



# *Clean Water for North Carolina*

## *Clean Currents*

Summer 2018

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

### **Communities, States, Groups Protest EPA's Rollbacks on Coal Ash, Climate, Water and More**

Impacted communities and advocates from across the nation joined forces to stand up against EPA's proposed rollbacks of its 2015 coal ash rules in Arlington, VA in April. Folks spoke throughout the day to EPA officials, delivering passionate speeches, demanding that they not to weaken 2015 coal ash rules (CCR rules). Bobby Jones of ACT Against Coal Ash and the Down East Coal Ash Coalition in Goldsboro, where Duke Energy's H.F. Lee plant is located, was one of many impacted NC folks at the EPA hearing. Jones said, "Six million tons of poisonous coal ash sits between our community and the beloved Neuse River...Duke Energy puts corporate greed over people."

The 2015 rules were established to provide minimum cleanup and monitoring requirements for toxic unlined coal ash pits across the nation following two coal ash disasters: the TVA ash spill in Kingston, TN, and the Duke Energy Dan River coal ash spill in Eden, NC. The rules introduced greater transparency by mandating that polluters post groundwater sampling results on a publicly accessible website. In March, that requirement revealed serious contamination at coal ash sites across the state. Some of the highest levels of contamination were at Duke Energy's Asheville Steam Station where radium, a radioactive contaminant, was recorded at 38 times the federal groundwater limit. These data prove that unlined coal ash pits continue to contaminate the environment nationwide.

EPA Administrator Scott Pruitt has been very vocal about the agency's proposal to weaken these rules in an effort to protect polluter's financial budgets by up to \$100 million! Meanwhile, the companies that would benefit from this backtracking of environmental protections routinely report \$billions in profits. The proposed rules aim to give states and even political appointees more flexibility in regulating coal ash. Even worse, the NC Department of Environmental Quality (DEQ) has

recently chosen to revisit its state coal ash rules to adopt a federal permitting program. NC's current state CCR rule goes beyond the requirements of the federal CCR rule, so this would mean NC caving in further to federal rollbacks!

As Pruitt faces over a dozen ethics investigations, other members of the Trump administration have called him one of the most effective cabinet members in carrying out the agenda for which they say Trump was elected. Among the targets of Pruitt's EPA have been the "Waters of the US" rule and several key components of the Obama Administration's signature policies for slowing climate change.



In February, after threatening clean water protections for streams and wetlands for a year, the EPA suspended the "Clean Water Rule" for two years, saying that it protected too many waters and would impede economic development. NRDC and others have challenged this suspension, pointing out that it would put drinking water quality at risk for up to 1/3 of Americans. The case is languishing in court and the public will continue to need to be vocal to end this suspension.

Several parts of the previous EPA's efforts to curb climate change are under relentless fire from Pruitt, again claiming they are too costly

to industry. The Obama Clean Power Plan, a step in the right direction for curbing carbon dioxide emissions from power plants, was criticized by many of us because it pushed electric power production to rely more heavily on fracked gas, with its release of methane. Obama's EPA partially responded to this concern by passing new rules to rein in methane emissions from new gas wells and wells drilled on public lands. Fortunately, the Pruitt EPA's efforts to undermine a wide range of environmental protections are being met with lots of court challenges by states and public interest groups who have mostly succeeded in showing that there's no scientific basis for weakening these 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***

CWFNC 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

## **Welcome to Amanda Strawderman, Program Coordinator and Asheville Office Manager**

We are pleased to announce the addition of Amanda to our staff this spring. Her undergraduate degree from James Madison University was in Geographic Information Systems and Environmental Sciences, and she's nearly completed a Master's Degree in Sustainability Studies from Lenoir-Rhyne University Asheville. She has also trained as a Virginia Master Naturalist and volunteers as a citizen scientist for inventory and monitoring programs. Amanda was most drawn to CWFNC's environmental justice work to assure that the voices of impacted communities are heard. Her biggest challenge, she expects, will be in "speaking truth to power" and getting enough leverage to motivate leaders to protect vulnerable communities.

