilling in OH is occurring, are as great if not even greater than that generated by drilling in the Marcellus shale (that reaches under OH, PA, MD, WV and NY). The Utica shale is much deeper and requires much larger volumes of water and chemicals to frack. This, in turn, produces larger quantities of toxic liquid waste. The pollutants found in this waste water pose more risks because the gas is considered “wet” meaning it is high in hydrocarbons such as benzene, toluene and xylene (BTEX) and oil which ends up in the waste water. These substances are also volatile and pose additional environmental impacts due to off-gassing from frack pits, condensate tanks, and well sites.

In its 1988 Regulatory Determination, EPA admitted that oil and gas waste contains toxic substances that endanger both human health and the environment. Despite noting that benzene, phenanthrene, lead, arsenic, barium, antimony, fluoride, uranium as well as other contaminants found in this waste were of major concern and present at “levels that exceed 100 times EPA’s health based standards,” EPA declined to regulate these toxic substances under Subtitle C of Resource Conservation and Recovery Act.



Photo By Kyle Robertson

A semi from Pennsylvania unloads wastewater at the Devco No. 1 injection well near Cambridge, Ohio.

EPA identified three factors as the basis for its decision not to regulate oil and gas waste under Subtitle C:

- (1) The infeasibility of implementing alternative regulations,
- (2) The adequacy of state regulations, and
- (3) The economic harm that would befall the oil and gas industry if additional regulatory controls were imposed.

The list of exempted waste includes produced water, drilling fluids and muds, drill cuttings, hydrocarbons, hydraulic fracturing fluids, pit sludges, certain gases and hydrocarbons, workover wastes and sediment from the bottom of tanks. There is also no incentive for companies to minimize hazardous waste since they do not have to meet the high level of management and treatment this hazardous waste requires for all other generators.

In conclusion, the management and regulation of waste produced by hydraulic fracturing is one of the most difficult and challenging issues related to shale gas development. It is reasonable and necessary to prevent the pollution that would result from this dangerous waste by prohibiting it from being discharged, disposed, processed or stored in injections wells. Ohio citizens, working with state legislators have introduced House Bill 148, a bill that would ban injection wells in Ohio. In less than one month, citizens have gather resolutions in support of HB 148 from the Athens County Commissioners, Athens City Council, the City of Cincinnati and the Portage County Commissioners. People in Ohio are taking steps to protect itself from the discharge, treatment, disposal and storage of frack waste. What’s happening in your state? ♦

CHEJ's 35 Anniversary Commemoration of Love Canal



Lois Gibbs talking about CHEJ's work to empower communities nationwide.



Event Co-Chair Cara McCaffrey, Cheryl Chase, Lois Gibbs and Jayni Chase



Members of the event host committee.



*Cara McCaffrey, Co-Chair of the event, and our MC for the evening introducing a segment of the film *A Fierce Green Fire*.*

CHEJ's 35 Anniversary Commemoration of Love Canal



Guests mingling and enjoying the event.



CHEJ board member Ken Grossinger speaking with guests.



Cara McCaffrey and guests.



*Eric Weltman of Food and Water Watch, Joel Shufro of NYCOSH,
and Mike Schade of CHEJ.*

ACTION LINE

Action Line is the heart of Everyone's Backyard. This is where we tell the stories of grassroots groups that reflect their creative energy and accomplishments. It is also a way to share strategies, actions and industry trends. Although we do not always mention our role, CHEJ is providing organizing and technical assistance to many of these groups. For other stories, we draw on a large network of contacts and organizations that we have developed during more than 25 years of operation. We welcome and encourage contributions.

Washington DC

Spring Valley's infamous story continues as The Army Corps of Engineers appear to have found the "hole called Hades"; the location of a waste pit where soldiers buried artillery shells and glass jugs full of lethal compounds just beyond the edge of the American University campus. What is more disturbing is that this site is a mere 20 feet from the residence of a family with two young children. The family's requests for relocation fell on deaf ears, as the Army Core refused to acknowledge the obvious danger. DC Congresswoman Eleanor Holmes Norton released a letter sent to the Army Corps demanding that the government move the family. The family is also pursuing legal means to request the intervention of EPA in the matter.

