



Clean Water for North Carolina

Clean Currents

Winter 2015-2016

A newsletter of clean water and community environmental justice issues

Coal Ash: Communities Unify to Hold Duke Energy Accountable



*The Alliance of Carolinians Together (A.C.T.) Against Coal Ash formed after a statewide summit in July in Stokes County, bringing together communities near the hazards of coal ash dumps throughout the state, and those threatened by new coal ash dumps in Lee and Chatham Counties. This fall, folks gathered at the General Assembly to inform state leaders and the press that their alliance is **statewide, unified, and here to stay!** (Photo by Onté Johnson, NC WARN)*

Up roar Over State's "Sweetheart" Settlement with Duke Energy on Coal Ash

Recently, Duke Energy has been fined for a number of environmental and civil violations associated with its coal-fired power plants. The company paid \$102 million in federal fines earlier this year, the largest environmental fine in NC history. They've also paid \$81 million in an Ohio lawsuit and \$1.75 million in an Indiana civil penalty for air violations.

But in NC, the company wriggled its way out of a \$25 million state fine issued by the Department of Environmental Quality (DEQ, formerly DENR) for contamination at the Sutton power plant. Following Duke's legal challenge, DEQ agreed to slash the initial fine to just \$7 million, split between all 14 coal

ash locations—only \$500,000 per site. \$500,000 in fines for the Sutton violations is just 2% of the original \$25 million fine. Worse, DEQ granted Duke amnesty for past, present and future violations at its coal ash dumps across the state!

This settlement has led to statewide uproar from both residents and advocates, who are calling it a "sweetheart deal" and "total surrender and collapse" by DEQ. The Southern Environmental Law Center (SELC) is challenging the decision, and Clean Water for NC stands in solidarity with communities in opposing this settlement, a mockery of polluter accountability in NC!

CWFNC Reaches Out to Communities Impacted by Coal Ash

As DEQ sends letters to well owners around coal ash sites across the state about groundwater contaminants, Duke Energy continues to spin the story to deflect any appearance of liability for contamination the company's leaking ash dumps may have caused. Confusing communications from DEQ and Duke Energy have only increased residents' anger and search for reliable information.

To find out what conditions are like for residents around coal ash dumps, CWFNC talked door to door with folks within 1,500 feet of ash dumps around the Asheville Steam Station in Buncombe County, the retired Weatherspoon coal plant near Lumberton (Robeson County) and the dumps for the huge Roxboro and Mayo steam stations in Person County. Community impacts varied widely from site to site,

with many reports of well contamination and blowing dust in the mostly African American population around the Roxboro ash dump. Near the Weatherspoon dump, by contrast, with no signs of blowing dust and nearly all households on public water, there's a general lack of concern in this low-income, diverse population. In Buncombe Co., the biggest concerns are impacts from the transport of ash from existing dumps to a structural fill project nearby. Several impacted communities are hosting local organizing meetings, and many will participate in the statewide Nov. 14th ACT Against Coal Ash meeting in Sanford, near where lower income areas are being forced to accept new dumps for millions of tons of coal ash from across NC.

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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Belinda Joyner, Northeast Organizer

Welcome to Xavier Boatright!

In September, Xavier Boatright joined CWFNC's Asheville office as our new Environmental Justice Organizer & Researcher. Xavier is originally from Manning, South Carolina and holds a Bachelors degree in Biology from Presbyterian College. A student athlete, Xavier spent four years as a defensive tackle/end on the Presbyterian football team, and then had the opportunity to spend time in the NFL with both the Washington Redskins and the Detroit Lions. While at Presbyterian, Xavier and other students participated in a onetime Civil Rights Maymester, walking in the footsteps of many civil rights leaders all throughout the south. He has spent six years doing outreach to underprivileged and emotionally challenged youth as a summer mentor and recruitment director. Most recently, Xavier has worked for UPS and in the Henderson County public schools. Xavier will use his combined experiences and skills to contribute to CWFNC's outreach to vulnerable communities and research on EJ issues throughout NC. In his free time, Xavier likes to hike, enjoy nature, and spend time with his younger brother (Aarron) and mother (Vanessa). Welcome, Xavier!



Worst Legislative Session in Decades for NC's Health and Environment!

