



Clean Water for North Carolina

Clean Currents

Summer 2013

A newsletter of clean water and community environmental justice issues

Moral Monday Calls Thousands Working for Justice to Raleigh

Response to Damaging Environmental, Social, Economic, Health, Education and Voting Bills

While the 2011-2012 NC legislative session began to roll back environmental protections and social safety nets, the new supermajorities in both houses and a new Governor have brought unprecedented changes this year. The state NAACP, under the leadership of Dr. William Barber, responded by calling folks to come to Raleigh for Moral Monday rallies each week since April 29. Thousands have protested a growing range of injustices, with crowds reaching 5,000 and dozens arrested in the Legislative Building each week.

NC was one of few states to turn away federal funding to expand Medicaid to struggling residents; the legislature has repealed the Racial Justice Act that prevented racially motivated death sentences, slashed unemployment and education funding, and, in the final days of the session, passed the nation's most restrictive voting requirements.

On fracking, only a

public outcry, a few determined Representatives of both parties from key districts, and squabbles between House and Senate leadership prevented a rush to pre-approve bad regulations, including the weakest frack fluid chemical disclosure requirements in the nation. But environmental justice advocates weren't able to stop the gutting of landfill protections, a further delay of Jordan Lake cleanup, the expansion of boundaries for groundwater contamination, or the stuffing of important environmental Commissions with new anti-regulatory appointees.

Faced with this damage, Moral Monday rallies have inspired determination and hope that, with hard work and organizing, we CAN recover the NC we have known and loved. Now that we've bid the General Assembly a relieved farewell, watch for

local/regional Moral Monday activities in your area, starting with Asheville in early August!

General Assembly Tries to Grab Control of Local Public Water Supplies

Asheville – House Bill 488 became law in May without the Governor's signature, removing control of the Asheville drinking water system from the City with no compensation, and transferring it to the unelected regional sewer authority. Asheville officials filed suit to in Wake County Superior Court, saying the bill is unconstitutional, and got an injunction to temporarily stop the transfer.

Greenville –The City of Greenville became vulnerable to a forced transfer of its water system after an unrelated bill was amended to re-define what

public water system is. Pitt County legislators and local officials successfully

fought this "water grab." An editorial in the Greenville Reflector roared, "Something is rotten in Raleigh when lawmakers overreach their authority and claim municipal resources for the state without recompense."

Durham – Senate Bill 315 passed in July, forcing the City of Durham to annex and provide city water to the controversial 751 South "megadevelopment" close to Jordan Lake. The project was a threat to this water supply for over 300,000 NC residents, and Durham had refused water and sewer service.



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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CWFNC Welcomes Our 2013 Duke Stanback Interns

Han Zhang is a Master's degree candidate at Duke University who is a Stanback Intern with CWFNC this summer, working on drinking water supply, usage and privatization issues. Her favorite part of the job has been doing things she could not do in her academic program - her first video shoot, first editing job, first outreach to American communities. She is a native of Handan, China and has studied in a variety of different places, including Shanghai. She will graduate from Duke next year and would like to pursue a career in environmental sciences, as an analyst, researcher or GIS mapper, focusing on water resources.



Han has always been interested in the environment as she and her family have been suffering from sand storms, poor quality drinking water and food safety issues all her life. She wants to make a difference, contributing to nature conservation and protection. This is also what motivated her to come to the U. S. to learn the most advanced techniques, ideas and management methods to protect the environment.

Han is fascinated by UFO's and science fiction. She also spends her time practicing Wushu (Chinese traditional dance), guitar, bamboo flute, painting and calligraphy. Our thanks to Han for her outstanding contributions to CWFNC's work to help communities impacted by privatized water and sewer systems.



Welcome back to Ada Inda, 2013 Duke Stanback Intern on Hydraulic Fracturing and Environmental Justice for her second summer working with us in the Durham office!

Ada, an engineer who moved with her family from Mexico several years ago, came from Michigan to the Triangle area in 2012 to begin her Master's program in environmental management at the Nicholas School for the Environment at Duke. Ada is deeply interested in energy issues and last summer investigated impacts of natural gas development

including deep injection and other methods of fracking wastewater disposal, as well as resulting contamination and accidents.

This summer, Ada has been able to examine other impacts from natural gas development, including gas pipeline infrastructure and regulations, spills, and other "Frack-cidents" around the U. S. Thinking beyond national issues, Ada embarked on a virtual tour of the world by looking into fracking issues in other countries, including Spain, South Africa, and Germany, which have taken a more cautious approach to this technology than the US. Overall, her findings have expanded our knowledge of failing fracking regulations in other states and broadened Clean Water for NC's perspective on how fracking is dealt with globally. Thanks to Ada for expanding our knowledge of gas infrastructure and deepening our understanding of the shortcomings of U.S. policies on shale gas extraction and development.

