



# Clean Water for North Carolina

## Clean Currents

Spring 2010

*A newsletter of clean water and community environmental justice issues*

### Power, Paper, Hogs

*How major NC industries have "captured" regulatory agencies, and undermined health and environmental protections*

We've nearly all been at a public hearing on a permit or proposed project where testimony is dominated by local businesses, economic development staff and elected officials. They'll talk about a company's donations to charity, sponsorship of school and non-profit programs, support of awards and employee volunteers, small costs for a company that pay off handsomely when it's time for a controversial permit. The larger an industry is, the more dependent a local government and public services become on the taxes it pays; the more the local economy depends on the company's jobs and the fewer questions are raised about the costs of infrastructure, the safety of workers, or the impacts of operations on health or the environment.

Industrial coalitions help to solicit support for candidates, get the ear of elected officials who make appointments to local and state boards and commissions, and field teams of lobbyists to influence local, state and federal government officials. They can dominate media coverage of controversial issues. When regulatory agencies fall under the direct or indirect influence of the interests that they are supposed to regulate, enforcement, transparency and public accountability of the agency all decline. This is known as "regulatory capture."

#### EJ Principle #7:

Environmental Justice demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.

**How some of our state's largest industries wield undue influence...**

**Electric Power Utilities** - All three of the investor-owned utilities that provide electric service to NC homes and businesses, Duke Energy, Progress Energy and Dominion Resources, trace their history as major power providers to the early 1900s. The NC Utilities Commission is supposed to regulate rates, major investments in generating capacity and monopoly service areas in the public interest. Appointments to the Commission are made by elected officials who often receive utility donations. Combined, the utilities had NC revenues of about \$9 billion in 2009. Utilities have huge clout in key communities through impacting the local tax base near a big power plant, so local officials often become part of the utilities' lobbying team.

According to a report by Democracy North Carolina, the utilities' political action committees gave generously to all but ten NC Senators and Representatives in 2005-2006. When a "renewable portfolio standard" bill was introduced in 2007, it quickly became contaminated with provisions that could allow utilities to charge customers for new power plants before they are operating, and a new mode of overcompensation for costly utility-run efficiency programs. In 2009, when concerned legislators tried to get tighter monitoring of coal ash waste, and create a statewide non-utility efficiency program, the utilities lobbied heavily and called in favors from legislators to keep the bills from even being considered.

**Pulp and Paper Industry** - NC has two pulp and paper mills that are over 100 years old and several others over 60 years old, still using

19th century chemistry to produce and bleach pulp. They are among the state's largest toxic emitting industries, each day using boxcar loads of coal, thousands of tons of trees or wood chips, and over 20 million gallons of water. As the largest industries in their host counties and the basis for hundreds jobs per mill, they have a tight hold on local economies.

Local officials can't get elected without supporting a local big industry. They'll show up in droves at public hearings to support weak air and water permits that state agencies are pressured to draft. Pulp and paper mills are among the largest member industries of the Manufacturing and Chemical Industry Council of NC, which recruits donations for lawmakers and candidates, organizes campaigns against regulations and lobbies regulatory agencies and legislators.

**Industrial Hog Operations** - The newest of the massive polluter industries with a stranglehold on NC politics and regulation is the corporate hog industry, which grew from *(continued on Page 6...)*

Clean Water for North Carolina recently reaffirmed our commitment to the 17 Principles of Environmental Justice articulated in 1991 by the People of Color National Leadership Summit. Please look for featured Principles in each issue of Clean Currents, linked to specific articles and topics.

### The "Revolving Door" between regulators and polluters...

Here are a few examples of how taxpayers have trained and promoted regulatory senior staff, who then left public agencies to use their regulatory knowledge to work for better paying polluter interests. In a 2002 Charlotte Observer editorial, CWFNC referred to this as "an ongoing seduction that our laws do nothing to prevent."

George Everett worked in the NC Div. of Environmental Management from 1981 to 1992, resigned as its Director to become Executive Director of the Manufacturing and Chemical Industry Council, lobbying for member industries. In 1999, Everett went to work for Duke Energy as its director of legislative and environmental affairs.

