Clean Water for North Carolina

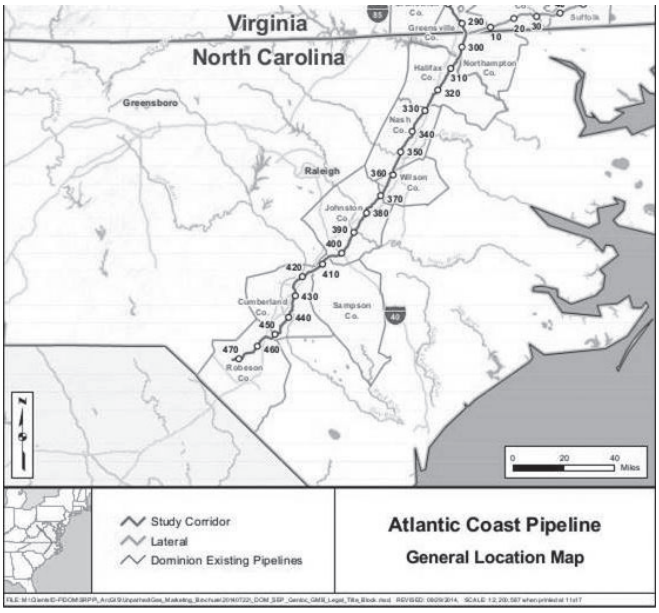
Clean Currents

Summer 2016

A newsletter of clean water and community environmental justice issues

The Rush to Build Pipelines Hurts NC Communities!

The threat of fracking in NC has retreated, with natural gas prices too low for drillers to bother, while NC's meager supply and lawsuits by the Haw River Assembly and Clean Water for NC are still pending. We realize the next wave of damage by the gas industry is the mad dash to build pipelines, especially in the eastern US. Given the many impacts gas pipeline projects have on communities--with little or no benefit to impacted residents--CWFNC realized that we must deepen our knowledge and prepare to fight unneeded and risky gas infrastructure.



What's Driving the Pipeline Building Boom?

Initially, it appeared to make sense to build pipelines to carry gas from highly productive shale formations to areas with little or no gas availability, though many of us were aware this would actually increase the fracking that has been so damaging to water, air and land in communities. The current plans for gas pipelines far outstrip the need for gas supplies in many areas, and probably exceed the supply that would be available from shale formations in the coming years. Along with fracking itself, pipeline leaks are also a major source of methane, a very powerful greenhouse gas, accelerating climate change in recent years!

So, why build? It turns out that pipeline companies such as Piedmont Natural Gas, PSNC and Dominion Energy see this as a very secure source of profits. Now electric utilities like Duke Energy and Dominion are joining the party. As a result of the Federal Energy Regulatory Commission (FERC) approving a large number of projects, pipeline and utility companies can get as high as a 14% rate of return on their pipelines, recovering construction costs *plus* profit from their ratepayers! FERC doesn't do detailed review of the long term need for a pipeline or available supply, so pipeline approvals can force ratepayers to pay for construction costs and profit, even if the pipeline isn't needed!

Why is this critical to North Carolina now?

Eight counties in eastern NC (Northampton, Halifax, Wilson, Nash, Johnston, Sampson, Cumberland, Robeson) are facing the prospect of a huge project, the Atlantic Coast Pipeline, to bring fracked gas from a devastated area of West Virginia through Virginia, to fuel new gas fired power plants, ending in a poor area of Robeson County. These counties include very high percentages of residents of color (African American, Native American and Latino), as well as low income residents. FERC has no criteria for evaluating Environmental Justice impacts on vulnerable communities! CWFNC and our partners will be focusing on the disproportionate impacts a pipeline would cause, while offering no benefits to nearby communities (see new report on EJ and pipelines: *http://bit.ly/EJpipelines*).

