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## SPECIAL ISSUE

### Planning and Protecting JUST Communities

- ◊ Big \$\$ Development
- ◊ Memorium to Rick Maas
- ◊ Water Policies that Protect People
- ◊ New Mercury Standards

**Don't Miss Clean Water  
Lobby Day May 24, 2006**

(see bottom of page)

This newsletter is printed on 80% post-consumer,  
processed chlorine free paper.

## Join CWFNC at these Spring Clean Water and Justice Events

<b>March 26 (Sun.)</b>	Western NC Stream Monitoring Training. Full day training, no experience necessary, FREE! Haywood Community College.	<b>May 20 &amp; 21 (Sat./Sun.)</b>	El Foro at UNC-Greensboro's Elliott Center. Statewide conference that attracts over 400 community leaders, service providers, policy makers, and youth who have an interest in strengthening North Carolina's Latino community. Go to <a href="http://www.elpueblo.org">http://www.elpueblo.org</a> for more info.
<b>April 1 (Sat.)</b>	Western NC Stream Monitoring Training. Full day training, no experience necessary, FREE! UNC-Asheville.	<b>May 24 (Wed.)</b>	Clean Water Lobby Day in Raleigh. About 10am-2pm. Meet at the NC History Museum (Auditorium), then go to the State Legislature. For info. and transportation contact Gracia if coming from western NC at 828-251-1291 or <a href="mailto:gracia@cwfn.org">gracia@cwfn.org</a> or Hope if coming from central NC at 919-401-9600, <a href="mailto:hope@cwfn.org">hope@cwfn.org</a>
<b>April 15 (Sat.)</b>	Earth Day at UNC-Asheville. Kids activities, workshops, bands and more. 11am-4pm.		
<b>April 21 (Sun.)</b>	NC State Univ. Earth Day at the NC State Brickyard. 10am-3pm. FREE!		
<b>April 22 (Sat.)</b>	Durham Earth Day Festival in Durham Central Park (500 Block of Foster St.). 11 am to 5 pm.		

For more info or to rsvp for the events listed, contact...

**in Asheville**

Gracia O'Neill • 828-251-1291 • [gracia@cwfn.org](mailto:gracia@cwfn.org)

**OR in Durham**

Hope Taylor-Guevara • 919-401-9600 • [hope@cwfn.org](mailto:hope@cwfn.org)

## 💧 Clean Water Lobby Day May 24, 2006 💧

Spend time talking to legislators about key clean water legislation. For information and state-wide transportation arrangements, contact **Gracia if coming from western NC** at 828-251-1291 or [gracia@cwfn.org](mailto:gracia@cwfn.org) or **Hope if coming from central NC** at 919-401-9600 or [hope@cwfn.org](mailto:hope@cwfn.org)



Spring 2006

# Clean Water for North Carolina Clean Currents

A newsletter of clean water and community environmental justice issues

Spotlight on "Development":  
Planning & Protecting JUST Communities

## Big \$\$\$ Resort Threatens Rural Madison County

SPECIAL EDITION

This special edition of *Clean Currents* is dedicated to highlighting the critical environmental justice issues associated with "development" in North Carolina. Everywhere we look there are examples where lack of foresight, public involvement and failure to base rules on health-based standards have resulted in unsafe and inequitable policies and practices. We will explore issues ranging from immigration to appropriate land-uses, and from just and sustainable water policy to polluter accountability and right-to-know issues. As our population and economy expand, we must be mindful of the way we grow. Taking the initiative to set guiding principles, and anticipate the variety of ways in which the needs of everyone in our communities can (and should) be met, are critical to ensuring "justice for all."

The development of high dollar resorts in rural mountain communities is all the rage these days, but not everybody is embracing the new trend. Residents of the Laurel Valley in Madison Co., which sits high in the mountains or western North Carolina and is home to the headwaters of the Big Laurel River, are taking on an issue in their own backyard that could set a precedent for development in the rest of the county, if not all of western North Carolina. Exactly what kind of precedent is yet to be seen.