Drinking Water & Water Privatization

Aqua NC Wants Rate Hikes AGAIN in 2013

This summer, Aqua NC will file a request with the NC Utilities Commission to increase their rates for water and sewer service – this would be their 3rd increase in 5 years! Customers already pay about 68% more for water and 89% more for sewer than the average North Carolinian public water or sewer customer. The company is known nationally for aggressive acquisition of water and sewer systems and frequent rate increases, and has gained a reputation for poor service and undependable water quality in NC!

Customers are gearing up to push back against these rate hikes, and have formed a grassroots group of customers called FLOW NC (Friends of Locally Owned

Water). FLOW Florida was the name of the grassroots effort that successfully advocated for a legislative study committee on investor-owned water utilities in Florida. FLOW FL built pressure for fair rates and water quality, eventually leading to Aqua America's sale of all their Florida systems back into public ownership, and other public policy improvements to protect consumers.

CWFNC and FLOW NC will distribute information, organize press releases and media events, and help customers from various parts of the state coordinate their efforts, so the NC Utilities Commission hears loud and clear that more rate hikes are NOT acceptable to Aqua NC's water customers.

New NC Law Allows Private Water/Sewer Companies to Inflate Customer Bills

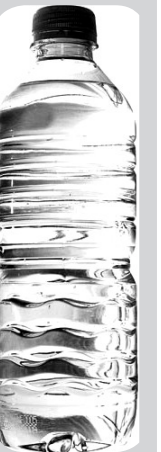
In June, the General Assembly quietly passed House Bill 710, to allow water and sewer utilities to automatically increase customer rates by up to 5% between regular rate hikes with no public hearing. This would require a company to get only one time approval from the NC Utilities Commission with no further public process in order to use the mechanism in the future. Water corporations claim that the automatic surcharges will fund infrastructure improvements, but without stricter oversight, they may simply bolster corporate profits and inflate customer bills, with no guarantee of improvements beyond those utilities are legally required to make.

Aqua America's CEO helped invent the mechanism in the 1990s, and their NC subsidiary stands to be the first to benefit from this law (see article on Aqua rate hikes, above!) Most states with similar laws let companies recover the cost of repair and replacement of existing water lines, but NC's covers almost any project, including pipeline extensions that could promote development and sprawl.

We've heard from several legislators that they weren't aware of the unintended consequences of House Bill 710, and they are eager to learn more to protect North Carolinians with private water/sewer service from future unnecessary rate hikes! Water customers need funding for public solutions to meet water needs, and increased accountability for water and sewer utilities – not more corporate handouts.

Bottled Water Industry Marketing Tactics – Sleazier than Ever!

Our door-to-door outreach in NC communities indicates that bottled water consumption is again on the rise after leveling off around 2006. Although bottled water is more expensive, less regulated, and more wasteful than tap water, companies are using over-the-top marketing to boost profits on their "product"!



- In July, Nestle was recognized for giving "free" bottled water to Toronto's homeless residents. Nestle's opportunistic intervention does more for their image than it does to help the city's homeless population access clean water throughout the year.
- Controversy has also surrounded Nestle since Chairman Peter Brabeck made statements implying that water is not a public right in April.
- Companies promote bottled water as a healthy alternative to soda, rather than an overpriced alternative to public tap water in a reusable bottle.
- Water bottling facilities are major drains on local supplies. Both Aquafina and Dasani sell primarily treated municipal tap water.

What's wrong with this picture? For more info including social, health and environmental impacts, visit www.cwfn.org to see our new fact sheet on bottled water!

Community Victory in CTS Contamination Fight

BUNCOMBE COUNTY—In July, the U.S. Fourth Circuit Court of Appeals ruled in favor of residents plagued by TCE contamination at the CTS of Asheville Superfund Site. Residents contend that the toxin is what caused cancer for many of them. The defendant, CTS Corporation, is alleged to have dumped electroplating solvents at its Asheville factory during three decades of operation, with contaminants continuing to migrate from the site.

The community's suit asked for cleanup of the 1,000,000 pounds of contaminants, and monetary compensation for damages suffered by residents. The ruling is good news to communities across the country struggling for corporate accountability. The decision reads: "Our decision here will likely raise the ire of corporations and other entities that wish to rest in the security of statutes of repose, free from the threat of being called to account for their contaminating acts."