Residents would face disruption of land use by pipeline construction and hundreds could face "eminent domain" takings of their land. After pipeline construction, only 18 jobs would be needed for maintaining it. Serious pipeline accidents have actually been *increasing* with recently built pipelines, likely due to hasty construction and lack of oversight. The Atlantic Coast Pipeline could be a particularly extreme example of this. Now delayed by over a year in starting construction by resistance and rerouting in WV and VA, the ACP's owners claim they'll still finish by the 2018 deadline, an unrealistic schedule that will cause more mistakes and shoddy construction. **Get involved with CWFNC to protect impacted communities! Contact ericka@cwfnc.org or 919-401-9600.**

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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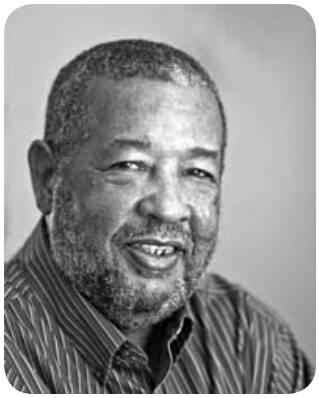


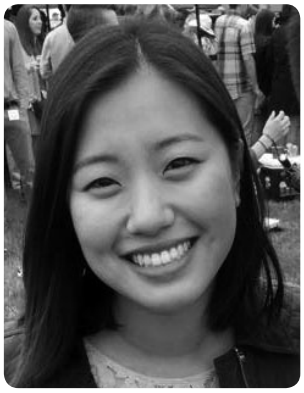
Remembering Isaac Coleman

We lovingly honor Isaac Coleman, who passed away in May after a short battle with cancer, as a friend, admired fellow activist, and generous man who contributed enormously to guiding our organization.

Isaac joined our Board of Directors in 2005 as a seasoned social justice and civil rights activist, and environmental health advocate. His interests in social and environmental justice issues began in his youth in Lexington, KY and continued through his college years in Knoxville, TN and his civil rights work in the 1960s with the Student Non-Violent Coordinating Committee in Mississippi. He moved to Asheville in 1971, where he became deeply involved in environmental health issues, particularly lead contamination in city housing.

Over the years, Isaac's feedback on our programs has always kept us focused on the core of our mission as an environmental *justice* organization. His unique sense of humor and generous spirit will be greatly missed. Gifts in his memory may be made to Read to Succeed, a tutoring program he helped to found, at *http://www.r2sasheville.org/inspired-by-isaac.html*.

Meet Stanback Intern Helena Rhim



Our 2016 Stanback Intern, Helena, is from Fairfax, VA. She is a graduate student at Duke University studying Environmental Management with a concentration in environmental economics and policy. This summer, Helena will research economic impacts and Environmental Justice aspects of the Atlantic Coast Pipeline. She hopes to build connections in the Environmental Justice community and experience working with impacted communities, as preparation for her continued work. It seems only right, she says, to protect and improve the environmental conditions of people living close to polluting sources. In her spare time, Helena volunteers at the Animal Protection Society dog shelter. She speaks English, Korean and Mandarin, and loves cooking authentic Korean dishes.

CWFNC Welcomes Environmental Justice Intern William Barber III

At a critical time for research and organizing on the Environmental Justice aspects of gas pipelines, we are delighted to have William working with us this summer! In 2013, William graduated from NC Central University with a Bachelor's in Environmental Science with a Concentration in Physics, and is working on a law degree at UNC-Chapel Hill. His research ranges from wind energy to innovative photovoltaic technologies.

William served two recent terms as Field Secretary for the North Carolina NAACP State Conference, building youth leadership, organizing college chapters, and strengthening participation in the HKonJ Moral March on Raleigh. In 2014, he was on the state leadership team for the Moral Freedom Summer initiative.

Water Privatizers' Visions of Profit from Fracking Drying Up, Creating Victims

Privatized water companies such as Aqua America and American Water have aggressively expanded from supplying drinking water to seeking to profit from the water-intensive US shale gas boom. As drilling declines, some of these ventures have also fizzled – but not before creating serious injustices for some communities.