### A Quiet Change

In the summer of 2005, three tracks of land just over the ridge from the Laurel Valley were quietly rezoned from residential/agricultural to residential/resort. The parcels were rezoned in anticipation of the expansion of Scenic Wolf Resort, a development spearheaded by two local residents. Expansion plans for the resort include additional ski slopes, commercial businesses, homes, and a 3,000ft+ private jetport (built in

an area characterized by 20-40% slopes) that will come within 200ft of the drinking water watershed for the town of Mars Hill. The developers of Scenic Wolf Resort have since purchased numerous additional tracts of land with the intention to continue to expand the resort. If all goes as planned, there will be 500-700 condos (there are 540 homes in Mars Hill, the largest town in the county), mostly vacation or "second" homes built.

### Laurel Valley Watch

In November, Laurel Valley residents (their concerns growing faster than kudzu) began to organize. They started by holding weekly meetings, attended by 30-60 people each time. They're forming their own non-profit organization, Laurel Valley Watch (LVW) and have established a website to document their efforts to slow the

development in the Laurel Valley, and to serve as an example for other communities facing similar problems. They have met with developer, Rick Bussey, and attended public meetings to express their many concerns including lack of a comprehensive development plan, incompatible land use (zoning changes), damage to area trout streams from erosion and chemical runoff, potential contamination of the watershed, and the threat to the quiet, peaceful way of life in the valley. Nearly all the valley residents, many with very limited incomes, get their drinking water from springs – crisp, clean water flowing right out of the mountain – and many residents are also concerned that their water supplies will either dry up or becoming polluted. "I worry that they're going to ruin my water supply," says 85 year old resident Cline Shelton. "I was told if they ruin it, I should just dig a well. I'm on a fixed income, I can't afford that."

### The Z Word

Clean Water for NC has been working with LVW to research past sediment violations, to enlist state officials in enforcing existing laws, and to research suggestions for changes to the county zoning ordinance. In the mountains of western NC, the rights of landowners have long been held as sacred, and it is a brave soul who dares utter the "Z word" in



Community member Garland Galloway explains plans at weekly LVW meeting.  
(Copyright photograph by Rob Amberg, 2006)

**Clean Water for North Carolina**

Clean Water for North Carolina is a private, non-profit organization based in Asheville, NC. CWFNC works to ensure that all people have a right to live, work, and play in clean and safe communities.

Together, we have the power and responsibility to work for a healthy and sustainable environment. Our staff works with an active and diverse board of directors and members to increase grassroots involvement in environmental decisions. CWFNC spearheads action statewide and helps grassroots and environmental groups, individuals, and local governments develop strategies to address threats to the environment.

**Our Mission**

Clean Water for North Carolina promotes clean, safe water and environments and empowered, just communities for all North Carolinians through organizing, education, advocacy and technical assistance.

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**Durham**

919-401-9600  
 Hope Taylor-Guevara, Executive Director  
 hope@cwfn.org

**Garysburg**

252-537-1078  
 Belinda Joyner, Northeast Organizer



In December of 2005, Rick Maas, member of Clean Water for NC Board of Directors for 17 years, died of a rare blood disease at age 54. Rick was a passionate supporter of our work for communities, environmental enforcement, and protective and sustainable policies for the state of North Carolina.

Rick, we miss your energy, your playfulness, your ability to challenge and inspire all of us. We are deeply grateful to your extraordinary wife, Cori, and family for their love and support of our work, and their requests for memorial gifts to the organizations closest to your heart: UNC-Asheville, The Clean Air Community Trust and Clean Water for NC.

*The following is an excerpt of a moving remembrance from long time friend and colleague, Margie Meares, originally published in the Mountain Xpress:*

**The Hottest Stars Burn up the Fastest**

Rick's achievements really are amazing. Both here in Asheville and around the world, he has promoted good ideas and stood in the way of bad ones. But this piece isn't about all that; it's a tribute to Rick Maas the transformer of people's lives.