Preston Howard Jr., retired in 1999 as director of the state Division of Water Quality to become president of the Manufacturers and Chemical Industry Council of North Carolina, lobbying for chemical, manufacturing and pulp and paper companies.

Tommy Stevens retired in 2001 as Director of the NC Division of Water Quality to work as Environmental Services Director of the NC Pork Council.

Steve Levitas left his position of deputy secretary of the state's environmental agency to practice with major law firm Kilpatrick Stockton, representing clients from BP to developers of big golf and housing projects to cities such as Durham, seeking to weaken protections for downstream drinking water.

In early April, Gov. Beverly Perdue called for new ethical standards for high level regulators, including a one year "cooling off" period before going to work for an industry they regulated, and a one year wait before registering as lobbyists. While a year may not be enough to stop the spin of that revolving door, it can help to slow it down. CWFNC supports a longer "cooling off" period and adequate funding of regulatory positions to lower the temptation for public employees to use their regulatory experience to undermine environmental protections.

# 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

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.

### Board of Directors

Montie Hamby • Winston-Salem  
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Joann Almond • Albemarle  
Jodi Lasseter • Durham  
Joanna Connolly • Lawndale

### Who to Contact

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#### Durham

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Hope Taylor, Executive Director  
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#### Garysburg

252-537-1078

Belinda Joyner, Northeast Organizer

## Meet Katie Hicks, Our New Water Justice Organizer!



We are very happy to announce that Katie Hicks has joined CWFNC's staff as Water Justice Organizer and Outreach Coordinator in December!

Katie graduated from UNC-Asheville with a double degree in Environmental Science and Spanish, so she's well equipped for outreach to and collaboration with diverse western NC communities. She co-chaired Asheville Students for a Healthy Environment at UNCA, interned with DogwoodAlliance, provided interpretation at the Cradle of Forestry in both Spanish and English, and worked on various laboratory projects at the Environmental Quality Institute before joining CWFNC's staff in December.

As we re-energize our Water Justice Campaign, including a "listening canvass" in communities throughout the state, Katie's research and advocacy skills, her ability to communicate environment and health information to the public and her warm personality will be great assets for our work. She will increase CWFNC's outreach to folks impacted by privatization or contaminated drinking water, and carry out research on water pricing, the impacts of energy use on water, and many other Environmental Justice issues effecting NC communities.

You can reach Katie at 828-251-1291 or by email at: [katie@cwnc.org](mailto:katie@cwnc.org).

## Board of Directors Welcomes Joanna Connolly!

Joanna Connolly was elected to CWFNC's Board of Directors last year and immediately took on several important roles for the organization, including serving as our Acting Secretary! As an instructor in Geology and Geography at Catawba Valley Community College, Joanna involves her students in water quality studies that alert them to potential sources of natural and man-made contamination.



Joanna lives with her family on their Lawndale, Cleveland County, farm, and believes that issues of water quality and environmental justice affect almost every aspect of our lives and health. She's full of thoughtful questions and great information for her colleagues, students, and all of us at CWFNC, and eager to help carry out our mission to achieve more protections for NC communities. We're very glad to have you with us, Joanna, and look forward to years of your guidance, insights and sense of fun!

## In Loving and Grateful Memory: Reverend John Hall, Oxford NC



In early April, Dr. John Hall, longtime educator, civil rights activist and pastor to several rural Granville County Baptist churches, passed away after surgery at the age of 76. Rev. Hall became a close CWFNC ally over 10 years ago, working to test wells in his community at risk of contamination by more than twenty years of sewage spills from the City of Oxford's sewage plant and pump stations. Working with Rev. Hall, the Antioch Community and other downstream residents, local religious leaders, and the Pamlico-Tar River Foundation, CWFNC challenged a weak state Special Order giving Oxford a sweet deal while renovating their long-neglected sewer system.

Rev. Hall provided quiet, powerful leadership, and a playful sense of humor, clear in the conviction there was no excuse for local and state officials failing to protect folks downstream. After a 2006 settlement with the Div. of Water Quality was reached, defining clear requirements for future state Orders, Rev. Hall gave a moving presentation to Water Quality officials about his community's experience with decades of pollution the agency should have prevented.

