



THIS ISSUE

Celebrating Victories

Volunteer Spotlights

Private Well Water Protections

Community Mapping System

NC CAFO Research and Policy

NEPA Changes

Thank You to Our Supporters

COVID MORATORIA REPORT

This fall, CWFNC has been working to write a report discussing how communities in NC and the Southeast have been impacted by the ending of the Federal Moratoriums on Utilities Shut-offs and Evictions.

Staff, along with volunteer Lee Barnes, are researching not only the number of folks affected but also considering their personal perspectives. The report will further describe the environmental health outcomes of being unhoused, and how climate change actively impacts and threatens unsheltered populations.

We hope to highlight resources for those facing these difficulties and groups who are providing assistance. Please keep a look out for the report on our website next month!

CELEBRATING VICTORIES!

As we enter the holiday season, we would like to share a hopeful message of community victories that we are thankful for – and know you will be too!

Families in Eastern NC received a win after an agreement was settled between CleanAIRE NC, NC DEQ, and Align RNG – a massive biogas processing facility in Sampson Co. – requiring the facility to place new restrictions on operations and limit harmful emissions of sulfur dioxide and hydrogen sulfide. Under the settlement, Align RNG is required to be more transparent with air emissions reporting, giving impacted communities an opportunity to verify and enforce compliance.

The passage of the general permit for biogas in the NC Farm Act of 2021 was a blow to communities adversely impacted by the hog lagoon and sprayfield system. DEQ's EJ Board (EJEAB) was alerted and has now twice this year exercised its highest authority by issuing advisory statements to the DEQ Secretary on this issue in favor of communities! (*More on p. 5*)

The NC Real Estate Commission has made huge steps in ensuring prospective homeowners looking to purchase a property with a private well are educated on testing resources, possible contaminants in the area, and how to maintain the quality of their drinking water. (*More on p. 3*)

Read on to learn more about CWFNC's work and partnerships to promote EJ victories across NC!

WHO WE ARE

Clean Water for NC is a 501(c)3 non-profit organization with a mission to promote clean, safe water and environments and empowered, just communities for all North Carolinians through organizing, education, advocacy, and technical assistance.

BOARD OF DIRECTORS

Marshall Tyler, *Chair* • *Oriental*
Anita Simha, *Vice-Chair* • *Durham*
Nathanette Mayo • *Shiloh*
Emma Sellers • *Charlotte*

CONTACT US

Asheville Office
828-251-1291

Veronica Oakler
Executive Director
veronica@cwfn.org

Amanda Strawderman
Program Director,
Polluter Accountability
amanda@cwfn.org

Shelby Cline
Environmental Justice
Organizer and Researcher
shelby@cwfn.org

Durham Office
919-401-9600

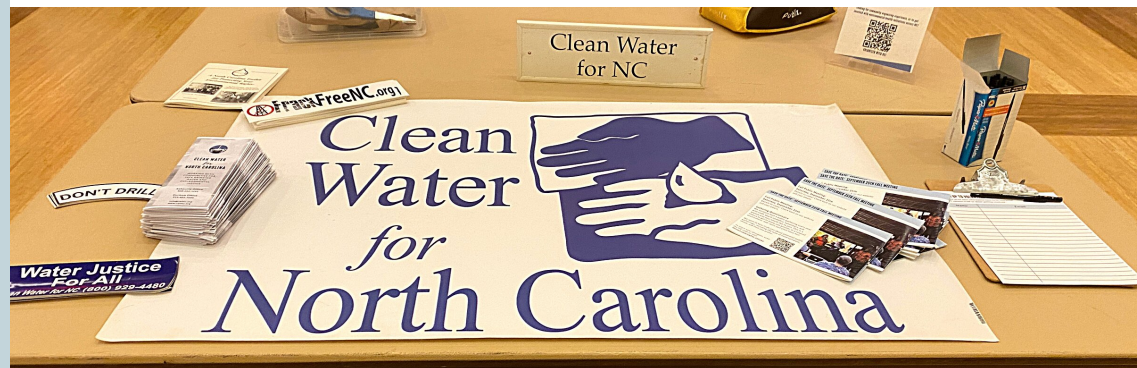
Rachel Velez
Program Director,
Water Justice
rachel@cwfn.org

