



Since 1967, Protecting Everyone's Right to Breathe Clean Air

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For four decades, members of Clean Air Council have made a difference in Pennsylvania and Delaware, helping everyone to breathe a little easier. Members receive quarterly issues of Fresh Air, action alerts, invitations to special events and the annual 5K Run. Please send your comments to Joe Minott, Executive Director.

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HOW I SEE IT: JOE'S CORNER

I never thought I'd be saying this: the Clean Air Council just won a precedent-setting free speech case. A court in Butler County, Pennsylvania rightly decided that petitioning our government to protect everyone's right to breathe clean air is protected speech, just like protesting unjust wars or telling unpopular truths.

In late 2014, the Council sided with a group of concerned parents and challenged permits that allowed a gas company, Rex Energy, to frack within a half-mile of a school district and fewer than 1,000 feet from a small residential community. Through the Council's efforts to protect these residents, the Council was able to force Rex to put its drilling on hold for over a year.

But Dewey Homes, a local developer, and individuals eager to get their gas royalty checks didn't like how successful we'd been. In short, they wanted their money and they were mad about it. So they found a law firm that would sue us, alleging that our only aim was to mess with their gas royalty contracts. (As if we didn't have anything better to do.) However, the true purpose of their lawsuit, with its trumped-up charges and error-ridden filings, was clear. They wanted to scare us and scare the local residents into silence. It was a classic SLAPP suit--a strategic lawsuit against public participation.

The sad truth is, it worked. These SLAPPers terrified community members into silence; community members who were simply advocating for the health of their children. In fact, one local resident who had joined our case to stop the drilling asked to be removed from the litigation, citing the stress on his family and the spectre of enormous financial penalties that would strip him of his home and put his family out on the street.

Fortunately, the SLAPPer's success was short-lived. The Council was able to secure representation from the Pennsylvania branch of the ACLU, which immediately recognized the free speech significance of the case and agreed to help. The ACLU's first round of objections were granted. The court ruled that the SLAPPers case was too thin and that they would have to start all over again. And so they did. But in the next round of the fight, the SLAPPers were knocked out for good.

After the case was refiled the judge got to the true heart of the matter. We argued that suing us for petitioning our government to protect the environmental rights of Pennsylvania residents was a clear attempt to shut us up, create a chilling effect to silence others, and ultimately trample all over free speech protections. The judge agreed. In fact, he didn't need to get to our many other arguments. He dismissed the SLAPPers' case with prejudice (meaning they couldn't file it again) and ruled the Council could not be held liable for engaging in a constitutionally protected activity.

The Council's victory in this case should provide comfort to concerned residents across the Commonwealth, and even the country. Industry and moneyed interests have always been quick to try to use the courts to bully environmental groups and concerned residents into submission. But we can say we have the Constitution AND the courts on our side. I can now safely say that when residents fight for their environmental rights, and when the Council fights alongside them, we are exercising our free speech rights and we are protected by the U.S. Constitution.

Joe Minott is the Executive Director of Clean Air Council

Staff Profile

Christopher Ahlers

Chris has been employed by the Council as a Staff Attorney since September 2015. He works on the regulation and permitting of air emissions from industrial plants, with a focus on facilities in Pittsburgh and Allegheny County.

Before coming to the Council, he had experience teaching, litigating, and publishing articles on air pollution law and policy. As an Assistant Professor at Vermont Law School, he taught courses in Air Pollution Law & Policy and Environmental Law, and supervised students in the school's environmental law clinic. His most recent law review article questions why biomass should be considered a renewable energy, where the combustion of biomass causes premature death in millions of people every year.

Chris is from Western New York and lives in Philadelphia. He has a B.A. degree from Cornell University, a J.D. degree from Boston College Law School, and an L.L.M. degree from Vermont Law School. Outside of work, Chris enjoys playing bridge and doing crossword puzzles. In addition, he has a background in foreign languages (French, Spanish, Latin, and Ancient Greek).

Chris can be reached at 215-567-4004 ext. 125, or by email at cahlers@cleanair.org.



