



Clean Water for North Carolina

Clean Currents

Winter 2012-2013

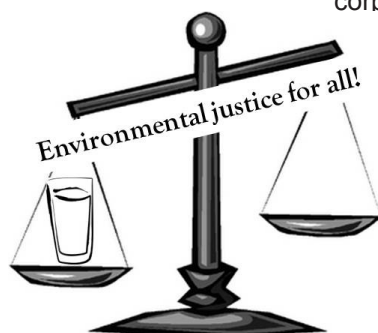
A newsletter of clean water and community environmental justice issues

What Does Environmental Justice Have to Do with Fracking and For-Profit Water?

The Environmental Justice movement has recognized the fundamental right to clean water, yet unequal access to safe water is a major injustice facing our state, country and world. Privatization not only tends to drive up costs, which hits low-income communities the hardest – it also reduces transparency and accountability, giving vulnerable residents even less of a voice in decisions affecting them.

One “Principle of Environmental Justice” demands the right of all impacted persons to participate as equal partners at every level of decision-making. North Carolinians should be able to get substantive response from state agencies if costs seem unfair or water quality is poor, which rarely happens. Yet private water corporations in NC can hike rates and get away with poor service with little or no action from the NC Utilities Commission (see p.3). Many private water customers are angry when their complaints go unheeded, but for low-income folks the inability to pay a big water bill could mean eviction or worse.

In other states, private water companies are partnering with the oil and gas industry to funnel precious water supplies to dirty operations, including shale fracking, looking out for their bottom line, not basic human needs. An example is the eviction of mobile home park residents in Pennsylvania to create a large fracking water supply line, owned by corporate privatizer Aqua America.



To read the principles of environmental justice, visit <http://www.cwfnc.org/about/ej-principles/>. See page 4 for photos and summaries of CWFNC's Sept. Annual Meeting!

A few large landowners would profit from gas development in NC, along with pipeline companies, contractors, and even legislators eager to push for laws that weaken regulation and basic public services. By contrast, those who bear the burden of impacts include low income residents living on small parcels of land who may be caught up in “forced pooling”, often dependent on residential wells, living close to noisy, toxic fracking operations and rural roads with 24/7 heavy truck traffic. They can't afford to move away. Visit the rural roads in any of the 15 counties in the Deep and Dan River shale basins that may be impacted by fracking, and you'll see vulnerable residents almost everywhere.

30 Years of Environmental Justice Struggle

A Call to Action from Black Workers for Justice to the NC Environmental Justice Network

Many of the corporations which have caused major environmental problems for communities and workers have closed and relocated to other countries for cheaper labor. They leave the impacted communities looking like wastelands and less desirable places to live. Those communities are vulnerable to climate change disasters, and many workers are left crippled, maimed and unable to work and adequately provide for themselves and families.

Government agencies like the Environmental Protection Agency (EPA) expect the impacted communities and workers to meet the burden of proving that they are being harmed by the exposures and conditions created by those companies.

Local and state government representatives, even some who take good stands on other issues, often seem numb to environmental injustice, unconcerned about the long term impacts of high concentrations of certain types of industries on the environment and the workers. They act as if we must accept any industry if we want job growth.

When the lives of the people, communities and our future are at stake, the actions of the people must define how seriously they feel about the dangers they face. The 1982 struggle

in predominantly poor and black Warren County against the toxic PCB dump was carried out as a life and death struggle.

When a corporation's profits are challenged, it calls on government for relief, and gets an immediate response, including media coverage. However, when the lives and communities of the victims of environmental injustices are threatened and they call on the government, they get little response or are told to meet a burden of proof, and often get little media coverage.

This is a call to action to launch a direct action campaign exposing and challenging environmental injustices. If North Carolina's Environmental Justice Network and all its member organizations in NC called for a day of direct action against the hog factories, waste dumps, fracking operations and other polluting industries, this would make clear that there is a challenging movement afoot, ready to take risks for Environmental Justice.

After all, history shows that change only comes through struggle.

