



Clean Water for North Carolina

Clean Currents

Spring 2020

A newsletter of clean water and community environmental justice issues

Building on Cleanup Victories for Coal Ash Communities!

When communities are fighting for justice against polluting industries as powerful as Duke Energy, it can feel daunting, and sometimes even immobilizing. But when people are awakened to action, it can empower others to get involved, and, given the right conditions, a movement can accomplish surprising things.

Struggles faced by communities near coal ash pits smoldered unnoticed for decades in North Carolina before being sparked in 2014 by a catastrophic coal ash spill into the Dan River. Advocacy groups mobilized, coal ash neighboring communities and supporters across NC came together, formed the Alliance of Carolinians Together (ACT) Against Coal Ash, and strategized. They carried their flames to countless public meetings, speaking out for safe water, clean air, and the health of communities. It took years of effort, but out of the sparks of public awareness of the disaster arose a force that would ultimately shed a light so bright it could no longer be ignored. Scientists shared important research on coal ash contamination and the dangers of storing wet ash in unlined pits

In April of 2019, after thousands submitted comments and testified to NCDEQ that they wouldn't settle for less than a full cleanup, communities heard that the state agency would support that, too! DEQ ordered industry giant Duke Energy to excavate all unlined coal ash pits and move ash into lined landfills. It was a huge win for all who had fought so long to attain what seemed to be common sense, protecting human health and the environment, but more than we had thought possible.

But Duke wouldn't give up without a fight, and continued to appeal the DEQ order administratively and in the courts until last December. As advocacy groups continued to plead the case for full excavation, the administrative and appeals judges rejected each of Duke's arguments, one after another. Ultimately, it became clear that the best way forward was to settle on terms that would protect communities.

Initially, it was unclear in the excavation order whether or not Duke could be allowed to truck the coal ash to landfills offsite, burdening other communities and municipalities with future coal ash pollution. Finally, Duke agreed to present closure plans on all remaining sites that would include full excavation and storage of coal ash in lined landfills on Duke property!

In February 2020, community members and advocates across the state turned out once again to DEQ hearings on each coal ash site closure plan. Some of the hearings, such as the one near Cliffside, were held in the same rooms where tensions had been quite heated last year between DEQ and residents. At the latest meetings, neighbors raised questions and concerns, including the fact that long-buried coal residuals would not be fully excavated at three sites, but the overwhelming message at most sites was one of gratitude toward the agency. DEQ returned the sentiment to those who had spoken out, thankful that public participation had supported their decision to order the largest coal ash cleanup in US history.

Powerful industries have ways of transferring the burden back to the impacted public, even after such victories. The latest battle in this saga is preventing Duke from increasing rates for electric customers to pay for coal ash cleanup (see article on p6). The fight for justice for coal ash communities continues, but the flame of activism that made this massive cleanup possible still burns with brilliance.



Roger Hollis asks difficult questions while also thanking DEQ at the Cliffside closure plan hearing.



Some of Duke's Power Plants like this one in Cliffside, will continue to burn coal. New coal ash waste will be stored in lined landfills.

WHO WE ARE

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, as well as 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

CWFNC 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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Welcome to Shelby Cline, Our New EJ Organizer and Researcher!

Clean Water for NC is pleased to announce that we have a new Environmental Justice Organizer and Researcher joining the Asheville office staff! Shelby is a recent “Presidential Scholar” graduate of Davidson College, where she majored in Environmental Studies, with significant work in Environmental Justice. Having shown a great deal of initiative in seeking out special internships and summer programs to get experiences working with diverse communities, including the “into the Fields” program of Student Action with Farmworkers in eastern NC, and developing community gardens with the Geechee community on Sapelo Island, Georgia, Shelby is superbly equipped to be involved in outreach, advocacy and strategy with many North Carolina communities.



Shelby has spoken Spanish for 6 years, which will be a big help in our outreach to diverse communities about water rights, pricing and service. With experience using ArcGIS mapping to plan community gardens in low income “food deserts,” and strong skills mentoring student writers, graphic design and leading trainings and outdoor trips, she’ll contribute to many of CWFNC’s projects and activities. She says she’s passionate about research that directly benefits grassroots movements. We’re delighted to have you working with us for communities and for Environmental Justice, Shelby!