He was awarded CWFNC's first "Conscience of the Community" Award in 2007. Rev. Hall leaves a legacy of loving action for social, economic, educational and environmental justice, and is greatly missed by all who had the great privilege of knowing and working with him.

### Tritium: Unseen threat leaking from NC's nuclear reactors



North Carolina's nuclear facilities have reported tritium leaks in recent years, joining dozens of incidents nationwide in a worrisome trend. Tritium is a radioactive form of hydrogen that can be incorporated into water molecules just like non-radioac-

tive hydrogen atoms, and can't be filtered out. In January, Progress Energy's Shearon Harris plant in Wake County reported the most recent of these spills, in which 1,000 gallons of contaminated water escaped from a pipe 15 feet from the facility's water treatment building.

Although this leak occurred within the plant's boundary, any tritium leak is cause for concern. "Tritiated" water acts just like normal, non-radioactive water in the environment and biological systems, even crossing the placental barrier. Because the radioactive water can't be filtered out of water supplies, it creates a potential health threat if high levels of tritium are leaked upstream of drinking water intakes, or into groundwa-

ter that can move off a utility's site to contaminate drinking water wells.

Tritium leaks are surprisingly common at nuclear facilities around the country; 27 of the 104 U.S. reactors had reported them as of 2010. At the Vermont Yankee plant, a large spill in January raised enough concern to cause the state legislature to vote against relicensing the facility. However, tritium leaks, usually the effect of aging pipe systems or lax controls, often occur hidden to inspectors and without much public notice. Here in NC, Shearon Harris reported another leak just last year, and levels of tritium near the Progress Energy's Brunswick plant in 2007 exceeded the federal safety limit.

Shearon Harris plans to dry the contaminated soil from the January spill on-site to evaporate the radioactive water. Cleanups of relatively contained spills should be prompt to prevent spread of contamination, but remediation is often delayed. Plans to contain tritium from the 2007 leak at Brunswick are running a whole year behind schedule. If this negligence continues at NC's nuclear reactors, tritium could become a serious and untreatable threat to nearby water supplies.

### Key issues for Clean Water for NC in 2010!

#### NC SAVE\$ ENERGY

The Alliance for NC SAVE\$ ENERGY, supporting creation of a statewide independent, non-utility energy efficiency program, continues to grow! About 40 organizations and small businesses are currently members and endorsers, ranging from social justice and environmental organizations to faith and housing groups. We are proud of the careful and principled work that our Alliance did in crafting the initiative, based on experience in six other states, and we welcome new member organizations and new input to improve the proposal.

We project that at least 2,000 new jobs would be created by a \$50-60 million program that would be funded by a utility surcharge averaging under \$2 per household per month, so this initiative could be a significant stimulus to our state's lagging economy!

The legislative sponsors for House Bill 1050, NC SAVE\$ ENERGY, have told us that complex or controversial legislation is unlikely to be heard during this year's short session, when the NC legislature will be focused mostly on a very difficult budget. We'll focus on building our Alliance and raising public awareness of the far greater jobs, household savings and social justice benefits of efficiency over new power plants or even renewable sources and developing creative funding approaches. Want more information on NC SAVE\$ ENERGY or a speaker for your next civic, religious or business group meeting? Just call our Durham or Asheville offices, or email [hope@cwfn.org](mailto:hope@cwfn.org)!

#### Energy Impacts on Water, Fair Water Allocation

As we've pointed out in several articles, the states 13 major power plants withdraw 9 times more water than all the public water supplies combined, and evaporate over 75 million gallons a day by adding hot water to rivers and lakes, in addition to damaging aquatic ecosystems. There are several opportunities for improving water quality standards, regulation of hot discharges and working for a fairer allocation and permitting system that will begin to rein in the massive subsidy of utility operations through free use of water.

Please join us in submitting comments during NC's "Triennial Review of Water Quality Standards" as well as specific comments on several upcoming wastewater discharge permits for coal fired power plants (Riverbend, Marshall and Allen in the Catawba basin, the Asheville plant in the French Broad basin). Call our 800 number at the bottom of the page to be added to our permit notification list!

