



Clean Water for North Carolina

Clean Currents

Spring 2013

A newsletter of clean water and community environmental justice issues

NC Legislature Treads Dangerous Ground for NC Waters and Communities

The trend toward legislation that promotes the private sector at the expense of public interest has only accelerated with the General Assembly session that opened in January of 2013. The threats to our democracy and social justice are deeper than they have been for decades—voter rights, health care, unemployment benefits and the environment are being degraded sharply. Here are some key bills with implications for NC's environment, health, communities and democracy!

Senate Bill 76: "Domestic Energy and Jobs Act"

This is the "done deal" fracking bill that we thought all of our advocacy and some careful compromises on Senate Bill 820 last year had helped to prevent. It passed the Senate by a wide margin and is now in the House, where there is some resistance and concern. Contact your Representative quickly—you can make a big difference on this bill! (see www.cwfnc.org for more details)

SB 76 would directly or indirectly break a number of promises that were made to the public and House members last year. Ask your Representative to keep their promises, including:

1. That the legislature would get a chance, after regulations are developed by late October 2014, to decide whether NC was ready to go ahead and issue fracking permits. Instead, SB 76 sets March, 2015 as a start date for permitting, in essence "pre-approving" the regulations, no matter how inadequate they are, as well as agency staffing/funding.
2. That underground injection of oil and gas wastes would NOT be allowed in NC if fracking is allowed—it was actually taken OUT of last year's bill! Instead, SB 76 would allow deep injection, with no limitation on where it could happen (most likely in coastal counties, we understand) and possibly no way to keep out of state wastes out, either!
3. That consumer/landowner protections were going to be a key part of regulations. Instead, SB 76 would shut down a long-standing registry to be sure that "landmen" were on record and couldn't scam folks out of mineral rights with no consequences!

Senate Bill 10: "Government Reorganization and Efficiency Act"

Senate Bill 10 would clean out membership of key regulatory commissions, including the Environmental

Management Commission, as well as judgeships. It would remove long-standing members with expertise in key areas to make room for House and Senate leadership and Gov. McCrory to put in far more business/industry friendly members. This bill passed both chambers with some minor differences to be resolved. The implications for statewide policy making, with greatly reduced requirements for knowledge of appointees and weakened conflict of interest requirements, are devastating. SB 10 sets a sobering precedent for overreaching one-party governance.

Senate Bill 207: "An act to protect the fiscal health of NC water and sewer systems"

This bill would give the Local Government Commission authority to assume full control of any public water/sewer system that loses money 3 years in a row. While mechanisms are already in place letting this commission take over local governments with fiscal failures, language in this bill would specifically give the Commission the authority to transfer the ownership of water/sewer systems – a power that could lead to privatization in the wrong hands. We're also watching for a bill that would set a precedent for forced regionalization and transfers of municipal systems from one entity to another, starting with Asheville – stay tuned.

House Bill 136: "Bernard Allen Fund Modifications"

The Bernard Allen Fund was created in 2006 to provide replacement safe water supply to low income residents with contaminated wells, as well as testing of wells when contamination is suspected. The Fund gets only \$400,000 annually, so the proposed \$100,000, about 1/4 of the Fund, seems excessive. We strongly support changes that would 1) prioritize artificial contamination over natural contamination for replacement water, and 2) require matching for water line extension projects only for 10 or more residences impacted, rather than each individual residence. However, raising that the household limit for spending is being raised to \$50,000 from the current \$10,000 could lead to wasteful usage so this small Fund would serve fewer residents. We propose that an increase to \$20,000 per household would allow more folks on contaminated wells to be hooked to a public water system.

Visit www.cwfnc.org to find out how to contact your legislators with your concerns about these bills!

WHO WE ARE

Clean Water for North Carolina

Clean Water for North Carolina is a private, non-profit organization based in Asheville, NC. CWFNC works to ensure that all people have a right to live, work, and play in clean and safe communities. Together, we have the power and responsibility to work for a healthy and sustainable environment. Our staff works with an active and diverse board of directors, as well as, members to increase grassroots involvement in environmental decisions.

