



# Clean Water for North Carolina

## Clean Currents

Spring 2015

A newsletter of clean water and community environmental justice issues

### How Clean Water for NC Works With You and NC Communities

As we dive into our 31st year of action, we're aware of some things that make us a unique part of North Carolina's non-profit "ecosystem." We wanted to share them with you.

#### **C**WFNC works "with" rather than "for" communities.

The issues that we get involved in are brought to us by communities and our research on looming threats to vulnerable North Carolinians. We often advocate on regional or statewide issues—such as fracking or water privatization—in collaboration with community partners, but we don't prescribe actions by local groups. Community partners who share initiative in researching the issue, building local contacts and planning action create more successful outcomes for their issue and help set precedents for other communities.

#### **We support the Principles of Environmental**

**Justice**, passed by the first International Congress of People of Color in 1991, and have been a member of the NC Environmental Justice Network for over a decade. The Board of Directors reaffirms our support for these internationally-recognized Principles frequently. An example: *#8- Environmental Justice affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment.*

**CWFNC has established "Intake Criteria" for extended community partnerships and to help set our priorities.** This evaluation for both local organizing and key issues helps us to direct limited resources toward communities with the greatest need, and choose regional issues where our efforts can have the biggest impact. Evaluation takes into account whether the community is at risk of an environmental injustice, if they have other resources

to turn to and if our involvement could have a ripple effect through policies that would help other communities, too! Our highest priority is to work with low income communities and communities of color on environmental justice issues, especially affordable, safe drinking water and preventing toxic harms.

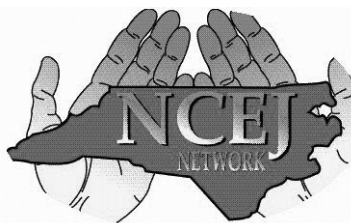
**A strong "conflict of interest" policy is critical to ensure that we are always accountable to "downstream" and "downwind" communities,** and not to funders who may actually be working against what we believe

in! CWFNC accepts no money from potential polluting businesses, and our staff and our Board are prevented from seeking such funds. In addition, Board members disclose any potential conflicts of interest at the time they apply, and review their finances and activities for conflicts when they renew their Board Agreement every two years.

**We encourage local autonomy in organizing for action rather than forming local chapters of CWFNC.** We believe this gives the best chance for local leadership development, diversity in decision-making, sharing of information, and mutually empowering, respectful collaboration. We believe in raising local voices in the media—often above CWFNC's—and in legislative and public

policy discussions. Encouraging funding of other groups to accomplish much-needed work is healthy and promotes the "better angels of our nature," rather than competing with each other. We have served as the "fiscal agent" for several different organizations until they can incorporate to get tax-exempt funding on their own.

We are most proud of local efforts that we helped to get started through partnerships, but that have developed into strong organizations around the state.



To learn more about the NC Environmental Justice Network or get involved, visit [www.ncejn.org](http://www.ncejn.org).



# 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***

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Belinda Joyner, Northeast Organizer

## **CWFNC Welcomes New Board Member Nydia Morales**

Nydia Morales joined the Board of Directors in fall 2014. As a customer of private water / sewer company Aqua North Carolina, she had met CWFNC staff and volunteers when she and other customers were fighting Aqua's rate hikes. She was inspired by the support CWFNC gave to communities, empowering them with information and a network to communicate with other neighborhoods fighting for fair water and sewer rates.



Nydia has called North Carolina home for many years. Although she lives in an urban area, the combination of cities with woods, abundant wildlife, lakes and rivers is what she loves most about the state. Nydia has a background in biological and chemical sciences and experience in college administration. She's now retired and lives in Matthews, NC with her husband, spending a lot of time taking care of her grandchildren. A few of her hobbies include walking, yoga and zumba, reading, traveling and gardening. Welcome, Nydia!

## **Welcome to Ericka Faircloth**



Our new Water & Energy Justice Organizer, Ericka, is from Red Springs in Robeson County. She recently graduated from UNC-Greensboro with Bachelor's degrees in International & Global Studies and Media Studies. Ericka was President of the Native American Student Association at UNCG, and has been involved in indigenous rights and 'building bridges' between minority communities. She helped develop a program with the Guilford Native American Association, helping high

school students transition to college, and encouraging them to function within their traditional cultures.