Finally, it's possible that a bill filed last year on water allocation will come up for consideration in this year's short legislative session. We'll monitor its progress and let you know if a call or email to your legislator could help.

#### Protecting well users and NC groundwater

In addition to continuing to monitor contamination and agency responses, we'll provide support to communities impacted by contaminated or threatened wells. We'll also continue to seek to get funding for pro-active groundwater monitoring, a long term priority of CW-FNC and other mostly rural Environmental Justice groups. Especially needed are sampling efforts around industrial-scale livestock operations, old toxic agricultural and industrial sites, and areas at risk of common natural contaminants such as arsenic, radium and radon.

#### Hogs and Other Industrial Livestock Operations

Far too little attention has been paid to the costs in environmental degradation and public health risks of the huge concentrated animal feeding operations (CAFOs) that grew astronomically during the 1990s and still evade effective regulation. After the appalling display of industrial resistance to even modest water monitoring requirements last year, and an attempt to stop all new environmental regulations, CWFNC will be joining with eastern Environmental Justice community groups and eastern RiverKeeper organizations to build greater understanding of the risks and support in the public health practitioners and academic community.



### Public support high for Clean Pigeon River; EPA objects to weak state permit!

In our winter issue, we reported that Blue Ridge Paper Products' long-overdue discharge permit had finally been announced for public comment by the NC Division of Water Quality. The draft permit was completely unacceptable, essentially ending all future clean up of the long-blighted Pigeon River forever! "There's really no excuse for failing to continue the River clean up," says CWFNC Executive Director Hope Taylor. "The Division of Water Quality has aggressively campaigned against further clean up, claiming it would be astronomically expensive. That's ridiculous. What we've been calling for since 2001 is soundly based on a wealth of affordable, well studied options. It's no threat to the company or jobs at all."

Thanks to the participation of hundreds of NC and TN residents, the Division of Water Quality has been told by EPA that it can't issue the permit as written! Instrumental in organizing a large-scale public mobilization were members of Clean Water Expected in East Tennessee (CWEET), many of whom work as raft guides on the dark, foamy, smelly Pigeon. In January, a public meeting in Newport, TN drew almost 500 angered downstream residents who are tired of paper mill pollution crippling their community. "One hundred and one years are enough!" said Amelia Taylor of CWEET to overwhelming applause.

The following night, a crowd of over 100 turned out for the NC hearing in Waynesville. Supporters of a clean Pigeon made their voices heard over the support for the Mill expressed by many Haywood County government officials and citizens that had received support and claimed a clean up would be "astronomically" expensive. We know that several affordable process changes and "best management practices" have been known for over a decade that could continue improving water quality, so that there is no excuse for continued inaction. Meanwhile, hundreds of individuals and organizations submitted

comments protesting the draft permit. Many thanks to all who attended the hearings or wrote comments!

State regulators were not the only ones listening to public outcry. In February, the U.S. Environmental Protection Agency's regional Atlanta office wrote to NC officials, officially objecting to the terms of the permit and demanding that a modified permit be issued within 90 days or EPA would exercise its authority to take over the permit from the state, as it did in the late 1980s.

While this is a victory for the many participants in the public process and a step in the right direction, CWFNC and our allies understand that EPA's recommendations would still result in an unacceptably weak permit. We will continue to work with NC and TN allies to ensure that regulators require significant progress in cleaning up the Pigeon and create a compliance schedule for the mill that will enforce Clean Water Act goals now and in all future permit cycles. Representatives of downstream Cocke County will be meeting with EPA representatives in Washington later in April, as well as both TN Senators and Congressman Phil Roe to call for stronger action by the agency.

Watch for plans for an upcoming event along the Pigeon involving organizations from both states, and other actions you can take to continue to build pressure for a clean, healthy River!



Cocke County Mayor Iliff McMahan works with CWEET raft guides Raven and Iris to make a banner for permit hearing.