In 2012, Aqua America and partner PVR Water Services invested in a pipeline to deliver water to Pennsylvania shale country. With little notice to residents, the landlord of Riverdale Mobile Home Park sold his land to Aqua for a water pumping facility. The low-income residents were forced to leave, but many couldn't afford to move. After the community mobilized to demand justice, Aqua offered each tenant $2500 for moving expenses, a fraction of the true cost of relocating a trailer. Recently, after drilling had slowed down, Aqua and PVR abandoned the pumping station and pipeline! The companies got to write off $63.7 million in costs, but Riverdale residents had permanently lost their neighborhood.

When Rex Energy was finished fracking in part of Butler County, PA, American Water (AW) converted the water pipeline that had served the fracking site to sell drinking water to a nearby residential area, bypassing a lower-income area where water had been contaminated by fracking operations. This failure to serve those who lacked access to clean water illustrates the danger of allowing for-profit companies to control water resources. As recently as 2015, AW remained optimistic about profiting from shale development, boasting that their purchase of a company providing water and wastewater removal service for PA shale operators "ensured a future share of the business in one of the most profitable fracking areas in the U.S."

Aqua NC earlier kept a close eye on water supplies close to NC shale basins, apparently poised to partner with drillers. If gas prices rise and drilling starts, private water companies could try to sell water to gas drilling operations – and they'll be motivated to protect shareholders first, and residents and the public's water resources last.

Is There Hexavalent Chromium in NC's Public Water Systems?

Last year, the NC Department of Health and Human Services (DHHS) warned well users near coal ash dumps with more than 0.07 parts per billion (ppb) hexavalent chromium not to drink their water. This concentration represents a 1 in 1 million increased lifetime cancer risk.

Besides being associated with coal ash, hexavalent chromium can come from other industrial sources; non-toxic forms of chromium can also react with some drinking water disinfectants to create the toxic hexavalent form. Under current - but outdated - federal law, total chromium up to 100 ppb is allowed in drinking water. All of that could be the hexavalent form, leading to an estimated cancer risk of 1 in 700! Thankfully, no NC water supplies are close to that, but some have been found to exceed the DHHS health screening level.

Out of 143 publicly and privately owned supplies tested from 2013-2015 under EPA's Unregulated Contaminant Monitoring Rule, 48 (33%) had an average concentration above 0.07 ppb, but mostly far *below* the highest concentrations detected in wells around coal ash sites. The majority of public water systems (66%), averaged below 0.07 ppb. Private company Aqua NC's Bayleaf Master system in North Raleigh, with a history of water quality violations for other contaminants, had the highest average concentration (0.62 ppb), and some of the highest individual sample results – up to 11 ppb at one well, and 3.1 ppb in the distribution system!

Among NC's ten most populous cities, only Greensboro's water supply averaged - barely - above 0.07 ppb during the 2-year period. Officials there recently identified the cause of the 2014 hexavalent chromium spike that led to the higher average – a specific liming agent they had used to treat the water, which has since been discontinued.

As federal standards for hexavalent chromium and many other substances fail to protect public health, often by factors of hundreds or thousands, CWFNC is advocating for health-based notifications to both private well users *and* public water customers for possibly harmful contaminants, whether there is a standard or not! See how your water supplier's average for compares at *bit.ly/Cr6NC*.

