

CWFNC Resolution on Coal Ash and Impacted Communities

Revised September, 2016

Whereas, millions of tons of coal ash and other residuals have been collecting in poorly protected, often unlined impoundments near utility coal fired power plants for nearly a century;¹

Whereas, toxic components of the coal ash have been documented for over a decade to be leaching into groundwater around those impoundments;

Whereas, federal agencies have identified more “high hazard” coal ash dams in North Carolina than any other state, at risk of failure with enormous potential loss of life, health and property;²

Whereas, the need to completely remove coal ash from highly vulnerable, subsurface impoundments was made catastrophically evident with the failure of a storm water pipe under an ash impoundment on the Dan River in early 2014, resulting in spill of tens of thousands of tons of coal ash into the River, affecting drinking water and aquatic life for many miles downstream;

Whereas, the cap-in-place method to dewater and place a synthetic liner atop existing unlined coal ash impoundments does not completely prevent the penetration of water, accelerates the leaching of some toxic metals³, and could allow toxic heavy metals to continue leaching into nearby soils, groundwater, and surface water and groundwater for centuries;⁴

Whereas, the NC General Assembly passed a bill in 2014 calling for rapid removal of ash from only four high priority impoundments of the 33 existing coal ash dumps, established a procedure for pre-empting local regulations to safely manage coal ash and protect local communities, and allowed for rushed movement of coal ash under unspecified conditions to

¹ “Buck Steam Station.” Duke Energy website. <https://www.duke-energy.com/power-plants/coal-fired/buck.asp>.

² “Coal Plant Scrubbers Increase Water Contamination in Local Waterways.” Oct. 16, 2012, Ecowatch. Retrieved July 26, 2016 from <http://www.ecowatch.com/coal-plant-scrubbers-increase-water-contamination-in-local-waterways-1881649571.html>.

³ Grace E. Schwartz, Nelson Rivera, Sung-Woo Lee, James M. Harrington, James C. Hower, Keith E. Levine, Avner Vengosh, Heileen Hsu-Kim. Leaching potential and redox transformations of arsenic and selenium in sediment microcosms with fly ash. *Applied Geochemistry*, 2016; 67: 177 DOI: 10.1016/j.apgeochem.2016.02.013

⁴ Cliffside Steam Station Ash Basin: Corrective Action Plan Part 1, page 87. NC Dept. of Environmental Quality website. Retrieved July 26, 2016 from <http://edocs.deq.nc.gov/WaterResources/Browse.aspx?startid=221202&dbid=0>.

locations that will likely impact additional communities with ground and surface water contamination, truck traffic and ash dust, and enormous landfills;⁵

Whereas, coal ash is being imported from overseas and other states to meet NC concrete industry demands;⁶

Whereas, coal ash incorporated into some products as a component of cement for so called “beneficial reuses” appears to have a far lower leaching potential of toxic substances into the environment than landfills, structural fills, mine reclamations, and cap-in-place disposal methods;⁷

Whereas, methods have been developed by NC scientists to achieve above ground storage of coal ash blocks until a time where they can be made into new products as future innovation allows;⁸

Whereas, real estate values, quality of life and environmental health may be even more significantly impacted around a coal ash disposal site than around a conventional solid waste disposal site;

Whereas, the people and natural resources of our state have been accorded constitutional protections, including the Environmental Bill of Rights, Article 18 of the State Constitution;

We, the Board of Directors of Clean Water for North Carolina, do hereby resolve:

That Duke Energy must be required to excavate coal ash from all existing impoundments and place it in sealed, above ground containment with ongoing monitoring for groundwater contamination and structural weakness, by 2019, to prevent ground and surface water contamination, and failure of structurally weak impoundments;

That Duke Energy must be required to retain ownership and all liability for the coal ash, either through safe, above ground, sealed storage on its own power plant properties but with maximum setbacks from surface waters, or by outright direct Duke Energy purchase of sites to be used for storage;

⁵ SESSION LAW 2014-122: The Coal Ash Management Act of 2014. NC General Assembly website. Retrieved July 26, 2016 from <http://ncleg.net/Sessions/2013/Bills/Senate/HTML/S729v7.html>.

⁶ “Concrete makers look to import coal ash,” Charlotte Observer, March 31, 2016. Retrieved July 26, 2016 from <http://www.charlotteobserver.com/news/business/article69284762.html>.

⁷ Coal Combustion Residual Beneficial Use Evaluation: Fly Ash Concrete and FGD Gypsum Wall Board. EPA Website. Retrieved July 5, 2016 from https://www.epa.gov/sites/production/files/2014-12/documents/ccr_bu_eval.pdf.

⁸ “Scientists at NC A&T make coal ash breakthrough,” Greensboro News and Record, July 1, 2016. Retrieved July 5, 2016 from http://www.greensboro.com/news/dan_river/scientists-at-nc-a-t-make-coal-ash-breakthrough/article_7a4ceadc-2c48-57e2-939e-da68234fe1cb.html.

That all disposal or storage sites must undergo a thorough independent review of environmental justice considerations of locations and extensive public input before final selection, to prevent disproportionate impact of already vulnerable communities;

That Duke Energy shareholders, not customers, be required to bear the cost of cleanup and safe disposal of the coal ash, and that a substantial tax per ton shall be collected by NC to provide a fund for future safe storage and disposal;

That the coal ash waste shall be moved the shortest distance possible to safe storage; never to another state, and never placed directly “upstream” of any community’s water supply, always with at least one mile setback from residences, water supply wells and surface waters;

That Duke Energy provide regular monitoring and permanent replacement water sources for all residents at risk of well water contamination in proximity to existing or future coal ash storage sites;

That Duke Energy will not seek to pre-empt local protections passed in accordance with local requirements to protect people and natural resources from industrial developments including coal ash landfills;

That appropriate compensation, reparations and relocation be provided by Duke Energy to residents directly impacted by toxic contamination in communities that accept the waste;

That communities along proposed transportation routes and near proposed disposal sites for this toxic waste be given full opportunity to participate in every stage of the process, from proposed routes and locations, to consideration of alternatives for safe, retrievable storage;

That requirements adopted by the NC legislature in 2016 in § 130A-309.216 for Duke Energy to dispose of coal ash through certain “beneficial reuses” are a positive step toward avoiding imports of additional toxic coal ash from outside the state and satisfying cement industry demands with coal ash currently stored in NC;

That workers responsible for handling coal ash shipments be given maximum respiratory, eye and skin protection and compensation commensurate with hazardous waste handling, as well as ongoing health monitoring;

That Duke Energy be required to cease power production at all of its coal fired facilities within five years, to prevent further accumulation of coal ash, and transition its portfolio to extensive efficiency, solar and wind, rather than continued dependence on nuclear power or shale gas, with all of its impacts on ground and surface waters, toxic air emissions, community disruption and climate impacts, due to increased methane emissions;

That this Resolution will be forwarded to the General Assembly, Governor, Coal Ash Management Commission, Environmental Management Commission, and local governments.