Amanda has a lifelong interest in traditional cultures, spirituality, and history. Growing up in the mountains of VA and WV, she feels closely tied to the land and her Appalachian heritage. She loves spending time with her family, fishing, "collecting" waterfalls, and aspires to start a sustainable farm.



## **A Fond farewell to Katie Hicks**

Katie contributed so much for Clean Water for NC in her eight plus years with us, starting as our Water Justice Organizer in late 2009, and finishing as our first Associate Director in early 2018. She was very warm and considerate colleague to all of our staff, a kind and strategic organizer who assisted dozens of communities, an excellent researcher and policy analyst, and doggedly persistent in her advocacy for environmental justice. We all miss her very much, as she needed to change to a job that allowed her more time with a very ill family member, but we're deeply grateful for her ongoing assistance in training our new staff on the many tasks she had fulfilled superbly. Thanks, Katie, for all you have done for CWFNC, and for your wonderful friendship!



## **Anita Simha, CWFNC's newest Board Member!**



With an extensive background working with social justice organizations throughout eastern North Carolina, Anita currently works with the Campaigns Committee for the Worker's Union at UNC and the state coordinating committee for the Poor People's Campaign. A science-based activist, Anita works at the Environmental Protection Agency to develop a database for tracking emerging contaminants in NC, a very hot issue right now! She has won numerous awards for her work in environmental health research, and was named a Carolina Research Scholar. In her free time, Anita enjoys hiking through Duke Forest and exploring local eateries in Carrboro with friends. We are delighted to have Anita's passion for social justice and scientific expertise on our Board of Directors, and look forward to working with her!



# Drinking Water Justice

## Looming Legislation Seeks to Incentivize Private Takeovers of Public Water Systems

Fair market value” state legislation, filed as House Bill 351, is yet another mechanism proposed by for-profit utility companies to acquire more public water systems to boost their bottom line. Dressed up as a “solution to America’s crumbling infrastructure”, HB 351 makes it more appealing for struggling municipal governments to sell their water systems to private utilities, allowing the local government to sell at a “fair market value” versus the actual depreciated cost. At face-value, this deal would appear to be more expensive for private utilities, but the purchase cost and the fee paid to a “valuation expert” who determines the “fair market value” would likely be passed on to ratepayers, plus a profit!

## Emerging Contaminants: Unregulated Threats

Many chemicals are in use by industry that are unregulated by federal and state agencies. As they are discovered and acknowledged to have potential health or environmental threats, they become known as “emerging contaminants.” Every 6 years, the Safe Drinking Water Act requires EPA to review and revise existing national drinking water standards. They set legal, enforceable limits for “primary” contaminants that are known to affect human health and suggest limits for “secondary contaminants” that can cause “cosmetic” effects such as discoloration. EPA must also publish a list of potential contaminants, prioritize future scientific research, and decide whether or not to regulate any new chemicals. Only 90 contaminants have federal drinking water limits, but there are over 80,000 chemicals on the market, with thousands more introduced each year. Most are not subjected to toxicology studies.

The EPA drinking water standards are the minimum for public water supplies, but each state can apply more stringent standards to better protect its communities. In NC, as in most states, the DEQ has decided that the minimum is enough, relying mainly on federal guidance. And DEQ and NC’s Health and Human Services (DHHS) agency don’t always agree on what is considered safe. Federal drinking water standards don’t apply to private water wells, but the state has set over 100 supposedly health-based groundwater standards to protect it for drinking water. In April 2015, some NC well-users threatened by coal ash chemicals received “Do not drink” letters from the DHHS, mostly for hexavalent chromium, only to receive another letter shortly afterwards, after DEQ pressured the health agency, claiming the water was safe to drink. By industry request, the state legislature has now moved to remove “health goals” from the language of policy addressing emerging contaminants. Who is the state is looking out for, its residents or industry?

Not only does HB 351 motivate private utilities to take control of water and wastewater services out of the public’s control, the bill would also put consumers at risk of the less reliable water quality and service often associated with private utilities— as well as water rate hikes to pay for the higher price paid for the system! While this bill was not pushed in the recent legislative session, Clean Water for NC will continue to monitor it, and advocate for greater state funding to maintain publicly controlled drinking water supplies and infrastructure. Our state should not encourage the purchase of these essential services by for-profit companies which are less accountable to the public!