News and Information for Members of Clean Air Council

September 2016 Number 24

Greenfest Philly presented by Toyota Hybrids celebrates 11 years of sustainability and fun!

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The Clean Air Council is a member-supported, nonprofit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws.



Have you visited the Council's updated website?

We recently overhauled CleanAir.org with a brand new look and feel! Now everything you could ever want to know about the Clean Air Council and what we do is easier to find and better looking than ever before. Let us know what you think -

email cbrown@cleanair.org with your feedback!



Get some good green eats at Greenfest!

Sunday, September 11th marks the 11th anniversary of Greenfest Philly. Clean Air Council and Toyota Hybrids have teamed up to make this year's festival at Headhouse Square better than ever before with more fun, food, and green goodies. With 100s of vendors and exhibitors taking part, the festival has something for everyone!

If you're an early riser, start your day at Greenfest with some sun salutations as the festival hosts a FREE outdoor yoga class on South Street led by prominent Philadelphia yoga teachers. This returning feature is a great way to kick off your festival experience, and will be appropriate for all ages and skill levels. After your yoga class, take a quick break and cool off in the Rest and Recharge tent. Stop by the Toyota Hybrids' on-site showroom to learn about their full line of fuel efficient cars, get eco-friendly festival swag, and even test drive one of their hybrid vehicles. After checking out the Toyota Hybrids, grab a complimentary cold brew iced coffee from Joe Coffee!

Once properly caffeinated, it's time to hit the vendors and shop for some one-of-a-kind eco-goods. From upcycled jewelry to children's toys and vintage shirts, Greenfest Philly has a sustainable gift for everyone on your list. Supporting Philadelphia-based independent businesses also helps keep the local economy thriving.

Being green works up an appetite. Fill your belly with healthy eats from some of the city's most popular and eco-friendly food trucks like Kung Fu Hoagies. The Headhouse Farmers' Market (the largest of its kind in Philadelphia) conveniently coincides with Greenfest.

Visit and chat with the area's farmers and delight your taste buds with a fresh bounty. Afterwards, you can enjoy a sustainably brewed beer in the Greenfest Beer Garden, conveniently located next to the Greenfest Stage on 2nd and South. If you need a moment to chill out and digest, head over to the Greenfest Stage and let your ears feast on some of Philly's best homegrown bands performing live.

Another returning favorite this year is the Philly Swap at Greenfest. Do you want to find new homes for your gently used clothing, home goods, books, and toys? Bring your own items to the swap area for free admission or donate \$5 and shop as long as you like!

New for 2016, Clean Air Council's Go Philly Go will be leading group bike rides that end at Greenfest. These

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Levee Drivers entertains the Greenfest Philly crowd in 2015

Greenfest Philly presented by Toyota Hybrids Continued from Page 1

rides are a great opportunity to explore the city and travel to the festival in a fun and sustainable way with your friends and family.

MOM's Organic Market Kid's Corner provides hours of fun and activities for the young and young at heart. This year's Kid's Corner features eco-friendly crafts, activities, games, and more. Budding environmentalists can play in the Headhouse Square fountain, learn about the environment, and create make-and-take crafts!