### Challenge of Mountain Air Trout Buffer Variance Goes to NC Supreme Court!



Mountain Air Golf Course was developed by removing trout stream buffers and putting the headwaters of Banks Creek into pipes

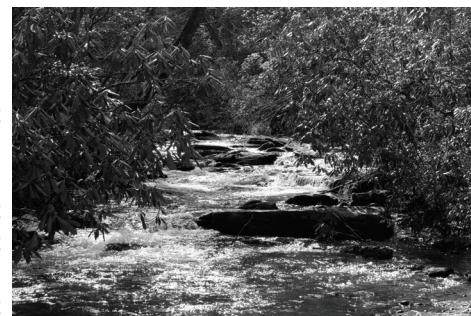
Almost seven years ago CWFNC and Banks Creek Citizens for Clean Water filed a state "contested case" against the state Dept. of Environment and Natural Resources' approval of a variance allowing the Yancey County golf developer to permanently modify the protective buffers on thousands of feet of a trout stream and put the stream in a pipe. After years of persistence, and a growing number of allies in this

case, including legal representation by the Southern Environmental Law Center, we finally got a strong decision from the Court of Appeals last November against DENR. Unfortunately, the agency turned around and appealed to the Supreme Court in December.

At the presentation of oral arguments in March the assistant Attorney General presented DENR's arguments that the 1973 Sedimentation and Erosion Prevention Act only said the construction phase impacts had to be "temporary and minimal", not the overall project, that the results for maintenance and paving of WNC roads would be disastrous.

SELC Attorney Blan Holman made short work of DENR's arguments, saying that the original sense of the statute was clearly to prevent all sedimentation and erosion, not just that occurring during the construction phase, while the MA variance allowed for ongoing activities in the buffer, and that the roads issue was completely off the table, and the ruling on the Mountain Air case wouldn't apply to road maintenance or paving anyway!

Powerfully, he pointed out that legislative sponsors intended ADDED protection in 1989 amendments for trout streams, and those intentions must be honoured by this court. We are eagerly awaiting a final decision, optimistic that the Supreme Court will finally present a protective ruling to prevent similar massive trout stream damage by future mountain development projects.



A healthy Western North Carolina trout stream



### Eastern and Western NC Communities Struggle with TCE Contamination



*Jerry Ensminger with a portrait of his daughter, Janey*

**B**uncombe and Onslow Counties – At both ends of North Carolina, the reality of long term trichloroethylene (TCE) contamination in groundwater hits close to home. Chronic exposure to TCE (an industrial degreaser) can cause liver and kidney

damage, weakened immune system function, and impaired development. Although presently listed as a “probable” human carcinogen by ATSDR (Agency for Toxic Substances and Disease Registry, part of the Centers for Disease Control and Prevention), this classification will likely change soon based on increasing evidence that TCE exposure can cause certain cancers. Earlier this year, CWFNC was one of over forty organizations, individuals, and officials who signed a letter asking EPA to tighten federal regulations on TCE.

In south Asheville, community advocates near the former CTS manufacturing site continue to stress the need for safe drinking water and clean up of TCE-tainted groundwater. However, slow moving studies and sporadic attention from regulators have stalled progress. A Health Assessment by the NC Division of Public Health recognized the presence of toxins, but failed to link them to serious health risks. The community argues that the NC Cancer Registry used in the study is incomplete. Meanwhile, an EPA report concluded that CTS Corporation, whose use and on-site disposal of TCE through the 1980s

was widely documented, was not necessarily the source of TCE in local wells. Residents fear these studies, part of EPA’s consideration of listing the site on the Superfund National Priority List, could also be an attempt by CTS to deflect blame and avoid high cleanup costs.

Key water supply wells at Camp Lejeune, near Jacksonville, served tens of thousands of service personnel and civilians, and were known by officials to be contaminated with TCE for years before finally being shut down. Last year’s revelation that benzene (a known carcinogen) was among contaminants in the wells brought a new wave of media attention and forced ATSDR to retract a health study that activists said didn’t adequately characterize the health risks.

In February, the Navy agreed to fund a new assessment which could link TCE, benzene and other hazards to health problems reported by marines and their families. High estimates indicate that as many as one million Marines and their families, now scattered around the world, could have been harmed by groundwater exposure at the base over time.

Activists with “The Few, the Proud, the Forgotten” are working to ensure that past residents are notified of their risk, and receive needed health care. Representative Brad Miller has introduced ‘The Janey Ensminger Act,’ legislation which would provide health care to affected veterans and their families. The bill is named for group leader Jerry Ensminger’s daughter Janey, who was exposed in utero to the contaminated water and died of childhood leukemia at age nine. Senators Hagan and Burr have introduced similar legislation in the Senate.