Christine Diaz
Environmental Justice
Organizer and Researcher
christine@cwfn.org

Garysburg Organizer
252-537-1078

Belinda Joyner
Northeast Organizer

VOLUNTEER SPOTLIGHT



HANNAH

Hannah is a recent graduate from UNC Chapel Hill, and NC native, living in Union County who first began volunteering with us in June. She was interested in utilizing her experience in public policy to learn more about environmental protection and equitable solutions. Using her Spanish speaking and writing skills, Hannah translated our community tools fact sheets so that Spanish-speaking community members might utilize the online tools and web applications to gain the knowledge they need to face challenges in their area, as well as wrote [an article](#) on how anti-protest legislation has increasingly targeted pipeline protestors on our Blog!

MARY POPE

Mary Pope is a high school student from Charlotte that runs a sustainability Instagram account to educate and advocate for environmental action. As a volunteer, she has written a blog about the Colonial Pipeline spill in Huntersville, NC, as well as helped create graphics and templates for our various social media accounts. Mary Pope even did the voice-over for our Drinking Water Watch tutorial video! You can watch the [Drinking Water Watch video](#) on our Community Tools page.

JAMES

James is a UNC Chapel Hill student who joined CWFNC's volunteer program with an interest in solutions to establish a clean ecosystem and community, as well as community outreach, advocacy, and action. He has worked with us to build a state-wide map and contact cards of Environmental Health Directors (EHD) as part of our Water Justice program, and is currently writing an article on the MVP Southgate pipeline. You can check out the [EHD map](#) at our website on the Well User Protection page.

We thank these incredible volunteers for their wonderful contributions! If you are interested in volunteering with CWFNC, fill out our [volunteer application](#) on our website!

WATER JUSTICE

PRIVATE WELL USER PROTECTIONS



Almost one-third of North Carolinians rely on private wells as their drinking water source. This is one of the highest proportions of private well users in the U.S. Because the federal Safe Drinking Water Act only regulates water quality for public water systems that serve more than 25 residents or 15 service connections, private well water is completely unregulated.

CWFNC is working with UNC's Superfund Research Program as a community partner for a wells outreach project to explore opportunities to introduce legislation increasing well user protection across the state.

INCREASED FUNDING FOR PRIVATE WELL TESTS

Cost can be a major barrier for regular testing of private wells, particularly for low-income households. We believe this obstacle can be addressed by the Bernard Allen Fund, created in 2006 to improve the state's response to private well water contamination and provide low-income households with a safe drinking water supply. Recommendations for the Fund include increasing funding available, providing a public application, increasing the household income limit or providing a sliding scale, and further addressing testing of naturally-occurring contaminants to better address threats to safe drinking water for well users.

MANDATING WELL TESTING PRIOR TO REAL ESTATE TRANSACTIONS

A safe drinking water supply is essential to human health as well as protecting the value of residential property, and most of the contaminants prevalent in well water in NC cannot be detected without laboratory testing. If a real estate transfer is finalized before the property owner or renter discovers that the groundwater is contaminated, there may be limited options to remediate the issue. CWFNC believes that adequate testing is essential to due diligence prior to the purchase or rental of any property supplied by a private drinking water well, and is exploring policy initiatives in other states to help develop a similar policy recommendation here in NC.

BUYER BEWARE! PRIVATE WELLS

In addition to developing protective groundwater policies, there are other efforts underway to use real estate activities as a vehicle to promote well user protections and education!

With input from NC DHHS, the UNC Superfund Research Program, and CWFNC, a comprehensive brochure and video produced by the UNC School of Law Pro Bono Well Water project is now posted on the NC Real Estate Commission's website! These resources were designed to help educate homeowners looking at properties with a private well on testing resources, possible contaminants in the area, and much more.

NC is a "Buyer Beware" state, and these resources are vital for prospective homeowners to understand how to best protect their private well and drinking water.

Visit tinyurl.com/why-test-well to check out the brochure! A Spanish version contributed by CWFNC staff coming soon as well.