Idaho

Congratulations to the **Idaho Conservation League** and local activists who worked together to oppose plans to build a waste-to-energy gasification plant at the Ada County Hidden Hollow Landfill. The Board of Ada County Commissioners and Dynamis Energy, LLC jointly announced termination of all agreements to build the plant. The announcement came after the Board of Commissioners carefully reviewed comments from the City of Boise and the City of Meridian, the financial impacts and advisability of proceeding with the project, as well as protests opposing the plant. Ada County Commission Chairman Dave Case justified the decision by saying that the decision was "in best interest of our constituents... and it will help the County move forward in a positive direction with our continued commitment for greater transparency and collaboration." Though the county lost \$2 million in the process, the decision to halt the incinerator is commendable and shows the officials' commitment to protecting the health of their constituents.

Maryland

Congratulations to a coalition of over 15 environmental groups including **Clean Water Action**, the **Sierra Club** and the **No-Incinerator Alliance in Frederick County** and to residents across the state for creating the pressure on state legislators who voted to repeal SB 799! Proposed by Covanta and Energy Answers, SB 799 would have equated "zero waste" with "zero waste to landfill." This subtle change would have provided a strong incentive to send waste to incinerators, claiming that it is pushing the notion of renewable

energy. Marylanders were not fooled. Zero waste means diverting as much waste as possible away from both landfills AND incinerators. Congratulations Maryland!

Massachusetts



Karen Vilandry, left, Eileen Rivera, and her husband Edwin of Hands Across the River, walk along the Fairhaven side of New Bedford Harbor.

Hands Across the River Coalition (HARC) was outraged when the EPA canceled a public meeting regarding the cleanup of the PCB contaminated sediment in the New Bedford Harbor. The EPA stated that the uncertainty about their annual funding (the so-called sequester) would make a presentation of their summer cleanup plans for the harbor premature. Karen Vilandry, vice president of HARC, said that postponing the meeting was unacceptable as the organization still has questions for EPA about the agency's change in the cleanup plan. The agency has recently proposed placing the contaminated sediment in confined aquatic disposal (CAD) cells in the harbor and the group opposes doing this mostly because of the uncertainties about the long-term security of these "landfills." EPA has been removing the contaminated sediment, treating it on-site and taking it to a landfill that accepts PCBs. They want to abandon this plan in favor of the new plan.

Congratulations to the residents of **South Hadley** who organized opposition to plans by Advanced Disposal to expand the town's landfill into a residential neighborhood. The decision follows an investigation by the state Department of Environmental Protection into numerous problems at the landfill. For months residents have complained that the facility was not following government regulations. Fines and several warning letters had been issued by the state in the past year. Improper record-keeping at

the site, the acceptance of banned waste items and air pollution are among the violations. The state left the decision in the hands of the South Hadley Board of Health who denied the expansion of the landfill citing that inappropriateness of allowing the landfill to encroach on the residential area. Following this determination, Advanced Disposal announced they will be closing within the year.

Missouri

Concerned Citizens Against Toxic Waste are getting organized to address a fire at the Bridgeton landfill in St. Louis County that has burned out of control for over two years. This landfill is adjacent to a federal Superfund site where 8,000 tons of highly radioactive waste is buried. While residents are concerned about the health and environmental impacts of the fire, they are especially worried that the fire will reach the radioactive waste. The landfill owner has proposed installing 40 gas collection wells and a cap to cover the fire. Before they do this however, they need to remove eleven four foot wide vertically placed concrete pipes that are approximately 200 to 300 feet deep. These pipes are part of an old gas collection system that failed and that may be feeding the fire. Heavy equipment will be used to remove the pipes and residents are concerned that the digging will expose contaminated soil to the air and significantly increase the odors coming for the landfill. They have asked to review the company's safety plan before the project begins.

