



Clean Water for North Carolina

Clean Currents

Summer 2017

A newsletter of clean water and community environmental justice issues

Cape Fear Tainted with Untested Chemical; Officials Scramble For Answers

An unregulated chemical known as “GenX” has been found in the Cape Fear River, a source of drinking water for hundreds of thousands. It’s manufactured at the Chemours facility - formerly DuPont - in Fayetteville. Clean Water for NC and other groups fought a decade ago to get production of an earlier chemical (C8 or PFOA, used in making Teflon) stopped at the Fayetteville plant. In 2009, EPA approved GenX to replace C8, after the substantial human health risks of C8 were revealed. The company has used GenX in manufacturing, despite tests indicating it could cause some of the same health problems as C8, including cancer.

In 2014, researchers found 631 parts per trillion at the water intake for the Cape Fear Public Utility Authority, which provides drinking water for 250,000 people in the Wilmington area. That’s more than nine times EPA’s recommended health advisory level of 70 ppt, and 4.5 times the state’s new health advisory level of 140 ppt! The study also found six other related



compounds. The water treatment plant doesn’t have the capacity to filter any of these chemicals out.

In June, news broke that the chemicals had been detected. Residents demanded information and swift action from local and state officials, EPA, and Chemours. Under enormous pressure, Chemours announced plans to capture all wastewater, remove GenX, and dispose of it at an out-of-state incinerator, although follow-up inspections still showed some GenX being released. Meanwhile, US EPA and NC DEQ began investigating where GenX is in the river and Chemours’ compliance with its environmental permits.

Communities will continue to face major contamination crises as environmental agencies face slashed budgets and new industrial chemicals are approved before they’re fully vetted. Federal drinking water standards lag by decades, putting Americans’ health at risk. The GenX example illustrates what happens when polluters put profits ahead of human health.

The Atlantic Coast Pipeline: Costly, Dangerous, Unneeded

by Hope Taylor, Ericka Faircloth, and Oshin Paranjape

The “rush to build” pipelines has caused a big rise in significant incidents along pipelines built since 2010, due to hasty construction and inadequate inspections. Why the rush? The Federal Energy Regulatory Commission (FERC) has approved almost every proposed interstate pipeline for decades, and recently has allowed profit margins of 14 or 15% for pipeline builders, much higher than utilities can get from generating electric power.

The Atlantic Coast Pipeline (ACP) is the largest southeastern example of this rush to build for high profits. The proposed 600 mile pressurized natural gas pipeline would be built by affiliates of the two most powerful corporations in Virginia (Dominion Energy) and North Carolina (Duke Energy). If built, the ACP would carry 1.5 billion cubic feet per day of fracked Marcellus shale gas from West Virginia to several new gas-fired power plants the utilities want to build. *(continued on p. 5)*

401 Water/Wetland Permit for the ACP— Important Opportunity to Resist the Pipeline

Of the state permits that the Atlantic Coast Pipeline must have before final approval to start construction, the “401 Water Quality Certification” is probably the most critical. After public hearings in July, **you still have until August 19th to submit your comments to the NC Div. of Water Resources.** Please don’t miss this opportunity. Together, we could have a major impact on whether the pipeline gets final approval!

Visit www.cwfnc.org to see “talking points” to get ideas for your own comments. **Written comments may be sent to: 401 Permitting, 1617 Mail Service Center, Raleigh, NC, 27699-1617, or emailed to PublicComments@ncdenr.gov (include “ACP” in the email’s subject line).**

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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Clean Water for NC Welcomes 2017 Stanback Interns

Working in the Asheville Office, **Olivia Eskew** is a Master's student at Duke University studying Environmental Management. She is from Charleston, SC and will graduate from her program in May, 2018.



She received her undergraduate degree from UNC in Biology and minored in Environmental Science and Chemistry. This summer, she is working on research related to common contamination in groundwater and outreach materials for private well water users at the county level across the state of NC.