## Many Reasons to Care About Plastics in our Waters

Plastics, and particularly microplastics, have become a major environmental plight in our waters. Aside from the obvious eyesore of islands of plastic waste, plastics can strangle or starve water-dependent wildlife, and break down into smaller and smaller pieces, causing a host of problems. They can absorb and leach harmful chemicals into the water we drink or be consumed by marine and aquatic animals that are critical to their ecosystems and may even end up on our dinner plates – plastics in our waters can mean chemicals in our bodies.

### Reducing Plastics in Our Water: How to Get Involved

#### Make Personal Use Choices

##### Reusable Items instead of single-use plastics.

- Reusable shopping bags
- Glass or steel food containers and water bottles
- Reusable or compostable straws
- Water filters, permanent water containers instead of bottled water

##### Avoid use of items containing micro-plastics.

- Synthetic fabrics
- Cosmetics/soaps with Microbeads

#### Political and Community Action

##### Call your government representatives

- Ask for restrictions on single use plastics
- Encourage local restaurants and institutions to switch from plastic and styrofoam to compostables

##### Organize in your community

- Help keep your neighbors informed and support one another!
- Attend public hearings and submit comments



### The Long, Sordid History of C8, GenX and How Industry Prevents Regulators From Ensuring Safe Water

In 2006, Clean Water for NC was part of the C8 Working Group with the WaterKeepers and the U.S. Steelworkers, seeking to stop discharges and air emissions of C8, or perfluoro-octanoate (PFOA) from the DuPont Fayetteville Works. C8 was a chemical used in manufacturing Teflon and other non-stick products, and is closely related to GenX and several other compounds currently being found in water supplies and wells close to where they are manufactured, as well as downstream and downwind, too. Limited testing in 2005 and 2006 had found C8 in a nearby Lake, the Cape Fear River, a well near the plant, and at very high levels in the groundwater around the part of DuPont's facility used to manufacture C8.

After years of media shaming of DuPont, pressure on state environmental regulators, and the C8 Working Group using "proxies" or voting authorizations from sympathetic DuPont shareholders to allow impacted residents to speak out at DuPont's annual meetings, EPA finally stepped in and negotiated a settlement to stop the manufacture of C8 at the corporation's Fayetteville Works. The settlement did not, however, prevent DuPont, or its spin-off, Chemours, from manufacturing similar chemicals, about which even less was known of their health effects. And so we have GenX and at least 18 other perfluorinated or polyfluorinated compounds being found in groundwater and drinking water for Fayetteville and Wilmington since the first detections over a year ago. In many European nations, new chemicals could not even be manufactured until proven safe in toxicological tests.



For many months, Chemours has been promising to clean up its discharge, but continued to release spikes of GenX into the Cape Fear River. The diverse locations where GenX has been found indicate air emissions are the source of some of the contamination. Finally, DEQ recently threatened to modify Chemours's air permit and filed for a court order that would require Chemours to reduce air emissions by 99%, continue to test many private wells around the plant, supply permanent replacement water supply to affected public systems, and hold a public meeting whenever Chemours changes its operations.

As we go to press in mid-June, the state's Science Advisory Board may finally be about to weigh in on whether the interim health standard of 140 parts per trillion is protective enough (EPA set 70 ppt as the health goal for closely related C8). In the meantime, the state budget, just passed over Governor Cooper's veto, funnels most of the inadequate funding for GenX research through the UNC Collaboratory, a think tank headed by Jeff Warren, a well-known anti-regulatory former advisor to Senate President Pro Tem Phil Berger, rather than to DEQ. At the request of industry, an instrument incapable of detecting GenX related compounds was specified by legislators instead of one specifically requested by scientists at DEQ. Hundreds of thousands of NC residents still worrying about the safety of their water can thank the veto-proof majority in the NC General Assembly for sabotaging efforts to get them safe water to drink!