The EPA is conducting a Remedial Investigation at the site as part of the Superfund process, with many delays. Residents hope the outcome of the lawsuit will help propel a full-scale cleanup. Buncombe County is extending water lines to well users in the area later this year.

Gabe Dunsmith of P.O.W.E.R. community action group contributed to this article.

Swift local action, Emergency Drinking Water Fund help Henderson County Well Users

HENDERSON COUNTY—When pesticides were found in Dana, NC wells in December, 2012, local and state governments took swift action to protect public health! The NC Rural Center awarded \$300,000 to Henderson County and the City of Hendersonville to extend water lines to impacted households. The Bernard Allen Emergency Drinking Water Fund will be able to help 18 of the 24 affected households and provide temporary replacement water. The City has arranged free access to tap water at a nearby church. Div. of Water Quality staff have frequent contact with residents, and continue to sample neighborhood wells and soil.

The community group Clean Water for Dana, with support from the Environmental and Conservation Organization (ECO) in Hendersonville, have repeatedly canvassed the neighborhood and distributed a survey from the City to determine how many people want to hook up to public water. Funds will not be available to start construction on water lines until late this year or early 2014.

Clean Water for Dana hosts monthly community meetings. ECO and CWFNC will support the community group as they work to protect their health through safe water!

Brown Summit residents seek answers on benzene contamination

GUILFORD COUNTY—The Monticello neighborhood receives drinking water from two Aqua NC-owned wells. Residents have complained to Aqua NC, state and local agencies for years about discoloration and other water quality problems. Then, in 2012, benzene was detected at .0012 mg/L (below the drinking water limit but still worrisome).

Residents are working with the Underground Storage Tank Section of the NC Division of Waste Management to look for the source of benzene, concerned it could continue seeping into their water supply. When Aqua NC claimed they had installed new filters at the wellhead, the community demanded more details and eventually documented that no filters had actually been installed!

Residents have many unanswered questions. Their situation demonstrates the failed accountability that festers when private companies take a bare-minimum approach to service, under the authority of a patchwork of regulatory agencies with limited staff and funding. With CWFNC's support, residents will continue to demand better notification and accountability from both Aqua NC and government officials!

Raleigh—in March, residents of the Neuse Woods community in east Raleigh got notice that their water supply well had violated an annual average limit for toxaphene, a persistent, long-banned pesticide. Reporter Charlotte Huffman of WNCN-TV talked with residents about their water, and found that Spanish-speaking residents couldn't read the notification. CWFNC translated the notice and spoke with worried and confused residents.

Toxaphene had shown up for years in quarterly contamination reports, but CWS Systems (part of private water corporation Utilities, Incorporated), hadn't taken action to protect the community's health. In fact, in March, they requested a full year after the official notice to fix the problem!

CWS should have installed a carbon filter without waiting for a formal violation given the long history of contamination. The NC Dept. of Health and Human Services' health assessment called for immediate action to protect public health. CWS installed a filter system on the contaminated well in May. Toxaphene dropped quickly to a safe level, but the company president complained in a letter to customers, arguing with the state's health assessment!

Private, investor-owned companies often resist protective action until pressure is applied—one reason we support publicly owned and governed water supplies. Concerned customers of private companies should contact CWFNC's Water Justice Campaign (katie@cwfn.org) and the media!

"Donut Hole" Neighborhood with Contaminated Wells Seeks Safe Water

Raleigh—Last fall, after revelations about TCE contamination in a Wake Forest development, a resident near Bond St. and Trawick Rd. asked Wake County to test his well water. It contained pesticides, initially thought to come from a nearby nursery, but later found in the well water of scattered homes in the neighborhood. Though surrounded by the City of Raleigh, residents in the area have not annexed into the City, so don't have city services (referred to as a "donut hole") and depend on private wells. Wake County tested nearby homes, then called in EPA to continue investigating. The NC Div. of Water Quality continued testing dozens of homes for pesticides, using the Bernard Allen Emergency Drinking Water Fund to cover costs.

CWFNC visited door-to-door to encourage residents to work together a for permanent solution. The City has offered staff time to manage a project for water line extensions, but can't fund a project in an area where residents don't pay City taxes. Wake County (an urban county) doesn't qualify for Rural Center funds, so the solution that Dana has found (see page 4) won't work for the Bond St community. Some residents qualify for a filter or hookup from the Bernard Allen Fund, but even middle class residents can't afford the high projected costs for water lines and hookups to City water. CWFNC is organizing with residents and supportive City, County and state officials to work for funding solutions to ensure permanent, safe water.