A History of Coal Ash Contamination and Energy Corporations: A Toxic Timeline

For nearly a century, energy utilities have been using coal fired plants to generate electricity in North Carolina and profoundly influencing regulatory and legislative decisions:

- **1926** – Duke finishes construction of NC's first coal fired plant in Rowan County, beginning the era of coal contamination in NC.
- **2007** – Toxic metals in onsite well test data around coal ash pits found in EPA voluntary monitoring well program by CWFNC, SELC and other allies.
- **2008** – Kingston, TN spill releases 1.1 billion gallons of coal ash slurry into neighboring surface waters. Riverkeeper groups nationwide point to seeps and changes in the surface and ground water quality near coal fired facilities.
- **2011** – Duke merges with Progress Energy Inc., creating the nation's largest utility.
- **2013** – 29 year Duke employee and executive Pat McCrory elected 74th Governor of NC, Duke's home state.
- **Feb. 2014** – Spill from Duke's coal ash impoundment near Eden, NC into the Dan River, the third largest coal ash spill in US history. Later that year, NC legislature passes the Coal Ash Management Act, requiring well testing and setting up a Commission to oversee cleanup of coal ash sites.
- **Spring 2015** – NC Department of Environmental Quality (DEQ) begins testing water supply wells within 1500 ft. of coal ash sites. Majority of well owners receive "Do Not Drink" health advisory letters from NC Dept. of Health and Human Services (DHHS).
- **June 2015** – Secret dinner meeting between Duke Energy, Governor McCrory, and state environmental department leaders in the midst of coal ash litigation raise questions.
- **Jan. 2016** – Governor McCrory and former governors win lawsuit against the Coal Ash Management Commission.
- **Jan. 2016** – DEQ releases draft classifications of the NC coal ash impoundments. Thousands of community members speak out during a public comment period on the draft classifications, saying no sites should be low priority and asking for clean water.
- **March 2016** – Governor McCrory disbands the Coal Ash Management Commission, eliminating independent oversight of coal ash management decisions. DEQ and DHHS backtrack on health advisories for hexavalent chromium and vanadium. (Under oath, state epidemiologist Megan Davies acknowledges Duke Energy met with DHHS and DEQ prior to the decision).
- **May 2016** – DEQ releases classifications requiring that all of the state's coal ash basins be excavated by 2024, but asks for legislative change to be able to revisit the classifications in 18 months.
- **May - June 2016** – After discussions with Governor McCrory and a meeting between Senators and Duke CEO Lynn Good, the NC legislature passes House Bill 630, allowing Duke Energy to cap most ash basins in place once replacement drinking water is provided to close neighbors (*see article on page 5*).

Throughout the century-long timeline of coal ash accumulation and mismanagement in NC, the state's energy corporations are omnipresent in environmental and public health policy decisions. Concern about corporate control of NC environmental regulation has further deepened during revelations about Duke Energy's role in the monumental failure to protect public health and the environment from coal ash contamination.

Community Organizes near Cliffside Plant

Cliffside community residents are working to protect their community's drinking water sources and local environment from coal ash. Community leader Roger Hollis has been relentless in advocating for his community. They approached the Cleveland County Water Board to ask for clean water hookups to well users around the Cliffside power plant. At the meeting, they got in touch with WBTV Charlotte. WBTV On Your Side Investigates paid PACE labs to test water from six wells near the Cliffside Steam Station in Cleveland County. The tests showed elevated levels of hexavalent chromium, commonly associated with coal ash, in water wells located up to a mile away from the coal ash ponds.

The test results come just as a bill passed the NC General Assembly that requiring Duke Energy to provide an alternate water supply to residences on well water within a half mile of Duke's coal ash ponds located across the state. As a participating community of the statewide group ACT Against Coal Ash, the Cliffside community continues to advocate for the safest coal ash cleanup methods and safe drinking water for all affected communities. Roger Hollis said on behalf of his neighbors, "We're going to keep voicing our opinion until something gets done."

Communities Outraged by Legislation Giving Duke Energy its Coal Ash Wish List

When the Department of Environmental Quality announced all of NC's coal ash impoundments would be required to be excavated after public hearings in March, Duke Energy promised to fight the classifications tooth and nail.

Meanwhile, the NC Supreme Court had ruled in favor of the Governor in a case which pitted the legislative and executive branches against each other. The Court found the Coal Ash Management Commission and several other commissions unconstitutional. Following the decision, McCrory disbanded the Coal Ash Management Commission, further angering legislators.