CWFNC spearheads action statewide and helps grassroots and environmental groups, individuals, and local governments develop strategies to address threats to the environment.

Our Mission

Clean Water for North Carolina promotes clean, safe water and environments and empowered, just communities for all North Carolinians through organizing, education, advocacy, and technical assistance.

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Belinda Joyner, Northeast Organizer

CWFNC Welcomes Grant Mincy, CWFNC's New Energy and Environmental Justice Organizer!



We're pleased to introduce Grant Mincy who comes to us with a diverse background in geology, conservation research, and national service with AmeriCorps. Grant is a Knoxville, Tennessee native who studied environmental geology at the University of Tennessee. After graduating he began his work with the Washington Conservation Corps where he spent time working on a number of conservation projects including building trails, bridges, and soil sampling. Over the years he's taken an interest in policy, energy, and activism on impacts from mountaintop removal. In fact, his graduate research focused on the

impacts of strip mining on the health of freshwater mussels which are filter feeders, thus, good indicators of water quality and stream health. Through activist work in coal communities and first-hand experience in disaster relief in Louisiana following Hurricane Ike, Grant has also been involved in environmental justice issues.

Grant looks forward to analyzing NC's policy regarding the Utilities Commission and increasing public participation in energy related hearings, including energy planning for NC's future. When dealing with such issues, he notes that focusing on the science, while worthwhile, is not enough. What often makes the biggest difference is engaging the public for key action. Grant will also be working on fracking policy developments and presenting at outreach events at colleges and other locations in western North Carolina.

Forward on Climate Rally!

On February 17th CWFNC joined North Carolinians who piled onto buses departing from Asheville, Chapel Hill, Charlotte, Durham and Raleigh to join tens of thousands of activists in Washington DC from across the nation and Canada for the largest climate rally in US history. We urged the Obama Administration to take climate science and fossil energy dependence seriously and take long overdue action. Over 40,000 folks rallied to call on Pres. Obama to reject the Keystone XL pipeline and to move beyond coal and natural gas, calling attention to devastating storms, freshwater shortages, community and ecosystem destruction and the environmental injustices of our fossil fuel based economy. We are honored to have been there!



Drinking Water & Water Privatization

Will State Lawmakers Take Control of Local Water Systems?

Soon, the NC General Assembly may pass unprecedented legislation forcing a municipality, the City of Asheville, to transfer its water system to a regional authority. The move ignores 86% of City residents who voted against the transfer in a referendum last fall, and leaves local officials completely out of the final decision. Now, local governments across NC fear lawmakers may target their water or sewer systems next. The NC League of Municipalities has made it a priority to oppose this interference in local water decisions by state lawmakers.

As towns and cities fight to maintain local control of these vital public services, we're reminded of the reasons CWFNC supports public, locally-controlled water and sewer in the first place:

- Local elected public officials are accountable to water customers, who can weigh in with votes on those officials.
- Local leaders are more likely to ask for public input. Asheville's referendum last November is one

example. Many cities and towns have multiple ways to get customer feedback on decisions affecting water (Sacramento, CA, for example, holds frequent public meetings to ask for their customers' input on every aspect of operating the water system, from how to address aging pipes, pumps and treatment plants to compliance with stricter water quality regulations).

Water system operators face tough decisions about raising rates, repairing aging pipes, etc. Local governments have a clearer picture of local needs and priorities than state-level officials or private companies. (It may be harder for local governments to make needed investments and upgrades, with the threat of legislative transfer hanging over their heads!)

As of March, 45 towns and cities have passed a resolution opposing legislative transfers like the one that could soon affect Asheville. Is yours on the list? Find out at <http://saveourwaterwnc.com/> and if not, consider writing to your local officials and asking them to support such a resolution!