*Patricia Pinner of Buncombe County. One of the residents fighting for safe drinking water in a TCE-contaminated area.*

### Rocky Mount, Wilson residents got a double electric bill whammy last winter—why?

**S**ome of the highest electric bills in the state have been arriving at homes in some of the lowest income northeastern North Carolina cities and towns. It’s no coincidence that those municipalities are among those who decided to operate their own city utilities and distribution system, getting power in bulk from Progress Energy originally based on shares of debt they took on for new power plants years ago. That arrangement was called N.C. Eastern Municipal Power Agency, and the 32 member cities with their own utilities are called ElectriCities. Power bills in municipal utility areas of Wilson and Rocky Mount can be 50% higher per kilowatt hour than those of direct Progress Energy customers. Gas prices through the city utilities can be 30% higher than direct service from PSNC. What gives?

Last fall, some folks from Alliance for NC SAVE\$ ENERGY were invited by a group of Rocky Mount activists outraged by their high utility rates, especially unaffordable in low income neighborhoods. Residents have reported bills in the \$400 to \$800 range for even small homes, and are threatened with utility cut offs. When the 32 cities agreed over 3 decades ago to finance part of the debt for the new power plants, they were allowed to create city “enterprise funds” which are not subject to rate regulation by the state’s Utilities Commission, and include improvements to their distribution system.

Furthermore, with permission from their city councils, the cities’ utility rates can include public service costs for roads, parks and vehicles that are normally covered by taxes in other cities without local utilities. Rocky Mount, Wilson and other ElectroCities are not prosperous, and, along with a history of paying off the power plant debt very slowly, the rates the city utilities are charging have risen far more quickly in recent years than those of regulated utilities. Inner city customers served by the municipal utilities say that their rates are actually helping to subsidize public services to newer outlying communities hooked directly to Progress Energy, facing lower electric bills.

The Rocky Mount and Wilson activists have started a campaign to stop all utility cut offs, and are investigating other strategies to establish more equitable policies for city utilities, working with the NAACP’s involvement. Some cities tried unsuccessfully in the past to drop out of the Eastern Municipal Power Agency, but their debt obligation prevented it, so the injustice continues. A combination of tighter fiscal discipline by cities, finding the political courage to move public service costs from utility charges to more equitably based taxes, and debt relief will be needed to get more affordable rates for some of our state’s hardest hit residents.



### “Nuking the Taxpayers”: Federal Loans For New Plants Are Step Backwards for Jobs, Climate, Water and Energy Security

In February, the Obama administration announced plans to offer taxpayer funded loans to build nuclear reactors, starting with an \$8.3 billion guarantee to Georgia's Southern Company to construct two new reactors at the Vogtle Electric Generating Plant in Burke (north-east GA). Two new reactors at Progress Energy's Shearon Harris facility in New Hill, NC, are also on the list to receive federal dollars. Obama has expressed interest in expanding the loan program, which has already committed \$18.4 billion in guarantees, to a total of almost \$55 billion – more than doubling the proposal by the Bush/Cheney administration!

You've probably heard supporters in the news saying that these loans will create jobs and boost the economy. What the Department of Energy has not publicized is the fact that these loans come from the US Treasury, not Wall Street banks. If recipients fail to pay back the loans on time, the taxpayers will have to cover the debt. On top of this, new nuclear plants create fewer jobs per dollar than any other energy investment: once operational, each 10 billion dollar reactor will require only 400 permanent employees, a cost of roughly \$25 million per job created. In contrast, independent energy efficiency programs in other states, like the one which would

**EJ Principle #4:**  
*Environmental Justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.*

be created by NC SAVE\$ ENERGY, have created thousands of long-term jobs far less expensively while moving much more rapidly to curtail the need for new power generating capacity.