CWFNC is a member of the NC Environmental Justice Network

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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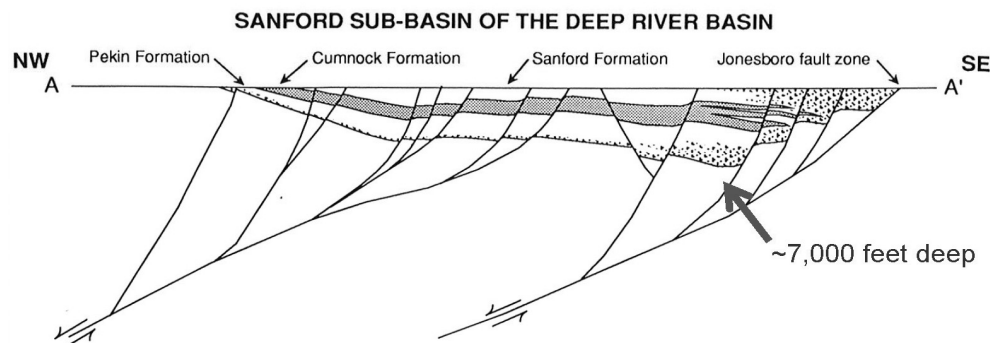
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Belinda Joyner, Northeast Organizer

Protecting our Water, Air, Land and Communities

Why North Carolina is especially vulnerable to the impacts of fracking

We haven't seen any state that has been able to regulate fracking in a way that prevents adverse impacts on water, air, health, land, or communities. In NC, there are certain characteristics that would make fracking even riskier.

Shallow, discontinuous shale basins such as ours are more likely to allow movement of natural shale contaminants (toxic volatile organic compounds, heavy metals and possibly radioactive materials) to groundwater near the surface that is widely used for drinking water, as well as release of chemically-laced fluids used for fracking and other gas development.



The Cumnock Formation (see dark layer in figure above) is mostly less than 3,000 feet below the surface, and perhaps directly below drinkable groundwater. Fracking-induced fractures in other states have been found to rise almost 2,000 feet above the horizontal shale layer. Even when fracking is carried out in deeper shales in TX and PA, which are separated by over 5,000 feet from drinking water supplies, shale methane and other contaminants have sometimes reached the drinking water layer close to the surface and impacted drinking water wells.

The Deep River Basin area has the **highest population density of any region in North America that has been proposed for fracking, including tens of thousands of private well users.** More people would be impacted by NC gas development than in states like WY, TX and PA. Small landowners and renters surrounded by leased land could be trapped—against their will—in “forced pooling” of drilling units and eminent domain for pipelines, and impacted by well contamination, toxic air emissions and industrialization around them.

Only a small number of jobs would be created for NC residents. The Dept. of Commerce had only estimated that an average of 387 jobs would be created over a 7 year period, not worth the risks and expensive regulations to extract a tiny gas supply. Only a few large landowners, gas distribution companies and contractors would profit, along with legislators seeking a source of campaign money to fund anti-regulatory legislation.

Last year, Louisiana “Bucket Brigade” activists warned the NC Environmental Justice Network to keep the oil and gas industry out of NC, or we could expect increasing corruption and legislation eroding voting and public services. The “Facing South” blog recently reported that the billionaire Koch Brothers, heavily invested in fracking, have greatly increased donations to NC legislators.

Currently, **NC has almost no gas distribution infrastructure, so widespread land disturbances and eminent domain takings of private land would be required to build pipelines** to get gas to market.

NC has sensitive facilities such as nuclear power plants and “high hazard” coal ash dams at big power plants, which could be **vulnerable to seismic impacts of high pressure injections** for fracking in an already faulted region.

Drinking Water & Water Privatization

NC Utilities Commission Welcomes Corporate Water Privatizers with Open Arms and Incentives

Aging infrastructure in need of critical repairs and an abundance of small water/sewer systems—these factors are creating challenges for states across the U. S. as they try to monitor water system compliance, enforce standards, and set fair customer rates. However, NC customers are uniquely vulnerable to the dangers of corporate privatization because of the NC Utilities Commission's rigid attitude that buyouts of small water systems by large corporate utilities are the only solution to these challenges.