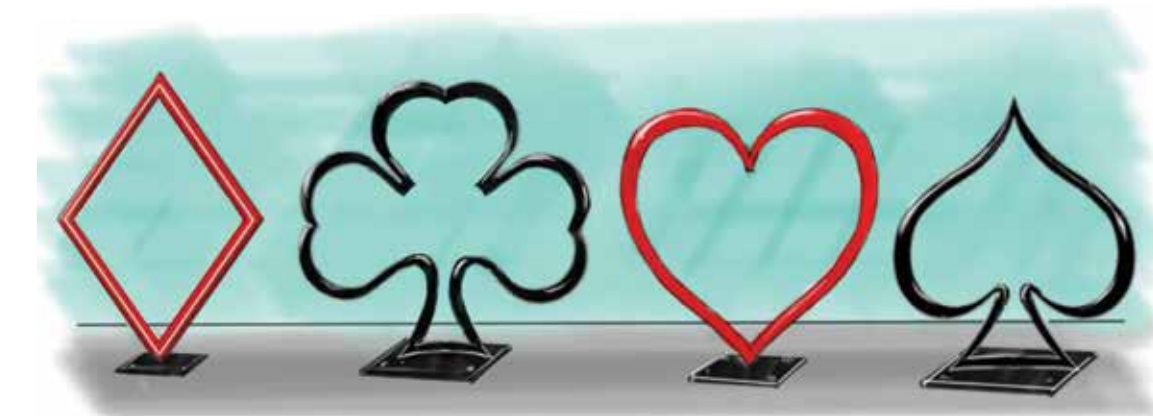


Some of the great products from last year's Greenfest.

As always, Clean Air Council is committed to minimizing the festival's environmental footprint. Solar panels provide all power, and water bottle refill stations can be found throughout the festival (as well as recycling and composting bins).

It's easier than ever to hop on two wheels and use pedal power to get to Greenfest. Philadelphia Insurance Companies sponsors a free bike valet at 3rd and South and will look after your precious wheels so you don't waste any time looking for parking. Indego is providing free 30 minute rides to take bike share to the festival with promo code GreenFest16, and there will be an unlimited Indego bike share docking station at 2nd and South during the festival.

If you'd like more information about the festival, either as a vendor or visitor, get in touch with Katie Edwards at kedwards@cleanair.org, or call 215-567-4004 ext. 102. We'll see you there!



Unique bike racks in Philly

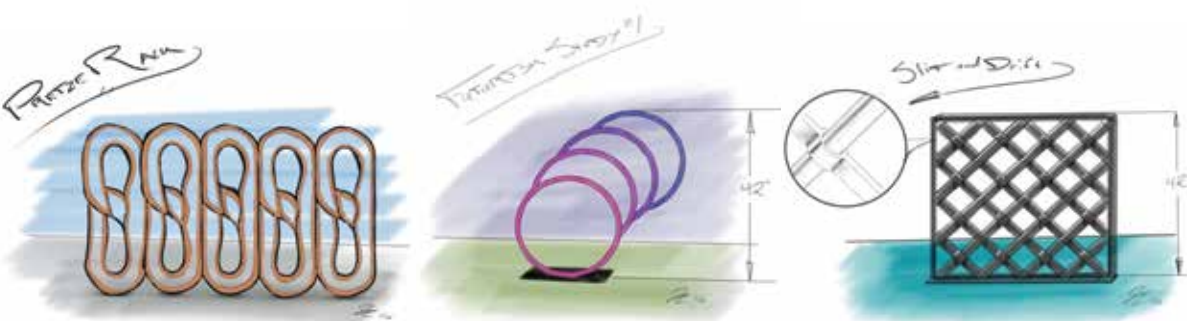
The Council was recently awarded funding by the Penn Treaty Special Services District to create and install bicycle racks in the Fishtown, Kensington and Northern Liberties neighborhoods. The bike racks will be custom made by a local artist and will promote beautification and economic development through sustainable transportation. Creating custom-made innovative sculptures draws customers to the businesses nearby while serving as a functional and secure place to park bicycles.

Secure bicycle parking not only encourages employees to bike to work, but also provides parking to more than the 300,000 potential customers who bike in Philadelphia every month. Installing bicycle racks strengthens businesses' relationships with their local community, promotes healthy active living, encourages an alternative to pollution-emitting vehicles, and encourages

people to patronize businesses that regard bicycles as an important part of Philadelphia's transportation infrastructure.

While the Council has installed over a dozen bike racks in the past 2 years, with this new grant we'll be doing something we've never done before: install a bike corral. Bike corrals replace a single parking spot with enough space to accommodate 8-12 bicycles leveraging space for bike parking. When sidewalk space is limited or restricted, corrals are the best way to accommodate bicycle parking within business corridors.