### Resistance Growing to Mountain Valley Pipeline Extension into NC

Residents of Rockingham and Alamance Counties learned in April that their counties were being targeted for a 70 mile extension of the Mountain Valley Pipeline (MVP) that has raised so much controversy in West Virginia and Virginia. The 300 mile originally-announced MVP would be a 42 inch high pressure gas pipeline, bringing billions of cubic feet of Marcellus shale gas from WV and southwest PA through Virginia on a route somewhat west of the 600 mile Atlantic Coast Pipeline (ACP). NC activists have been fighting the ACP for nearly 3 years, as it will slice through 8 eastern NC counties with high percentage African American or Native American residents, and also significantly lower income than NC as a whole, is not needed for gas supply or electric generation, threaten safety of nearby residents (see page 8 story), damage hundreds of streams and wetlands, and contribute to climate change. Now western

piedmont residents face a similar threat.

The pipeline would be extended into NC is being built by a consortium of gas producers, headed by EQT Midstream, rather than utilities like Duke and Dominion, and is expected to be a 24 inch diameter line. Several groups based in the impacted area see it as a significant threat to communities' safety and the environment. Within days of learning of the planned MVP extension, the Haw River Assembly, Good Stewards of Rockingham and Dan River Basin Association were mobilizing to learn more about the project and host informational meetings. The Haw River Assembly has formally "intervened" in the docket to be deeply involved in the review and permitting process of the Federal Energy Regulatory Commission and encourages other concerned residents and groups to do so as well. The FrackFreeNC Alliance is offering solidarity and lessons learned while fighting the ACP.



# Action Across NC

## 12 NC Groups file Federal Complaint against NC DEQ for EJ Violations

On April 15, NC WARN, Clean Water for NC, BREDL and 9 other community, statewide and national groups filed a federal Civil Rights complaint seeking to stop a hotly contested pipeline that would pump natural gas from Appalachian fracking fields into and across North Carolina. Filed with the U.S. Environmental Protection Agency's Civil Rights Compliance Office, the complaint calls on the EPA to require three state agencies to overturn permits granted for the Atlantic Coast Pipeline (ACP), to require a new environmental justice analysis that adheres to federal law and to conduct a public hearing in eastern North Carolina.

The alliance includes community groups from seven of the counties through which the 36-inch, high-pressure pipeline would travel in North Carolina. The \$6 billion project is in the early stages of construction by Duke Energy and Dominion Power and was expected to primarily serve power plants in North Carolina and Virginia, though electricity demand is flat.

Belinda Joyner, President of Concerned Citizens of Northampton County, said: "The economic development types don't mind harming us, but if a

pipeline were planned close to their homes, they'd say it would bring their property value down. Well, for people of color in sacrifice zones, not only will it bring our property value down, it will kill us at the same time. But do they care?"

Plaintiffs described the twisted way that regulators assessed potential ACP impacts on local residents: while they compared the incomes of residents close to the pipeline with statewide incomes, they only comparing racial characteristics of residents close to the pipeline with the county in which the project is located. As a result, the FERC and NC analyses masked large disproportionate impacts on communities of color, because many counties had high percentages of residents of color. The regulators also refused formal consultation with the tribal governments along the route..

Naemma Muhammad, co-director of the NC Environmental Justice Network, added: "How many more Title VI Complaints have to be filed before our government takes seriously the concerns of the communities, and is honest and comprehensive about environmental impact statements."

## NC Politicians On the Take from ACP Corporate Partners

This data reflects campaign contribution receipts dating back to 2013. The information listed does not include contributions from McGuire Woods, LLP – a law firm representing oil and gas companies, including Dominion – but it is important to note many individual contributions from McGuire Woods attorneys were given to state