Pressure Speeds Filter for Neuse Woods Toxaphene Contaminated Water

Enviva Wood Pellet Mills Face Opposition in Ahoskie, Garysburg and Faison



Concerned citizens of Northampton County

Nearly two years ago, the first massive Enviva Corporation wood pellet mill in NC opened in **Ahoskie (Hertford Co.)**, to supply European power plants with supposedly "green" fuel. Nearby residents, long accustomed to daily industrial noise from the former Georgia Pacific mill, found themselves in a nightmare of 24 hour noise, dust and bright lights, as well as heavy truck traffic. Complaints to Enviva got no results, but repeated and documented dust complaints from nearby residents to the NC Division of Air Quality brought senior AQ officials to the plant, resulting in notices of violation and requirements for more dust control.

CWFNC's Northeast Organizer Belinda Joyner learned that Enviva was building a huge new wood pellet plant close to **Garysburg**, her hometown. As soon as the plant opened, folks saw the need to start organizing with Belinda and the Concerned Citizens of Northampton County. They travelled to Ahoskie to meet with residents there and document conditions. State and local officials who recruited the Garysburg plant are still crowing about the 80 jobs they've brought, but face increasing anger from those impacted by the plant's operations, including speeding heavy truck traffic.

Recently, folks in **Faison, on the border of Duplin and Sampson Counties**, learned that local officials wanted to permit an Enviva pellet plant there! They've started organizing to resist that permit and met with opponents of the other plants. CWFNC will bring all three communities together to share strengths and strategize. We're glad to collaborate with Dogwood Alliance and Blue Ridge Environmental Defense League in this fight to protect communities' air, safety and quality of life.

Polluter Accountability

Activism on Dirty Duke Gets Results: Regulators Say “Look Again at Efficiency and Conservation”

Duke Energy Progress, headquartered in Charlotte, is now the largest power utility in the U.S., holding an absolute monopoly in most of our state. The utility’s long-term “Integrated Resource Plan” reveals a commitment to high-cost fossil energy, big nuclear plants and repowering some plants to gas—all used to justify a rise in rates. The hike would hit residential and small business consumers the hardest, as industry has cut several deals to save on their rates. Many people cannot afford an increase in rates, especially low income families.

In May Duke held its annual shareholder meeting. As the meeting began, CEO Jim Rogers spoke about how well the corporation was doing, in a room that included concerned citizens, determined to address the social,

economic and environmental issues. As the question and answer period began, Rogers saw he was going to be asked repeatedly to invest in efficiency, conservation and renewable sources, and that cultural and natural heritage, along with folks’ health and bank accounts, deserve better than rate hikes to subsidize dirty energy.

Less than a week after the shareholders’ meeting, grassroots activists received some good news. Thanks to all the organizing and turnout at Utilities Commission hearings for both the IRP and the rate hikes, Duke Energy has been ordered by regulators to provide details on their projected plans and take another look at efficiency and conservation programs.

The PUBLIC deserves a big round of applause – stay tuned for more opportunities to be involved!



Forward on Climate... or Backwards?!

In June, Pres. Obama outlined his strategy for taking “bold action” on climate change in a highly touted speech. Except for utilities reducing carbon dioxide (CO₂) emissions, it was anything but bold. Obama said that he wouldn’t okay the Keysone XL pipeline

if it would significantly affect the climate, carefully side-stepping the horrific impacts of mining and processing the tar sands oil that the pipeline would carry. This is troubling, as a State Department report (fatally compromised by conflicts of interest) had already concluded that the pipeline construction itself would not have significant climate impacts.

Obama has warmly embraced natural gas as a “clean burning bridge fuel” on several occasions, without a mention of high methane releases during gas extraction, processing and transmission. Methane is at least 23 times as strong a greenhouse gas as CO₂ over the long run and worse in the first 20 years after release, so repowering coal plants to gas will probably increase overall climate impacts. Rather than leadership, this advocacy is a hand-out to the oil and gas industry.

Public land leases are being auctioned off to industry as the Administration ignores research showing fracking poses a public and environmental health risk. EPA has backed away from the investigation of groundwater contamination in Pavilion, Wyoming and delayed a study on drinking water impacts of fracking. Josh Fox, director of Gasland, had perhaps the best assessment of the President’s speech: “For all the correct emphasis on the dangers of climate change, the plan is: frack now, frack here and frack all over the world. Fracked gas isn’t a bridge fuel — it’s a gangplank.”

Alcoa Dam Re-licensing Hits Growing Resistance – Protect the Yadkin River and its People!