Despite strong public opposition, the 2015 NC General Assembly passed House Bill 765, the "Polluter Protection Act," leaving NC communities with fewer protections than ever against toxic contamination of air and water, and further undermining accountability for corporate polluters. After a long wait with sustained public outcry, Governor McCrory signed the bill confirming the legislative will to shield polluting industry from enforcement of environmental regulations by simply doing self audits. Check how your Representative voted on House Bill 765 at j.mp/h765vote. Be sure to thank them if they voted against the bill, or let them know you know what the bill really does, despite cynically misleading statements claiming it would save taxpayers money and increase regulatory effectiveness.

In the last few minutes of a legislative session that closed at 4:00 AM, a few pro-fracking legislators inserted a provision into a "technical corrections" bill, Senate Bill 119, to further restrict local governments from regulating fracking in their communities! These legislators broke their own procedural rules and hid this bad policy even from their Republican colleagues. Several legislators, including Representative Bryan Holloway (R-Stokes), said they wouldn't have voted for the bill if they'd known the provision was there. In spite of the new law, local governments in Lee, Stokes and other counties have continued to move forward with plans for a moratorium on fracking, with strong public support to "face the bully" and stand up for their citizens! (See page 5 for more on local ordinances on fracking).

Drinking Water & Water Privatization

Rate Hikes without Hearings: the Latest Injustice for Private Water Customers

Across the country, for-profit water companies are lobbying to relax state laws protecting customers' rights to have input in water rate decisions. In 2013, NC lawmakers caved to industry pressure, voting unanimously to give for-profit water and sewer utilities the ability to add surcharges to customer bills every six months without public hearings.

Last year, the NC Utilities Commission gave the go-ahead to the state's two biggest private water utilities, Aqua NC and Utilities Inc. Attorney General Roy Cooper unsuccessfully appealed to the state Supreme Court, pointing out that "decent water is a necessity and not a luxury," and that it should be harder, not easier, to raise customer rates if the service isn't good.

Aqua NC charges some of the steepest bills in the state, yet customers often describe poor service and water quality issues, pointing to chronic negligence of

important maintenance. Profitable companies like Aqua should not need additional incentives to make the routine investments that are some of their primary duties as water and sewer providers! In reality, these surcharges let companies push the risk of investing in pipes, meters and tanks from shareholders onto residential ratepayers, many of whom struggle to keep up with rising bills, while cutting residents out of the decision-making process.

In September, Virginia regulators decided against blanket rules to allow these surcharges. More than 400 customers and elected officials commented on the rulemaking process, and VA regulators listened. NC residents should be encouraged that a large, organized public outcry can make a difference, and challenge NC officials to take a page out of VA's book and look out for our rights to affordable water and sewer service, not corporate bottom lines!

The Injustice of Aqua North Carolina's Sewer Shutoff Policy

Most of us take the ability to flush the toilet for granted, but like any utility service, sewer service can occasionally be cut off to residences with unpaid bills. Typically, municipally-owned sewer customers whose service is shut off for nonpayment must pay a reconnect fee, in some cases a delinquency fee, and any back bills owed. For example, a customer of Charlotte Water is charged a \$58 delinquency fee, and then a \$39 reconnect fee, totaling less than \$100. Some water departments even have a fund customers can contribute to which helps others in the community who struggle to pay.

In contrast, a sewer customer of private, for-profit company Aqua NC could end up owing as much as

\$1000 or more to get their sewer service turned back on! How could there be such a large discrepancy between publically and privately owned systems?

One of the primary driving factors is a \$650 charge to install a device that prevents the resident from flushing the toilets without waste backing up into their home—a big threat to residents' health! Aqua NC has said publicly that the charge for that installation may run as high as \$2000, and the Utilities Commission allows this full cost to be passed on to the customer! It's easy to see how a customer who had trouble paying their regular bill would find these charges insurmountable. For more details about this awful injustice, go to cwfn.org/water-justice.

Court of Appeals Rules Against Asheville in Water Case: Another Blow to Local Control!

In October, the NC Court of Appeals ruled against the City of Asheville in a dispute over the constitutionality of a 2013 state law transferring the City's water system to a regional authority with no compensation, reversing a Wake County Superior Court decision.

Along with local activists, CWFNC was an early opponent of the transfer. Ignoring local voices, the legislation took the system from the hands of elected government officials and gave it to an appointed body, which we feared could lead to a decrease in public accountability. Worse, the heavy-handed decision by lawmakers did not

bode well for other communities' control of their water systems; dozens of municipal and county governments across the state opposed it in fear that state leaders might intervene in the governance of their water next.