With CWFNC, part of her work will be reaching out to Native American communities in southeastern NC with regard to current threats of fracking and the Atlantic Coast Pipeline. Ericka is excited to connect with people across the state, and help educate and organize against these threats. She is also interested in videography, and worked on a short documentary called "Backpacks in Brazil" about social inequality and the World Cup. She also works with youth in the Pitchvine Entertainment Paper2Film program which has been implemented in Guilford County Schools. Welcome to the team, Ericka!



# Drinking Water & Water Privatization

## Rate Hikes without Public Input—Private Utilities' Growing Free Rein

In 2013, NC lawmakers made it legal for privately-owned water and sewer utilities to quietly add certain infrastructure-related costs to customer bills without any opportunity for public input and with limited review by the NC Utilities Commission. Aqua NC has already hiked bills in this way once, and Carolina Water Service (a subsidiary of Utilities Inc.) plans to soon. Both utilities *already* have rates well above the NC average.

Last year, Attorney General Roy Cooper challenged

the Utilities Commission's decision that this mechanism was in the "public interest." On March 16, the NC Supreme Court heard arguments in the case. Cooper's office contends that, in fact, "the benefit to Aqua and its shareholders is concrete (i.e., accelerated recovery of costs) while the supposed benefit to the public (i.e., increased water quality) is not concrete or guaranteed." We agree, as do many private water customers who continue to fight to have a voice in water decisions!

## How Financially "Healthy" Is Your Water Utility?

Most publicly-owned water utilities feel responsible for providing local residents safe drinking water at a reasonable price. In the era of climate change, promoting water conservation is an ever more important part of



this task, allowing utilities to prepare for inevitable droughts and be good neighbors to downstream communities.

It's challenging for water utilities to set fair rates, keeping monthly bills low enough to be affordable, high enough to pay for system upkeep, and structuring rates to reward

households who conserve water without losing too much revenue. Local governments are often the most publicly

accountable water providers, seeking public input before making changes to water rates or services, but if they get in trouble financially, they may be vulnerable to privatization!

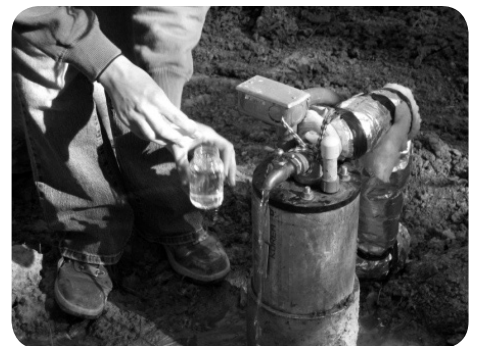
Merely looking at your bill doesn't tell you much about whether your water provider is charging you the "right" price. A low bill could mean that a utility is not keeping up with necessary updates to pipes or other infrastructure, while a high bill could mean residential users are being asked to pay an unfair share. The UNC Environmental Finance Center has an online tool to check how your water utility stacks up on measures of financial health, affordability, and conservation. To view the NC Water and Wastewater Rates Dashboard: Go to <http://bit.ly/h2Orates> and choose "Click to Run Tool in Browser."

## Private Water Well Testing More Important than Ever!

Last year, state legislators slashed funding for the state public health lab, so the state lab now charges \$74.00 to counties for each well test submitted for analysis. Where fracking is a concern, private well owners are urged to test their water for three of the standard county water tests: inorganics, petroleum, and volatile organic compounds. The increase in price for tests, passed through to well owners in many counties, is an issue for poor communities, especially those who could be affected by fracking in the Deep River, Dan River and Cumberland-Marlboro shale basins. Lumberton, in Robeson County, is the nation's poorest town and is already experiencing coal ash impacts, possible experimental drilling, and the Atlantic Coast gas pipeline.

Prices for well water testing have increased for most counties in the Cumberland-Marlboro Basin, most of which have high poverty rates. The state's poorest county, Scotland Co., has raised the cost of each test from about \$30 to about \$85.

Counties in North Carolina with the highest costs for each well water test are Alexander (\$250), Iredell (\$250), Brunswick (\$200) and Mecklenburg (\$160). Counties with the lowest costs are Lincoln and Beaufort, with tests as low as \$30, and Graham and Jackson, with tests about \$20. On average, the cost of testing through your county well program is still lower than commercial labs. We urge all well owners to test every 3 to 5 years to be sure your water is safe to drink. Just contact your County Health Department's private well program to arrange for testing.