Montana

The **Clark Fork Coalition** continues to monitor the state and federal EPA's progress in restoring the Clark Fork River to its natural path following the removal of the Milltown Dam in 2009. For over one hundred years, the dam plugged the river eight miles upstream of Missoula resulting in a 180-acre reservoir of contaminated sediment—6.6 million cubic yards of it—that washed down from the copper mines at Butte. The contaminated sediment, laden with arsenic and copper, poisoned local wells and killed fish and other aquatic life for years. Removing the dam and the contaminated sediment was part of a \$100 million cleanup funded by a settlement with Atlantic Richfield Co. On May 1st the river opened to floating and fishing. This is a huge victory for communities up and down the river. The Coalition has been active in addressing the contamination since it was founded in 1985 and is planning to celebrate the remarkable recovery of the Clark Fork by sponsoring a river float from "Milltown-to-Downtown" in August.

Nevada

Just a few months ago, the **Reno** Planning Commission approved a proposal for an asphalt plant in a neighborhood location that had been

Photo By Mike Valeri

ACTION LINE

zoned industrial for decades. The proposed operation still required special approval by the city. When concerned citizens discovered the plans for the plant, they organized and packed the City Council meeting with over 100 people who not only opposed the project, but made sure their voice was heard. As a direct result of citizens taking a stand against the project, the City Council unanimously denied the asphalt plant that was approved by the Reno Planning Commission! While the Reno community is the true hero in this effort, CHEJ played a small role by providing access to our publications and deep experience in helping to organize communities.

New Jersey

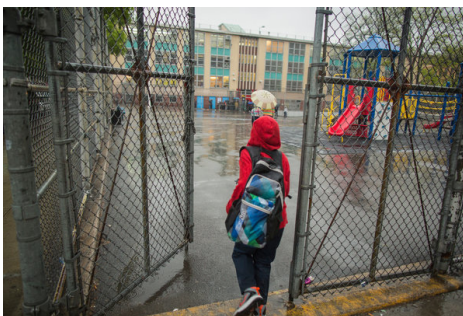
The **Ironbound Community Corporation (ICC)**, member of the Coalition for Healthy Ports, is fighting to address truck traffic increases from the proposed Bayonne Bridge project in Newark. The Port Authority of New York and New Jersey want to raise the bridge substantially to allow larger container ships to pass beneath it en route to the Newark/Elizabeth container complex. Although the Port Authority claims the increase in truck traffic will be insignificant, ICC and fellow coalition members do not agree and are calling for the creation of a \$100 million fund to finance mitigation efforts to reduce hazardous emissions. In addition, the EPA criticized the U.S. Coast Guard for not including the effects of the project in their draft environmental assessment for the project. The Port Authority and the Coast Guard must now decide whether to delay the project to include the environmental assessments, or come up with a plan to mitigate the damage to the community.

Pompton Lakes' resident Cheryl Rubino attended Governor Chris Christie's town hall meeting at Raritan Valley Community College in April where she asked the Governor to place the Pompton Lakes DuPont site on the federal Superfund list. **Citizens for a Clean Pompton Lakes (CCPL)** have been unhappy with DuPont's cleanup over the past 20 years and have repeatedly asked that the site be placed on the Superfund list. The problem is that DuPont wants nothing to do with Superfund and the request has to come from the state. The community feels that their health remains at risk because of a plume of volatile chemicals that has never been cleaned up. This plume is moving below their homes and evaporating into the air of their homes. The Governor said he would review the information and personally follow up with her. Christie's personal follow-up was a letter that said no. CCPL is working to hold the Governor accountable and get him to nominate the site to the federal Superfund program. Go get him Cheryl!

