



Tennessee  
Citizens for  
Wilderness  
Planning

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Taking Care of Wild Places

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Shaded box or star means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY on p. 2

## 11. ACTION SUMMARY

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|-----|--------------------------------|--|--|
| 1E  | The 2012 Legislative Scorecard | Your state senator and rep.                        | Tell them whether you were (dis)pleased with their performance   |
| 2A  | Revision of oil & gas rules    | TDEC, by 8/3/12                                    | "Adopt rules changes proposed 7/6/12 by environmental consortium!"                                     |
| 2B  | Cummins Falls State Park       | Gov. Haslam  | "Thank you for designating Cummins Falls a state park!"  |
| 4A  | Cherokee NF Wilderness         | Reps.Roe, Duncan, Fleischmann. Also, both senators | "Strongly support S.1090!" "Senators, thank you for introducing the bill; now, please see it through!" |
| 6A  | Proposed soot regulations      | EPA  | "Strengthen rule: annual standard should be 11µg/m³!"  |
| 7A  | Toxic power plant emissions    | Sen. Alexander                                     | "Thank you for upholding the rule!"  |

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Dear Senator Doe  
Sincerely yours,

Dear Congressman Doe  
Sincerely yours,

Dear Mr. President  
Respectfully yours,

Dear Gov. Haslam  
Respectfully yours,

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Sen. Lamar Alexander:  
Ph: 202-224-4944; FAX: 202-228-3398  
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800 Market St., Suite 112, Knoxville 37902

Rep. Chuck Fleischmann:  
Phone: 202-225-3271  
FAX: 202-225-3494  
Local (O.R.): 865-576-1976  
<https://fleischmann.house.gov/contact-me>

To call any Repr. or Senator, dial Congressional switchboard, 202-224-3121. To find out about the status of bills, call 202-225-1772.  
URLs: <http://www.house.gov/lastname/> and <http://lastname.senate.gov/> General contact info: <http://www.lcv.org>  
With mail to Congress still slow following the anthrax scare, consider faxing, phoning, and other modes of communication.

There is much contact information in the up-to-date Political Guide we have mailed to you. You can also access the Guide, some current action calls, and much other information, on TCWP's website (<http://www.tcwp.org>).

### WHAT IS TCWP?

**TCWP (Tennessee Citizens for Wilderness Planning) is dedicated to achieving and perpetuating protection of natural lands and waters by means of public ownership, legislation, or cooperation of the private sector. While our first focus is on the Cumberland and Appalachian regions of Tennessee, our efforts may extend to the rest of the state and the nation. TCWP's strength lies in researching information pertinent to an issue, informing and educating our membership and the public, interacting with groups having similar objectives, and working through the legislative, administrative, and judicial branches of government on the federal, state, and local levels.**

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## 1. TENNESSEE: ADMINISTRATION and LEGISLATURE

### 1A. New Director of Water Resources

On May 21, Commissioner Martineau announced the appointment of Dr. Sandra Dudley as TDEC's new Director of Water Resources. Dudley has a Ph.D. in Engineering, a Masters of Education, and a Bachelor's degree in Chemical Engineering from Tennessee Technological University. She is an Adjunct Professor at the Institute for Sustainable Practices at Lipscomb University.

Starting in 2006, Dudley served as Executive Director of the Water Authority of Dickson County, which was recognized as having the best water in the state in 2010. She was also actively engaged in community activities, including Dickson Relay for Life and Habitat for Humanity.

The new Division of Water Resources was formed by the consolidation of the Divisions of Water Pollution Control, Water Supply, and Groundwater Protection (NL302 ¶2A(2)). The former heads of the last two, Alan Schwendimann and Britton Dotson, respectively, are key members of the new Division's leadership team.

### 1B. Environmental Advisory Council for TDoT

On June 19, Commissioner John Schroer announces the formation of a new Environmental Advisory Council, which "will work closely with TDoT in the development of transportation solutions that protect and enhance Tennessee's environment." It is hoped that the "council will help the department expand our efforts and achieve our goal of sustaining a multimodal transportation system in a manner that enhances communities, protects the environment, and saves energy."

Several of the members of the new Council have excellent environmental credentials, including:

- Ann Davis, Managing Attorney for the new Nashville Office of the Southern Environmental Law Center, SELC (NL300 ¶2A);
- Gina Hancock, State Director for the Tennessee Chapter of The Nature Conservancy, TNC (NL300 ¶2B);
- Michelle Williamson Haynes, board member of the Land Trust for Tennessee, and immediate past president and a current board member of Tennessee Conservation Voters, TCv.

The TDoT Environmental Advisory Committee held its first meeting in July.

### 1C. Tennessee Wildlife Resources Commission changes its name and composition

[Contributed by Sandra Goss]

The governing body of the Tennessee Wildlife Resources Agency (TWRC) became the Tennessee Fish and

Wildlife Commission (TFWC) on July 1 and will hold its first organizational meeting this month.

Under the new law, the Governor will appoint nine members to represent the commission's districts in 6-year terms. Six of the appointees by Gov. Haslam were already serving as TWRC commissioners.

Two members each will be appointed by the Speaker of the House and the Speaker of the Senate for 4-year terms. Previously, the Speakers had one appointee each, who served a 6-year term.

The number of voting members remains 13; the Agriculture and the Environment & Conservation Commissioners are now ex-officio, non-voting members of the commission, along with the governor.

### 1D. Post mortem on the 2012 Legislative Session

Based on the vote of its member organizations (of which TCvP is one) Tennessee Conservation Voters (TCV) last fall developed a list of four legislative priorities. How these issues fared in the second half (2012) of the 107<sup>th</sup> General Assembly is summarized in TCv's Scorecard (¶1E, below). Here, we extract information that supplements more detailed accounts in NL303 ¶1.