He had vision, and through some alchemy I still don't really understand, his mission became mine as well. Part of that magic was the depth of his belief in people; I think there were times when he believed in my abilities more than I did. In trying to make sense of his death to an old friend who'd just heard about Rick's illness, I found myself saying, "The hottest stars burn up the fastest." And the more I think about it, the more absolutely perfect the metaphor seems. He was bright, energetic and had a large gravitational field.

When a large star dies, it leaves a black hole. But though it's no longer visible, no longer shining its light in the world, a black hole nonetheless continues to exert its gravitational pull, influencing the space and bodies around it.

There's a big hole where Rick Maas was in this world. But I know that the force of his life will be felt long after his death. It will compel people – including some who never met him – to continue the good work. And I will be both an agent of his force rippling through the world and one more person who takes solace in it.

**Some of Rick's accomplishments:**

- Chair, UNC-Asheville Department of Environmental Studies, and co-director of UNCA's Environmental Quality Institute, a leading repository of lead-contamination research data. Rick's reports and testimony helped reduce lead intake from drinking water and other sources, arsenic exposure from pressure-treated lumber, and mercury exposure from fish consumption.
- Member of the Asheville-Buncombe Water Authority, and the first scientist and water-quality specialist appointed to the Authority, he helped to defeat the plan to tap the polluted French Broad River as a drinking-water source, and lead the search for an alternate safe source.
- Board member of the WNC Regional Air Pollution Control Agency, appointed to help address growing concerns that the air agency was not enforcing its own regulations.
- Co-founder of the Volunteer Water Information Network, which monitors water quality at more than 200 sites along streams and rivers in NC and across the nation.

**Laurel Valley continued from cover**

public. But what happens when your neighbor does something on their property that detrimentally affects the land, the streams, or your quality of life? Development on steep slopes can have a particularly adverse effect on water quality as a result of increased erosion and sedimentation. Furthermore, there are health, safety, and aesthetic issues inherent in hillside development. Although Madison Co. is one of the very few counties in western NC with established land-use regulations, there are no specific hillside development rules and enforcement is inconsistent. Members of LVW will go before the County Board of Commissioners in March to make clear the need for enforcement of (and perhaps a revisiting of) the county land-use plan. "We're not opposed to development per se, just the incompatible land use. Some of those lots are going for \$250,000-\$400,000 for just a 1 acre lot. Those prices are in outrageous contrast to the folks living right next door," says local resident Garland Galloway. "We don't want these, or any other mountains, to become a playground for the wealthy."

If your community is facing similar issues, contact CWFNC or check out LVW website at: [www.laurelvalleywatch.com](http://www.laurelvalleywatch.com)

**Thanks to Our 2006 Foundation Partners and Major Donors for their Generous Support!**

*Alan and Marty Finkel  
 Pricey Harrison-Julian Price Family Foundation  
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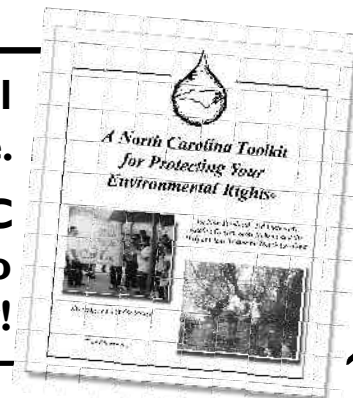
**Thanks to Our New and Renewing Members for Making Our Work Possible!**