# Challenging Corporate Control of Water

## What is the Trans Pacific Partnership and Why Should You Tell Congress Your Concerns?

The Trans Pacific Partnership is a “free trade” agreement originally proposed in 2005. Countries that have participated in negotiations are: The US, Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. The TPP will jeopardize food safety standards, environmental protections, local labor laws, cost-controls for pharmaceuticals and internet privacy.

“The TPP is not really about trade,” says the Huffington Post, “it’s more about creating a structure of regulations that will be friendlier to large corporations who are, in many cases, directly part of the negotiation process.” If one country feels another partner country is setting regulations that limit their future profits, the partner country can be sued for implementing protective regulations. Internet security is another topic in the TPP negotiations; content can be blocked without obtaining a court order. Free trade agreements in the past have caused accelerated unemployment and increased deficits for poor nations.

The two biggest players in the TPP are Japan and the US. The US, Canada and Japan are known for having strong economies; Vietnam, Singapore, Malaysia and Mexico are included in a way that would expand more sweatshops. The US government claims that the TPP will promote innovation and support job creation. The negotiation process for the TPP has been extremely secretive and only open to 600 advisors, 500 of whom are corporate lobbyists. The Obama Administration is trying to get the TPP on a fast track for approval before it is presented to the public. The Industry Relations Vice President of multi-national corporation Halliburton is included in the negotiations, as well as a representative from General Electric and three representatives from corporate giant Wal-Mart.

To help resist the TPP--especially fast-tracking--contact your Congressional Representative, and support groups working against the

Trans Pacific Partnership.

Informative Links: <http://www.citizen.org/TPP>

<https://www.stopfasttrack.com> (Tool to help you find your representatives.)



*Japanese farmers protesting the TPP.*

## Offshoot of ALEC takes aim at cities and counties!

A new offshoot of ALEC (the American Legislative Exchange Council), the national group that has been so influential in promoting extreme, pro-corporate, state-level legislation, has formed to influence policy at the local government level. The American City County Exchange (ACCE) plans to push for local governments to contract with companies for public services like garbage pickup, essentially privatizing these services, in what Bloomberg News calls “a municipal echo of the parent group’s state strategies.”

North Carolina lawmakers have already showed an unusual interest in interfering with local government affairs, attempting to take away Charlotte’s authority over their airport and transfer Asheville’s water system.

They also forced Durham to extend water and sewer lines to a private development.

Lawmakers have also introduced bills that attempted to further limit the ability of local governments to raise revenue and their authority to place local restrictions on industrial activities like fracking and coal ash disposal. Other bills even attempt to change the number and composition of the Greensboro City Council and the Wake County Commission.

If the results of ALEC’s work at the state level are any indication, these policies pushed at a local level will tend to increase corporate power, and weaken the voices of local residents. Keep your eyes open for evidence of the ACCE in YOUR local community!





## Communities in Action

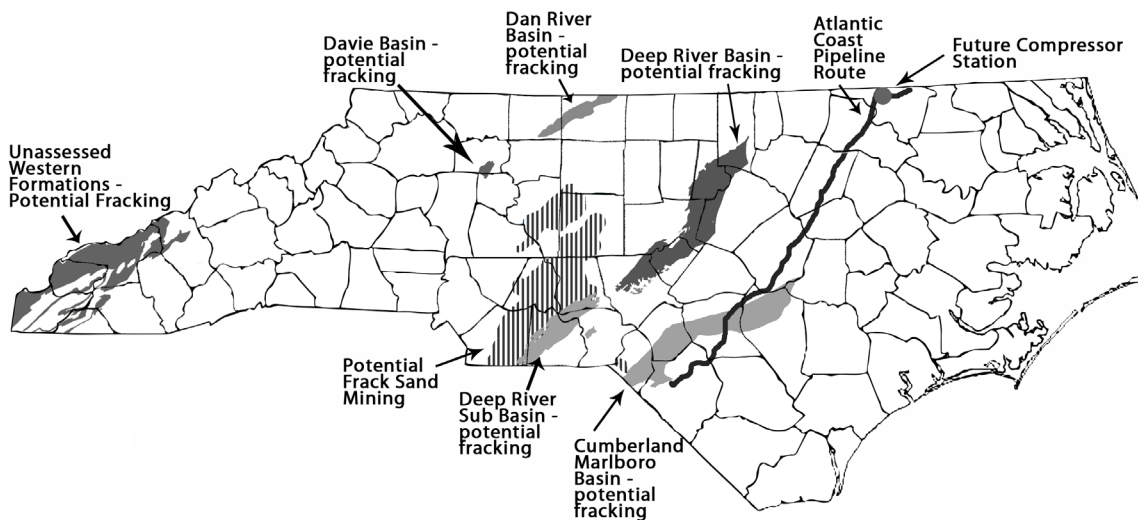
### Landowner Rights Workshops Held in Western NC