1. Mountain Top Removal (supplements NL303 ¶1B): The lead sponsors, Sen. Eric Stewart and Rep. Mike McDonald, fought very hard to move the bill forward in Committee, and there are now 33 Senate and House sponsors, a continued gain in bipartisan legislative support.
2. Real estate transfer Tax fund for land acquisition and preservation (supplements NL303 ¶1A): Gov. Haslam included these Funds in his budget early during the session. They stayed safe and will be available to help save important lands and waters.
3. Hydraulic fracking: Three bills that were introduced were not heard by committees because TDEC was developing regulations (see ¶2A, this NL).
4. Deregulation and funding for TDEC: The TDEC budget was reduced by \$2, and 15 positions were lost. Over the past three years, the state has reduced funding to TDEC by over \$14 M, and TDEC has reduced its overall staff by 25%.

#### Other legislative actions (not TCv priorities).

- As part of the anti-government and property-rights rhetoric that was rife this year, the legislature passed a resolution disapproving the "insidious" UN effort to develop environmental protections and sustainability practices (see N303 ¶1E).
- TCv worked to oppose a bill that would have created a huge tax increase on solar energy.
- A bill was passed to create the DOE Mountain Recreation Authority, protecting 8,600 acres in Johnson County (¶2C, this NL, and NL303 ¶1D).

### 1E. The 2012 Legislative Scorecard

TCv (Tennessee Conservation Voters) has released its 2012 scorecard, which may be viewed (with a little

fancy scrolling -- laterally, in addition to up-and-down) at <http://www.tnconservationvoters.org/index.php?id=209>.

It provides factual, non-partisan information on how legislators performed on conservation issues identified as significant by a group of environmental leaders. Pertinent bills are briefly summarized. Because, in Tennessee, most of the important legislative work occurs within the committee system, the scorecard gives positive or negative credit not only for floor votes but also for committee votes and bill sponsorship. TCVP points out that the opportunities for earning points vary because not all legislators served on committees that considered the selected bills. Bills that provided such opportunities are identified for each legislator.

Senators who scored more than 4 positive points for 2011/2012 were Marrero, D-30 (12.5 points – highest score), Berke, D-10 (10 points), Stewart, D-14 (10 points), Barnes, D-22 (6 points), Finney, D-27 (6 points). Burks (D-15), Herron (D-24), Kyle (D-28), and Tate (D-33) earned 4 points each. In the House, only 7 Representatives scored more than 4 positive points; all but Lollar are Democrats. The list: McDonald (7 points), Gilmore (7 points), Kernell (6 points), Richardson (6 points), Stewart (6 points), Lollar (5 points), Pitts (5 points). Note that local legislators who represent large numbers of TCWP members did not make it into the list. Sadly, Rep. McDonald, the highest scorer, is not seeking reelection this year (NL303 ¶1G).

**WHAT YOU CAN DO:** Take a look at the Scorecard (see URL in above article), and tell your Tennessee Senate and House members whether you were pleased (or displeased) with their 2011/2012 performance on environmental and conservation matters. (Addresses in Political Guide).

water supply, and land features unless carefully regulated.

Several organizations, including TCWP, that are concerned with water and air quality worked together to suggest changes to current or proposed regulations that would limit the damaging effects to our drinking water from hydrofracking. For a copy of the comments, which were submitted July 6, visit <http://tcwp.org/OilandGasRules.pdf>. The other groups involved are League of Women Voters, Sierra Club, Statewide Organizing for Community eMpowerment, and Tennessee Clean Water Network.

Public hearings were held earlier this month in Knoxville and were well attended (about 35 people at each), with television- and print-news coverage afterward. All but one of the 18 people who commented spoke eloquently of protecting water quality and property rights, and all favored tight regulations. The one who didn't speak about water quality was a representative of the American Petroleum Institute, an industry group whose best practices served as a guideline for the comments TCWP and other groups submitted.

**WHAT YOU CAN DO:** By August 3, please contact TDEC and tell them to protect Tennessee's water resources by incorporating in the rules the changes proposed July 6 by the environmental consortium.

Submit your comments by Aug. 3 to Division of Water Resources, Tennessee Department of Environment and Conservation, Attention: Michael Burton, 6th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534; Phone (615) 532-0166; FAX (615) 532-0686, [Michael.K.Burton@tn.gov](mailto:Michael.K.Burton@tn.gov).

## 2. OTHER TENNESSEE NEWS

### 2A. Tennessee oil & gas rules revision; the sequel

*[Contributed by Sandra Goss]*

Tennessee has issued its second set of oil and gas rules in as many years. The changes in regulations pertaining to the fracturing method of mining oil and natural gas are proposed by the Tennessee Department of Environment and Conservation (TDEC). They cover a large variety of issues, such as location of wells, methods of extraction, erosion protection, discharges from wells, abandoning and plugging wells, fees and bonds, etc. The proposed rules are available at the TDEC website: [http://www.tn.gov/environment/wpc/ppo/og\\_ph071012.pdf](http://www.tn.gov/environment/wpc/ppo/og_ph071012.pdf).

Hydraulic fracturing, or "fracking," pumps gallons of water, sand, nitrogen, and/or chemicals underground to break apart the rock and release gas. This method is increasingly used for the recovery of natural gas and has the potential of causing serious damage to water quality,

### 2B. Cummins Falls: thanks are due

The onsite ceremony at which Cummins Fall officially became Tennessee's newest state park was attended by a small TCWP delegation (Sandra Goss, Jan Lyons, and Lee Russell). The crowd numbered several hundred, the weather held (despite threatening storms), the food was plentiful, the floral decorations lovely, and the view of the falls, even with relatively little water going over them, was beautiful. (Cummins Falls has been ranked as one of the ten best swimming holes in the country by Travel and Leisure magazine.)

Among the numerous speakers were Gov. Haslam, TDEC Commissioner Martineau and Deputy Commissioner Brock Hill (MC), state naturalist emeritus Mack Prichard, and Kathleen Williams, president and executive director of Tennessee Parks and Greenways Foundation, who conceived of the project in the first place and managed to bring it to fruition (NL303 ¶2A).