New Mexico

Congratulations to the **New Mexico Coalition**

for **Community Rights** and the **Community Environmental Legal Defense Fund (CELDF)** who helped draft the first county-wide ordinance in the state that bans all oil and gas extraction (fracking). The Mora County bill includes a right to clean air and water, a right to a healthy environment, and the rights of nature all while prohibiting activities which would interfere with those rights. Activities include oil drilling and hydraulic fracturing for shale gas. CELDF's Executive Director stated, "This vote is a clear expression of the rights guaranteed in the New Mexico Constitution which declares that all governing authority is derived from the people. With this vote, Mora is joining a growing people's movement for community and nature's rights."



New York

The **Clean Air Coalition of Western New York** celebrated last month when Tonawanda Coke Corporation was found guilty of violating federal Clean Air Act regulations with uncontrolled releases of ammonia and benzene. The plant's environmental control officer was also charged with obstruction of justice of the Clean Air Act and Resource Conservation and Recovery Act. Although Tonawanda Coke will remain in operation, EPA ordered the company to reduce water and air pollution or face sanctions and other enforcement actions. This victory marks a huge success for the entire city and is a major step towards bringing this facility into compliance.

The timeline for removing toxic PCB light fixtures from New York City public schools got a boost when a judge rejected the City's motion to dismiss a lawsuit filed by **New York Lawyers for the Public Interest** and **New York Communities for Change**. The groups sued the City arguing that the City's timeline for removing the PCBs was too long (10 years). The parties have now entered into discussions that may lead to a more expedited timeline for removing the PCB lights. The groups are hopeful that a shorter timeline can be negotiated and so eliminate the toxic fixtures that remain in over 650 school buildings. Their hopes got a boost when nine students and two adults from a middle-school in Manhattan were sent to a hospital with breathing difficulties after breathing smoke emitted from a PCB-ballast in their classroom.

North Carolina

SAFE Carolinas, the **Blue Ridge Environmental Defense League (BREDL)**, **NCWARN**, **Greenpeace** and hundreds of others rallied at a public hearing held by the North Carolina Utilities Commission in Charlotte on the state's 15-year Integrated Resource Plan. SAFE Carolinas, a chapter of BREDL based in Asheville, organized a caravan of activists opposing expensive and wasteful sources of electric power. About 200 people attended the hearing including 92 who signed up to speak! They joined the chorus of opposition to wasteful, costly pollution generators and money sinkholes proposed by the electric utility companies. For example, BREDL revealed that Duke Energy had spent over \$300 million on its proposed Lee Nuclear Station in South Carolina without even having its license approved. SAFE Carolinas message to the commission was to deny Duke Energy's request for more nuclear power.

People For Clean Mountains (PCM) has called on Transylvania County Commissioners to enact a moratorium for 18 months on any further development of the proposed Penrose biomass facility. "There is an emerging body of evidence that a facility like the one proposed can pose significant public health risks while also hurting the county's economic recovery and development," says Danna Smith, a PCM volunteer. PCM presented the commissioners and other government leaders with numerous questions that remain unanswered by Renewable Developers, the developers of the proposed project. PCM also launched a petition drive in conjunction with the request for a moratorium to gather more support for the moratorium.

Ohio

A class II injection well ban bill written by residents in **Columbus** was introduced by Reps. Denise Driehaus and Bob Hagan. The bill would ban all injection wells in the state. The bill would also ban the use of the current class II wells as well as stop the use of brine as a dust suppressant and de-icer in the state. The ban bill came out of a statewide meeting of Ohio grassroots groups sponsored by CHEJ and **Buckeye Forest Council**.

Citizens in **Forest** are concerned that they may have a possible cancer cluster. They are in the information gathering stage on local facilities that they fear may be responsible for the increase in cancer in their community. The group found that one facility installed a TCE batch degreaser prior to applying for a permit to do so.

People for Safe Water in Springfield are gathering support for their request to the US EPA for a change in the agency Record of Decision (ROD) for the Tremont Barrel Fill site, a Superfund Alternative site in Clark County. The site sits

ACTION LINE

above a sole source aquifer from which 82,000 customers get their water. The barrel fill site is known to contain at least 51,500 drums of hazardous and non-hazardous waste, as well as some 300,000 gallons of bulk liquid waste.