Ken and Betsy Schapira, Joel Rosenberg, Lynda Letourneau, Stuart Cohn, Shirley Thomas, Peter Roda, Pablo Stone, Gracia O'Neill, Jane Richardson, Donald DeBona, Doug and Carol Wingeier, Richard Fireman, Charlotte Lackey, Maria-Luise Rager, Malinda Mock, Barbara Coulson, Mary McDaniel, Peter Lloyd, Ruth Jones, Steve Patch, Lisa Hamill, Ann Batchelder, Thomas Tomlinson, Michael Justice, James Phelps, William Janes, Lew Patrie, Beth Trigg, Maria Fire, Lawrence Sorkin, Douglas Currie, Bob and Jeanette Cannon, Chip Smith, Richard DeMott, Ann and David Trigg, Pam Westmoreland Scholar, Milton Heath Jr., Mary Virginia White, Mary Ellen Brown, Kirsten Reberg-Horton, Charles Brummit, Amy Gray, Stephen Shewel, Andy Hecht, Ernie Averett, Cynthia Crossen, Steven Berkowitz, Louise Romanow, Robin Cape, Judith and Marbry Hopkins, Daniel Graham, Jim Warren, Gene Messick, Montie Hamby, Janice Valder, Kenneth Larowe, Rebecca Millsaps, Sherry MacQueen, Regi and Katherine Blackburn, Susan Luster, Patsy Abell, Jane and Joe Srail, Esther Pardue, Deck Stapleton, Rebecca Johnson, Gregory Hargraves, Marcia Weber, Richard McElrath and Max Harless

**A special thanks to those who gave in memory of Dr. Rick Maas**

*Lisa Finaldi, Betsy Brown, Vanessa Harper, Bill Holman, Robert Tynes, Kay McLeod, Dean Kahl, Martha McMullen, John Runkle, Millie Buchanan, Katie Breckheimer, Robert Lewis, Jim Carroll, Friends on Banks Creek, Peg Jones (Save Our Rivers) and Greenpeace.*

**Toolkits are still available. Contact CWFNC at 828-251-1291 to obtain your copy!**



CWFNC Wish List

- Desk lamp
- Floor lamp
- Foldable display board
- LaRousse unabridged English/Spanish dictionary
- Empty ink cartridges for recycling/fundraiser (please call first)
- Scanner
- Color printer (hey, if we never ask ...)

**Join Clean Water for North Carolina**

*(or renew your membership!)*

Here's my donation to join or renew my CWFNC membership:

- \$20       \$35       \$50       \$100
- Other \$ \_\_\_\_\_

I would like to volunteer, contact me.

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(Email is a faster and cheaper way for us to reach you.)

**Make your check payable to:**  
 Clean Water for North Carolina  
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 Asheville, NC 28801

## Will North Carolina Accept Weak and Unjust Mercury Protections?

Heather Jacobs, Pamlico Tar RiverKeeper with Hope Taylor-Guevara

### Fish advisories

By now, most of you know about the 2004 Food & Drug Administration (FDA) and the Environmental Protection Agency (EPA) joint federal advisory for mercury in fish, calling for restricting the consumption of certain types of fish, is directed towards women of childbearing age and young children. A newly released study of hair samples by Greenpeace and the Sierra Club has found unsafe mercury levels in 20% of US women of childbearing age, including those tested in NC. NC RiverKeepers have found mercury levels elevated in fish samples in most of the rivers tested, with the highest levels in the Neuse.

### What are mercury's effects and where does it come from?

Mercury can cause severe neurological and developmental problems in unborn fetuses and very young children whose brains are still developing. A relationship exists between mercury levels, fish consumption, and deficiencies in neurological behavior in children. Long-term exposure to mercury-contaminated fish can have serious health consequences for adults as well, including damage to the liver, kidney, and nervous and cardiovascular systems.

Most mercury in the environment is emitted from coal fired power plants, is deposited in our waters and converted to toxic methylmercury, which then bio-concentrates in fish tissue. In 2000, EPA decided that mercury must be regulated as a "hazardous air pollutant" and emissions reduced 90% by 2008. However, under rules endorsed by the Bush Administration, mercury would be much less stringently controlled, using a "cap and trade" program. Three times as much mercury would be released each year indefinitely, adding 300 additional tons to our environment by 2018.