Within the Penn Treaty District, the Council plans to install one bike corral, 15 art racks, and 10 standard inverted-U bike racks. For more information on this project (including to see if your business is eligible for a bike rack) please call Will Fraser at 215-567-4004 ext. 123 or email wfraser@cleanair.org



Smoke Free Multi-Unit Housing: Acting Locally, Growing Nationally

On July 1st 2016, the Montgomery County Housing Authority officially implemented a smoke-free policy. In the lead-up to it, the Council presented to Housing Authority residents this spring about the importance of the smoke-free policy. Some longtime smokers who entered the meeting determined to keep their habit were convinced by the Council and local cessation experts to finally kick their nicotine addiction.

This example of the Council's success in assisting multi-unit housing organizations to go smoke-free was highlighted at the Public Housing Authorities Directors Association annual meeting. The Council's Thurm Brendlinger was on a panel with Housing Authority directors from Illinois and New Jersey to educate the nationwide audience about best practices for implementing smoke-free policy.

For more information please call Thurm Brendlinger at 215-567-4004 ext. 104 or email brendlinger@cleanair.org.

National Bike to Work Day

On May 20th, the Council and SEPTA came together to celebrate National Bike to Work Day (BTWD). During the morning commute, the Council and SEPTA set up a "thank you" station at Broad and Oregon to show appreciation for all commuters using a bicycle for all or part of their commute. Bicyclists stopped by for free coffee, doughnuts, reusable water bottles, and even tire air for those who needed an extra pump. Nick Rogers, Transportation Program Director at the Clean Air Council, led first time bike commuters from the BTWD station to their offices in the Navy Yard. Public transit users also got in on the fun by learning to load bikes onto SEPTA bike racks.

With on-street bike lanes crisscrossing the city and the Circuit Trails' multi-use trail network connecting towns across the Delaware Valley, the Philadelphia region has over 300 miles of bike trails. Right now, 2.3% of all Philadelphians commute by bicycle to work. Per capita that is more than any of the other ten biggest cities in the United States.

For more information on sustainable transportation call Erika Reinhard at 215-567-4004 ext. 111 or email ereinhard@cleanair.org.



Legal Update: Sunoco's Claim to Eminent Domain



Oil and pipeline company Sunoco has been pushing hard to build new pipelines across Pennsylvania. These "Mariner East" pipelines would stretch from the gas shalefields of Eastern Ohio and Western Pennsylvania to the Delaware River, where fracking byproducts would be shipped overseas. Rather than offer fair deals to landowners to put these pipelines on their land, Sunoco has been taking them to court and using eminent domain to take their property. Eminent domain is meant to be used only for the public good, like building roads. Because the Mariner East 2 pipelines are for private gain, Sunoco's use of eminent domain is unconstitutional.

A year ago, the Council and a number of our members sued Sunoco in a Philadelphia Court of Common Pleas to stop the company from using eminent domain. Sunoco tried to get the case thrown out of court, but the judge refused to do so. In February of this year, the court found that our arguments were strong enough to warrant a trial.

Sunoco didn't want to have to reveal its secrets about its pipelines as part of the lawsuit, and it didn't want to let us prove our case. Sunoco tried to appeal the judge's decision in the Council's favor, but its efforts only bought it a few months of delay. This June, a Pennsylvania appeals court rejected Sunoco's attempt to stop the Council's lawsuit. This means that the Council can move forward and get the rest of the evidence we need to prove our case.

We expect to prove to the court that Sunoco's transportation of fracking byproducts would not benefit Pennsylvanians, but instead would be largely for manufacturing plastics in other countries. Pipelines that don't benefit the citizens of Pennsylvania can't rely on taking people's property through eminent domain. We also expect to prove that the Mariner East pipelines would be a disaster for the environment and public health, violating the constitutional rights of Pennsylvanians to pure air and clean water.

For years, Sunoco has tried to keep its pipeline schemes under wraps to avoid greater scrutiny by the public and by state regulators. It doesn't want the public to know, for example, that out of about 1,500 active operators of similar types of pipelines, Sunoco has reported the single highest number of safety incidents on its pipelines. Sunoco has also tried to keep secret which companies would be sending fracking byproducts through their pipelines, and where those byproducts would be sold.