Over the past decade, the Commission has attracted corporate buyouts of small water/sewer systems (particularly Aqua NC, Aqua America's subsidiary) with the promise of favorable rulings and incentives, often ignoring feasible options for communities to hook up to municipal water as well as legitimate customer complaints. Cooper Eben, CWFNC's Duke Stanback intern for 2012, found that NC policies encouraging corporate buyouts are among the worst for water and sewer customers in the country.

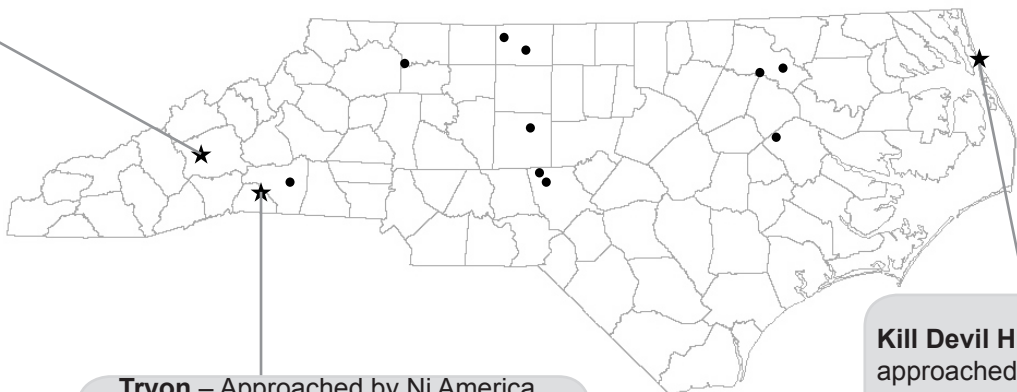
NC is one of eight states allowing "rate consolidation" as a general practice. Rate consolidation (also called "single-tariff pricing") means charging the same water/sewer rate to all of a company's customers, despite differences in operating

characteristics, number of customers, and unique costs. Most states decide on consolidated rates on a case-by-case basis. Ability of lower income customers to pay isn't even part of the Commission's decision.

The Commission also allows "positive acquisition adjustments" for Aqua NC. This accounting mechanism, one of several that NC uses much more frequently than other states, compensates the company for any investment over the value of a system it purchases by charging customers higher rates. In contrast, Florida requires companies to prove that customers will experience actual improvements in water quality, service, or stable long-term rates in order to receive this incentive.

The NC Utilities Commission claims that the private sector brings in added financing for improvements, but possible conflicts of interest in the agency staff and favoritism shown to Aqua NC suggest motivations. After all, Aqua only "invests" in systems because the safety net of publicly-financed incentives guarantees them a certain rate of return. Aqua seeks out states with a "favorable regulatory climate" with added incentives like rate consolidation – making NC water customers low-hanging fruit for the company to exploit.

Asheville – Potential legislative seizure of Asheville's municipal water system has led to concerns that privatization could be next. If the proposed regional authority opts to contract out services, residents would have fewer opportunities for input on such decisions. City voters came out strongly against sale or lease of the water system on a referendum on the ballot this Election Day, and CWFNC and our allies have spoken out along with the public that decisions about the system should be local, not made by a few Raleigh officials whose political motives are unclear.



Tryon – Approached by Ni America to sell its water and sewer systems, but now leaning toward a regional public partnership with other local governments

Kill Devil Hills – approached by Aqua NC about a public-private partnership (early 2012)

Most privatization in NC is currently taking place in subdivisions, mobile home parks and apartment complexes, but approaches to municipalities are on the rise. Help us stop the spread of municipal privatization by educating your local and state elected officials about the downsides of privatizing public services like water and sewer!

● = Municipal contracts with United Water (existing public-private partnerships)

★ = Municipalities that have been approached by private companies about selling their systems, or where the legislature has made recommendations of transferred ownership with limited local input

Reclaiming the Commons: Water Justice

Highlights from Clean Water for NC's 28th Annual Meeting

Community Triumphs Over Water Privatization Across the U.S.