Oregon



Talent 4 Clean and Air and Water organized a peaceful demonstration of about 60 people to protest the continued operation of an asphalt plant in the midst of their neighborhood in Talent. The residents are primarily concerned about odors and emissions from the plant. Some residents live as close as 300 feet from the 11 acre site. Signs carried by the protestors included: "Stop Fugitive Emissions" and "Save Our Creek" (See Photo). Although the area is zoned residential, the current asphalt plant has been operating for more than 12 years without a permit. Earlier this year the county issued a non-conforming use permit stating that the use existed before current zoning laws had gone into effect. Several lawsuits have been filed to appeal this decision arguing that the company was not in compliance with various county, state and federal regulations, as well as raising public health and safety concerns. Talent for 4 Clean Air and Water vow to continue to fight to close down the asphalt plant which does not belong in the midst of a residential neighborhood.

Ms. Kendall Jensen a science teacher at the Roosevelt High School in Portland has inspired and motivated her students to explore the environmental problems in their community. CHEJ's executive director, Lois Gibbs and Mary Peveto from **Neighbors for Clean Air** were invited to speak with students about Love Canal and their local environmental pollution problems. The room was packed with eager students who are part of an environmental club. The students were so taken by the guest speakers that they decided to spend lunch together. The students come from a low wealth area where 84% of the students participate in a free or reduced lunch program, making it Oregon's poorest high school. Hat's off to Ms Jensen, an inspiring teacher, and to the students who are eager to learn.

Rhode Island

The **Environmental Justice League of Rhode Island** reacted quickly when it learned that the state Department of Environmental Management (DEM) was supporting changing the state's school siting law which was passed in 2012 to prohibit the construction of schools on contaminated sites where vapor intrusion could pose health risks. DEM backed off when the Rhode Island Mayoral Academy asked the General Assembly to pass a bill that would loosen the restriction due to vapor intrusion at candidate sites. The Mayoral Academy which consists of mayors from around the state had identified a former industrial site in Pawtucket where it wants to build a new magnet charter school. After spending months working on plans and obtaining permits, the Academy realized that the new siting law would prohibit building a school on their selected site. CHEJ supported the original bill and is opposed to any efforts to change it.

Tennessee

On the anniversary of the Fukushima (Japan) nuclear tragedy on March 11th, hundreds of groups held anti-nuclear actions around the country including **Mothers Against TN River Radiation** in Chattanooga who organized a nuclear fallout "flash mob" die-in to commemorate the anniversary of the Fukushima nuclear reactor disaster. The actions recognize the "future cancer victims of Fukushima and bring attention to the dangers of nuclear power radiation releases." Visit www.fallouts.org for more information on nuclear power and health studies.

Vermont

Residents living near the Moretown landfill were shocked to hear that Advanced Disposal, the company operating the landfill, intended to expand its operations. After uniting under the coalition **Citizens for Landfill Environmental Accountability and Responsibility** and with the help of the **Toxics Action Center**, the locals voiced their concerns and direct opposition to the proposed expansion. The Vermont Department of Environmental Conservation denied the company's permit renewal citing the operator's failure to control odor and landfill gas emissions at the facility and the "facility's contribution to violations of groundwater quality standards" and that the groundwater "violations are widespread at the property line, significantly exceed enforcement standards, and have been consistent or increasing for the past five years." Congratulations Moretown! Job well done!

Virginia

Congratulations to **Piedmont Residents in Defense of the Environment (PRIDE)**, **BREDL**

and many other community groups who've successfully staved off uranium mining in VA for at least one more year and maintain the 30-year old ban on uranium mining in the state. The efforts of pro-mining and milling factions were stymied this past January when a united contingency of multiple organizations, governmental groups and concerned citizens voiced its strong opposition to mining at the legislative session of the Virginia General Assembly. Over 18,000 people signed a petition supporting the moratorium and contributed to the many voices that sent a clear loud message to the legislators: "No uranium mining!" The groups are wary however that the battle will not be won until a permanent ban can be achieved and vowed to KEEP THE BAN!!!