In acquiring the 211-acre area, TPGF had hoped that the resource could be protected by the state, possibly as a state natural area. It seems Gov. Haslam did not require too much persuasion to designate it as a state park, Tennessee's 54<sup>th</sup>. This is the first state-park designation since

1998, when the Cumberland Trail was added to the system. To find out more about Cummins Falls visit <http://www.tn.gov/environment/parks/CumminsFalls/>

**WHAT YOU CAN DO:** Please thank Gov. Haslam (address on p.2) for adding to the conservation of Tennessee's natural treasures by designating Cummins Falls as Tennessee's 54<sup>th</sup> State Park.

90 people participated in last year's event, and many projects were completed, including trail maintenance, trash pickup, and treatment of >500 hemlocks against Woolly Adelgid infestation. This year's projects are being negotiated with the National Park Service and have not yet been finalized.

ETCC invites all interested people to participate. For information, contact Beth Foister, 3200 Oswald, Knoxville, TN 37917, [obedclimbers@gmail.com](mailto:obedclimbers@gmail.com).

## 2C. Doe Mountain acquisition protects large forest for outdoor recreation

Doe Mountain in Johnson County, SW of Mountain City (near the Cherokee National Forest), was one of the largest remaining blocks of forest still in private ownership in the Southern Blue Ridge Region. In May, The Nature Conservancy (TNC), working with the State of Tennessee, purchased the ~8,600-acre property for \$8.8M. Doe Mountain had been leased by the state for 15 years as a Wildlife Management Area that allowed hunting, but the previous owner closed it to the public in 2005.

TNC's goal is to protect this land while allowing a carefully managed and measured approach to the development that will inevitably occur. The tract contains many miles of existing roads and trails. In selling the land to Tennessee, TNC's vision is to engage the state's land managers and the local community in developing a multi-use plan for outdoor recreation that may include mountain biking, horseback riding, and low-impact touring by ATVs. The recent session of the General Assembly passed SB.3647/HB.3111, an Act that creates the Doe Mountain Recreation Authority for this purpose.

## 3C. Environmental enhancement in the Emory Watershed

[Contributed by Sandra Goss]

The Emory River Watershed Association (ERWA), which meets monthly in Wartburg, has proposed three projects to TVA that would be funded by TVA's Environmental Restoration and Enhancement Program.

One proposal is to close a long-abandoned oil well in the Catoosa WMA near Potter's Ford in Cumberland County.

A second proposal would implement specific erosion control actions at Oakdale Park, Gobey, and Petros-Joyner School.

The third proposal is to create a Watershed Management Educational Display to be used at the new Morgan County Visitors Center.

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## 4. THE CHEROKEE and OTHER NATIONAL FORESTS

### 4A. What's happened to the Cherokee Wilderness bill?

[Contributed by Sandra Goss]

The Tennessee Wilderness Act of 2011 (S.1090), which was introduced in May 2011 by Senators Alexander and Corker, would protect nearly 20,000 acres of wilderness in the Cherokee National Forest by expanding five existing wilderness areas and creating the brand-new, more than 9,000-acre, Upper Bald River Wilderness. In November 2011, the bill was approved by the Senate Energy and Natural Resources Committee. No Congressional action has occurred since then, although conservation groups have continued to work for passage.

In early July, several Tennesseans traveled to Washington, DC, to speak for wilderness. The team, which included Tennessee Wild director Jeff Hunter and Tennessee Youth Environmental Network (TennYEN) representatives Laura Rigell & Alex Durand, hand-delivered thousands of postcards to senatorial and congressional offices in support of the Tennessee Wilderness Act of 2011.

(This is the same Alex Durand who authored a recent News Sentinel op-ed about her experiences in Washington. TennYen is a youth-led nonprofit organization that connects high school environmental clubs to empower and engage young environmentalists in Tennessee --- see NL303 ¶2D.)

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## 3. BSF and OBED NEWS

### 3A. The BSFNRRRA's first superintendent has died

When, after years of management by the Army Corps of Engineers, the Big South Fork National River and Recreation Area finally became part of the National Park System, the first superintendent was Doyle Kline. He did a fine job during these difficult transition years, and always welcomed interactions with the conservation community.

We have just learned that Doyle died on May 12, 2011. Those of us who knew him will forever remember, and be grateful for, his dedication to the protection of the natural resource (especially in those important early days), and to his courageous defense against the many forces that were ranged against it.

### 3B. Climbers schedule workday at Obed

Saturday Sept. 8, starting 9:00 a.m. EDT, the East Tennessee Climbers Coalition (ETCC) is again sponsoring an Adopt-a-Craig Day at the Obed WSR. More than

The Tennesseans were part of a group of 200+ business leaders, local elected officials, sportsmen, students, military veterans, and other conservationists who gathered in Washington during Great Outdoors America Week 2012, to call on Congress to protect our nation's wild lands. There are currently over two dozen wilderness bills before Congress, including the Tennessee Wilderness Act of 2011, S.1090.

**WHAT YOU CAN DO:** Tell your Congressional representatives that safeguarding our nation's wild treasures should be a major objective. Currently, it is particularly important that we communicate with Congressmen Roe, Duncan, and Fleischmann (in whose districts the proposed new wilderness areas lie) in support of S.1090. Also, Senators Alexander and Corker need to hear that there is a lot of support for passage of the bill that they introduced. Addresses on p. 2.

#### 4B. Corridor-K status affected by Federal Transportation Reauthorization

[Contributed by Sandra Goss]

The complex Transportation Appropriation Bill, which was the subject of much conference committee negotiations, was passed by the Congress in late June. Among the many provisions under consideration was the Appalachian Regional Commission (ARC) Highway funding, which affects Corridor K in the Cherokee NF (NL293 ¶4B; NL302 ¶4A).

A preliminary analysis of the bill indicates that there is no longer a dedicated funding stream for ARC projects; states must fund them out of general federal-aid highway dollars, and ARC projects must compete with other state priorities for funding. That is good news.