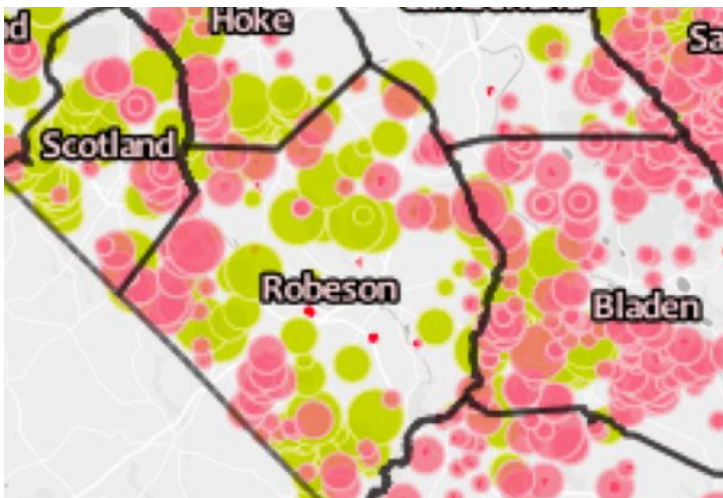
EJ MAPPING TOOL: AN AGREEMENT WITH NC COMMUNITIES

The DEQ NC Community Mapping System (NCCMS) was created to visualize pollution threats and conduct EJ analyses in order to assess cumulative impacts and inform decisions about incoming permits for a given community. It was initiated as part of a settlement agreement with citizen groups impacted by hog waste and is outlined in DEQ's May 2020 report, *Title VI: Increasing Equity, Transparency, and Environmental Protection in the Permitting of Swine Operations in North Carolina*. While the map currently provides some helpful information and the intent of the tool is positive, there is a lot more work to be done to fulfill its purpose.

The report says, “DEQ is committed to conducting the people’s business in an open and transparent way,” yet the NCCMS does not adequately identify pollution threats to the community. Not included on the map are several thousand poultry operations in the state, many of which are located in the very same communities impacted by hog operations. It also does not accurately show locations of hog lagoons, instead using a single address from the permit, which can include multiple operations.

The report also states that “DEQ will continue to use the system internally to *inform decisions*” and “is well positioned to carry out additional actions including *expanded* use of the NCCMS in DEQ’s decision-making process.” Yet, despite its importance, the EJ tool feature of this mapping system does not allow users to accurately specify a place on the map to gather EJ and health statistics. Instead, the data provided is averaged somewhat arbitrarily across the area shown in the user’s map window.

The NCCMS has the potential to be a powerful tool, the work is simply unfinished. Providing complete information and rectifying the shortcomings of the tool will allow DEQ to adhere to their agreement with NC communities and more accurately portray cumulative impacts from polluting sources.



Check out the NCCMS for yourself. Scan the QR code or visit tinyurl.com/nc-mapping and send your comments to ej@ncdenr.gov. CWFNC how-to video and fact sheet coming soon.



Pictured on the left: a map of hog and poultry CAFOs in North Carolina; the lighter dots represent poultry, bigger dots for larger operations. (Map courtesy of EWG and Waterkeeper Alliance)

POLLUTER ACCOUNTABILITY



COMBATING CUMULATIVE & DISPARATE IMPACTS

Cumulative impacts are incremental and combined effects from pollution sources, that while individually might be minor, collectively have much greater health and environmental impacts. According to a 2018 Duke University study, the health risks associated with exposure to industrial swine operations over time include: asthma, kidney disease, sepsis- bacterial infections of the blood, low birth weight, and infant mortality. Moreover, a Johns Hopkins DNA sequencing study released earlier this year suggests that antibiotic resistant bacterial strains are spreading from pigs to community members - an emerging health crisis!

Such health risks are compounded for communities who also contain “deemed permitted” poultry facilities, which occur in locations and concentrations unknown to DEQ. Adding insult to injury, the communities facing these cumulative impacts are also disproportionately rural, low-income, and BIPOC (black, indigenous, or people of color) communities.

SELC’S TITLE VI COMPLAINT

Accordingly, on September 27th, the Southern Environmental Law Center (SELC) filed a Title VI civil rights complaint with the EPA on behalf of the Duplin County Branch of the NC NAACP and NC Poor People’s Campaign. Duplin and Sampson counties have the highest concentration of hog operations in the nation!

We are looking forward to seeing SELC’s legal maneuvering on this matter under Title VI, considering how earlier this year the NC legislature ignored EJ concerns, gave little weight to public comment, and approved an expedited “general” permit process to expand the waste lagoon and sprayfield system into the energy sector through a greenwashed biogas pipeline system.