Congratulations to the residents of **Rockbridge County** who successfully convinced the Rockbridge County Board of Supervisors not to approve Community Energy Independence's proposal for a plasma incinerator to be located at the county landfill. The supervisors voted to suspended consideration of the project because the county did not generate enough waste to make the incinerator practical. The community used information they got from the Global Alliance for Incinerator Alternatives (GAIA) to educate people including the supervisors about the many health and environmental issues related to the plasma burner.

Wisconsin

Congratulations to **Incinerator Free Brown County** who put an end to a proposed gasification plant in both Ashwaubenon and Green Bay. Observers say the group "defied public apathy and demonstrated that, even in an age of cynicism about big-money politics, there is still a place in government for good, old-fashioned activism." The group has now published an activist manifesto called "The Incinerator Resistance Guide" to provide tips on organizing people, raising funds, promoting public awareness and deciphering rhetoric. To download the guide, see <http://www.incineratorfreebrowncty.com/IFBC-Incinerator-Resistance-Guide.pdf>.

Citizens for Safe Water Around Badger (CSWAB) is unhappy with the Army's proposed changes to the cleanup plan at the former Badger Army Ammunition Plant. The proposed remedy – partial excavation of contaminated soils and sediments – will leave some residual contamination above state standards in a wetlands area that spans the width of the former military property. Environmental Stewardship Concepts, an environmental consulting firm working for CSWAB performed a review of the new cleanup plan and concluded that the new remediation goals should not be adopted in favor of the original values. If approved, camping, prairie restoration, and other conservation activities on portions of the Sauk Prairie Recreation Area may be prohibited. ♦

With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work from February 1, 2013 to April 30, 2013. We wish we had the space to acknowledge each and every one of CHEJ's donors in these pages because all gifts, regardless of size, are very much appreciated. Thank you for your support!

GUARDIANS' CIRCLE

Guardians of Justice

(Gifts of \$10,000 or more)

Adelaide Gomer

Public Guardians

(Gifts of \$5,000-\$9,999)

Anonymous

Chevy & Jayni Chase

Robert & Stephanie Harris

Cara Czelusniak-McCaffrey

Movement Builder

(Gifts of \$2,500-\$4,999)

Wendy R. Gordon Rockefeller

FOUNDERS' CIRCLE

Community Protectors

(Gifts of \$1000-\$2,499)

Marion Hunt

Katie Michel

Alex Shuman

Sarah Stranahan

Alicia Wittink

Neighborhood Advocate

(Gifts of \$500-\$999)

Anonymous

Wendy Ettinger

Joli Gross

John Hunting

Patricia J. Jenny

David M. Friedson & Susan Kaplan

David Rosner

Jonathan Scheuer

Peter B. Sessa

Margaret Towles

PARTNERS' CIRCLE

Family Partner

(Gifts of \$250-\$499)

Richard M. Beamish

David C. Coney

Carolyn Fine Friedman

Ronald Simon & Diane Fuchs

Mark T Gallogly

Dr. Steven Gilbert

David Levine

Gerald Markowitz

Lanie McNulty

Betsy Michel

Anita Nager

Brad & Ann Wallace

Health Defender

(Gifts of \$100-\$249)

Anonymous

Rosemary E. Armstrong

Allison Barlow

Katherine Bourbeau

Dr. Richard W. Clapp

Margaret Comfort

Barry Zuckerman & Marcy Darnovsky

Walter & Suzanne L. Deuchler

Laura Gewirtz

Sue Goldwomon

Louise Heit-Radwell

Nancy Holmstrom

Daniel Laikind

Susie Lim

Janet Maughan

Cheryl A McCourtie

Dr. Gary L. Pearson

Christy Pennoyer

William H. & Katherine E.K. Redd

Kathleen M. Rest

Judy Robinson

Jennifer Rottmann

Nick & Wendy Rubinstein

Daryl Samuel

Lee Harper & William Sanjour

Dr. Barbara Sattler

Morton Schlesinger

Matt Smith

Joyce Solocheck

Eric Sorensen

Joel Shufro & Carol Steinsapir

Bob Swiatek

Howard Weiner

Marilyn Welker

Betty L. Wrigley

Arlene S. Zaucha

ORGANIZATIONAL & COMMUNITY SUPPORTERS

GUARDIANS' CIRCLE

Movement Builder

(Gifts of \$2,500-\$4,999)