Supporters of the loans also stress that nuclear energy is a “necessary step” in reducing carbon emissions and minimizing our dependence on coal. However, construction of new nuclear plants is carbon-intensive and time-consuming, and once sited, licensed, and built, a new nuclear reactor must operate for seven to fifteen years to offset its own carbon usage! In the time-critical battle against climate change, nuclear just doesn't cut it. What's more, nuclear plants require vast amounts of cold surface water to cool the reactors, and evaporate tens of millions of gallons at the plant and downstream. As our regional climate changes and demand for our precious water resource increases, this sacrifice just doesn't make sense. CWFNC recently reaffirmed our long-standing stance against nuclear energy for many reasons: it's hurting NC taxpayers, threatens our water supply and our democracy, and introduces far more problems than solutions for our nation's energy future.

### Groundwater Monitoring to Be Required for NC Coal Ash Pits—Too little, too slow?

After years of concerns expressed by NC and national advocacy groups about the near total absence of regulation of coal ash ponds by federal and state regulators, and a catastrophic coal ash dam failure in Tennessee in 2008, pressure for more protections has been building.

In February, NC's Division of Water Quality (DWQ) announced that upcoming wastewater permit renewals for coal fired power plants would include a groundwater monitoring plan for each coal ash dump. Until now, the only data about groundwater impacts from these unlined ponds has been reported under a voluntary EPA monitoring program. In 2008, when CWFNC looked at the limited data available, contamination including arsenic was already showing up in groundwater below the ash dumps. Appalachian Voices released a report late in 2009 based on more extensive groundwater monitoring data, showing contamination at all coal ash pits, and helping to push state regulators to require monitoring at all facilities.

According to top DWQ officials, the monitoring plans required of both Duke and Progress Energy will define a “compliance boundary” for each ash pit and require monitoring for contaminants frequently found in coal ash. Plans will be available for public review at the same time as each coal fired power plant's wastewater discharge permit is announced for its public comment period. Clean Water for NC is con-

cerned that the monitoring plans will expect little accountability from the utilities and may not be unenforced, so we'll be watching closely.

At least three Duke coal fired power plants are due to renew their water discharge permits this year: Riverbend (Gaston County, expired on 2/28), Marshall (Catawba County, 4/30), Allen (Gaston County, 5/31), Cliffside (Rutherford County, 7/30). Progress Energy's Asheville Plant, where an ash pit was rated as “poor” by EPA last year, will also be up for renewal by the end of 2010. Five ash pits at the Cape Fear Steam Station in Chatham County, were also rated in “poor” condition by EPA, but permit renewal isn't due until July of 2011.

Clean Water for NC will be reviewing all of these permits and monitoring plans. To find out when they're announced for public comment, email [katie@cwfn.org](mailto:katie@cwfn.org) to get on our “Pollution Action Pipeline” list for permit notices!

And EPA has STILL not finalized its proposed federal rules to regulate coal ash waste. The federal Office of Management and Budget (OMB) has held up the review to repeatedly meet with coal and utility industry representatives. In April, CWFNC joined over 100 groups throughout the U.S. in calling on OMB and EPA to stop the industry stall-out and move forward to implement strong national regulations for coal ash.

field foods, every effort to implement cleaner waste management and stronger regulations has been stymied by corporate clout.

When the RiverKeepers petitioned the NC Environmental Management Commission to implement mild new water monitoring regulations, the pork industry staged a near riot at a 2009 public hearing, including threats to those who spoke in support, hearing officers and regulators. The state agency now appears to have dropped all support for the monitoring requirements.

### Power, Paper, Hogs (continued from Page 1)

thousands of small independent farmers around 1990 to a few hundred operators with tens of thousand of hogs each. NC had lax regulations on “agricultural operations” and the election of Wendell Murphy, the originator of the corporate model, to the NC Senate, prevented regulation as an industry. As a legislator, he helped the industry through tax breaks and prevented local zoning controls or protections for water and air.