Olivia is in various organizations within the Nicholas School of the Environment with a focus on pollinator preservation, rooftop gardening and food scarcity. Her hobbies include marathon running, triathlons, cooking, and travel to

Ethiopia, Ecuador, Spain and Costa Rica. Olivia also conducted a drinking water quality study in the Galapagos Islands, and is a Returned Peace Corps Volunteer, where she served in Ethiopia. Olivia speaks Spanish, Amharic and English.

Olivia, we're grateful for your important research and outreach to local well programs and your enthusiasm.

Oshin Paranjape, working this summer in our Durham office, is earning her Master's degree at Duke University in Environmental Management with a focus on water. She'll graduate in May, 2018. Born in Delhi, India, Oshin received her undergraduate degree in Chemistry at St. Stephen's College, Delhi University. Oshin is the Secretary for the Duke Univ. Water Network and describes herself as a foodie who loves to discover new cuisines. She hopes to travel across the US and explore its many natural wonders, particularly the Grand Canyon.



Oshin speaks Hindi, Marathi and English. Once she graduates, Oshin hopes to work in Water Conservation Management and eventually return home to India to help with water pollution and shortages in Delhi or Mumbai, where this type of expertise is much needed. This summer she is working on issues related to the proposed Atlantic Coast Pipeline including safety, wetlands and mapping blast zones with GIS mapping.

We're glad to have you with us, Oshin! Thanks for researching critical impacts of the huge ACP and sharing them with communities!

Drinking Water Justice

Privatization of Water / Sewer Infrastructure—NOT a Solution for Small and Rural Communities!

State and federal policymakers are heading down a dangerous road with recent proposals to rely on the private sector to fix up water and sewer systems. These short-sighted ideas could result in worse service and higher bills for residents, while almost always failing to help the small, rural communities who have the greatest needs for funding to upgrade their aging infrastructure.

President Trump's infrastructure plan would give private companies a tax credit for each dollar invested in infrastructure, encouraging the "public/private partnership" model. Under this model, repairs for small water systems (which make up over 90% of the systems in NC!) would likely be ignored by investors in favor of large, capital-intensive toll roads and bridges, or massive water projects in America's biggest cities. Both taxpayers and local ratepayers would be stuck with the costs of higher cost loans for water infrastructure improvements. Federal low cost loans for publicly owned water and sewer systems have almost dried up in recent years.

Separately, the private water industry is lobbying for changes to facilitate private acquisition of publicly-owned water systems from struggling local governments. It's profitable to the company to buy the system, because they can turn right around and charge an inflated purchase price to local ratepayers, heaping more costs onto residents in exchange for a short term infusion of cash for local governments. But the community would lose local control and input into the future of water service in their areas, and could also experience layoffs of current utility employees, resulting in worse customer service, maintenance backlogs, wasted water, and slower response times.

We've already seen that privatization does not work to ensure safe, affordable water service in rural North Carolina. Two large, investor-owned utilities have taken over hundreds of community wells in the state (such as the one pictured, right),

promising system improvements in exchange for a hefty profit to be recovered through customer bills. However, while customers' rates have climbed steeply, low-income, rural communities can end up left behind, paying the same amount as customers in wealthier urban areas without ever seeing improvements in their own water systems. For example, from 2013-2016, Aqua North Carolina charged its statewide customers \$6.7 million for filters to fix discolored water, but almost 80% of these filters were installed in urban counties.

Lack of adequate staff prevents statewide for-profit utilities from responding quickly to water emergencies in remote places, and may lead to failed compliance with Safe Drinking Water Act monitoring and notification requirements. Between 2005 and 2012, the two largest private utilities in NC, Aqua NC and Utilities, Inc., violated drinking water standards a combined 900 times, but during that same period they had twice as many violations for failing to monitor, submit reports, or notify residents of test results!