NC's Triassic Basins and Why NC's Waters are More at Risk From Fracking

The Dan River and Deep River basins of NC (figure) formed in response to shifting of the earth's surface plates during the late Triassic geologic period. These gas-containing shale basins are shallow, discontinuous, fractured and narrow compared to other major shale formations. Structurally, the gas bearing formations of NC are rather different from the Marcellus Shale, or the Wind River formation of Pavillion, WY. The NC basins are actually more complex for several reasons. In the Deep River basin, some of the gas source rock is actually coal, not shale. More importantly, the formation is also very shallow (less than 3,000 feet below the surface), meaning it's close to the groundwater, so movement of toxic volatile organic compounds from the shale like benzene, as well as heavy metals and radioactive materials could more easily intrude on freshwater reservoirs used for well water.

Prehistoric volcanic activity in the NC basins has created dikes (rock formations that cut across preexisting rock) that are oriented perpendicular to faults in the region, which can also lead to easier migration of contaminants. NC's shale basins have numerous fractures and faults that can interconnect, allowing fluids and shale contaminants to move to groundwater, too, and these features may even be widened or disturbed by the fracking process itself.

As the southeast is already a land imperiled, the high population density in the areas where fracking could occur, the risks of groundwater contamination, toxic air emissions and industrialization for gas development make this an environmental justice issue worthy of strong public engagement.



Figure - Map of NC, Showing the Triassic basins and sub-basins from the 2006 NC Geological Survey



Community Updates

More Contamination found at old Superfund Site-- Community Responds

Swannanoa, *Buncombe County* - New pockets of contamination were recently discovered at a former military weapons site that's been in EPA's "Superfund" program since the 1980s. Toxins at the Chemtronics Superfund site include organic compounds like benzene and 1,2-dichloroethane, acids, explosives, and heavy metals. Nearby residents recently formed a Community Advisory Group (CAG) to work with the EPA as the agency investigates the new areas of contamination and designs a cleanup plan.

Large crowds have attended EPA's recent presentations and meetings. The CAG group elected an Executive Board in February, including local residents and staff members from nearby Warren Wilson College.

A risk assessment and remedial investigation will be ready in March. (Clean up of the original 1980s contamination is already underway). We encourage folks in the area to review the investigation and participate in the process to make sure cleanup happens quickly to protect the community's health and safety. To sign up to receive updates on the site, contact Jessa Madosky at jmadosky@warren-wilson.edu.

Pesticides Contaminate Wells in Henderson County Community

Dana, *Henderson County* - Last fall, NC Division of Water Quality groundwater testing discovered dangerous levels of dieldrin and other insecticides in the Academy Road area. The chemicals, which have been banned since the 1980s, contaminated at least a dozen private wells in the area. DWQ officials in the Asheville regional office are doing follow-up testing, and joined with the county and state environmental health programs to hold a community informational meeting in February.

DWQ began countywide groundwater investigations in 2008 because of long-term historical use of pesticides and insecticides. The agency has recommended two different types of carbon filters to affected well users, and is exploring the possibility of extending public water lines, currently about 1500 feet away. A few households qualify for income-based assistance from the state's Bernard Allen Emergency Drinking Water Fund.

CWFNC spent an afternoon visiting with residents door to door. Most folks felt DWQ had done a good job communicating with them, but were glad to receive more information about the chemicals' health effects and the options available for additional testing. We'll be keeping in contact with them to help them get access to clean water!

"Keep the Ban"

Using a combination of grassroots opposition and effective media support to the point that the project was canceled. The project was the mining project of Virginia Uranium, an alliance of over 100 organizations. They are resting on their laurels, however. They know that Virginia Uranium has a VA project in the Roanoke River basin that will have downstream depend on reservoirs that will allow radioactive mine tailings to be released.

VUI's stock price has sunk since the parent company, Virginia Energy Resources, sold its stock to Energy Fuels, which opened the door for intervention by Gov. McDonnell. The issue has been a hot topic for a while.