In the bad news category: an incentive to finish ARC highways was included in the bill. Until 2021, federal-aid funds can now be used for 100% of the cost of ARC projects, such as corridor K, with a state match no longer required. Heretofore, states had to provide a 20% match, which for Corridor-K construction was once projected to cost 7 years of Tennessee's entire annual road construction budget.

#### 4C. Appalachian Trail communities

[From The News Sentinel, 7/1/12]

The Appalachian Trail Conservancy has received a \$25,000 grant from the American Express Foundation to support the Appalachian Trail Community program.

The program recognizes communities that promote and protect the AT. Towns, counties, and communities along the AT serve as assets to hikers. Designation as an "Appalachian Trail Community" and participation in the program will encourage sustainable development, engage residents, encourage conservation planning and more. For further information, visit [www.appalachiantrail.org/atcommunity](http://www.appalachiantrail.org/atcommunity).

#### 4D. What protections are conferred by "wilderness study" status?

A plan released by the Gallatin NF (Montana) in 2006, allowing mechanized travel in a designated Wilderness Study Area, was challenged in court by a group of conservation groups. When the Forest subsequently restricted such travel, the US Forest Service (USFS) was sued by a snow-mobile group, which contended that these restrictions didn't exist when the area was designated, and that they were thus in violation of the Wilderness Study Act of 1977. Basically, the plaintiffs claimed that the Act authorizes the USFS to maintain the wilderness character of a study area but not to enhance it.

A US District Court has now ruled against the plaintiffs, stating that "nothing in the Study Act prohibits the [Forest] Service from enhancing the wilderness character of a Wilderness Study Area." This confirms an earlier ruling by the Ninth U.S. Circuit Court of Appeals and will hopefully set a precedent.

#### 4E. "Active management" threatens protection of old-growth habitat

[Information from FSEEE]

Not only are ancient forests stunningly beautiful; they provide fine wildlife habitat, watershed protection, carbon storage, and other vital benefits. Most of our few remaining pockets of old growth are located in national forests, and, over the years, some of these have received interim protections through a variety of strategies. Best known among these is the 1994 Northwest Forest Plan that protects spotted-owl habitat.

It is for this reason that there is concern over a recent White House memo that states: "Areas identified as critical [spotted owl] habitat should be subject to active management, including logging, in order to produce the variety of stands of trees required for healthy forests. ... ongoing logging activity may be needed to enhance forest resilience."

FSEEE (Forest Service Employees for Environmental Ethics) points out that old-growth forests have prospered for hundreds of years without "active" management by foresters or loggers. "Active management" is a euphemism for commercial logging. There are millions of second-growth acres that can fulfill our nation's needs for building materials; we do not need the pockets of rare ancient forests.

Unfortunately, past legislation allows the Forest Service to keep in its own budget all of the money earned from selling the public's trees. Additionally, a recent spending bill authorizes the Forest Service to spend these timber dollars on preparing and administering new timber sales, thus creating an off-budget, revolving slush fund that rewards the USFS bureaucracy when it sells timber. To keep "active management" from ruining precious natural resources, it will be important to sever the Forest Service's budget from its logging decisions.

## 5. THE SMOKIES

## 5A. Cabins persist at Elkmont

[Thanks to Ray Payne for information]

At one point, there was hope that the Elkmont cabins in the Gt. Smoky Mtns. NP -- built several decades ago by a few well-off Knoxville families as weekend retreats -- would be removed, allowing the Little River valley to return to its natural state. Instead, a political decision by the Tennessee legislature resulted in the area being designated a Historical District. The NPS thereupon decided that the cabins would be partially demolished and partially restored. Nineteen structures including the Appalachian Club House and Spence Cabin would remain. The Appalachian Club House and Spence Cabin would be renovated for day rental use. The remaining 17 structures would be restored and maintained for viewing only, as in Cades Cove.

The Appalachian Club House was renovated in 2011 and made available for day use rental. Recently, NPS announced that the restored Spence Cabin, known formerly as the River Lodge, can now also be rented for day use. The rental fee is \$150/day during the week and \$200/day on weekends.

## 5B. Weird beasts in the Park, discovered by ATBI

[Based on information in *National Parks*, Summer 2012]

It's less than half a millimeter long and looks like a loosely blown-up balloon in the shape of a barrel with 8 short, fat legs. The mouthpart in the middle of its "face" is a tubular projection that resembles a fancy electrical switch. This animal is a tardigrade (in the phylum panarthropods), which lives in lichens and mosses in the Smokies. The ATBI (All Taxa Biodiversity Inventory) has now discovered 81 tardigrade species in the Great Smoky Mtns. National Park (GSMNP), 15 of which were previously unknown to science. Tardigrades (colloquially known as "water bears" or "moss piglets") can withstand temperature extremes from near absolute zero to 300°F. They like wet places, but when fluid sources dry up, they shut down in a process known as cryptobiosis in which their metabolic activity is reduced by 99.99%.

When the ATBI (organized by the nonprofit group Discover Life in America) was started in 1998, about 9,500 species of animals and plants were known in the GSMNP. Now there are 17,500 species on record, of which 922 are new to science. It is estimated that the Park may be home to altogether 100,000 species, but, sadly, the continuation of ATBI is now imperiled by funding shortages (NL301 ¶4). Although most of the work, including that of many of the 5,000 scientists who participate, is done by unpaid volunteers, the study has cost about \$200,000 per year. It is funded exclusively through grants and contributions to the nonprofit Discover Life in America ([www.dlia.org/atbi/](http://www.dlia.org/atbi/)).