Mary Grant, the first featured speaker of the afternoon, spoke about community triumphs over water privatization across the country. As NC faces the growing threat of corporate privatization of small water and sewer systems (see story, p. 3), it was encouraging to learn that at least 60 communities across the nation stopped privatization from 2007 to 2012, and others are taking back public control. She also warned NC water customers to be on the lookout for new strategies here, from infrastructure surcharges to moves to privatize municipal water/sewer systems.

Mary is a researcher for Food and Water Watch, a national consumer advocacy organization that works to ensure the food, water and fish we consume is safe, accessible and sustainably produced. She was an intern with Clean Water for NC in 2006 while she pursued her B.S. in Environmental Sciences from Duke University, and helped get us started on researching privatization in our state.



Mary Grant

An Update on Community-led Efforts for Fair Water

Stan Coleman, who has been an Aqua NC customer since moving to his current Charlotte home in 2008, shared a personal perspective on the injustices of private water and sewer, and the challenges and successes of working with other communities to organize to put an end to unfair practices. Thanks to efforts by Stan and other local leaders, neighborhoods in the Charlotte region have been gaining some traction by alerting local and state elected officials to draw attention to the company's lack of accountability to its customers.



Stan Coleman

Why NC is Especially Vulnerable to Water Privatization

Katie Hicks (CWFNC Assistant Director) explained how the incentives for private companies to buy small water and sewer systems in NC, and how the trend toward corporate private ownership is negatively impacting communities (see page 3). The NC Utilities Commission's rigid policies and unwillingness to explore hookups to municipal systems make NC particularly vulnerable to this type of privatization, she told the audience. The research of our summer Duke Stanback intern Cooper Eben provided the basis for this presentation.



Katie Hicks



Maribel Sierra



Ada Inda

Reclaiming the Commons: Energy Justice

Why NC is Especially Vulnerable to Voices from the Ohio Shaleplay & Lessons Learned

Kari Matsko founded the Peoples' Oil and Gas Collaborative-Ohio after she experienced severe pain from toxic air releases of fracking operations almost two miles away. Her outreach to share her story resulted in many contacts which she has built into a statewide collaborative network, serving as a source of information for communities impacted by fracking and injection wells. Even with a long history of oil and gas operations, she says that Ohio has experienced a huge wave of new environmental and community impacts from fracking and horizontal drilling, worsened by tiny setbacks that allow drilling in residential areas, forced pooling "units" that grab unwilling landowners, and many areas where mineral rights haven't been held by landowners for decades.

Much of the region's fracking "flowback" wastewater is disposed of in deep injection wells, which are even less visible to communities than gas wells, require no setbacks and can result in spills, groundwater contamination, fires and toxic fumes and even significant earthquakes, such as happened near Youngstown, OH. Kari praised NC activists for learning about fracking impacts early and getting involved pro-actively, but warned that anti-regulatory political strategies in Ohio should be watched for things that industry supporters are likely to try in North Carolina.



Kari Matsko

Real Energy Solutions: Working with Spirit Toward Energy Justice and Efficiency

Dr. Kathy Shea, Co-Director of NC Interfaith Power and Light (NCIPL) and practicing physician, presented a message of creating a vision for our energy future and stressed the importance of working towards increasing energy efficiency: the fastest, cheapest, and cleanest way to reduce greenhouse gas emissions and air pollution. One of IPL's energy programs, called emPOWERed, targets churches for energy efficiency. NC IPL has also done neighborhood weatherizations to help lower energy costs for customers. Visit www.ncipl.org for more information on energy audits and NCIPL's programs.



Kathy Shea

Hydraulic Fracturing, Injection Wells, and Environmental Justice

Maribel Sierra, CWFNC organizer, presented key findings of research by 2012 Stanback intern, Ada Inda, who spent the summer working to uncover impacts from hydraulic fracturing and wastewater disposal methods, including deep well injection. Astonishingly, over 90% of wastewater from fracking is disposed of through deep well injection. In many cases, these injection wells receiving large volumes of toxic wastewater with very little monitoring are located in highly populated communities. Residents have experienced impacts like weak oversight, harmful air emissions, contamination from leaks, and even earthquakes in Ohio, Texas and other states. Currently, NC does not allow the injection of wastewater, but there's now an exemption for frack fluids, which pose a threat to groundwater themselves, as well as releasing natural contaminants from the shale.