When the 2016 short session convened, Representative Chuck McGrady (Henderson Co.) negotiated a bill (SB 71) that would have recreated the Coal Ash Management Commission – with more appointees by the Governor -- and required Duke to provide safe drinking water to well users within ½ mile of ash basins (except those separated by a river). Duke praised the bill, while community members were concerned the new Commission would fail to require full cleanup and safe storage of coal ash.

After Governor McCrory vetoed SB 71 over the Commission issue, Duke CEO Lynn Good met with Senate leaders as they worked on a new "compromise" bill with the Governor. Unsurprisingly, the resulting House Bill 630 gave Duke almost everything they wanted. Eliminating the Commission, it actually requires DEQ to down-rank most sites once neighbors within ½ mile are provided safe drinking water and dam repairs were made. This means ash basins could be capped in place, leaving toxic contaminants to leach into groundwater for decades to come. Impacted communities are outraged at the quick passage of this bill, calling on state leaders to respond to the public, not coddle the nation's largest utility!

Organizing around Roxboro Steam Station

In early 2015, CWFNC staff began talking with residents close to the Roxboro Steam Station in Person County, built in the 1960s as Progress Energy's largest coal fired plant. We were shocked by the closeness of huge piles of coal ash to the backyards in the mostly African-American community. After well testing last year, many residents received "do not drink" letters due to high levels of hexavalent chromium and vanadium, and began receiving bottled water. Linda Jamison, a local leader, has hosted several community meetings, and CWFNC and Appalachian Voices continue to work with residents. Linda and her neighbors are furious about the swift passage of HB 630: "If Governor McCrory signs this bill, he should be out of office. I'm sick of the lies and cover-ups and that no one in government is paying attention to what is really going on in the state."

Health Risk Evaluations for Well Water—Why We Must Fight for Them!

Thousands of NC residents who had never heard of a Health Risk Evaluation, also known as an "HRE" or a "Health Advisory," suddenly learned about them last year during testing of hundreds of water supply wells near coal ash sites. For decades, toxicologists at the Department of Health and Human Services reviewed well testing data sent to them by the NC Public Health Laboratory to determine whether the well owner should be warned about a possible health threat. Rather than using the limited list of federal drinking water standards, toxicologists reviewed the scientific literature for the best information available about dangerous levels of chemicals. Advisories were sent when well test results indicated that drinking water with that contaminant level for 70 years would result in more than a 1 in a million lifetime risk of cancer.

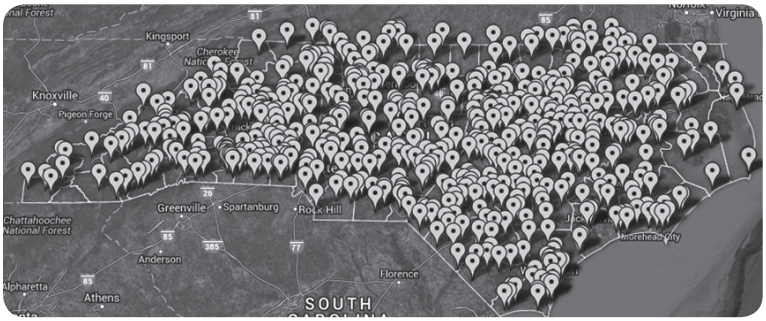
Most of the samples taken from wells near coal ash sites last year had hexavalent chromium or vanadium levels higher than the levels requiring a health advisory, some of them by a factor of more than 100! Duke Energy officials met with DHHS staff last year, saying that advisories should only be sent for wells with contamination higher than federal drinking water standards, knowing aren't any standards for hexavalent chromium and vanadium. In March, DHHS began telling well owners that their water was "safe" after all, and rescinding the advisories. Well owners realized this was a policy decision made to protect Duke Energy from possible legal liabilities for contamination.