Asheville's leaders have agreed to challenge the decision, but the unanimous ruling of the 3-judge Court of Appeals panel makes it uncertain whether the Supreme Court will hear their appeal. If it stands, this court decision sets a very bad precedent and represents one more attack by the General Assembly on the powers of local governments.



CWFNC's 2015 Annual Meeting

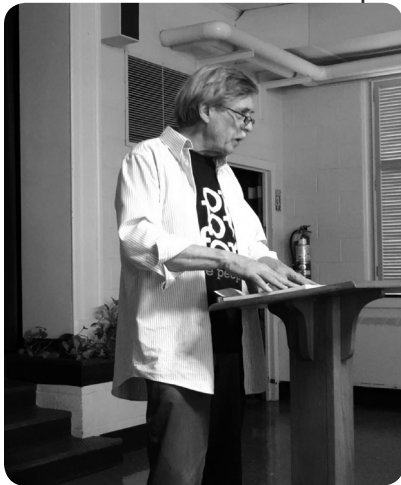
Uniting Community Voices for Healthy Water, Democracy and Justice

On September 19th, Clean Water for NC hosted our 31st Annual Meeting in Greensboro, featuring speakers on the impacts of coal ash, the link between voting rights and Environmental Justice, indigenous NC communities facing threats, and the fight for water rights in Detroit. **Hope Taylor** opened the meeting by celebrating the role of collaborative grassroots action in reining in the “rush to frack” for gas in North Carolina. In the past 2 years, growing public understanding and weaker economic prospects for natural gas helped to reveal the hypocrisy of state legislators willing to strangle local health and safety controls, and sell their votes for campaign support from industry.

Tracey Edwards spoke movingly, as she held up an image of her mother's gravesite: “I used to visit my mother every day. Now this is where I have to visit her.” Tracey and her mother had experienced a range of health effects that could be due to living downwind of the huge coal ash dumps at the Duke Energy Belews Creek coal fired power plant. She and her mother worked together to reach out to their community about long term respiratory, neurological and skin problems that may be associated with coal ash exposure, in addition to toxins leaching from the dumps into groundwater. Tracey is working with a team of activists and health professionals to create a “health registry” for her area.



Tracey Edwards



Bob Hall

participation in every election is, down to the most local level, for protecting environmental health, safety and quality of life. Any move that decreases participation in elections makes preventing environmental injustices

even harder, so fighting back against new laws that limit participation is part of what Environmental Justice advocates need to be doing!

Ericka Faircloth, of CWFNC's Durham office, told how NC indigenous communities have to fight environmental injustices such as concentrated livestock operations, gas pipelines, coal ash dumps and fracking in some locations. From western NC to the coast, indigenous groups are working to preserve cultures that are older than the state itself, as they protect their environmental health.



Ericka Faircloth

DeMeeko Williams, an activist with the Detroit Water Brigade, which provides water to residents whose service has been cut off, spoke about the impact on thousands of residents in Detroit have faced step rate increases, and shut offs. The bankrupt city was forced under the control of unelected managers who made bad deals with corporations for control of the public water supply. Instead of working to keep water affordable and allowing shut offs of large businesses who make up the



DeMeeko Williams

majority of the unpaid accounts, the city water managers focused on shutting off residential accounts, with severe consequences for people's health and quality of life. The Detroit Water Brigade is part of a growing network of organizations organizing to reclaim public control of the water system.

Katie Hicks, CWFNC Associate Director, wrapped up with accounts of how water and sewer privatization by several companies have become more entrenched across the state. To make matters worse, the resulting

high rates, poor water quality and unresponsive service are disproportionately impacting communities of color and lower income. Clean Water for NC is building the network of customers willing to speak out against such injustices and developing tools for them to increase power to protect their right to safe, affordable water!



Hydraulic Fracturing & Environmental Justice

Celebrating Environmental Justice Leaders in Rocky Mount!

In October, as part of the largest statewide EJ Summit ever held, over 200 participants from across the state spent an evening celebrating Steve Wing's decades of service through cutting edge environmental health research, outstanding mentoring of dozens of young scientists and collaboration with community health activists. Dr. Wing, a founder of the EJ Network, and a professor of Epidemiology at UNC's Public Health School, was diagnosed with terminal cancer about a year ago, but has continued organize with the Network and communities facing a range of environmental health threats. In addition to risk-taking research that challenges corporate interests in NC, Steve has studied the impact of uranium mining on indigenous miners in Australia and at other international sites. If you would like to make a gift to support the work of the NC EJ Network in honor of Steve and his commitment to justice, please send it to *NCEJN*, P.O.