Decreased transparency and public accountability are frequently the result of privatization. Appointed utilities commissioners tasked with regulating private companies often don't respond to consumer concerns. Since 2008, the NC Utilities Commission has allowed water rates to go up by 33% for customers of private company Aqua NC, despite public opposition at regulatory hearings. And in 2013, NC lawmakers created a loophole allowing private utilities to raise rates to cover certain expenses without public hearings, further reducing opportunities for input.

Instead of private-sector incentives, NC needs increased commitments to federal funding and training for small, struggling utilities. The State Water Infrastructure Authority estimates that over the next 20 years, NC water and wastewater systems will need up to \$26 billion in investments, and current levels of funding can only meet a fraction of that need. The public must demand a commitment by elected leaders to funding large-scale investment in replacing our aging infrastructure – such as Michigan Congressman John Conyers' WATER Act, introduced in 2017.



During a Congressional briefing in May, Clean Water for NC's Katie Hicks (left) explained why giving for-profit utilities tax credits to invest in infrastructure, as the Trump administration has proposed, would not help vulnerable, rural North Carolinians - and could actually make disparities worse.



Energy & Environmental Justice

Duke Energy asks ratepayers to foot the bill for pollution!

In its largest rate increase since the 1980s, Duke Energy Progress has asked the North Carolina Utilities Commission (NCUC) to approve a 16.7% increase for residential ratepayers. That's about \$20 extra per month for the average household. The company is asking NC ratepayers to pay for hurricane Matthew damage repairs, coal ash cleanup cost, and constructing new fracked gas plants. Duke Energy Carolinas is expected to file a motion for its first rate hike some time later in the year.

CWFNC and other advocates do not believe it should be ratepayers' responsibility to pay for coal ash cleanup. Even Duke's insurers have declined to pay for any coal ash costs, stating the company knowingly contaminated groundwater at its coal ash dumps. The \$195 million in coal ash cleanup costs included in the proposed rate hikes is particularly egregious to neighboring

communities who are still living on bottled water, and have paid dearly for coal ash with their health, and property values. Meanwhile, the company boasts about saving billions by capping and leaving most of its coal ash in the unlined pits.

An even larger chunk of these rate hikes, \$416 million, is to cover the cost of new fracked gas power plants, which are dangerous to the climate and unneeded! (see p. 5).

If you're a customer of Duke Energy Progress, please consider attending the public hearing nearest you this September / October, or send comments and concerns to: statements@ncuc.net (include "Docket E-2 Sub 1142" in the subject line). To find the hearing nearest you and view a coverage map of Duke Energy Progress, visit tinyurl.com/DEPrates.



New leadership, same standards for coal ash contaminants

Last summer, the legislature passed House Bill 630, requiring Duke Energy to provide a permanent safe drinking water supply to well users with ½ mile of its coal ash pits. A year later, hundreds of coal ash neighbors are still on bottled water, and some communities are only being offered filtration devices for their wells, not public water lines.

Now, the NC Department of Environmental Quality (DEQ) has announced the performance standards for these water filtration systems. Under the new standards, the filtration systems provided to households would only have to be able to remove contaminants to comply with NC current groundwater standards, not the stricter health screening levels that resulted in warnings for many residents following initial testing. At the forefront of this controversy is the standard for the cancer-causing chemical hexavalent chromium. DEQ set the filtration system performance standard at 10 parts per billion, despite objections from the state health department, whose health screening level is 140 times stricter (0.07 parts per billion). This concentration, which DHHS still uses to warn residents about drinking their water, represents a 1 in 1 million increased lifetime cancer risk.

As a response to backlash from communities who know these filters won't protect their health, DEQ Secretary Michael Regan has announced that he will assign a Science Advisory Board to review the performance standards and provide recommendations to the Environmental Management Commission suggesting a change that could strengthen (or weaken groundwater standards).

In June, leaders with the statewide Alliance of Carolinians Together Against Coal Ash met with key representatives of the Governor's office and the Dept. of Environmental Quality in Raleigh to share impacted communities' priorities, including accelerated access to safe water, above-ground storage of all coal ash, and recycling of coal ash where it can be done safely. While residents were excited to be given the chance to sit at the table with the new leadership, and remain hopeful of open communication, they are already concerned that some of the new administration's decisions appear to be favoring Duke Energy just like the previous administration had done. CWFNC stands with the communities as they continue to pressure regulators for evidence-based scientific decisions and a water quality standard that is truly protective of the public's health!