CWFNC worked with ACT Against Coal Ash to inform communities of the importance of the health advisories and established a Coal Ash Contamination Relief Fund for folks of limited income who wanted to have their wells sampled. Contact *hope@cwfnc.org* if you know of someone who needs testing. We'll continue to fight to restore the health advisories and make them more informative for well owners.

Hidden Hazards: Old "Pre-Regulatory" Landfills – Is There One Near You?

We create a lot of garbage, and most of it goes into landfills. There are now requirements for construction and maintenance of solid waste landfills, but before 1983, dumps weren't subject to any rules requiring lining, construction standards, or maintenance. 677 of these sites, called "pre-regulatory landfills" (PRLs) are scattered ALL over NC.

Prior to 2008, the burden of cleaning up these old landfills fell to landowners on whose properties they were found. 2008 legislation created a pre-regulatory landfill program within the Division of Waste Management (DWM). Under this program, the state will cover the costs of remediation if the landowner agrees to certain terms for testing groundwater, testing for methane, possible land use restrictions, etc.



Pre-regulatory landfills are widespread across North Carolina

Any skin contact from contaminated soils can be hazardous, and some PRLs are next to parks, or even under residential neighborhoods. A resident in Fairview, Buncombe County reports that people used to ride their all terrain vehicles over an old landfill, unaware of how the property had been used.

Is there an old dump near you? You can check here: *http://bit.ly/preregdump*. If there is, you can contact DWM to find out the status for remediation, and take steps to ensure that local planners are aware of the site and that signage is posted to let neighbors know. These sites are remediated one by one as DWM works through a long list. When remediation is planned, nearby residents have an opportunity to weigh in on the plan, and can ask questions about the types of contaminants to be tested for, long-term plans for monitoring, and potential threats from toxic vapors intruding into nearby homes.

Western NC Drought - Household and Community Responses

During any stage of drought, residents are encouraged to refrain from nonessential uses of water. You can check the drought status of your region at ncdrought.org. While central and eastern NC have been experiencing unusually high rainfalls this spring and summer, parts of western NC have been in moderate to severe drought.

Impending drought (abnormally dry) - Residents should review their utility's Water Shortage Response Plan, required of every water supplier, to be sure they know how to adjust their usage.

Moderate drought - At this stage, residents should obey local water use restrictions while local water suppliers complete a ninety day projection of water needs and availability. The inspection of all household plumbing for leaks can ensure that as little water is lost as possible. Well owners should proactively reduce their usage to prevent accelerating a drop in groundwater levels.

S**evere drought** - Communities must execute a Water Shortage Response Plan outlining the steps to reduce non-essential water use. To minimize water loss and maximize conservation and efficiency, residents should inspect household plumbing, and incorporate water reuse into household routines. On the community level, water/wastewater operators can incorporate water reclamation. Often in this stage, well water levels become noticeably depressed and pumping must be restricted or even stopped.

Drought can seriously impact households, businesses, infrastructure,and ecosystems. Below-average precipitation and/or abnormally high temperatures can cause drought conditions within a matter of weeks, as happened dramatically in 2007. With climate change, anticipated longer periods of high temperatures will increase the rate of evaporation from reservoirs, as well as from crops needing irrigation, and in operation of power plants and factories. This increases the risk that drought will cause not only inconveniences, but health threats, power outages and economic damage. The National Climatic Data Center determined 2015 to be the hottest year on record since 1880. Droughts stress water systems experiencing aging infrastructure and population growth, increasing the chance of pipe failures and loss of water at critical times, so it's important for public water customers to support adequate funding for ongoing maintenance—it's too late to fix problems when water is already scarce.

Clean Water for North Carolina

Thanks to Our Generous Foundations and Major Donors!