### Campaign Contributions from Atlantic Coast Pipeline Partners, 2013-Present

| NC Politician                | County Represented      | Duke Energy Campaign \$ | Dominion Energy Campaign \$ | Total Received from ACP Partners |
|------------------------------|-------------------------|-------------------------|-----------------------------|----------------------------------|
| Governor Roy Cooper          | All                     | -                       | \$11,000                    | \$11,000                         |
| Rep. Michael Wray            | Northampton, Halifax    | \$10,000                | \$9,750                     | \$19,750                         |
| Sen. Erica D. Smith-Ingram   | Northampton, more       | -                       | \$3,000                     | \$3,000                          |
| Sen. Angela Bryant           | Halifax, Nash, Wilson   | \$11,000                | \$3,550                     | \$14,550                         |
| Rep. Jeff Collins            | Nash, more              | \$9,000                 | \$850                       | \$9,850                          |
| Rep. Bobbie Richardson       | Nash, more              | -                       | \$1,500                     | \$1,500                          |
| Rep. Jean-Farmer Butterfield | Wilson, more            | \$4,000                 | \$350                       | \$4,350                          |
| Rep. Susan Martin            | Wilson, more            | \$9,000                 | \$3,350                     | \$12,350                         |
| Rep. William Brisson         | Johnston, Sampson, more | \$4,000                 | -                           | \$4,000                          |
| Rep. Larry Strickland        | Johnston                | \$1,000                 | \$1,000                     | \$2,000                          |
| Rep. Larry Bell              | Sampson, more           | \$3,000                 | -                           | \$3,000                          |
| Sen. Brent Jackson           | Johnston, Sampson, more | \$18,000                | \$4,000                     | \$22,000                         |
| Rep. Elmer Floyd             | Cumberland              | \$4,000                 | -                           | \$4,000                          |
| Rep. Marvin Lucas            | Cumberland              | \$7,000                 | -                           | \$7,000                          |
| Rep. Ken Goodman             | Robeson, more           | \$9,000                 | \$3,000                     | \$12,000                         |
| Rep. Charles Graham          | Robeson                 | \$2,000                 | -                           | \$2,000                          |
| Rep. Brenden Jones           | Robeson, more           | -                       | \$1,000                     | \$1,000                          |

Representatives or Senators over the years, as well as Governor Cooper!

All information was provided by the NC State Board of Elections, and is easily accessible through their website. To find out about campaign contributions going to your state Representatives or Senators, visit [www.ncsbe.gov](http://www.ncsbe.gov) and go to "Campaign Finance" at the top of the page, then click on "Report Search". You'll want to click "Campaign Finance Report Search- By Committee/Entity", and then enter your Representative or Senator's name in the search bar. Click on "DATA" for the year you want to look at, and then select "Receipts". Happy hunting!





# Coal Ash

## Cliffside Coalition Finds Evidence of Increased Air Particulates near Impacted Community

On June 7, the Cliffside Coalition for Clean Water and CWFNC held a follow up day of air particulate monitoring. Last December, the Cliffside Coalition measured air particulates along ash transportation routes and found elevated levels of particulate matter near

Cliffside Elementary School, highlighting the impacts of coal ash brought in and out of the Cliffside community. These miniscule particles contain a complex mix of chemicals and physical irritants that have harmful health effects when inhaled.

CWFNC helped the group obtain and operate a monitor to measure levels of suspended

particulates. The highest levels of particulate matter were recorded from a passing truck en route to the Cliffside Steam Station's main entrance. CWFNC and the Cliffside Coalition were able to record over 1600 ug/m<sup>3</sup> (NC air standard: 150 ug/m<sup>3</sup>), while the truck was passing an impacted resident's house in Mooresboro.

The Cliffside Coalition held a community meeting following the day of air monitoring to compare the data results from two days of air monitoring. The monitoring results show increased particulate matter in the impacted community nearest to the power plant and landfill. CWFNC also provided talking points and encouraged written comments for an upcoming wastewater discharge permit at Cliffside. The second day of community air monitoring helped the community get a better understanding of the impacts that coal ash transport is having on the local air quality and public health. The Cliffside Coalition will hold a community fundraiser to support efforts to monitor and record air quality data, as well as to provide under sink filtration systems for impacted households with contaminated wells who did not receive a replacement clean water source because their wells are located just outside of the ½ mile boundary.