Energy & Environmental Justice

The Atlantic Coast Pipeline: Costly, Dangerous, Unneeded (continued from p. 1)

No Need for Pipeline or New Gas Fired Plants

Generous political donations by Duke and Dominion to candidates and elected officials of both parties have meant that local, state and federal officials don't question the need for new pipelines. There's also a "revolving door" between pipeline contractors and lobbyists, and state and federal regulatory agencies. Even FERC's "independent" contractor reviewing the project, Merjent, has links to Dominion's main permit contractor!

Several studies show there is no need for a new major gas pipeline, with electric demand flat in recent years, and new renewables projects coming online. The energy utilities would simply buy the gas from their own pipeline affiliates for their power plants, a practice known as "self-dealing." FERC doesn't evaluate such corrupt practices when deciding whether to approve a pipeline. And it's the utility customers who would pay most of the cost of \$5.6 billion for a pipeline that will probably be underutilized.

This pipeline would harm water, air, land and local economies, disproportionately affecting people of color and low income in these mostly rural eastern NC counties. The ACP has promised big tax revenues to local governments, but they'll only arrive if the pipeline is full to capacity. That's unlikely, due to the limited supply of gas and expected rising natural gas prices.

We're told that "carbon emissions are decreasing" because of transitioning from coal to gas. Let's be clear: it's only carbon dioxide (CO₂) from burning fossil fuels that's decreasing. Methane, a much stronger climate changing gas, is increasing rapidly in the atmosphere. Methane is released unburned by fracking, pipelines, compressor stations and gas fired power plants. The most important action NC can take for climate is stopping new pipelines and gas power plants!

The Myths of Job Creation and Pipeline Safety

The ACP would offer only 18 permanent jobs, and a few hundred temporary construction jobs. There's no realistic chance of new industry jobs in rural areas because a tap into the pipeline would cost millions. Only Rocky Mount and Fayetteville have enough capital to hook up to the pipeline for residential, business and industry access.

ACP officials claim the pipeline will be safe, as the construction will follow federal regulations. That's not enough to protect folks along gas pipelines—an average of 49 serious accidents have occurred each year recently, many with injuries and deaths. Pipelines built after 2010 are failing at a rate higher than ever before! And many

incidents go unreported simply because their impacts are considered too "minor."

During CWFNC's outreach along the pipeline, many residents worried about how close they are to the "Potential Impact Radius" or "Blast Zone." With a 36-inch pipeline radius and a maximum pressure of 1440 psi, the Blast Zone of the ACP would be 943 feet from the pipeline. Emergency response plans submitted by ACP in its permit are gravely inadequate, and local responders are underprepared—a perfect recipe to turn an incident into a disaster.

A Looming Regional Environmental Justice Threat

The proposed route of the ACP passes through 8 counties, most with much higher poverty levels and populations of color than North Carolina as a whole, making it the largest Environmental Justice threat in NC's recent history. Five Native tribes in NC would be impacted - the Meherrin, Haliwa Saponi, Coharie, Lumbee and Tuscarora – with no "tribal consultation," as they aren't federally recognized. Four counties along the ACP route in NC have Native populations above the state average. Lumbee Indians are 38% of Robeson County residents.

The ACP route is close homes in dense African-American and American Indian communities, and would plow through, wetlands, rivers, and sacred burial sites. It would disrupt local farms that families depend on for food and income. The route also passes close to schools, daycares, and other community buildings. The ACP is a corporate multi-billion dollar project that would impact the lands, rights, and well-being of thousands along the pipeline, including many persons of color and low income, simply for profit, with no significant economic benefits for residents.