Dr. Steve Wing, a long-time champion of Environmental Justice

Box 68, Rocky Mount, NC 27802.

The Summit, held each October at the Historic Franklinton Center at Bricks (north of Rock Mount), continued the next day with sessions on Energy Justice, International Labor and Industrial Livestock Operations. At lunch, Belinda Joyner, Clean Water for NC's Northeast Organizer, was presented with the

Community Resilience Award, in honor of many years of effective organizing and activism with the Concerned Citizens of Northampton County and beyond! We're very proud of Belinda and all she's accomplished, both on her own initiative and working with Clean Water for NC!



CWFNC organizer & community activist Belinda Joyner accepting her award with Northampton County allies

Wave of Local Governments Passing Local Protections Against Fracking Grows

North Carolina is not a "home rule" state like New York, with a constitutional guarantee of the right to pass and enforce local protective ordinances. While NC local governments can pass ordinances to protect against harmful activities, there's no guarantee that they won't be pre-empted by statewide regulation.

The state's first ordinance on fracking, passed in 2011 by the City of Creedmoor, was an outright ban, but there hasn't yet been a legal challenge. As pointed out by Mayor Darryl Moss of Creedmoor, a local government passing a protective ordinance is exercising a right of local officials to protect their population and resources. The City of Bakersville, in Mitchell County, also banned fracking in 2013.

Senate Bill 820, passed by the state legislature in 2012, legalized fracking and horizontal drilling, and expressly disallowed any local ordinance that banned fracking outright. In May 2013, after consultation with the Duke Environmental Law and Policy Clinic, Anson County passed the state's first "moratorium," or temporary ban on gas fracking, creating a 3 year period for further regulatory development after the state finalized its regulations.

In 2014, the General Assembly passed the next in its series of "rush to frack" bills, Senate Bill 786, which pre-approved regulations still undergoing public comment, and set a mechanism for the Mining and Energy Commission to preempt or overturn local regulations on fracking. Despite weak oil and gas rules approved by the state legislature and this preemption mechanism, several counties continued working on local protections. Multi-year moratoria on fracking were passed in 2015 by Chatham and Stokes County Commissions, and most recently in the town of Walnut Cove (many towns are NOT covered by county-wide ordinances).

Despite language threatening local ordinances inserted at the last minute in SB 119 this year, the number of counties and towns quietly or openly considering moratoria on fracking or other approaches to protect communities continues to grow. In the meantime, CWFNC's complaint against the Oil and Gas Commission, filed in May, has been updated to include conflicts of interest by Oil and Gas Commissioners who would act as judges in deciding about overturning local ordinances. The fireworks could begin next month, as soon as the NC Supreme Court decides on a case challenging legislative appointees to various commissions.



Polluter Accountability

“Donut Hole” Neighborhoods in Raleigh Motivate Wake County Policy for Affordable Water Supply

Three years ago, the working class neighborhoods of Trawick Dale and Colewood Acres, surrounded by, but not incorporated in, Raleigh, learned that some household wells they had depended on for decades for drinking water were contaminated with pesticides. There was no “smoking gun” pointing to a responsible party, and water quality officials agreed the contamination could have come from multiple unidentified sources. But the cost of annexing into the City or paying “up front” for water line construction through their neighborhoods was far more than residents could afford, and no grants were available.

After extensive outreach to neighbors and many



Wake Commissioner James West

meetings with County officials, a proposal developed that would allow the County to apply for low interest loans to construct water lines and recoup the costs through property assessments. Last year, Clean Water for NC presented its “Persistence and Principled Action” Award to the Leadership Team for the neighborhoods in admiration of their efforts. In June, the Wake County Commission, now chaired by James West, who had worked hard to support safe, affordable water for the neighborhoods, enthusiastically approved the new policy for affordable financing. Three cheers for what persistent local leadership and committed elected officials can do, not just for their own neighborhood, but for others with contaminated wells throughout the county.

Proposed Chicken Processing Plant Threatens Rural Robeson County

Sanderson Farms, a large scale chicken processing plant, has plans to build a new plant in Saint Pauls, Robeson County, NC. Residents are concerned because the plant will be built “in the worst possible location in the site will be built between 3 swamps that run into the Lumber River; the river is classified as a Blackwater “Natural and Scenic River.” The river is very important to the residents, as a total of 429 Indigenous archeological sites have been recorded along the river, and it is used as a resource for many who hunt and fish in the area.