Interested in learning about serving on our Board to further Clean Water for NC’s Mission?

If you believe in our work for “Safe, Affordable Water for ALL”, “Preventing Harm to Communities” and “Holding Polluters Accountable,” and want to support Clean Water for NC by helping us plan and oversee our work, we encourage you to think about considering joining our Board of Directors! If you are already a member, we can send you our short application to fill out, and we’ll be in touch with you quickly to discuss this opportunity.

Many of our Board members have come from communities we have worked with; others support our work and bring various skills and experience to keep us lively and challenging ourselves for the benefit of NC communities, especially communities of color and low income. We only meet three times a year in central to western NC, with a couple of additional conference calls, so it’s not a heavy burden.

If you’re interested and are already a member a member of Clean Water for NC, please email hope@CWfnc.org to request an application. If you’re not a member, you can join easily at any time with a donation at our website (<https://cwfn.org/>) or by check to our Asheville office. Thanks for your support of communities and Environmental Justice!

Water Justice

Organizing on the Ground with Customers to Hold Aqua NC Accountable

Aqua NC is the largest private, for-profit water utility in the state, known for constant rate increases, poor water quality, and bad customer service. These customers have no choice in their water provider, but they should have the power to hold Aqua NC accountable for providing good quality water, and not just protecting their profits.

A testament to the power customers have to hold private utilities accountable is the outcome of last year’s Aqua NC rate hike case. Through connecting with customers at public hearings, Clean Water for NC built a strong network of opposition to the proposed rate hike, and motivated Attorney General Stein and the NC Utilities Commission Public Staff to intervene on behalf of customers. Through statewide messaging, social media, written comments, and in-person meetings with officials, customers were able to raise their concerns about Aqua NC’s poor water quality and treatment of customers. As a result, Commissioners approved only ~%28 of Aqua’s requested rate hike, and even listed the issues customers raised in their final order to the company. Water rates only rose \$.18 per month.

Building on last year’s momentum, CWFNC continues to grow our Aqua NC customer contacts to oppose yet another Aqua NC rate hike proposed this year. Aqua NC

is requesting a 12% increase in the average water bill and 10 % in the average sewer bill!

We’ve connected with dozens of customers across the state, including homeowners association board members representing hundreds of residents. They are anxious to strategize, attend hearings, and fight the new rate hike tooth and nail. CWFNC works to build the capacity of private, for profit water utilities customers to become Water Justice leaders in their communities, and we look forward to working with them to demand safe and affordable drinking water.



Aqua customer displays a glass of dirty water from their tap.

Water Infrastructure: What’s Justice Got to Do With it?

Health equity must be prioritized when working with any water issue. Social and economic conditions which affect vulnerable people can be exacerbated by poor water quality, aging infrastructure, and other health risks. People of color are statistically more likely to experience environmental health impacts, and poor economic conditions make it more difficult for communities and residents to recover from adverse health effects, let alone to take measures to prevent those risks in the first place. For example, Lead Service Lines (LSLs), which can leach lead into drinking water delivered to homes, such as happened in Flint Michigan, are a (massive) significant health risk to many. Yet water utilities in NC have historically not been mandated to replace LSLs, only to disclose potential LSL locations and health risks to property owners, advising them to hire an outside contractor to replace pipes. Higher-income households can replace service lines relatively easily, but lower-income residents are often unable to meet the costs of replacement, leading to adverse health effects. Many cities and states around the US have taken steps to combat this problem. For example, Philadelphia, PA offers full coverage for residents for the cost of replacing lead-

containing pipes leading from a water main to their home.

Justice and equity can play into all types of water infrastructure projects. A 2019 greenway project along Proctor Creek in downtown Atlanta is beneficial to many residents- improving water quality, providing recreational opportunities, and bolstering ecosystem resilience. The creek itself passes through many lower-income, historically minority neighborhoods of Atlanta, where residents have expressed concern that the greenway could significantly drive up nearby property values, driving some people out of their homes and communities and leading to gentrification. Upcoming development projects in the area will place a focus on affordable housing along such greenways.