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As a part of the Asheville Greenworks Youth Environmental Leadership Program (YELP) four 2016 High School graduates with an interest in environmental studies shadowed CWFNC's work for three days, engaging in local environmental justice issues, NC environmental policy, and educational outreach. The interns visited the CTS Superfund site and the Asheville power plant at Lake Julian. Asheville power plant neighbor, Jeri Cruz-Segarra spoke to the students about the action that her community has taken in response to contaminated drinking water wells. It has been a pleasure for CWFNC to work with the passionate Asheville Greenworks YELP group.

WNCN's 3 Degree Guarantee and Allen Kelly & Co. present $2,200 check to Clean Water for NC!

Thank you to our new & renewing members!

Bill & Jane Berry, Kimberly Lillig, Peter & Barbara Cullen, Mitchell Jackson, Dennis Gershowitz, Steve Schewel & Lao Robert, Marshall Tyler & Alix Hitchcock, Susan Delaney (in honor of Jim Hunter), Suzi Berl, Martin & Margaret Kane, Ken & Betsy Schapira, Ray Hearne, Richard & Barbara LaDew, Lucy Christopher, Reg Tucker, Lynn Kohn, Bill & Edie McKellar, Janet Benway (in honor of Joan Lemire), Jennifer McGovern & Steve Unruhe, Anne Craig, Charles Stohr & Donna Johnston, Ken Moore, Heather Rayburn (in memory of Isaac Coleman), Alan & Laurie LaMoreaux, Lawrence Gilbert, Tom Heffner, Richard Nolan, Dr. & Mrs. Lewis Patrie, Paul Smith & Judy Futch, Beatrice Miller, Bill Holman, Mr. & Mrs. David B. Neal, Deborah Graham (coal ash relief fund - in honor of Amy Brown), Daniel Graham, Dale Weston (coal ash relief fund), Susan Taylor, Margaret Averyt, Stephanie & Bill Whitesides, Roger & Carolyn Sprinkle, Sarah Dwyer, Katherine Sparrow, Faye Pilgrim

Special thanks to members of our SteadyFlow Recurring Gift Program: Valerie Blanchette, Theresa Lanning*, T. Butler*, Stan Coleman, Gayle Tuch, Henry Bruns, Deborah Long, Robin Olmes*, Anna Baucom, Linda & George Thompson, Jane Richardson

***Supporters of the Frack Free NC Alliance** *(Clean Water for NC is the "fiscal agent" for this Alliance).*

Want to join Clean Water for NC (or renew your membership)? Visit *cwfnc.org/donate*, or make your check payable to: Clean Water for North Carolina, and mail to: 29 1/2 Page Avenue, Asheville, NC 28801

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Save the Date for Clean Water for NC's Annual Meeting:

"Stepping up Efforts for Water Justice and a Safe Energy Future"

Saturday, September 17th

Details coming soon!

Retool NC's Energy Economy to Promote Justice, Prevent Pollution!

As part of his March presentations on environmental, health and climate damage caused by fracking, Dr. Tony Ingraffea of Cornell introduced the work of the Solutions Project, a campaign to bring 100% renewable energy to every state by 2050, each with a customized plan. About 40% of our energy is currently wasted by fossil fuel use. Relying solely on renewable energy, we'd be far more efficient! For NC, an ideal mix would include 50% offshore wind energy, and 5% onshore wind. Reaching this goal will take policy changes, as our legislature has ended state incentives and quashed onshore and offshore wind energy, supposedly to protect military flights.

26.5% of our energy should come from solar farms, according to Solutions Project researchers, and 6% from rooftop solar panels. 5% should come from Concentrating Solar Power stations, using mirrors to concentrate solar energy to drive steam turbines.

4% of our energy could come from commercial or government rooftop solar panels, 2.7% produced hydroelectrically and 0.8% from wave devices. Substantial cost-effective and job-creating energy savings will come from efficiency upgrades for homes and businesses. These are all technically and economically achievable long *before* 2050, ensuring a 100% clean energy future! Visit t*hesolutionsproject.org*.