## 6. OUR AIR and OUR WATER

## 6A. Proposed regulations to control unhealthy, view-obscuring soot need strengthening

Fine particulate matter air pollution (PM2.5), commonly referred to as soot, is a microscopic mixture of smoke, liquid droplets, and solid metal particles released by sources such as fossil-fuel-burning power plants, petroleum refineries, and vehicle exhaust. Because of its miniscule size, this pollutant can penetrate deep into our lungs and bloodstreams, causing premature death, heart attacks, and a wide range of other serious health problems. Soot, in addition, is a major component of haze that obscures beautiful views in parks and wilderness areas.

EPA is in process of updating health standards for PM2.5, but the options currently under consideration are not strong enough to protect public health with an adequate margin of safety. This is the conclusion of a recent analysis prepared for the American Lung Association, Clean Air Task Force, and Earthjustice, which estimates the life- and cost-saving potential for each scenario of reduced soot pollution. The analysis recommends an annual standard of 11 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and a daily (24-hour) standard of 25  $\mu\text{g}/\text{m}^3$ .

WHAT YOU CAN DO: Urge EPA to strengthen the proposed soot rule by setting the annual standard at 11  $\mu\text{g}/\text{m}^3$  and the 24-hour standard at 25  $\mu\text{g}/\text{m}^3$ . The Clean Air Act requires EPA to follow science and protect public health. Comments can be sent by Internet ([www.regulations.gov](http://www.regulations.gov)), by e-mail ([A-and-R-Docket@epa.gov](mailto:A-and-R-Docket@epa.gov)), or by surface (EPA, 1200 Pennsylvania Avenue NW, Washington, DC 20460). They should be identified by Docket ID No. EPA-HQ-OAR-2007-0492

## 6B. Coal ash: additional damaging facts come to light

[From the Environmental Integrity Project]

On June 27, EPA released information revealing the existence of at least 451 more coal ash ponds than previously acknowledged. The total is now at least 1,161. In addition, the agency previously did not know how many ponds were unlined. The June-27 data indicate that at least 535 ponds (46%) operate without a liner to prevent hazardous chemicals from reaching drinking water sources.

While 562 ponds are recorded as having a liner (64 plants did not answer the question), the EPA has not yet released data regarding what kind of liner is employed. Only a composite liner is sufficient to prevent the escape of dangerous levels of contaminants, and the EPA has estimated that the use of composite liners at coal ash ponds is very low.

The new data also reveal a significant increase in the number of coal-ash landfills. In 2010, the EPA estimated

that there were approximately 337 coal ash landfills, and the agency admitted that it did not know how many of these dumps had basic controls such as liners to stop the landfills from leaking. Today we know that there are at least 393 coal-ash landfills (active, planned, and retired); of the active and retired landfills, 43% lack liners and 52% lack leachate collection systems.

Industry pressure is tremendous to keep coal ash from being more tightly regulated. An industry front group, "Citizens for Recycling First," issued a petition on the Obama Administration website in late 2011 to "protect coal ash recycling by promptly enacting disposal regulations that do NOT designate coal ash a 'hazardous waste.'" The group claimed that in just one month, its petition had gathered more than 5,400 signatures. It turns out that hundreds of these were fake Chinese names.

#### 6C. House Republicans fail to prevent EPA from issuing coal-ash regulations

Possibly as a result of relentless industry pressure (§6B, above), EPA has been slow in finalizing a rule for safe disposal of the toxic coal ash generated by coal-fired power plants (NL303 §8B). The House of Representatives recently got into the act by approving an amendment to the Transportation bill that would essentially block EPA altogether from setting enforceable standards. The amendment designated states as the primary regulators; state laws governing coal-ash disposal are weak or non-existent. The 260 representatives who voted in favor of this amendment have, within their districts, 78% of all coal-ash contaminated sites and 79% of all coal-ash ponds.

The amendment was fortunately eliminated in conference committee prior to passage of the Transportation Extension by the Congress. In return, House Republicans won concessions that eliminated "transportation enhancements," such as bike paths, pedestrian safety projects, beautification, etc. There will undoubtedly be more attempts on Capitol Hill to add dangerous language on coal ash to other bills that have any traction.

#### 6D. Disincentives to developments in floodplains

[Information from *American Rivers*]

The Senate and House recently passed a bill amending the National Flood Insurance Program. The legislation contains critical reforms that will discourage risky development in floodplains. It also provides incentives to move homeowners away from floodplains and out of harm's way, so they don't lose their homes and so taxpayers don't have to pay to repair flooded buildings. This is a win not just for taxpayers and public safety, but also for the environment: floodplain developments are generally very destructive of natural environments.

#### 6E. Massive amounts of water are used to generate electricity

[Excerpted by Sandra Goss from *Burning Our Rivers: The Water Footprint of Electricity*, a report by River Network\*]

It takes water to produce electricity. The electrical energy used to create our comfort zones requires massive withdrawals of water from our rivers, lakes, and aquifers to cool down nuclear, coal, and natural gas power plants. Some of this water is evaporated, while most of it is returned to the source in a warmed up state, causing thermal pollution that kills aquatic life, increases toxic algae blooms, and decreases the sustainability of our water supplies.

Thermoelectric energy (including coal, nuclear, and natural gas) is the fastest growing use of freshwater resources in the country. The U.S. Geological Survey (USGS) reports that 53% of all of the fresh surface water withdrawn from the environment for human use in 2005 went to operating our thirsty electrical grid.

Our heavy reliance on "burning" our freshwater resources creates a host of pollution and water-scarcity problems across our country. Understanding the local impacts of our energy use is a critical step towards reducing water pollution (especially thermal pollution) and restoring our rivers, streams, lakes, and aquifers. We have many policy options including closing old thermo-electric plants, integrating water and energy planning for greater efficiency, and developing greater access to the electric grid for low-water renewables such as wind and PV solar.

For example, in Ohio, four inefficient and outdated coal-fired plants will soon be closed. The cooling water for those antique "once-through" coal-fire facilities was coming directly from Lake Erie for over 50 years, being returned to the Lake much warmer, contributing to algae blooms. According to a study by USGS, 70% of all water taken from Lake Erie for human use is for thermoelectric plants. A substantial co-benefit to closing these plants will be reduced fish kills, algae blooms and an aquatic dead zone in America's heartland.