These are only a couple of examples of how health equity is impacted by aspects of water policy, and North Carolina can learn from them. Social and economic justice must be kept in mind when planning and implementing future water-related projects, in order to improve the health and quality of life of all people served by the projects.

-By Garrett Pearce, guest author

Drinking Water and Environmental Justice near Poultry Operations



Last year, it came to Clean Water's attention that poultry operations were spreading across the state at alarming speed. Just as startling, we learned that our state agencies were not only lax in regulating these facilities, but didn't even know where or how many existed. The waste generated by millions of animals and spread in unknown quantities on nearby land is certainly cause for concern. Organizations such as Environmental Working Group (EWG) and the Waterkeeper Alliance have been engaged in tracking impacts to surface waters, but impacts to groundwater and nearby drinking water wells has yet to be researched. Furthermore, neighbors of these operations, often rural low-income communities, are living with impacts to air quality and odors that aren't being documented.

Tackling groundwater and environmental justice impacts of unregulated poultry operations is CWFNC's newest area of work under our Polluter Accountability Program, and our efforts are well underway. We are collaborating with EWG and the Waterkeeper Alliance who are combining data and efforts to push for better permitting, transparency, and enforcement.

At the end of February, Amanda traveled to Cleveland County to meet with David Caldwell, the Broad Riverkeeper, to get a bird's eye view of poultry operations (see photo below). From a small aircraft several impacts were clearly visible, with a high percentage of operations failing to cover waste piles, leaving them open to the elements. The



sheer number and size of these poultry barns was startling, and many were sited near streams or residences. Harder to grasp from the air are impacts due to spreading poultry

waste on nearby fields. No records are required when hauling less than 100 tons annually from an operation. Reports that are submitted to DEQ are rarely reviewed and do not adequately identify the location where waste is being spread.

According to nearby community members, waste spreading is evident by the foul odors they experience at home or when gathered at church. Health impacts are also a concern. In visiting poultry sites on the ground, staff noted efforts to hide operations from public view and block



A 12-barn poultry operation in Cleveland County. Poultry barns have been increasing in numbers and in size over the years sometimes reaching over 40,000sq/ft each holding 20,000 birds or more.

access to the property with warning signs stating "Do Not Enter, BIOSECURE AREA". Some of the operations also have mobile-homes for workers very close to the barns, adding to concerns for worker health and safety.

The goals for this project include identifying and testing wells with potential contamination from poultry waste and working with nearby low income residents and residents of color to address impacts of poultry operations on health and quality of life. Our Asheville team plans to talk with more community members and assess their concerns, in order to plan a more extensive outreach effort during the summer of 2020. Beginning in Cleveland County, we hope these efforts will lead to a process of documentation and action that can be repeated across the state.

The Hidden Costs of Hog Waste Biogas

In order to prevent the worst imminent climate change impacts, scientists agree we must reduce greenhouse gas (GHG) emissions and move away from fossil energy. In NC, renewable energy is a key part of the Clean Energy Plan, but specifies that such energy systems must be "clean, equitable, modern, resilient, and efficient... safe, affordable, and reliable." Animal waste-to-energy operations fail to meet many of these requirements.

Hog operations are infamous for impacts to environmental justice communities, which led to a moratorium on expansion in NC. Hog waste, stored in "lagoons" and sprayed on nearby fields, degrades quality of life from noxious odors and causes serious health concerns.

Runoff from waste application raises levels of nitrogen, phosphorous, and bacteria in nearby streams.

With wet waste hog operations, a lagoon can be covered to capture methane which can be processed through anaerobic digesters to produce biogas. Moving toward this system encourages future expansion of hog operations as proposed in the recent NC Farm Act of 2019, and incentivizes the gas industry to build more infrastructure and would help justify greater use of fracked gas. Methane, a GHG 86 times more powerful than CO₂, leaks out of these systems. Biogas is neither clean, efficient, or safe. NC needs to keep looking for cleaner alternatives.