### NC's regulators propose weak mercury rules—a toxic injustice

Other states including Pennsylvania recognize that EPA's mercury rules are a gift to the coal-fired electrical utilities and a threat to public health, and are calling for quicker mercury reductions of up to 90%. Under new rules proposed for NC's coal fired electrical boilers, however, mercury levels would still be "tradable" by the utilities and would be only very slightly lower than the federal rules. For supporters of Environmental Justice, which calls for the protection of the most vulnerable populations, including children, poor and minority populations (which depend more on fish consumption) and those already most heavily impacted, these rules are an outrage.

As NC prepares to announce public hearings on its mercury rules, please work with CWFNC and all of those calling for a more just and mercury free environment for our state, including fighting for more protective mercury reductions through legislation!

*Justice for All continued from page 3*

the legislation would make "any relative, employer, coworker, clergy person, lawyer, or friend of an undocumented immigrant into an 'alien smuggler' and criminal."

It is irresponsible for the US to adopt the extreme measures proposed in H.R. 4437 to control migration while at the same time maintaining and looking to expand trade policies that result in environmental degradation and increased pressure to emigrate due to increased poverty and economic instability in people's home countries.

As North Carolina finds itself adjusting to demographic and social changes brought about by immigration, CWFNC recognizes the opportunity and responsibility to be precedent-setting in terms of our responsibility to participate in public policy development and community work across the state that promotes *justice for all*.

## C8 Working Group Holds DuPont Accountable for Contamination

The NC C8 Working Group, a coalition of environmental and worker safety advocates is calling on DuPont to release information about employee blood testing and air monitoring for the controversial chemical C8. Residents near the Fayetteville plant fear they are also being exposed and want to know why C8 levels in the blood of tested employees almost doubled from 2003 to 2005.

C8, also known as APFO and PFOA, has been called a "likely human carcinogen" by EPA's Science Advisory Board. The material used in production of non-stick surfaces and other products has been found in groundwater beneath the Fayetteville plant and in discharges to the Cape Fear River, as well as a nearby drinking water well and a private lake, but DuPont still can't identify the source.



DuPont facility in Fayetteville has made Teflon for years, and is now the only manufacturing source of C8.

C8 concentrations in blood taken from 17 workers tested in 2002, as production started at the Fayetteville plant, averaged 11 parts per billion, more than twice the level found in the general population. The average concentration in 2003 (29 workers) increased to 217 parts per billion, and in 2005 to 450 ppb.

DuPont's Fayetteville facility became the only manufacturer of C8 after 3M Corporation announced the phase-out of production, based on "principles of responsible environmental management." In a January interview with National Public Radio's "Living on Earth," Hope Taylor-Guevara pointed to NC's grave responsibility to hold DuPont-Fayetteville accountable as the sole new source of this widespread toxic contaminant.

Last year, DuPont paid a \$107 million settlement to a West Virginia community after the chemical leaked into drinking water. In December, EPA fined DuPont \$16 million for failing to submit C8 toxicity studies, just a tiny fraction of DuPont's profits from Teflon alone.

The North Carolina C8 Working Group: Waterkeeper Alliance, Clean Water for North Carolina, the Cape Fear Riverwatch, and the North Carolina Occupational Safety and Health Project, and the United Steelworkers of America Local 959. See: <http://www.c8nc.org>.