We can also take a closer look at decommissioning older dams in places where there are more water-efficient ways of meeting electrical demand, or adding turbines to existing dams not currently being used to produce power.

Given the need for better energy planning and the potential for water-use conflicts, all stakeholders need to make their voices heard. If we change our electrical infrastructure across the country with water in mind, we can expect a more reliable energy grid, better fishing and recreation, more secure public water supplies, and lower greenhouse gas emissions.

\*For a copy of the full report, visit [http://www.rivernetwork.org/sites/default/files/BurningOurRivers2\\_6-25-12.pdf](http://www.rivernetwork.org/sites/default/files/BurningOurRivers2_6-25-12.pdf)



## 7. CLIMATE CHANGE

### 7A. Some good news about limiting carbon (and other) emissions from power plants

[Information from EDF and others]

For a change, there is some good news in the ongoing struggle to limit harmful emissions from power plants.

- By the end of the comment period (June 25), EPA's proposed regulations to limit atmospheric carbon (NL303 ¶6A) had received at least 2.1 million favorable comments (some say 2.25 million). These will be the first-ever such limits, and they were required under the Clean Air Act for any substance deemed to be an air pollutant. That CO<sub>2</sub> is such a pollutant was confirmed by a 2007 Supreme Court ruling. The >2 million comments represent the greatest number ever received for an environmental regulation; 2.1 million people couldn't fit into all of the sports stadiums of the U.S.A.
- On June 26, a federal appeals court upheld EPA's climate pollution emission standards, rejecting four legal challenges that had been filed by industry groups and several states' attorneys general. The unanimous and unambiguous ruling affirmed the importance of having rigorous, independent science as the bedrock of efforts to protect our health and environment.
- After the Obama Administration issued the first-ever national standards to slash toxic air emissions (mercury, arsenic, acid gas, nickel, selenium, cyanide, etc.) from fossil-fuelled power plants (NL301 ¶5D), Sen. Inhofe (R-OK) introduced a bill that not only would block this rule but would prevent any substantially similar rule from being issued in the future (NL302 ¶5C). On June 20, the U.S. Senate rejected Senator Inhofe's toxic air assault. Among those voting to do so was Tennessee's Lamar Alexander, who deserves our thanks.

**WHAT YOU CAN DO:** Thank Sen. Alexander for upholding the rule to limit toxic air emissions from non-conforming fossil-fuel power plants. Address on p.2

### 7B. A boost for wind energy

[From *Nature's Voice*, June/July]

The Obama Administration has announced plans to speed up the development of wind-energy resources off the mid-Atlantic coast. The move by the Interior Department to approve "wind energy areas" from New Jersey to Virginia creates a coordinated siting and approval process that steers offshore wind projects away from environmentally sensitive areas.

### 7C. Ocean acidification proceeding at fastest rate ever

[Information from *Common Dreams*, 7/9/12]

Ocean acidification, which has been called climate change's evil twin, has been progressing at a faster rate than at any time in the past 300 million years, according

to an article in the March issue of *Science*. This is the result of excess CO<sub>2</sub> from the atmosphere concentrating in surface waters. Dr. Jane Lubchenco, head of the National Oceanic and Atmospheric Administration (NOAA), recently indicated that this change is occurring much more rapidly than initial calculations have suggested. Speaking at the 12<sup>th</sup> International Symposium on Coral Reefs, she said: "The carbon dioxide that we have put in the atmosphere will continue to be absorbed by oceans for decades. It is going to be a long time before we can stabilize and turn around the direction of change, simply because it's a big atmosphere and it's a big ocean."

Coral reefs have been dying at an alarming rate. Inasmuch as this is a symptom of what CO<sub>2</sub> is doing to Earth's atmosphere, "the future of coral reefs isn't a marine version of tree-hugging but a central problem for humanity," said another scientist.

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## 8. OAK RIDGE AREA

### 8A. Community Workshop: Dealing with Invasive Pest Plants

[Contributed by Jimmy Groton]

On Friday, September 21 the Tennessee Exotic Pest Plant Council (TN-EPPC) will host a workshop on invasive pest plants in Oak Ridge. Cosponsors include UT-Batelle, Keep Anderson County Beautiful, TCWP, the UT Forest Resources Research and Education Center, and the Oak Ridge Environmental Quality Advisory Board (EQAB).

The purpose of the workshop is to provide homeowners and gardeners with information to identify, manage, and prevent invasive plant problems in their own yards; provide community land managers information needed to deal with larger-scale issues related to invasive pest plants in the landscape; and provide a forum to discuss invasive-plant issues specific to the community.

The workshop will run from 9 AM to 4 PM and will include a variety of lectures, break-out sessions, and field trips/demonstrations. Lectures will be held in the A/B Room at the Oak Ridge Civic Center and field sessions will be held at the UT Arboretum. TN-EPPC will offer continuing-education credits for professionals attending the workshop. The workshop will cost \$10 for the public and \$5 for TN-EPPC members. The money will be used to help TN-EPPC present similar workshops in other parts of the state.

Registration details will be posted on the TCWP website and Facebook page once the information becomes available.

### 8B. Melton Lake Greenway is extended

Two miles have been added to the Melton Lake Greenway, extending the trail inland toward Haw Ridge. The extension starts on Melton Lake Drive at the parking lot near Edgemoor Bridge, passes under the bridge along a shoreline boardwalk, and turns inland, ending at the

Haw Ridge parking lot. Construction began in June 2011 and the ribbon-cutting ceremony took place May 23. The trail, most of which is an asphalt path, is open to pedestrians, bikers, and roller-blade users. It also provides access to the shoreline and to Haw Ridge Park.

The project was funded 80% by a federal grant and 20% from the City's capital-improvement plan. SAIC donated money for plantings of native vegetation along the river. Opportunities exist for funding trees or other additional plantings, as well as benches. For information, call 865-425-3450.