Omega Wilson

NC Fracking Complaint Update: Environmental Justice and Interagency Responsibilities

Omega Wilson, founder and Director of the West End Revitalization Association in Mebane, spoke about the civil rights and Environmental Justice complaint he filed on NC DENR's report on shale gas development. Working with Elaine Chiosso, Haw RiverKeeper, Omega documented failures of DENR's assessment to evaluate impacts of shale fracking on health, drinking water and resources for vulnerable communities. Agencies have taken notice and are asking for further information from NC Environmental Justice organizations. Taking action to protect the most vulnerable residents, who will bear the heaviest health and environmental burden with almost no economic benefit, can be a strong tool for protecting all of us.

Polluter Accountability & Energy Justice

Dr. Avner Vengosh: Strong Coal Ash Regs Needed to Protect Our Waters

When CWFNC, with dozens of environmental and public health groups, fought for stronger regulations on nitrogen oxide emissions from power plants ten years ago, we knew that the process for removing them from air would collect many toxic heavy metals as well. That seemed like a bonus at the time. What was unclear was that the contaminants kept out of the air would add to the accumulating mountains of coal ash waste sitting in impoundments at power plants across the nation.



study that found elevated levels of shale gas in drinking water wells near gas drilling operations in PA and NY, describes this transfer of air contaminants as “saving our skies at the expense of our water.”

Vengosh, and a research team from Arkansas University, Duke and the NC Division of Water Quality, recently published data from 300 samples obtained from 11 North Carolina lakes and rivers. They found arsenic in lake sediments more than 25 times the drinking water standard and selenium in ash pond wastewater over 17 times the EPA standard for protecting aquatic life. These contaminants, essentially unregulated in power plant wastewaters, accumulate and continue to spread in the environment, impacting aquatic life and drinking water. “It’s a critical junction,” says Vengosh, time to require cleanup of toxic coal ash discharges.

Tragically, those toxic contaminants, including arsenic and selenium, are now draining from coal ash ponds into NC rivers and lakes, and leaching into groundwater. Dr. Avner Vengosh of Duke University, also a co-author of the

disproportionate impacts of pollution on vulnerable downstream communities, are often ignored.

- At the national level, exemptions have been granted to the most powerful (and polluting) industries. The Oil and Gas industry exemptions granted by the 2005 Energy Policy Act are a painful example of how lobbyists have managed to undermine the protections for communities under the Clean Water Act, leaving weak state programs to regulate activities like fracking.
- “Variances” to standards granted to industries at the state level are often abused with little oversight by federal regulators. In NC, many coal-fired power plants and other big polluters have variances on the temperature of their discharge, creating hot zones that can kill organisms and cause evaporation of water downstream. Senate Bill 820, passed over Gov. Perdue’s veto, allowed an exemption from NC groundwater protections for the gas industry to do shale fracking.

Let’s get the pollution out of our politics, so that we can work for more protective standards and permits, better enforcement, and a commitment to the rights of downstream users during the next 40 years!

More “High Hazard” Coal Ash Ponds Found in NC

Much of the nation’s coal combustion waste is currently stored in unlined ponds. Ever since a Tennessee Valley Authority coal ash dam burst in 2008, sending 5.4 million cubic yards of toxic power-plant sludge onto a nearby Tennessee community, the structural integrity of coal ash pond dams has been a hot topic. Dams that are designated “high-hazard” would likely cause loss of human life if they failed.

In September, a review of inspection data from the NC Dam Safety Engineering Division revealed that North Carolina has the most dangerous collection of coal ash ponds in the country. The Environmental Protection Agency had previously recognized 12 of these high-hazard dams in NC, but now it appears there are 29 (out of 37 total coal ash ponds in the state)!