## Calling for a Just and Sustainable Water Policy for North Carolina!

Through our Water Justice Campaign, led by Western Organizer Jill Rios, Clean Water for NC is focusing on water use practices and policies across our state and how they affect a major human right: access to safe and affordable water. The major drought that peaked in 2002 revealed how poorly prepared NC is to cope with a serious drought and other water emergencies, and the lack of a water policy for a more just and sustainable NC. Here are some basic principles we support for strengthening water justice in NC:

- Local water systems must be given incentives and tools to implement the simplest and most effective methods to encourage conservation: pricing structures with the lowest rates for basic residential users, with steeply increasing rates for use of larger volumes, including for commercial purposes.
- Essential and non-essential water uses must be clearly defined and prioritized, with 1) basic health-related uses having the highest priority, 2) economic uses (including agriculture and energy production) targeted for reductions, and 3) recreational uses such as golf courses and ski areas prohibited from withdrawals during droughts;
- Emergency water conservation expectations must be aggressive and enforceable by state officials, including serious penalties for water users who do not comply with reporting, water reductions, new water withdrawals, and regional planning efforts. Water users who make efforts for "continued improvements in water use efficiency" should not be penalized by further steep reductions during drought conditions.
- Water supplies must not be privatized, even in during drought or economic emergencies; local "water governance councils" and education must be encouraged.
- Full "water accountability" must be required, with reporting for all users withdrawing supplies from surface or groundwater that are for other than basic residential uses.
- NC's energy policy must de-emphasize water-intensive electrical generation facilities (coal and nuclear plants), which result in high temperatures, toxic emissions and degradation of downstream aquatic habitats.

Watch for CWFNC's forthcoming report on Water Justice for the Yadkin River Basin, North Carolina's most drought-impacted region, on our website ([www.cwfnc.org](http://www.cwfnc.org)).

## Immigration and "Justice for All"

As neoliberal economic policies exacerbate living conditions farther and farther South of the border, the federal government entertains dangerous U.S. immigration policies that avoid core issues. As long as goods flow freely across political borders, labor will also shift and people will continue to risk their lives in search of a better life. While there is an increasing demand for workers, undocumented immigrants will arrive to fill low-wage, service sector jobs here in the US and especially in NC.

Latin American immigrants, documented and undocumented, are dramatically changing North Carolina's demographic and economic landscape. In 2004, North Carolina's Latino population totaled about 600,000 (or 7 percent of the states' total population) and accounted for 27.5 percent of the states population growth from 1990 to 2004. North Carolina's Latino residents originate from three sources: those who move directly to the state from Latin America (with the largest percent from Mexico), those who move from other US states; 3) and those born in the state.

According to a recent report from the Kanan-Flager Business Scholl at UNC-Chapel Hill, Latinos live in all 100 counties in the state, work in all sectors of the economy and contribute more than \$9 billion to the state's economy through purchases and taxes while at the same time increasing the state's economic output and cost competitiveness. The report estimates that the cost to the state per Latino resident is \$102 for corrections, education, and health care (the report does not compare this estimate to any other ethnic group).

In December 2005, the House of Representatives approved an unwieldy immigration bill that CWFNC opposes for what it proposes to enact, as well as for what it does not endorse. If enacted, the Sensenbrenner-King, *Border Protection, Anti-Terrorism, and Illegal Immigration Control Act (H.R. 4437)* would harm legal immigrants, refugees, visitors, citizens, citizens-in-waiting, and business owners, without fixing unauthorized migration. The bill proposes to extend an environmentally devastating triple fence along the Mexico-U.S. border and does not offer effective solutions for bringing undocumented immigrants in the U.S. out of hiding, nor does it address channels for future legal migration. Furthermore,

*Justice for All continued on page 6*

## The 4<sup>th</sup> WORLD WATER FORUM

The 4<sup>th</sup> World Water Forum convened this March in Mexico. The subject of debate at past forums has been whether water should be designated a human "need" or human "right." The debate continued this month in Mexico City—the megalopolis where providing safe water to the inhabitants of one of the world's largest cities poses almost every imaginable problem. In Mexico City alone, 400,000 people do not have running water, and more than 37 percent of the city's water escapes through leaks in the crumbling infrastructure. It is no wonder that governments across the globe are seduced by private companies eager to relieve the public sector of their water distribution responsibilities.