TOOLS FOR OUR EJ BELT

Title VI is just one tool in our collective EJ belt that focuses on disparate and adverse impacts as a means to prove discrimination on the basis of race, color, or national origin. For more Title VI information, check out our primer on Title VI from our Fall Meeting link on the back panel of this newsletter. Another tool we are looking forward to seeing is the proposed return of cumulative impacts analyses in the National Environmental Policy Act. (See Page 6)

EJEAB ADVISORY LETTER ON BIOGAS ENDORSED!

On Oct 12, DEQ’s EJ & Equity Advisory Board (EJEAB) held a special meeting in response to community outcry following the streamlining of biogas permitting in the 2021 NC Farm Act.

Several presenters and community members spoke to the water, air, and EJ impacts that would be exacerbated by these biogas operations and the extended use of the hog lagoon and sprayfield system. Ryke Longest with Duke Environmental Law & Policy Clinic highlighted policy and legal issues. Dr. John Classen explained the science of biogas and the lagoon & sprayfield system, while Kemp Burdette, Cape Fear Riverkeeper, focused on the tremendous water quality impacts. Finally, Dr. Sacoby Wilson elucidated the historic racial injustices linked to the EJ impacts we see today.

Comments were given by the public, Clean Water NC staff, and other advocates regarding cumulative impacts. The EJEAB voted to issue an advisory statement to the DEQ Secretary in light of the information presented and the powerful testimony of impacted community members!

Watch the meeting at tinyurl.com/EJEAB-biogas. To send comments, concerns or thanks, email DEQ at ej@ncdenr.gov.

ACP REFUSES TO RELEASE PROPERTIES

It's been one year since the Atlantic Coast Pipeline was cancelled. While a victory for countless individuals and communities, the fight churns on for many. The abandoned project obtained thousands of easement agreements from landowners across WV, VA, and NC, many through eminent domain proceedings or through agreements backed by the company's threat of using eminent domain.

Duke and Dominion have publicly stated that they do not intend to relinquish the easements back to landowners. No explanation has been given, with the company merely stating that they intend to keep possession of the easements and have no plans for their use. This refusal to release properties back to the landowners represents a severe, continuing, illegal, and unwarranted burden. Landowners cannot build, operate heavy machinery, or move earth within the easements. Owners who wish to sell their property may find that potential purchasers are deterred by these same restrictions. ACP's final restoration plans are under review and will mark closure for the thousands of individuals.

We've joined with organizations and impacted landowners across the Southeast calling on the Federal Energy Regulatory Commission to require ACP to relinquish the easements upon request as a condition of approving the restoration plan.

Read an article on this topic at tinyurl.com/acp-land

FEDERAL OVERSIGHT



RESTORING NEPA TO ITS FORMER GLORY

Since 1970, the National Environmental Policy Act (NEPA) has required exhaustive reviews for major roads, pipelines, power plants and more. The review process outlined potential environmental consequences **AND** allowed for public input. While not perfect, NEPA gave power to the people, allowing concerned community members to directly engage in a public, transparent review process that could lead to significant changes to proposed projects and reduce their environmental and cultural harms.

NEPA WAS GUTTED - NOT MODERNIZED

The previous administration gutted NEPA, removing cumulative impact analyses and severely restricting community contributions to the decision making process for federally reviewed projects that will impact their health and wellbeing. Instead, these concerns were pushed aside to facilitate industry interests to “modernize” and cut “bureaucratic red tape.”

BREATHING LIFE BACK INTO NEPA

Under directives from President Biden, the Council on Environmental Quality just issued their first proposal in a two-part rulemaking to unwind Trump's NEPA and to:

- Bolster environmental review regulations that reflect the Biden administration's environmental policies,
- Strengthen public participation, and
- Consider the cumulative impacts of a proposed industry on communities.

Phase 1 will address the purpose and need of a project, clarify that agency regulations are a floor, not a ceiling, and reinstate cumulative impact assessments of proposed projects' direct and indirect effects.

Phase 2 is expected to be announced in 2022, and while minimal information has been released on the specifics, this proposal will address expanding opportunities for community members to participate in environmental reviews, implementing EJ analysis, and considering climate change impacts of proposed projects! Please email rachel@cwfn.org to learn more about the NEPA revisions and how to give comments on restoring this landmark rule to its former glory!