Polluter Accountability

“Damage Report” on the NC General Assembly’s 2017 Session



Instead of finishing their session at the end of June, the NC General Assembly adjourned temporarily with plans to reconvene August 3rd, and again in September. They expect to vote on whether to override any of the Governor’s vetoes and tackle redistricting mandated by the courts’ rejection of the current voting district maps, ruled unconstitutional. Legislators will also have another shot at passing a whole slew of bad environmental provisions that hadn’t passed earlier this year.

Please check our website frequently throughout the coming months for opportunities to weigh in on proposed bills that could harm (or occasionally help) communities!

Already passed this year:

- The state budget for the year made cuts to the already-strained budget of the Department of Environmental Quality, including eliminating several leadership positions and 7 positions in the regional offices around the state. The agency will be even less able to keep up with permitting and inspection demands – they’re already way behind. On the positive side, the budget did include provision lowering blood lead action levels for children and pregnant women, a step toward better protection from lead!
- Hog waste – One of the worst bills this year was House Bill 467, preventing residents near hog farms from suing these polluting operations for impacts to their health or property. This legislation was a handout to the NC Pork Council and other big polluters, at the expense of the rights of mostly poor, African American

communities living every day with the stench, pollution and bacteria of hog lagoons.

- Landfill Leachate “Aerosolization” - Governor Roy Cooper has vetoed House Bill 576, legislation that would allow landfills to spray toxic “garbage juice” collected at the bottom of a landfill across the top of the dump. H576 requires DEQ to approve the process without any air permits. There is no scientific evidence that the process would be safe, especially for the mostly low income and minority communities close to landfills.

Bad legislation we’ve prevented—so far:

- A worrisome provision would impose new requirements on individuals or grassroots groups who want to appeal weak polluter permits issued by the state. An individual would have to comment during a shortened 30 day comment period to be able to appeal the permit, and could not raise issues in court that they hadn’t raised in their original comments. It also limits what judges can consider to documents provided by the polluter or the regulatory agency – making it extremely difficult for communities to win stronger protections for water and air!
- A bill promoted by private, for profit water and sewer companies, “Fair Value” legislation, would allow companies to offer more money than their previous valuation to municipalities to buy out their water or sewer systems. Then, these mostly out-of-state companies could pass the increased costs of the purchase on to ratepayers, making local customers pick up the inflated cost and corporate profits for years to come. It might tempt more cities or towns to sell off their systems to solve short-term budget issues. Thanks to your advocacy, however, we stopped this bill from passing, but we’re still watching!
- Limiting Coal Ash Recycling - The legislature adjourned without passing a provision favored by the landfill industry that would have limited coal ash recycling. North Carolina’s concrete industry imports more than 1.5 million tons of coal ash to meet its annual demands, and there are millions of tons of coal ash sitting at sites across the state that could be recycled! Duke Energy has chosen the Cape Fear plant in Moncure to meet a state deadline to choose three sites capable of recycling a combined 900,000 tons of coal ash annually.



Clean Water for North Carolina

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Monthly or quarterly donations from these individuals make a huge difference in sustaining our work with communities. It's easy to set up a recurring donation at donatenow.networkforgood.org/CWFNC.

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☐ \$25 ☐ \$50 ☐ \$100 ☐ Other ☐ I would like to volunteer ☐ I'll give online at www.cwfnc.org/donate



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Save the Date!

**Clean Water for NC's Regional Summit on Impacts of the Atlantic Coast Pipeline:
Preventing Harms to Water, Air, Health, Climate and Communities**

Saturday, September 9th, 1:00 to 5:00 PM

Wilson Community College, Wilson, NC

Light refreshments provided

Presentations will include:

The ACP: Rate Hikes Will Pay for A Pipeline
That's Not Even Needed

Impacted Landowners' Perspectives, Eminent Domain Abuse

Plowing Through Native Lands

Efficiency & Renewable Energy—the Best Alternatives to the
ACP and Gas Fired Power Plants



Advance registration required! Low cost registration info at tinyurl.com/ACPSummit