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## 9. TCWP NEWS

### 9A. Upcoming activities

[Contributed by Carol Grametbauer]

[NOTE: Times listed for all events are Eastern Daylight Time.]

#### Summer Cedar Barren cleanup – Saturday, August 25

Because some invasive species are noticeable only in the summer, we've scheduled an additional exotic invasive plant removal workday at the Oak Ridge Cedar Barren this year. Located next to Jefferson Middle School in Oak Ridge, this barren is a joint project of the City of Oak Ridge, the State Natural Areas Division, and TCWP. The area, one of just a few cedar barrens in East Tennessee, is subject to invasion by Chinese lespedeza, Japanese privet, autumn olive, mimosa, Nepal grass, multiflora rose, and woody plants that threaten the system's prairie grasses. Our continuing efforts help to eliminate the invasives and other shade-producing plants that prevent the prairie grasses from getting needed sun.

Volunteers should meet in the Jefferson Middle School parking lot at 8:30 a.m., with sturdy shoes, loppers, gloves, and water. The work session will conclude at noon with a pizza lunch.

#### National Public Lands Day cleanup -- Saturday, Sept. 29

Our annual observance of National Public Lands Day will once again feature a morning of invasive exotic plant removal at the TVA Ecological Study Area at Worthington Cemetery on the east end of Oak Ridge. Our yearly efforts in this area are helping to eradicate wisteria from the cemetery, and privet and other invasive exotics from the ESA. A pizza lunch will follow our work session, which will begin at 9 a.m. and conclude around noon. Additional details will be provided in the September newsletter and via e-mail alert.

#### TCWP Annual Meeting – Saturday, October 27

Save the date! Brock Hill, Tennessee's Deputy Commissioner (Parks & Conservation) of Environment & Conservation, will be our speaker this year. The meeting will be held at Cumberland Mountain State Park. The morning session, to include our annual business meeting, will be followed by lunch and a selection of hikes in the early af-

ternoon. Watch for additional details to come, and plan now to attend.

*Additional information on all TCWP activities may be obtained from TCWP Executive Director Sandra K. Goss at [Sandra@sandrakgoss.com](mailto:Sandra@sandrakgoss.com) or at 865-583-3967.*

### 9B. Recent events

#### Hikes at Historic Rugby – Saturday, May 12

Ten people participated in a pair of interpretive hikes in the Rugby area led by Tennessee State Naturalist Randy Hedgepath and cosponsored by TCWP and the Cove Lake hiking group of Tennessee Trails Association. The group walked first at the Rugby State Natural Area, and after lunch hiked to the Gentleman's Swimming Hole. Many thanks to Randy for leading these hikes and sharing his extensive knowledge of nature!

#### National Trails Day Workday on North Ridge Trail – Saturday, June 2

About a dozen volunteers joined TCWP's North Ridge Trail Steward, Susan Donnelly, for a morning of trimming vegetation on the section of the trail between Key Springs Road and Georgia Avenue. The event, planned to coincide with National Trails Day, began with juice and muffins and a recognition of our trail stewards.

The North Ridge Trail is one of TCWP's oldest on-going projects. Developed and maintained by TCWP members for many decades, the 11+-mile National and State Recreation Trail is one of the crown jewels of the acclaimed Oak Ridge Greenway system. Sections of the trail are available for adoption; for more information contact Sandra Goss at [Sandra@sandrakgoss.com](mailto:Sandra@sandrakgoss.com) or at 865-583-3967.

#### Informational Program on Feedstock Supply for ORNL Biomass Steam Plant – Thursday, June 14

The Oak Ridge National Laboratory's new wood-fired biomass gasification plant will produce high-pressure steam to be distributed throughout the Laboratory's campus for both process and space-heating purposes. About 35 people gathered at the Midtown Community Center to hear Dr. Mark Downing, an agricultural economist in the Bioenergy Program in ORNL's Environmental Sciences Division, discuss "Sustainability Considerations for the Biomass Plant Feedstock Supply" in a program co-sponsored by TCWP and Advocates for the Oak Ridge Reservation (AFORR).

Dr. Downing said the new plant will reduce reliance on fossil fuels by 85% and is expected to result in a cost saving of some \$4 million/year. ORNL will be able to house a three-day supply of wood-chip fuel, which will be sourced from within a 50-mile radius. He said Lab management believes it's important to make their feedstock supply "a model of sustainability for biomass industries."

Many thanks to the Oak Ridge section of the American Society of Mechanical Engineers for providing the venue for this meeting, as well as snacks, drinks, and pizza!

#### 9C. TCWP featured in GeoStories on internet

The National Parks Conservation Association (NPCA) and National Geographic have created a new website, GeoStory, that features 12 park champions who are restoring, conserving, and educating others about our national waters and our national parks. Among these 12 stories is that of saving the Obed from a dam and preserving it as a National Wild & Scenic River (part of our National Park System). This effort, led by Bill and Lee Russell, led to the formation of TCWP.

GeoStory is an interactive platform that combines maps with stories and photos so that viewers can visually explore places and issues. You can zoom in the map and see nearby national parks. Take a look at <http://www.npca.org/protecting-our-parks/air-land-water/great-waters/geostory.html>

#### 9D. Notes from the Executive Director

[by Sandra Goss]

A superb collaborative effort among several enviro/conservation groups across the state is reaching a successful conclusion this summer. Five organizations (including TCWP) pooled their expertise, skill sets, and time to produce 83 (!) pages of Amended Oil and Gas Rules. This masterpiece was submitted as our comments on the Proposed Oil and Gas Regulations.

As you can read elsewhere in the newsletter (¶2A), the comment deadline is August 3. Please, take a moment and call, write, or e-mail Mr. Michael Burton that you endorse the proposed changes to the rules that were submitted by TCWP and other organizations on July 6. These comments, with rule language and format, are the product of many experts reading, talking, researching, and discussing over the past 2½ months.