Concerned residents came in droves to two recent workshops in Clay and Swain Counties. Since DENR announced (then delayed) its interest in exploring the mountains for natural gas, people in western NC have been eager to learn about fracking, and take steps to protect their land and communities from potential harms.

These workshops were a joint educational effort of the Rural Advancement Foundation International (RAFI) and the County Cooperative Extension agencies. Issues

covered included: what a mineral rights lease covers, how to find out if you own your mineral rights, and predatory leases. Attendees were especially concerned about forced pooling – the legal mechanism which could force people into a mineral rights lease if enough of their neighbors have consented. Over 130 people from Cherokee, Clay, Graham, Swain, Jackson, Macon and Haywood Counties attended the workshops, and are now empowered by information on their rights as landowners.

### POTENTIAL IMPACTS OF FRACKING AND GAS DEVELOPMENT IN NC:



### NC Communities Seek to Protect Themselves—Need Legal Help for Ordinances?

As the moratorium on permitting for fracking ends, more local governments and activists are interested in taking action to protect their natural resources and residents' health, drinking water, land and quality of life, given the weakness of regulations finalized in March. While over 20 local governments in NC have passed resolutions opposing fracking and injection of fracking wastewater, only two (City of Creedmoor and Anson County) have so far passed ordinances with the force of local law, both passed by 2013.

Recent legislation (especially Senate Bill 786, passed in 2014) has said that drillers can petition the Mining and Energy Commission (MEC) to overturn, or pre-empt, local ordinances under certain conditions. We should all be very concerned that such pre-emption decisions would be made by the MEC, the same body that has been so devoted to promoting fracking and keeping regulations weak, so they "won't keep industry away."

Ordinances that outright ban or restrict fracking or oil and gas exploration and development are most vulnerable to pre-emption, but that still leaves room for developing protections for industrial development that aren't strictly focused on fracking. Importantly, a driller who wanted to petition for pre-empting an ordinance would need to have gotten all other required state and federal permits except ones needed from local government, to be granted a pre-emption. Further, local governments and citizens must have had adequate opportunity to participate in those permitting processes.

If you are interested in pursuing a local ordinance to protect your town or county, please contact [info@frackfreenc.org](mailto:info@frackfreenc.org) and we'll send you our recommendations for getting started. For over 2 years, Clean Water for NC and other FrackFree NC Allies have been working with a legal team from several organizations to develop a variety of ordinances. We'll help you to get started and then to connect you with some free or low cost legal help!





# Polluter Accountability

## Coal Ash Threat Looms for NC Communities

For years, concerned residents and advocates have been trying to get coal ash moved safely away from drinking water and rivers. Yet despite public outrage and pressure to fix Duke Energy's leaky coal ash ponds following the massive spill of coal ash into the Dan River in February 2014, there is still no firm process for cleanup, and new communities may soon be threatened by the toxic mess.

In 2014, the NC General Assembly passed the Coal Ash Management Act, which only required closure and movement of coal ash from four of Duke's 33 existing coal ash dumps by 2019. It failed to clarify if ratepayers or shareholders must pay for cleanup, allowed disposal off Duke's property without requiring that local communities have a say in these decisions, and even prohibited local governments from regulating disposal in their communities. Meanwhile, the federal EPA released disappointingly weak rules for coal ash storage, making it even harder for NC residents to demand fair, safe solutions for coal ash storage.

Duke now plans to move millions of tons of ash from its Sutton and Riverbend plants hundreds of miles to dump it in old clay mine pits near Moncure and Sanford. Communities and county officials near both

sites are opposed to this plan, which would make Chatham and Lee Counties, already threatened by fracking, a sacrifice zone for the rest of the state. Duke is contracting with Charah Inc., a Kentucky-based waste management company, shifting future liability for the ash. All liners for landfills eventually fail, so nearby residents also worry about heavy metals leaching into groundwater.