Greenpeace

Rockefeller Family Fund

Tabard Corporation

FOUNDERS' CIRCLE

Community Protector

(Gifts of \$1,000-\$2,499)

Environmental Defense Fund

Naturepedic Mattresses for Babies and Children

Safer Chemicals, Healthy Families

Neighborhood Advocate

(Gifts of \$500-\$999)

Dallas Jewish Community Foundation

Pro-Media Communications

United Federation of Teachers

PARTNERS' CIRCLE

Family Partner

(Gifts of \$250-\$499)

As You Sow

Clean Water Action

Food and Water Watch

Green Spaces

Healthy Building Network

New York State United Teachers

The Nicholson Group

Health Defender

(Gifts of \$100-\$249)

Citizens for a Safe Environment (Calypso, NC)

EcoLogical Solutions

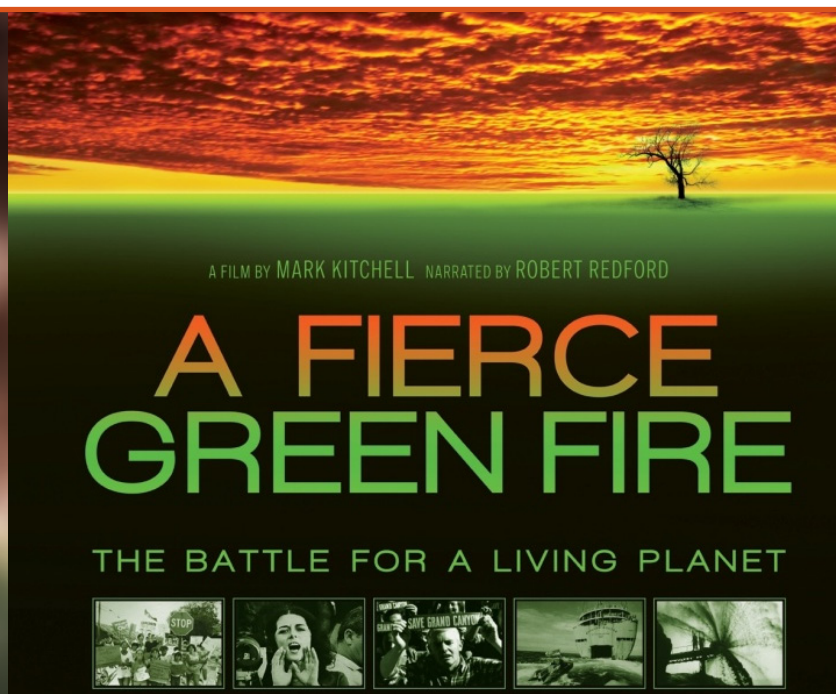
Ohio Valley Environmental Coalition

Riverkeeper, Inc.

CHEJ
P.O. Box 6806
Falls Church, VA 22040
(703) 237-2249
www.chej.org

Non-Profit Org.
U.S. Postage Paid
Merrifield, VA
Permit No. 7346

ADDRESS SERVICE REQUESTED



**Energize Your Leaders • Grow Your Membership
Raise \$\$\$ for Your Group and for CHEJ**

Host a Viewing of either the New Documentary *A Fierce Green Fire* or the 14-minute segment from the film that features the story of Love Canal in Niagara Falls, New York

For information on the film or to arrange a viewing hosted by Lois Gibbs, contact Nury at (703) 2347-2249 Ext. 24 or nmarquez@chej.org



@CHEJ



facebook.com/chejfans



chejtv.org