Atlantic Coast Pipeline Faces challenges, Still a Threat to Justice

Since the route for the massive Atlantic Coast Pipeline was announced in 2016, we knew most of the impacts would be imposed on communities of color and low income. Seven of the eight counties the pipeline would cross in NC have a higher proportion of low income and people of color (African American and Indigenous, as well as LatinX) than the statewide average. When the Federal Energy Regulatory Commission (FERC) approved the ACP in October 2017, based on an Environmental Impact Statement completely ignoring Environmental Justice, CWFNC worked with other EJ groups to file a "Petition for Rehearing" within 30 days, emphasizing water and toxics impacts and the massive environmental injustices if the ACP were built. FERC ignored us.

Despite a huge number of comments and substantive concerns—even by the NC Dept. of Environmental Quality itself -- DEQ granted a "401 Water Quality Certification" in January 2018 that was unenforceable, and allowed mega utilities Duke and Dominion Energy to begin construction. Landowners who had not signed agreements for the ACP to use their land were dragged into court, facing major costs and loss of control of their land.

As construction began, pipes were left exposed to sunlight for years longer than manufacturers say is safe, and some residents were actually forced to leave their homes. In Dec. 2018, the first legal challenges on behalf of advocacy groups in VA caused the ACP to stop construction. The FrackFreeNC Alliance,

which CWFNC coordinates, held a "protest flotilla" to draw attention to drilling under the Tar River.

CWFNC and the FrackFreeNC Alliance have continued to hold weekly strategy calls, watchdogged for any signs of renewed construction, met with state health officials to talk about a flaking, toxic pipeline coating, and mentored Maria Velasquez, a Duke University grad student who calculated the expected methane emissions for the ACP in operation and major climate impacts. We are also working with allies to build pressure on Governor Cooper to realize how damaging the ACP will be to his own claims of being a "climate champion," based on his Clean Energy Plan, which only focuses on reducing carbon dioxide emissions, while ignoring the 86 times more climate-forcing emissions of methane that the pipeline would bring.

In just over a year, ACP has lost 8 federal and state permits, with the first successful environmental justice challenge coming after the air quality permit for a compressor station in the predominantly African American community of Union Hill, VA was revoked.

CWFNC and our allies will continue to counter disinformation from utilities claiming low energy costs and that fracked gas is a "bridge fuel". Fracked gas is dangerous for communities where it's extracted, for everyone along the pipeline and our climate. And if the pipeline is built, Duke and Dominion Energy will demand huge rate hikes to pay for it, plus 14% profit, a major economic injustice.

PFAS is Everywhere, With No Regulation in Sight---Let's Stop Production!

In 2005, Clean Water for NC worked with labor, worker safety and WaterKeeper groups to demand that DuPont-Fayetteville stop production of C8, the first of the major perfluorinated compounds produced in NC. After public pressure and growing shareholder discomfort with the company's production of chemicals used to make non-stick surfaces, but with a range of health effects, DuPont agreed in 2010 to stop production, saying it would design safer products.

The NC lab of Detlef Knappe at NC State University began detecting Gen-X and other perfluorinated compounds in the Cape Fear River by 2015. Chemours, the spinoff of DuPont now producing the compounds, released them to the River essentially without controls. The nearly 5,000 related chemicals became known as PFAS. Within a year, Gen-X was found in other surface waters and wells, at high levels in drinking water in Wilmington, Brunswick County and Pittsboro.

Wastewater plants aren't equipped to reduce or eliminate PFAS, so a manufacturer using PFAS to produce non-stick cookware, or stain-resistant carpeting releases the chemicals downriver with its normal wastewater.

North Carolina's Science Advisory Board struggled in several recent meetings to finalize recommendations for PFAS limits in water, but it will take years to get such regulations through the Environmental Management Commission. EPA is worse—after bragging for months about their plans to regulate PFAS, the details came out this month—it will be over 3 years to get regulations.

When DEQ asked for comments on a previous Consent Order for Chemours to reduce discharged PFAS levels, CWFNC responded "STOP PRODUCTION" of these compounds! The Precautionary Principle calls for NO release to the environment until compounds are PROVEN safe—and Dr. Knappe agrees!