Clean Water for NC's Board of Directors has adopted a resolution recognizing the need to protect ALL communities from toxic coal ash. The principles we support include extensive public input from affected communities, no preemption of local protections, Duke retaining full liability for toxic ash, and minimizing distances the coal ash travels. The resolution is available on our website at [www.cwfnc.org/about/stance](http://www.cwfnc.org/about/stance).



## Offshore Drilling Threatens NC Coast!

The federal waters off North Carolina could soon be spotted with oil rigs if the public doesn't act. In January, President Obama announced a proposal to open the mid-Atlantic for offshore oil and gas drilling. No gas has been produced in the US Atlantic before, besides some exploratory wells in the 1950s. Seismic testing has been approved and currently three companies have submitted proposals to use air gun blasts to determine how much oil or gas is recoverable under the ocean. The blasts can harm marine life, and may interfere with natural systems of wetlands, coastal marshes and estuaries. If oil and gas drilling begins, it would put NC coasts at risk for an environmental disaster like the BP spill and hundreds of smaller spills as the Gulf has experienced. It would harm tourism, fishing, and other coastal industries which are the economic backbone of coastal communities.

Senators Thom Tillis and Richard Burr have been so enthusiastic about offshore drilling, they introduced

legislation to speed up exploration. Governor McCrory has also praised the decision to open up the coast, claiming it will create thousands of jobs and generate billions in tax revenue. But coastal communities are being put at risk, under the unchanged lax regulations and lack of precautions that led to the BP spill. Many communities are speaking out against the plan, and the Outer Banks Chamber of Commerce sent a strong statement, restating its opposition to oil and gas exploration off the coast.

The earliest an Atlantic oil and gas lease sale could happen is 2021, and there is still a long road ahead to finalize the plan. **Public comments are crucial: contact Interior Secretary Jewell and your elected representatives to tell them to remove the mid-Atlantic from the leasing plan. The Bureau of Ocean Management is also accepting public comments through March 30th:**

<http://www.boem.gov/Submitting-Comments>





# Clean Water for North Carolina

## Thanks to Our Generous Foundations and Major Donors!

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## Thanks for Unprecedented Support from Recent New & Renewing Members:

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**Thanks to Recent Donors to the Frack Free NC Alliance** (Clean Water for NC serves as "fiscal agent" for this Alliance):  
Doug Warren, Rick Nelson, Robert Tynes, Tim Dobbings, Kyle Dalton

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☐ \$25 ☐ \$50 ☐ \$100 ☐ Other ☐ I would like to volunteer ☐ I'll give monthly at [www.cwfnc.org/donate](http://www.cwfnc.org/donate)



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### **Fracking Moratorium Ends March 17th FrackFreeNC Movement Needs YOU!**

NC's Oil and Gas regulations went into effect in mid-March, but the FrackFreeNC movement is still hard at work. The regs are too weak to protect us, but some ARE stronger because tens of thousands of folks watchdogged the process, wrote comments and contacted legislators. We helped hold off the rush until the steep drop in gas prices could diminish driller interest. Only 39.5% of respondents to a recent conservative poll said they'd support a pro-fracking candidate, we're winning hearts and minds!

With fracking wells costing millions each and our state's meager gas resources, it's unlikely drillers will make big investments quickly. Contact your local FrackFreeNC groups and FrackFreeNC ([info@frackfreenc.org](mailto:info@frackfreenc.org)) to join in resistance, monitoring and protecting our communities. Let's give this industry the "welcome" it deserves!

## **CWFNC Marches With Thousands for Health, Education, Voting & Environmental Justice**



On February 14, Clean Water for NC staff and volunteers joined with other environmental justice organizations as part of the Mass Moral March for Love and Justice with the annual Historic Thousands of Jones St. (HKonJ) movement! It was an inspiring day, at times festive and at others, somber, while hearing speakers dealing with the severe impacts of a state government working to benefit the most privileged. CWFNC has been an HKonJ partner for 7 years, nearly since the beginning of the movement.

More than ever, we see the need to emphasize social justice goals in our work for clean water and safe environments for ALL North Carolinians. As our state legislature slashes budgets for education, health and employment security, as well as environmental health and protection, we stand with the large and diverse coalition fighting for justice in these areas.

*"Forward together, Not One Step Back!"*