Lee County has been getting a lot of attention for being trapped in Deep River basin shales. Lee County is gearing up to take action on behalf of the community groups working to increase outreach about the issue. Stand Your Ground with Ed Harris, Cum

Terica Luxton, the lead organizer of Lee County residents through a Facebook page, she says she never imagined herself getting involved. It's more important than ever to connect with other

On February 12, Luxton collaborated with "Workers for Clean Water" in an effort to reach Lee County residents about fracking. Ed Harris is also new to Lee County. Harris warns his fellow citizens, "Folks, when it goes wrong, it goes horribly wrong."

Members of Workers for Clean Water are concerned about the costs of fracking, so they have largely focused on carrying the burdens from the impacts from water and poor quality of life, with none

Similarly, the Cumnock Preservation Association is protecting quality of life. Their website (www.cumnock.org) has information on Lee County and information on recent fracking. These groups demonstrate a true level of concern for the place they call home.



“Fends off VA Uranium Mining Again!

...bts lobbying , enlisting business, municipal and regional
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Lee County Activists Take on Fracking

...attention as the site of most potential natural gas resource
...However, an increasing number of residents of the Sanford
...half of their communities. Indeed, there are currently four local
...out the impacts of fracking: Lee County Say No to Fracking,
...nock Preservation Association, and Workers for Clean Water.

...County Say No to Fracking, has engaged with nearly 400
...owing a deep concern for water and quality of life. Luxton
...so involved in an issue like fracking but finds that it's more
...ers in her community.

...th Ed Harris of “Stand Your Ground,” and with “Workers for
...ounty landowners and educate them on mineral rights, leasing,
...cal organizing but is not afraid to speak his mind. On fracking,
...fracking might be the greatest thing since sliced bread but
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...re particularly concerned about the myth of jobs and the true
...ocused on reaching small landowners or renters who are likely
...om fracking. Impacts to these folks could include contaminated
...of the bonus checks or royalties from gas extraction.

...sociation has been focused on community impacts and
...savecumnock.org) is full of resources to track leased land in
...acking legislation like Senate Bill 76 and SB 820. Together,
...f commitment to protecting and preserving the communities of

Ahoskie Residents Organize to Take on Enviva Wood Pellet Plant Pollution

In the middle of a residential neighborhood, multinational corporation Enviva has opened a plant to turn trees into wood pellets to ship to Europe for power plant fuel. Europe may think they're getting a cleaner fuel than coal, but the massive plant's Ahoskie neighbors have experienced astonishing levels of dust on every surface for thousands of feet and 24 hour extreme noise and light. They are reporting breathing difficulties due to all the fine particulates, and have already called in DENR Air Quality inspectors several times in the past year, resulting in some further requirements for “fugitive dust prevention.” Nowhere near enough, say the residents, now working with Clean Water for NC Northeast Organizer Belinda Joyner to push for cleanup of the plant operations.

Fed up with local economic development officials who never told them about the plant or the pollution it would bring to their neighborhoods, residents are learning more about the plant's current permits and opportunities to build pressure on local and state officials. Knowing that other plants are opening soon in Northampton County and nearby Virginia, they want to help save other residents from the smothering dust and other pollution. Southeastern forests shouldn't be sacrificed to be pelletized for Europe's power plants and communities shouldn't become sacrifice zones for this shortsighted trend, either.



Polluter Accountability

Power Plant Closings – Good News for Consumers

Across North Carolina, by 2017, four coal fired power plants will be retired by Duke and Progress Energy. Because of new air and water quality standards set by the EPA, these plants will not be able to compete in the market with the growing use of renewable forms of energy. Closing these coal plants will significantly help the air quality in our state and preserve our freshwater resources as well. The fiscal outlook of fossil energy indeed seems to be on the decline, with the exception of natural gas. As some coal plants are being retrofitted for natural gas, it is important to note that though gas fired plants have a lower carbon dioxide output, methane is released in significant quantities to the atmosphere during fracking and processing (methane is much stronger greenhouse gas than carbon dioxide).