## Downsides of reprocessing coal ash, a new technology in NC!

The N.C. Division of Air Quality (DAQ) is holding public hearings and taking comments on Duke Energy's air permit modifications to include the construction of a fly ash reprocessing facility consisting of a Staged Turbulent Air Reactor (STAR) plant at its Buck, H F Lee, and Cape Fear power plants. The STAR system is a patented technology developed by SEFA Group Inc. to process coal ash for use in cement. The three fly ash reprocessing sites are required by House Bill 630, passed in 2016. Each STAR facility must reprocess 300,000 tons of coal ash for reuse annually. Duke's current coal ash inventory is over 100 million tons, so this type of disposal practice can only be a very small part of the solution. These facilities will represent a major new source of over a dozen toxic air pollutants, including some that have been shown to cause respiratory cancers in humans (Hexavalent Chromium). The STAR facilities will also be a source of nitrogen oxides, volatile organic

compounds, carbon monoxide, particulate matter, sulfur dioxide, and greenhouse gases. Particulate matter and toxic metals will be released during the handling of fly ash before entering the facility and while handling the final product. On April, in Spencer, impacted neighbors expressed their concerns over the Buck ash reprocessing facility. Many of the speakers in attendance voiced concerns about the amount of potential toxins that would be released into the air.



# Clean Water for North Carolina

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## Thank you to our new and renewing members!

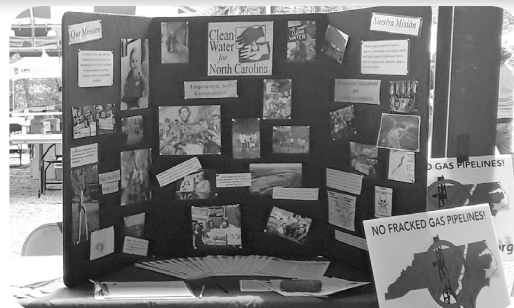
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## Volunteer for Clean Water for North Carolina

Every now and then Clean Water for North Carolina calls on volunteers to help us promote safe, clean water for NC communities. Here's one of the ways our volunteers can help—staffing an information table at various events throughout the year! Contact either of our offices if you can help with door to door outreach, researching an article for our newsletter, photos of an event, or hosting a “house party” to introduce CWFNC to friends! We are so grateful for the time and dedication of our volunteers!



Clean Water for North Carolina is a tax-exempt nonprofit with a charitable solicitation license. L201814200030

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



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

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### **New WV Pipeline Explodes, Same Size and Pressure as ACP**

**O**n June 7, a TransCanada pipeline rupture resulted in a huge explosion in Marshall County, WV, sending flames hundreds of feet up, and visible for over 60 miles.. It's very sobering that this pipeline was just installed in January, and is exactly the same diameter (36 inches) and maximum pressure (1440 psi) as the Atlantic Coast Pipeline (ACP) would be as it slices through 8 Eastern NC counties. While the explosion occurred in a remote area, it was only 8 miles from Moundsville, population 9,000, part of the Wheeling metropolitan area.

"This is truly a best-in-class pipeline and we look forward to many years of safe, reliable and efficient operation," said TransCanada's president in January to describe the Leach Xpress pipeline that sent fireballs into the sky June 7.

The ACP's safety will be regulated by the same federal agency, the Pipeline and Hazardous Materials Safety Administration (PHMSA), which regulated safety for the



***June 7 Explosion of the Leach Express pipeline near Moundsville, WV , built and operated by TransCanada, the Builder of Keystone Pipeline***

pipeline which failed catastrophically. Former TransCanada materials engineer-turned whistleblower, Evan Vokes, is critical of PHMSA inspection standards, "PHMSA regulators did nothing to stop TransCanada from building a pipeline that was bound to fail," said Vokes, after the Keystone pipeline spill back in 2017.

**Want to help resist the Atlantic Coast Pipeline? Numerous challenges have been filed, and construction has been delayed over a year. To help monitor pipeline construction, contact Clean Water for NC at 919-401-9600. To read CWFNC's report on "Blast Zones Along the ACP" go to [www.cwfnc.org](http://www.cwfnc.org) , select "Our Work" from the menu, then "Reports."**