Despite an early 1990s legal ruling against huge hog operator Smith-



# Clean Water for North Carolina

## Thanks to our recent new and renewing members!

Diane Morgan, Maggie Schlubach, Susan Libera, Suzi Wilkins Berl, Jennifer McGovern and Steve Unruhe, Ann Batchelder and Henri Kieffer, Charlotte Lackey, Lew Patrie, Ken and Betsy Schapira, Scott and Tina Pearson, John Runkle, Peter Pickens, Michael McCue, Edward Hauser, Jane and Peter Roda, Willem Van Eck, Bill and Shirl Thomas, Ruth Jones, Gayle Tuch, David and Ann Trigg, Chip Smith, Richard McElrath, Andrew Hecht, Gisele Crawford, Charles Stohr and Donna Johnston, Marshall Tyler and Alix Hitchcock, Jerry and Mary Price, Cori Maas, Richard Kark, Laura Gordon, John Spruill, Gerry Barrett, Elaine McNeill, Lisa Krolak, Jerry Starr, Steve and Elizabeth Wing, Diana Toledo, Marilyn Grolitzer, Katherine and Regi Blackburn, Rob Gelblum, Bill Holman, Jeannette and Bob Cannon, Jo Ann and Richard Fireman, Deck Stapleton, Pam Westmoreland Sholar, Bill Laity, Ann Davant, Joan Lemire, Barbara Merrill, Donald De Bona, Dan Graham, Johanna Norman and Steven Berkowitz, David Reid and Jane Carroll, Carola and Stuart Cohn, Jim and Beverly Carroll, George Peery, Rebecca Millsaps, Grace Curry, Cynthia and Ken Crossen, Jeri Gray, Lawrence Sorkin, Sally and Chris MacMillan, Scott and Colleen Hicks, Mazie Levenson, Pamlico-Tar River Foundation, Tom and Barbara Coulson, Valerie Blanchette, Bill and Ann Davis, Maria-Luise and John Rager, Jennifer Miller and Bob Hall, Steve and Becky Patch, Sharon Miller, Leah McCullough

## Thanks to our wonderful Clean Water Volunteers!

Roger Makepeace, Isaac Stahl, Valerie Blanchette, and all those who helped with mailings, presentations and preparing comments to strengthen wastewater permits throughout the state. We also thank those folks who helped make our 25th Birthday Party a huge success by greeting attendees, serving food, helping with program, music and displays. Finally, we wouldn't have had so much fun putting on our 3rd Annual Wild and Scenic Film Festival in October without all those willing hands laying out display tables, running errands, distributing and selling tickets and talking up key issues in energy and water!

## Thanks to our Foundation Partners and Major Donors for their Generous Support!

*Clean Water Network  
The Conservation Fund  
First Congregational United Church of Christ  
Allen and Rosemary Hubbard  
Humble Pie Foundation  
Lovett Foundation  
Peggy Medlin  
Park Foundation  
Patagonia, Inc.  
Julian Price Family Foundation (Pricey Harrison)  
Z. Smith Reynolds Foundation  
Carolyn and Shaler Stidham  
Brad and Shelli Lodge-Stanback  
Fred and Alice Stanback  
Family of Betty and Winston Taylor  
Anonymous*

**Report a pollution problem: contact your nearest environmental regulator...**

### DENR Regional Offices

Asheville: 828-296-4500      Raleigh: 919-791-4200  
Fayetteville: 910-486-1541      Washington: 252-946-6481  
Mooresville: 704-663-1699      Wilmington: 910-796-7215  
Wintom-Salem: 336-771-4600

**If DENR doesn't act, contact CWFNC at 800-929-4480**



## Join Clean Water for North Carolina (or renew your membership)

**Here is my donation to join or renew my CWFNC membership:**

- ☐ \$25      ☐ \$35  
☐ \$50      ☐ \$100  
☐ Other \_\_\_\_\_  
☐ I would like to volunteer

### **Contact Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

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

**Make your check payable to:  
Clean Water for North Carolina  
and send to:**

29 1/2 Page Avenue  
Asheville, NC 28801





**Clean Water for North Carolina**  
29 1/2 Page Avenue  
Asheville, NC 28801  
info@cwfn.org

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Carolina

More information and online giving: [www.cwfn.org](http://www.cwfn.org)  
And watch for our website's new look, coming Summer 2010!

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*Ruby Best, a Durham resident who spoke last fall at a rally and NC Utilities Commission hearing about her unaffordable Duke Energy bills and opposing a 13% electric rate hike. Ruby's testimony helped convince the Commission to limit the rate hike to about 7%.*