This is a fine example of the benefits of working with other organizations on issues that are mutually important. As the facilitator for the calls, I was privileged to participate in this effort, which involved regular conference calls and much note comparing. The group was intelligent AND savvy, a great combination.

TCWP is quite practiced at consensus building and collaboration. We plan to use that approach on some organizational issues: membership recruitment and heightening TCWP's public profile. On the back cover of this newsletter are several volunteer positions with TCWP that are available. Check out these opportunities to be part of a collaborative effort that will be fun AND productive.

Other fun aspects of our programming include a new feature in this newsletter. See the back cover for our Natural Gas/Fracking Word Search Puzzle.

In addition, the TCWP Ambassadors cracked geodes at the booth throughout the recent Oak Ridge Secret City Festival. Whenever four or five kids were at the TCWP booth, we would conduct a geode cracking, after which, each child was given a pretty piece of geode with visible crystals. The kids, parents, and ambassadors enjoyed it a lot.

As with many things, finding balance is a challenge. TCWP works to perform serious, important work to take care of wild places, as well as enjoy the wild places. Thanks for helping with both those goals.

#### 9E. Thanks, and a tip of the hat to ...

[From Sandra Goss]

- Jean Bangham, Frank Hensley, Charlie Klabunde, and Dick Raridon for their work on mailing the TCWP newsletter.
- Francis Perey for his work on the TCWP website.
- Lee Russell, Carol Grametbauer, Charlie Klabunde for their work on the TCWP Newsletter.
- Mary Lynn Dobson, Frank Hensley, and Jan Lyons for their work on the TCWP display.
- Patsy Monk, Albert Ingram, and the Knoxville Rock and Gem Club for geodes used at the Secret City Festival TCWP display.
- Mark Bevelhimer, Tim Bigelow, Marion Burger, Carol Grametbauer, Reid Gryder, Frank Hensley, Jan Lyons, and Larry Pounds for their able ambassadorship on behalf of TCWP at the Secret City booth.
- Virginia Dale, Robert Kennedy, Advocates for the Oak Ridge Reservation, and
- Oak Ridge Section of the American Society of Mechanical Engineers for program co-sponsorship and underwriting of refreshments for the recent Biofuels presentation.
- Mark Downing, for his informative presentation on the Biofueled Steam Plant at Oak Ridge National Laboratory.
- Mike Kohlenberger, Wildwater Pigeon Adventure Center, and Pigeon River Canopy Tours for the door prizes we offered at the Secret City Festival.
- Marion Burger for her able handling of TCWP Kroger Gift Cards, which anyone can purchase for face value (usually \$100 each) and spend at Kroger as if it were cash. TCWP receives 5% of the purchase price.

## 10. CALENDAR; RESOURCES

### •• CALENDAR (events and deadlines)

*(For details, check the referenced NL item; or contact Sandra Goss, 865-583-3967, or [Sandra@sandrakgoss.com](mailto:Sandra@sandrakgoss.com))*

- July 19, Crossville, Rain barrel workshop (see ¶10, Resources).
- August 3, Comment deadline for oil & gas regulations (see ¶2A, this NL).
- August 25, Summer Cedar Barren cleanup (see ¶9A, this NL).
- September 8, Obed WSR, Adopt-a-Crag Day (see ¶3B, this NL).
- September 21, Oak Ridge, Workshop on Invasive Pest Plants (see ¶8A, this NL).
- September 29, National Public Lands Day cleanup at Worthington Cemetery (see ¶9A, this NL).
- October 27, TCWP Annual Meeting at Cumberland Mountain State Park (see ¶9A, this NL).

### •• RESOURCES

- Elections are coming, and the ACLU has developed an online Voting Rights Resource Center that covers election-day logistics, tools to navigate the new photo-ID law, tips for handling common problems at the polls, and other information, visit [www.aclu-tn.org/voting-rights-resource-center.html](http://www.aclu-tn.org/voting-rights-resource-center.html), or call 615-320-7142.
- For much information on hemlocks and how to save them, visit this Nature Conservancy website: <http://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/tennessee/explore/hemlock.xml>. To learn more about treating hemlocks on private property, visit [http://www.savegeorgiashemlocks.org/HWA\\_Controls.htm](http://www.savegeorgiashemlocks.org/HWA_Controls.htm). There are links to Cultural, Chemical, and Biological controls. [Editor's note: I have used Steven Shaper, [www.hemlockspecialists.com](http://www.hemlockspecialists.com), 865-566-7847].
- Want a rain barrel? OWCA's monthly Rain Barrel workshop will be held on Thursday July 19th at Common Ground (405 W 4th Street). Prices range from \$40-\$80/barrel (preassembled). There will be a 15-minute presentation about how to install it at your home. Call Dennis to sign up for a half-hour time slot (931-484-9033)



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Please send form, and check (**payable to TCWP**), to:

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|---|---------|--|------------|
| 2. <input type="checkbox"/> Student, Correspond, Senior (low budget) .        | \$15.00 | 5. <input type="checkbox"/> Sustaining member            | \$100.00** |
| 3. <input type="checkbox"/> REGULAR (individual) ,.....                       | \$25.00 | 6. <input type="checkbox"/> Supporting member            | \$200.00** |
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**HELP WANTED**

Position available for creative, gregarious person who can attend monthly 7:00 p.m. committee meetings in Knoxville and perform tasks related to the committee work for the Community Shares Campaign Development Committee.

Now forming ad-hoc Membership/Marketing Committee to develop and execute plans to heighten TCWP's profile and increase our membership. Committee will meet approximately every 3 weeks at members' convenience in Oak Ridge.

Seat available on TCWP Program Committee, with responsibility for developing and implementing activities and programs for TCWP members and outdoor enthusiasts.

FOR MORE INFORMATION CALL OR WRITE 865.583-3967 OR [SANDRA@SANDRAKGOSS.COM](mailto:SANDRA@SANDRAKGOSS.COM).