Community Action

Stopping Rate Hikes for Duke Energy’s Dirty Energy & Climate-Busting Plans!



The fight for full excavation of Duke Energy’s toxic coal ash pits finally came to a close when the company signed a settlement agreement with DEQ and community groups to remove over 80 million tons of coal ash from unlined pits across the state. While this marks a major victory for impacted community members living near these sites, Duke is trying to slap them with the bill to pay for massive cleanup.

Rate cases for both Duke Energy Carolinas (DEC) and Duke Energy Progress (DEP) are currently underway, with Duke seeking to recover costs associated with coal ash cleanup, upgrades to their fracked gas infrastructure and costly “grid modernization,” with no clear benefits to customers or cleaner energy. Impacts of the proposed rates would hit hard, as DEC wants to raise electric rates by at least 6.7%—increasing annual electricity bills for an average customer by over \$100, while DEP is proposing to raise rates by at least 14.3%, adding over \$200 annually to an average electric bill.

The rate hikes for coal ash cleanup are being pushed on to customers despite Duke’s own insurance companies have refusing to cover costs related to coal ash liabilities, saying the company knew of the risks of spreading contamination but continued to dump ash into unlined pits. Duke’s coal ash decisions weren’t even open for public input, so the company’s shareholders, not its customers, should be held responsible for Duke’s stunningly poor decisions.

DEP’s proposed rate hike includes having customers pay for the new \$820 million Asheville fracked gas power plant. DEC’s rates would force customers to pay for their irresponsible,

\$278 million decision to retrofit coal plants to burn fracked gas. Focusing on electric generation from fracked gas perpetuates the “bridge fuel” myth and holds North Carolinians captive to Duke’s climate-forcing, methane emitting fracked gas infrastructure. Transitioning straight to renewable energy and storage is the smart path for customers and for the climate.

Clean Water for North Carolina and other groups say Duke Energy must take responsibility for its coal ash toxic mess, not customers like us! Through testifying at public hearings, submitting comments, writing op-eds, holding press conferences and promoting turnout, CWFNC and our allies continue to stand for a clean energy future in North Carolina – not one at the mercy of by Duke’s dirty energy plans. The Utilities Commission Public Staff has already intervened to recommend a 7% rate REDUCTION for Duke Energy Carolinas! If you would like to learn more about how you can fight Duke’s proposed rate hike, please email rachel@cwfn.org.



Members of the Alliance of Carolinians Together (ACT) Against Coal Ash came together to testify against rate hikes that would include paying for coal ash cleanup since 2018. As a DEC customer, Rachel of CWFNC (top left photo) gave testimony at the hearing.

“No Quarry Here!” – Working with Caswell Community to Protect Groundwater

Quarries pose significant risks to households relying on well water as their drinking water source, especially when quarry operations require pumping over 3 million gallons of groundwater a day over a lifespan of 50 years! This is exactly what Carolina SunRock is proposing to do in constructing a granite quarry on over 600 acres in Prospect Hill, an unincorporated Caswell County community, near the border with Person and Orange counties.



Residents in Caswell County line Wrenn Road with “NO QUARRY HERE” signs in protest of SunRock’s proposed granite quarry.

Caswell County residents contacted CWFNC, concerned about the impacts the proposed mine would have on their wells, including water quality and quantity. We facilitated strategy calls with the residents to develop an action plan-- drafting technical comments on the proposed quarry to DEQ officials and sending out email blasts to our regional lists to promote turnout to the public hearing. To build the capacity of folks to become Environmental Justice leaders in their own community, CWFNC staff provided residents with documentation of the public health and drinking water risks associated with quarry operations, maps, and agency contacts to support them in drafting their own comments and sharing with neighbors.

SunRock recently applied for an Air Quality permit from DEQ, and a public hearing is set on March 31st in Yanceyville. We will continue working with community members to submit comments, boost hearing turnout, and help organize to protect the integrity of their well water.

Clean Water for North Carolina

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CWFNC and the Alliance of Carolinians Together (ACT) Against Coal Ash hold a press conference with coal ash impacted community members before Duke Energy Carolinas hearing, Graham. See page 6.