Still, the move to shut down old power plants in North Carolina is part of a national trend to celebrate. Across the country both coal and nuclear proposals have diminished due to public health and environmental regulations, as well as lack of Wall St. financing. In response, utilities have been seeking to add construction costs to customer bills before plans are operating (CWIP-“construction work in progress”), or even if they are never completed! Utilities outside of NC are increasingly investing in clean energy sources, energy efficiency and conservation programs, while Duke Energy is working to reduce its renewable portfolio requirements!

The clean energy model is more economic because it avoids billions of dollars to re-tool obsolete power plants, if it's even possible to do so. The Crystal River 3 nuclear power plant in



Crystal River Plant

Florida, another Duke/Progress operated facility, is being shut down due to a botched repair to the outdated nuclear facility after consumers had already paid \$143 million on the project. With the closure, these consumers may see their utility rates go down if the nuclear recovery charge (currently in rate cases) on their bills is eliminated. Plant closures should be good news to consumers who

are learning that spending billions to upgrade old coal plants is useless--burning coal is no longer the cheapest way to produce electricity.

Clean energy technologies have not been able to compete with fossil fuels for decades due to subsidies, tax breaks and political favors given to the fossil fuel and nuclear industries. Renewable energy sources coupled with a focus on energy efficiency and conservation will reduce harmful emissions attributing to global climate change, toxics (such as lead, mercury and sulfur) in our air and the exploitation of our surface and ground water resources. Baseload power plants in NC withdraw ten times as much as all of the public water supplies combined, with no permitting fees or limits. These plant closures represent far more than retiring old technologies, but a chance for a transition from a fossil based energy economy to a more clean, safe and socially just energy economy.

Lisa Jackson Leaves EPA, McCarthy Tapped—Will EJ Take a Back Seat?

When Lisa Jackson accepted the top spot at the EPA as our nation's first African American to hold the position of Administrator, we saw an honest commitment to Environmental Justice (EJ) every aspect of the Agency's work. Lisa Jackson took control of the EPA with high unemployment, a fragile economy and the healthcare controversy dominating the media. She sought an agenda that would boost the green economy, knowing that unsafe water and air are most frequently found in poverty stricken neighborhoods, that schools must not be built in the shadows of fossil fuel or hazardous waste plants, and that the poor are more likely to live close to all kinds of environmental hazards, spend more money on energy and have more public health issues. Her agenda for the agency was intended to challenge this.

Jackson has been constantly targeted by the fossil fuel industry and their “owned” politicians for seeking health protective regulations on drilling, mining and processing that the industry described as “crippling.”

Following Jackson's resignation, President Obama nominated Gina McCarthy, who had led in the EPA Office of Air and Radiation, as the new EPA administrator. If confirmed by Congress, McCarthy is expected to be well suited for

this new role, given her record on developing policies and regulations for limiting air pollution and radiation exposure.

Meanwhile, questions remain about the future of the EPA's motivation and ability to rein in polluters and the Agency's commitment to environmental justice. While over 40,000 folks recently marched on the white house demanding a clean energy future, Pres. Obama was playing golf with oil tycoons. Will the new administrator see the EPA as only a job building program as the U. S. comes out of a deep recession, as Congress seems to be calling for, or a way to transition our economy to a more just and safe energy future?

CWFNC Members—Want to Serve on Our Board of Directors?

If you are a current CWFNC member, committed to Environmental Justice and live in an area where we're seeking more Board members (Triad, southwestern piedmont, mountain counties or coastal NC), please visit <http://www.cwfnc.org/about/> and contact us!



Clean Water for North Carolina

Thanks to our Foundation Partners and Major Donors for their Generous Support!

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Thanks to Our Recent New and Renewing Members!