The Yadkin River, the state’s second largest river system, is at risk of continued pollution and degradation by Alcoa, an international aluminum producer which operated a smelter plant in Badin. Alcoa’s operations contaminated water, wildlife habitats, and surrounding communities. Toxins like PCBs (polychlorinated biphenyls), cyanide, and fluoride have been found in the soil and surface waters. Alcoa’s 401 Water Quality certificate for operating its hydroelectric dams was revoked in 2010.

Alcoa applied for a new 401 certification for its Yadkin hydro dams and seeks another 50 year federal license for them. CWFNC and many other groups submitted comments opposing Alcoa’s certification request, saying it must be denied in order to protect people living near toxic waste sites and the River system. Just as we headed to press, on Aug. 2, the NC Department of State filed suit against Alcoa to dispute ownership of “submerged lands” under the Yadkin, and DENR has denied the company’s 401 certification, a requirement before federal re-licensing of the dams. The Yadkin RiverKeeper has been leading the fight to return the River and dams to public control.

For more info, visit www.yadkinriverkeeper.org

Clean Water for North Carolina

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Thank You!

Skip Wynn, Urban Streams intern for Spring of 2013, worked with Clean Water for NC, Green Opportunities and other community partners in urban Asheville to create a “Take Action on Pollution!” video

that will show other neighborhoods the steps to monitor and improve urban water quality. Big thanks to Skip for his work, as well as Lucas Gregg of Farside Productions for editing the video and the Lovett Foundation for supporting this work! Look for the video link soon on www.cwfnc.org.

Thanks to Our Recent New and Renewing Members!

Jim and Carol Hillegas, Isaac Coleman, Liz King, Mitchell Jackson, R.D. Currie, Bob Austin, Andrea Emanuel, Steve Schewel and Lao Robert, Vonna Viglione, Jeff Wilcox, David Streifford, Terica Luxton, Robert J. Peller, Dr. Reginald and Maude Tucker, Jean Hinson, Sharon Miller, Leah Karpen, Jennifer McGovern and Steve Unruhe, Iris Schwintzer, Sally and Chris MacMillan, Nancy Rudisill, Glenn Bozorth, Richard Bierly, Ruth Jones, Lawrence Gilbert, Beatrice Miller, Gerrie Ann Zimmer, Gary Phillips (Weaver Street Realty), Milton Heath, Francoise Heyden, Ellain Brooks, John Wagner, Valerie Blanchette, Kay Cameron, Stuart and Carola Cohn, Ron and Nancy Bryant, Daniel Graham, David and Carol Swing, Cheryl Angel, Liz Cullington, Bert Bowe, and 2 anonymous donors

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

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THANKS FOR PUSHING BACK TO STOP THE FRACK!!

The original **NC Senate Bill 76** would have 1) preapproved fracking regulations, lifting the moratorium on fracking permits early in 2015, 2) ended the registry of “landmen” who push folks to lease mineral rights for drilling, 3) allowed deep injection of fracking wastewater, probably into coastal aquifers, and 4) prevented any local taxes to cover the cost of repairing roads or added services needed during a “gas rush.”

Thanks to you and allies in the NC House, ALL of those provisions were removed from SB 76 or became studies!

In **House Bill 74**, bad fracking provisions would have forced the Mining and Energy Commission to pass the **weakest chemical disclosure standards in the US** by Dec., 2013 and required a local government wanting to pass a **protective ordinance** to justify why they needed more protection than state regs—with little chance of success.

After strong public advocacy, the chemical disclosure standards language was removed, and local governments will be able to pass protective ordinances with a unanimous vote. We know it can be done—Anson County unanimously passed an ordinance calling for 5 year moratorium on fracking in May!

Save the Date!

- **Sept. 28 CWFNC's Annual Meeting -** Fracking, privatization, contaminated water, more!
- **Fall 2013 Gasland II Tour with Josh Fox!**
- **October 17-18, NC Environmental Justice Network Summit**
- **October 17-27, Raleigh: NC State Fair.** Volunteers needed! Please email maribel@cwfn.org



Cecilia Jimenez of Lee County-based Workers for Clean Water at Frack Free NC rally.

Action Alert! Call Gov. McCrory (919-814-2000) to veto House Bill 74 and Senate Bill 515! HB 74 has many dangerous provisions: it guts landfill protections, allows groundwater contamination out to property boundaries, excludes farmworkers from labor protections and more! SB 515 slows down the long-overdue cleanup of Jordan Lake!

More ways to connect with Clean Water for NC



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