In the book, *Blue Gold: The Fight to Stop the Corporate Theft of the World's Water*, authors explore the question of "who should be responsible for ensuring people have access to water?" If designated a *need*, then water becomes a commodity of the private sector and this global common can be bought and sold on a for-profit basis and is subjected to the mercurial supply and demand forces of the marketplace. As the debate rages over whether water is a basic human need or right, we encourage North Carolinians to reflect on the changing demographics of our state. Thirsting for a better life, people continue to risk their lives to come to the US. On their journey here, ironically, many immigrants nearly die for lack of water in order to reach the U.S. where this very basic human right might be satisfied.

## Restorative Economic Development: CWFNC Announces Youth “Energy and Water for Justice Team” in Durham!

Youth in low-income communities rarely get the chance to take intellectually challenging and environmentally restorative jobs right in their own communities that can also improve their future job and educational prospects. Our mission of promoting environmental protection and social justice means that we shouldn't just be preventing harms, but also should be a part of creating a new economy.

CWFNC is preparing to hire a project coordinator and select a small team of high school students from diverse backgrounds who are motivated to learn hands-on stream restoration and energy conservation skills. Students will be paid for intensive after school sessions to explore the biology and chemistry of water quality and the physics and math of

residential energy auditing starting this spring. The most motivated trainees will be selected for employment where they will continue their “restorative” work in their community, doing outreach and marketing to residents and local businesses.

Thanks to generous support from the “Creating New Economies Fund” of the Conservation Fund, and partners ranging from the Durham Public Schools, Clean Energy Durham, Durham Soil and Water, and the Haw River Assembly. If this pilot scale project succeeds in Durham, we'd love to help start similar work in YOUR community! To support this project or offer partnership ideas, please call Hope at 919-401-9600.

## Oxford: Town Uses Sewage Hookups to Recruit Businesses, Causes Downstream Injustice

In 1999, the northern piedmont town of Oxford was issued a record breaking fine of \$125,000 for water quality violations caused by years of neglect of its wastewater treatment plant and sewage collection system. As a result of that fine, the NC Division of Water Quality had serious “leverage,” and was able to issue an order that included strong penalties and deadlines for compliance. Unfortunately, the order did little to deal with the biggest source of Oxford's problems: the whole sewage

collection system was laced with “inflow and infiltration” problems—leaks that allowed storm runoff into the lines and contributed to frequent overflows of raw sewage at pump stations, broken lines, etc. The City's leaders and budget had ignored these needs for many years, and cared little about sewage pollution downstream to African American residents along Coon Creek or farmers along Fishing Creek.

When sewage overflows continued after the expiration of that strong order in June of 2002, you'd think that the Division of Water Quality would realize that it had to issue penalties to the City to motivate responsible budgeting to undertake the long overdue work on its collection system. >>sound of buzzer<< Wrong! Instead, the Division's staff accepted the City's excuses that it should be exempted from penalties because the overflows were due to rain events—as though rain was some kind of unforeseen disaster!

Finally, in July of 2003, after 17 sewer overflows at several points in Oxford's system (nearly a million gallons into small streams already damaged), the Division came in with its heavy guns: it sent Oxford a letter. Calling itself a “Notice of Violation,” the letter said that the Division would be recommending penalties and suggested the City consider applying for a “Special Order of Consent” while making improvements its sewage treatment plant. Records show that no penalties were ever discussed or recommended.

Over the next two years, the Division of Water Quality “negotiated” a deal with Oxford that continued to protect the City from penalties for sewage overflows while work on its new treatment plant was underway, and allowed the City to hook up 300,000 gallons/day of new sewage accounts even as the sewage system couldn't handle the sewage flows it had! Without penalties, the Division had no leverage at all, and again, they did almost nothing to force Oxford to fix the real problem: leaking sewage collection lines.