Clean Air Council intends to shed some light on these issues, defend our members from Sunoco's unlawful use of eminent domain, and prove in court that even the biggest fossil fuel companies are not above the law.

For more information, please call Alex Bomstein at 215-567-4004 ext. 118, or email abomstein@cleanair.org.

The Clean Energy Incentive Program

The Council is a strong supporter of the federal Clean Power Plan (CPP). As part of the CPP, the EPA has developed the first-ever standard to limit CO2 emissions from existing power plants. Of particular interest to the Council is the Clean Energy Incentive Program (CEIP). The CEIP is a program designed to encourage early participation by states with the CPP by providing incentives. One such incentive is extra pollution emission credits for energy efficiency projects in low-income communities. These extra credits can then be sold to large polluting electricity generators that need them to comply with the CPP.

To support this innovative program the Council has collected over 1,400 comments from members of the public in favor of the CEIP. The Council's Russell Zerbo, Advocacy Coordinator and Karl Koerner, Engineer also presented on the CEIP to college students during the Climate Action Summit at the Heinz Wildlife Refuge in late July. Russell and Karl discussed energy efficiency and renewable energy, along with energy-saving projects the students could easily take part in, like cool roofs and rain gardens.

Regions dominated by polluting industry are most in need of economic opportunity that does not involve burning trash, coal-waste or sewage. The Council's ongoing lawsuit with the state of Pennsylvania to update building codes is a parallel campaign aimed at emphasizing efficiency as a path to economic vitality as well as a measure to protect public health.

For more info please contact Russel Zerbo at 215-567-4004 ext. 130, or rzerbo@cleanair.org.

Solar Youth Sees Early Successes

The Philadelphia Region and indeed the nation are at an energy crossroads. Do we want to continue investing in and subsidizing fossil fuels or do we want to move towards energy efficiency and alternative energy such as solar and wind? The answer appears to be the latter, as solar energy is booming right now. Increasingly more Philadelphia area residents are switching to solar each year. Nationally, solar jobs are growing 12 times faster than the rest of the economy. This rapid growth in the United States creates a unique opportunity for training and employment of Philadelphia's youth to go into jobs at one of the 547 solar related companies currently active in Pennsylvania. The Council's Solar Youth campaign aims to ensure that Philadelphia's low-income youth are equipped with the necessary skills to benefit from the job opportunities in a growing solar industry.

This past year, the Council teamed up with Solar States, a local solar installer, to train students from low-income households in both the technical and marketing aspects of the solar industry. The Council taught students outreach skills to promote solar such as canvassing and tabling. This fall, students will have the opportunity to gain real-world experience by volunteering in a solar marketing campaign called Solarize. Solar States teaches ongoing classes of students how solar energy works and how to install solar panels. In the past year, students have participated in demonstrations on how to install a solar energy system and had the opportunity to install solar panels themselves. Teachers in the program also prepared students to take a professional solar certification exam. Passing this exam demonstrates that a student is well on his or her way to becoming an employable solar professional. Additionally, the Council worked closely with Solar Youth students to ensure that they had opportunities for future employment, internships, and continuing education in solar power after the program.

A highlight from this past school year was that two students with the highest level of achievement in the class worked on a number of solar installations and also worked on permitting for projects across the city. Both have successfully completed the program and will take the solar certification exam at the end of the summer. Solar States has offered them internships following their exam.



This is Maine Robbins, a graduate of YouthBuild and now working with Solar States

The Council hopes to have many more successes in the second year of its program and hopes to continue to provide more education and employment opportunities in the solar industry for low-income Philadelphia youth.

For more information on the program, email Akela Marsh at amarsh@cleanair.org.

MEMBERSHIP FORM

Join Clean Air Council, the most active locally-based environmental organization in Pennsylvania and Delaware with 9,000 members committed to the region's clean air future.

Send this form along with your tax-deductible contribution to:

Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103

Yes, I want to protect the air!

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- \$120 Sponsor
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