THANK YOU FOR YOUR SUPPORT 7

THANK YOU TO MAJOR DONORS & FOUNDATIONS

Phillip and Christine Albro	Annie Helton	John Runkle
Allison Vinson Abney	Katie and Jeff Hicks	Nancy Ryman
Sidney Ansbacher	David Hinton	Fred and Alice Stanback
Asheville Friends Meeting	Mac Hulslander	Brad Stanback and
Ann Batchelder and	Richard Kark	Shelli Lodge-Stanback
Henri Kieffer	Diane Kent	Dr. Shaler and Carolyn Stidham
Amy Brown North	Lynn Kohn	Phyllis and Richard Stiles
Ben and Jerry's	Barbara and Kevin Lawrence	Hope C. Taylor
Jeannette and Bob Cannon	John Little	Elizabeth and Clark Thomas
Jim and Beverly Carroll	Little Acorn Fund H	Triangle Community Foundation
Cloud Mountain Foundation	Little Acorn Fund M	Mark Trustin and
Dandelion Fund Community	Jennifer McGovern and	Marcia Angle
Foundation of WNC	Steve Unruhe	Dr. Richard and
Judith Ferster	Donovan McLaurin	Shawney Weisler
Foundation for the Carolinas	Elaine McNeill and	Nathalie Worthington
Martha Girolami	Ann Louise Barrick	Ruth Zalph
Mary Katherine Goodwin and	Veronica Oakler	Z. Smith Reynolds Foundation
Chip Hood	Patagonia	Anonymous Donors
Tom Heffner	River Network	

THANK YOU TO OUR NEW & RENEWING MEMBERS

Phillip and Christine Albro	Rosalyn Fielding	Karen Maune Padowicz	Scott Schang
Greg Beard	Laura Gordon	Mary Ann and James McAden	Ken and Betsy Schapira
Joe and Karen Bearden	Kathleen Gray and Neasha Graves	Barbara McCutchen	Susan Scott
Nancy Bennett	John Herold and Anne Cassebaum	Janice McLean	Kiralina Soare
Calena Bunn Bisette	Jim and Carol Hillegas	Sarah Packer	Donald W. Turman
T. Butler	Bill Holman	Dr. Lew Patrie	Bill and Stephanie Whitesides
Tom and Barbara Coulson	Richard Kark	Jonas Procton	Douglas Wingeier
Grace Curry	Barbara and Richard LaDew	Jane Shelby Richardson	Erica Wood
Bill and Ann Davis	Michelle Lovejoy	Maria Savasta-Kennedy	Ruth Zalph
Anna Fariello			

JOIN OR RENEW YOUR MEMBERSHIP

☐ \$25 ☐ \$50 ☐ \$100 ☐ OTHER ☐ I'LL GIVE ONLINE AT CWFNC.ORG/DONATE

CONTACT INFORMATION:

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
EMAIL: _____

(OPTIONAL) MY GIFT IS IN HONOR OF: _____

MAKE YOUR CHECK PAYABLE TO CLEAN WATER FOR NC, 1070 TUNNEL RD., BLDG. 4, STE. 1, ASHEVILLE NC 28805

CWFNC IS A 501(C)3 NONPROFIT ORGANIZATION. CHARITABLE SOLICITATION LICENSE: SL000298.

DONATIONS ARE TAX-DEDUCTIBLE

CLEAN WATER FOR NORTH CAROLINA
1070 TUNNEL RD., BLDG. 4, STE. 1
ASHEVILLE, NC 28805
WWW.CWFNC.ORG

THIS ISSUE

Celebrating Victories

Volunteer Spotlights

Private Well Water Protections

Community Mapping System

NC CAFO Research and Policy

NEPA Changes

Thank You to Our Supporters

THANK YOU, BELINDA & NAEEMA

We are incredibly grateful to Belinda Joyner and Naeema Muhammad for their fantastic contributions to our Fall Annual Meeting: **The Intersection of Civil Rights & Environmental Justice!** They shared wonderful insight into the EJ world in NC and beyond. We also included a primer on Title VI of the Civil Rights Act and how it can be applied to EJ work. If you missed out, no worries! We pulled together lots of resources and a recording to our event available at: tinyurl.com/cwfnc-fall-mtg

At CWFNC, we are ready to help amplify your local concerns and can help you find out more about how to get involved in your local zoning, planning, and economic development matters. We hope to keep the conversation going regarding Title VI and EJ!