Wastewater sprayed into fields by Sanderson Farms could impact the local groundwater. Heavy truck traffic is also a hot topic among the locals who live in rural areas where county governments are not equipped with tax dollars to fix the roads that heavy truck traffic can degrade or destroy. Many questions are still left unanswered by residents, like how the large amounts of chicken waste will be disposed of. Groundwater pollution in this area could impact the drinking water of well users living near the swamps.

For more on what Robeson County residents are doing to organize against this new polluter, see page 8!

Public Comments Drive Polluter to Clean Up More Toxic Mess, NOW in Buncombe Co.

The amount of toxins in soil and groundwater at the CTS Superfund toxic site south of Asheville will soon be drastically reduced under a cleanup plan set to begin next year. The plan, which is just one step in a longer site-wide remediation for the former electroplating facility, involves electrical resistance heating - literally boiling groundwater and capturing volatile toxic chemicals for disposal!

Speaking of boiling, the public pressure on the Environmental Protection Agency and the polluter, CTS Corporation, has really “heated up” this fall, with public comments looking likely to succeed in getting a larger area of dangerous contaminants treated at this stage, rather than leaving them in the ground to continue migrating off site and affecting neighbors’ health.

YOU can write a quick email to EPA by November 29 to be part of the push to address contamination at this site which has plagued the Arden community for years. Email zeller.craig@epa.gov by November 29 and ask for the treatment area to be expanded!



Clean Water for North Carolina

Thanks to Our Generous Foundations and Major Donors!

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Thank You to Our Recent New & Renewing Members:

Deane & Sandy Irving, Dick Bierly, Ruth Jones, Lucy Christopher, Mary Kerley, Tom Rothrock, Jo Ellen Wade & Carol Diamond, Bill & Stephanie Whitesides, Susan & Tebbe Davis, Judith Snyderman, John Runkle, Janet Smith, Sally Hirsh, John Wagner, Paul Taylor, Nydia Morales, Working Films, Robert & Irma Howarth, Phyllis & Richard Stiles, David Neal, Maria-Luise & John Rager, James & Patsy Abell, Steve Gurley, Rosemary Thorn, Leah Karpen, Elizabeth Holsten, Dr. Daniel Graham, Pat Tompkins, George & Judy Cooper, Rosalyn Fielding, Kyle Dalton, Allison Kinghorn, Robert Bland, Cheryl Angel

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Volunteer of the Month: John Wagner

Special thanks to John Wagner, a Chatham County resident and activist involved in many grassroots organizations, including CWFNC, Chatham Citizens Against Coal Ash Dump and the Frack Free NC Alliance. Most recently, he helped with the Robeson County Environmental Summit (see page 8) and a Nov. 7 FrackFree NC Strategy Session; both events



John Wagner. Photo by Martha Girolami

were a big success! He also spoke about fracking & coal ash in Chatham County at our September annual meeting. John's passion and creative ideas and insights contribute a lot to local and statewide organizing for environmental justice. Thanks, John!

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

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



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Environmental Summit in Robeson County Kicks Off Organizing on AC Pipeline, Coal Ash, Sanderson Farms



Attendees listened to Reggie Brewer giving a prayer before the summit.

On November 3rd, Robeson County held its first “environmental summit,” hosted by Clean Water for NC, the Center for Community Action, the Winyah Rivers Foundation, NC WARN, the Blue Ridge Environmental Defense League (BREDL) and a number of local American Indian (Lumbee) leaders. The summit was held in Pembroke, a town with 89% American Indian residents, in the heart of one of NC’s lowest income and most diverse counties. After a welcome message, an American Indian Pembroke resident led the summit with a prayer. Coal ash and looming livestock operations at Sanderson Farms were each discussed, but the Atlantic Coast Pipeline, which would terminate in Lumberton, raised the most concerns. Cary Rodgers of BREDL spoke about gas pipeline dangers, emphasizing a widely held concern of pipeline watchdogs: “it’s not IF the pipeline will leak, it’s WHEN.”

Special thanks go to Layla Locklear, Kim Pevia & Charly Lowry for their extensive help with logistics and promotion of the event! Follow-up meetings are already being planned on the pipeline and Sanderson Farms, and many participants signed up to stay informed about fracking and gas development in the area. To get involved, please contact Ericka at 919-401-9600 or ericka@cwfn.org.