The dam classification system used by the Dam Safety Engineering Division is almost identical to EPA’s system, and the NC numbers are actually considered more accurate because the state agency has been conducting more site visits and inspections. The new information also shows there have been structural failures or breaches in the last ten years at four NC coal plants (Weatherspoon, Cliffside, Roxboro and Sutton).

Special thanks to our allies at Waterkeeper Alliance and Earthjustice for their research on this issue!

Why the Clean Water Act Hasn’t Fulfilled its Promise - And What We Can Do!

This October marked the 40th anniversary of the Clean Water Act, intended to make all U.S. waterways “fishable and swimmable” by 1983 and empower citizens to protect their water resources. This law required public participation in rulemaking, water quality standards, permits for individual polluting facilities and even allowed for citizen law suits when state regulators failed to hold polluters accountable.

However, on this 40th anniversary, the Clean Water Act hasn’t fulfilled its promise for several important reasons.

- Polluter campaign donations, lobbyists and threats to shut down and job loss are even stronger at the state level, compromising enforcement of Clean Water Act goals, weakening standards and permits, and creating a “race to the bottom” for policymakers claiming that regulations threaten jobs. The



Clean Water for North Carolina

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

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Environmental Justice Summit



The Clean Water for North Carolina "family" at this year's Environmental Justice Summit in Whitakers, NC.

Thanks to Our Recent New and Renewing Members!

Louise Romanow, David Reid, Grace Curry, Stuart and Carola Cohn, Nathalie Worthington, Lynn and David Fass, Richard and Jo Ann Fireman, Max Harless, Bonnie Arbuckle, Bill Holman, First Congregational United Church of Christ, Michael Green, Scott and Colleen Hicks, Bill and Edie McKellar, Dorothy Rawleigh, Mary Beth Mueller, Bob and Ruth Stolting, Court and Cathie White, Debra Stanton, Lynn Kohn, Cathy Holt, Peter and Jane Roda, Dr. Daniel Graham, Jerry Starr, Karl and Deborah Fields, Richard Stiles, Joan Palmroos, Mary Luckhaus, Karen and Joe Bearden, Vero Brentjens, Jerry and Mary Price, Kathy Wolfe, Joanna Connolly, John Wagner, Georgia Ferrell, Jim Carroll, Linda and Larry Dekle, Susan Oehler, Lew Patrie, Herb and Connie Allred, Esther and Leonard Pardue, Sandy Adair

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: _____

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Environmental Justice from Every Angle—Petroleum Industry Power and Justice Denied



Schree Greene

Imagine waking up every day in a city full of beautiful historical landmarks, and invigorating culture. Imagine of sulfur so potent that chronic headaches become a part headaches open the door to asthma, lung cancer, and commonly caused by long-term sulfur inhalation. This is the of New Orleans. Low-income, minority communities in overcome the harsh reality of environmental injustices.

Big oil and gas companies such as Exxon Mobil, Shell, for these hazardous conditions. These corporations but at the same time they deteriorate the health of residents near and downwind The industries are so powerful that they can convey their costs onto low-income in Baton Rouge took charge by filing lawsuits against Exxon Mobil for continuous oil spills and exposure to hazardous chemicals that ultimately lead to long-term illnesses. This was a huge milestone for many environmental justice leaders in Louisiana. So what happened with the lawsuits? Exxon Mobil paid each household in the community just \$1,500 not to testify and drop the lawsuits, to avoid a lengthy court battle. Many people may say it is easy to turn down money, but if you are a single mother with three kids, a minimum wage job, and the holidays right around the corner, you consider the immediate option. The oil industries' way of operating is a primary example of environmental injustice. We all have the right to clean air, water, and sustainability in our communities.

Schree Greene is an environmental justice activist, Bennett College graduate, and runs a non-toxic cleaning company.

Upcoming Events!

Save the date for Clean Water New Year Parties:

- **January 11 - Asheville**
- **January 18 - Durham**

New Website!
Visit www.frackfreenc.org

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Clean Water for NC*



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