Wow – your commitment to clean water and environmental justice is inspiring! Sincere thanks from all of us at Clean Water for NC for your hard work and incredible generosity to protect communities and water. Your donations and participation keep us going!

Bill and Edie McKellar (in memory of Harry Coleman), Joe Wakefield, Russell Herman, Michael McCue, Martha Girolami, John Wagner, Melissa Marley (in honor of Lois Koufman), Maria-Luise and E. John Rager, Margaret Averyt, Ann Woodall Davant, Lawrence Gilbert, Gisele Crawford, Lib Hutchby, Jeffrey and Cindy Kahler, Bill and Stephanie Whitesides, Allen and Rosemary Hubbard, Lynn Kohn, Doug and Carol Wingeier, First Congregational United Church of Christ, Maggie Schlubach, Pablo Stone, David and Dorothy Herbert, Barbara Merrill, Paul Smith and Judy Futch, Karen Clarke and Barbara Bolt, Bill and Shirl Thomas, Robert Samuels, Alistair Hoehne (A&M Analysis Group), C.S. Albro (in honor of Roy and Martha Girolami), Tenille Fox, Michael and Cynthia Justice, Bill Gupton, Mary Anglin, Katie and Jeff Hicks, Donald DeBona, Rosemary Thorn, Jim Warren and Mary DeCosta, Paul Joffrion, Steven Berkowitz and Johanna Norman, Kat Rice and Peter Bruns, Maarten Simon-Thomas, George Thompson, John Noel, Robert and Jeannette Cannon, Steve Patch, John Runkle, Jane Finch, T. Butler, Gracia O'Neill, Peter Pickens, Elaine and Nelson Stover, Steve and Nina Gurley, Ferris Lyle, Marcia and Walter Weber, Charles Ritter, Cori Sarceni Maas, Bill and Ann Davis, George Peery, Mary Miller Stair, Geraldine Hall, Cynthia and Ken Crossen, Beverly Dratz, Marilyn Grolitzer, Joan Lemire, Lee Ann Smith, Thomas Sullivan, Karen and Joe Bearden (in honor of Lib Hutchby), Millie Buchanan, Regi and Katherine Blackburn, Tracy Davids, Bert Bowe, Darren Hunicutt, Rob Gelblum, Scot Quaranda, Robert Rodriguez, Chip Smith, Jodi Lasseter, Mary Lucas and Kenneth Boggs, Thomas and Joan East, Steve Wing, David Kiel and Amey Miller, Barry Summers, David Manly, Myangela Purcell, Ran Coble and Jane Kendall, Marshall Tyler, Sally Kost, June and Anthony Pierce, Joseph Clay, Nathanette Mayo, Lisa Hamill, Andrea Emanuel, Mitchell Jackson, Ian Gibbons, Mac Huslander

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

Here is my donation to join or renew my CWFNC membership:

☐ \$25 ☐ \$35 ☐ \$100 ☐ Other ☐ I would like to volunteer

Contact Information: Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____ (email is a faster & cheaper way for us to reach you)



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Could This Happen To Us in NC?

A fracking wastewater evaporation pond sits close to houses in a Dallas neighborhood. While in TX for the national "Stop the Frack Attack" Summit, CWFNC exec. director Hope Taylor and other participants saw fracking, condensate tanks, toxic ponds and compressor stations at the airport, in neighborhoods and close to schools and businesses.



Ask your Representative to vote NO on Senate Bill 76 in Committee and on the House floor. Tell them to keep the promises that were made last year:

- No injection of oil and gas wastes ANYWHERE in NC
- No pre-approval of regulations for fracking - the vote must come LATER
- Protect landowners—don't shut down the registry for "landmen" pushing leases for mineral rights!

Visit www.cwfn.org for more info

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CWFNC's 2013 Annual
Meeting!**

**Fracking and wastewater
impacts and how to
take charge of YOUR
community's water!**

**Saturday, September 28 ~
Durham**

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