At this point, many downstream residents, along with Clean Water for NC and the Pamlico-Tar River Foundation, had more than enough of the state's “wet noodle” approach to enforcement. Our coalition of organizations and residents, called Oxford Sewage Watch, filed a “contested case” against the Division of Water Quality for this sweet deal. We are demanding that state officials issue substantial penalties and other REAL enforcement actions for sewer overflows to Oxford and all sewage polluters to motivate them to do responsible budgeting and system repairs. Environmental Justice considerations (don't force pollution downstream and downwind communities) and sustainability require strong state level enforcement, and the commitment of citizens willing to vote for leaders and budgets as though we *all lived downstream of ourselves!*

## Wal-Mart: Displacing Community at “Low-Cost”



Over the last several months CWFNC has been part of a non-profit coalition that has been working with Monticello Mobile Home Park residents and local agencies to encourage clear communication and a more just decision-making process between stakeholders and those whose lives will be deeply impacted by the potential construction of a Wal-Mart Supercenter in West Asheville. If approved by Asheville's City Council, more than 200 residents of the community, mostly elderly and Latino will be displaced.

The residents of the community have been consistently mis- and under-informed about compensation, timeline of dislocation, and their basic rights. Neither the landowner, Asheville Property Management (APM), nor the applicant (Wal-Mart) have provided communication in Spanish to residents (predominantly Spanish-speaking), despite repeated requests. Informational meetings held by the property owners have been announced with little notice and with disregard for community members' diverse needs including accommodations for language barriers, physical disabilities, unstable health conditions, or work schedules.

Prior to the January Planning and Zoning Commission (PZC) meeting, the landowner in cooperation with Wal-Mart offered at least \$200,000 in relocation assistance to 56 recognized residents of the trailer park. Advocates for the community were troubled to learn that Wal-Mart severely underestimated the actual number of residents in the community and their potential relocation costs.

According to a door-to-door survey completed by non-profit workers and volunteers, more than 200 people live in the community. During the survey, residents indicated a wide range of concerns including not being able to move trailers they own or rent-to-own, to finding affordable housing options in Asheville, to maintaining jobs that they are currently able to commute to on foot, by bike or public transportation.



**The community that may be displaced is home to dozens of children.**

According to resident Manuel Caudillo Vasquez, who owns his own trailer and rides a bicycle to work, many of the residents would like to stay in the community, “The truth is that I would like to stay here. I don't have anywhere to go, I don't have much money, and from here my work is nearby. I don't know what to do.”

CWFNC has worked closely with Asheville's Planning and Zoning Department to guarantee simultaneous interpretation services (English/Spanish) at the March 1st meeting. As a result, more than 30 Spanish-speaking residents (including many children) who attended the meeting were able to more fully participate, many courageously expressing their concerns about the potential development and their almost inevitable displacement.



**Due to his work schedule, homeowner Manuel Caudillo Vasquez was unable to attend the March 1 P&Z meeting. He participated by recording his comments which were presented before the commission by another advocate for the community.**

As part of the non-profit coalition working with the community, CWFNC also expressed comments at the PZC meeting. According to Jill Rios, Western Organizer, “Assessing the needs of the families who live in the community should include timely, clear, and bilingual communication. The people who live in the community have a right-to-know. While ‘right-to-know’ is commonly associated with pollution problems, in this case we're speaking about another kind of urgent right-to-know issue—the right of the residents of the community to know the conditions of their almost inevitable dislocation. While community members have a right-to-know, APM, the City of Asheville, and Wal-Mart have a ‘responsibility-to-know’ about the community they propose to dislocate before they propose conditions for their displacement.”

Asheville's PZC approved the proposal with certain conditions. The commission requested that Wal-Mart give an additional \$175,000 in compensation for the residents. This money will be placed in the hands of the City, rather than APM or Wal-Mart. In addition, stakeholders are required to provide relevant information to residents in English and Spanish. As this newsletter goes to press, this agenda item is tentatively scheduled to go before the Asheville City Council on April 11. In the meantime, CWFNC continues to organize alongside affected community members. *¡El pueblo unido nunca será vencido!*

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