



Clean Water for North Carolina

Clean Currents

Winter 2014-2015

A newsletter of clean water and community environmental justice issues

Huge Turnout for Public Hearings and Comments on Fracking Rules!

August and September saw a huge swell of public opposition to fracking, especially to the alarmingly weak rules the Mining and Energy Commission has proposed. Over 1,800 people came to four public hearings on the rules in Raleigh, Sanford, Reidsville, and Cullowhee, with almost all speakers supporting a frack free NC and highly critical of the weak proposed rules. After the last public hearing in Cullowhee, it was revealed that the handful of “Shale Yes” fracking supporters who attended had been bussed in from a homeless shelter in Winston-Salem by the “North Carolina Energy Forum.” Clearly the industry is desperate to give the appearance it has support in the face of overwhelming public opposition! Frack Free NC organized a press conference and rally for all four hearings, each with an inspiring array of speakers, from public health specialists, to community leaders, emergency responders and public officials.



Greg Leading Fox plays a traditional Ponca prayer song at the Cullowhee Hearing. Greg and his wife Susan have been grassroots leaders in the Swain County Coalition Against Fracking.

What's Next for the Fracking Rules?

The Mining and Energy Commission is still reviewing over 150,000 written comments they received on the draft rules, unprecedented in state regulatory history! Hearing officers have acknowledged that they've learned some things in the comment review. It's unclear whether rules that drew the largest number of public comments, such as chemical disclosure or setbacks, are more likely to be modified than the highly technical rules on which there were fewer comments, such as gas well construction and permit submission. North Carolinians are making it clear: we do not want fracking, and these rules are nowhere close to being the strongest, most protective in the nation, as we had been promised.



CWFNC, other Frack Free NC alliance partners, and elected officials spoke at the press conference before the Sanford Public Hearing.

The public will get a first look in November at the MEC hearing officers' summary of the enormous volume of oral and written comments on the draft fracking rules. MEC hearing officers have said they'll make note of every comment, but MEC Chairman Rao says that the Commission can only follow what the legislature tells them to do. He pointed out at a recent public forum that it's “up to the public” to influence legislators if they want to change the direction that the General Assembly

has set. The MEC expects to send the final proposed rules to the legislative Rules Review Commission before the end of the year, but some rules may be “held back” for further review.



Shifting the NC General Assembly to Follow the Public's Will?

The lopsided General Assembly votes to legalize fracking and horizontal drilling in 2012 (Senate Bill 820) and to lift the moratorium on fracking permits in 2014 (Senate Bill 786) do not reflect the growing public concern about fracking in NC. Efforts to put a brake on the legislative “rush to frack” will need to increase concern about impacts, as well as counter the lure of industry political money and the continuing myths of job creation and economic development. And that, as the Mining and Energy Commission has made clear, is up to US!

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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30 Years of CWFNC: From Safe Water and Air for Communities to Energy and Climate Justice



When Clean Water for North Carolina was founded (as Clean Water Fund of North Carolina) back in 1984, most of our work was to protect individual communities from effects of surface and groundwater contamination on safe drinking water, recreation, fishing and other public uses. We learned to leverage the power of environmental laws on hazardous waste, clean water, air and safe drinking water. We strengthened communities' ability to be involved in decision-making to prevent or deal with environmental threats, educated them to understand technical issues and advocated for them with state and federal agencies, and local governments.

When I joined Clean Water for NC's staff in 1999, halfway through its 30-year history, our staff had already worked with communities downstream or downwind of wastewater treatment plants, paper mills, furniture factories, hazardous waste incinerators, hog operations and other polluters. As we saw patterns emerging of failure of state regulations and agencies to protect communities, our work to improve statewide regulations grew. We also started working on legislative initiatives to protect 3 million NC private well users, and to create an independent energy efficiency program to reduce costs for residents and create sustainable jobs.

We continue our statewide advocacy and education with communities, and have recently committed to organizing on issues with potential regional and statewide impacts: the stealth privatization of water and sewer systems, and possible hydraulic fracturing or "fracking" in dozens of counties overlying shale or other deposits. We understand that our work must include advocacy to increase understanding of climate change and global protection of the most vulnerable communities. Thanks to all of you for your support of our evolving work, and we hope that you'll continue to hold us accountable for building leadership and principled action locally, statewide and beyond.

Welcome to Jennifer Weaver, Water & Energy Justice Researcher!

Jenn has been attuned to environmental justice issues since a young age, growing up in Charlotte. She has an undergraduate degree in Experiential Education from Prescott College in Arizona, and a Master's degree from UNC in political science. Jenn is especially interested in public policy, and believes in the importance and power of local movements to affect change. She is currently serving her first term on the town board of Hillsborough, where she lives. Jenn previously worked for the UNC Program on Public Life, where she focused on making academic studies accessible for regulators and public officials. She is excited to learn more about local organizing. In her free time, Jenn likes to spend time playing outside with her kids, ages 4 and 7, and she teaches a weekly yoga class.



Drinking Water & Water Privatization

Test Your Household Well Before Fracking Can Come to NC

by Eleanor Kern, Duke Stanback Intern

With the passage of Senate Bill 786, the “Energy Modernization Act,” which lifted the moratorium on permits for fracking, there has been increasing concern for well water, air quality and land near areas with possible gas-containing shales. After the Mining and Energy Commission (MEC) hearings in August and September, what next step should residents take to protect their drinking water resources?

While residents on wells within 2,640 feet will be able to receive “baseline testing” through energy companies drilling near their homes, it’s a great idea for those most likely to be affected by drilling to conduct their own testing through their county well testing programs. Testing through the county Environmental Health departments has been relatively inexpensive compared to private lab tests, and includes tests that would cover many of the important parameters that could be affected by fracking. The three tests that were recommended for testing included “inorganic”, “petroleum”, and “volatile organic compounds” (VOCs). These tests will be important to compare with tests paid for by energy companies to make sure your water’s chemical background is being properly represented.



Due to a slashed state budget for well and drinking water protection, the state lab has added \$74 onto the charges for each test submitted to them by the counties, which many counties will probably pass along to residents. This could affect how affordable the tests are, but even if prices increase, they may still be lower than private labs for many counties and a good investment by a landowner faced with possible fracking nearby.

The map of NC above shows the counties most likely to be affected by fracking and in most need of pre-drilling well testing. More information on the change in price will be posted on our website (www.cwfnc.org) as we learn it, and included in the FrackUpdates weekly emails.

The Empty Promises of Privatized Wastewater in NC

We often write about the impacts of drinking water privatization in North Carolina, but did you know that out of state for-profit corporations are also buying up small sewage treatment plants? Utilities Inc. and its subsidiaries have over 19,000 sewer customers in 19 NC counties, and Aqua NC has 12,000 sewer customers in 19 counties. Apart from these two “giants,” there are 70 more private companies operating sewage systems in the state.



NC has a patchwork of existing “package plants” –pre-engineered sewage treatment systems serving individual neighborhoods, often running without full-time operators, which can lead to trouble detecting failures and leaks early. The small plants cropped up where environmental conditions don’t support septic systems and municipal service hasn’t kept up with rapid rural and suburban development. Aqua NC and Utilities Inc. have purchased many of the now-aging plants, promising capital investments and upgrades, and

hiking up customer rates sharply (Aqua sewer customers pay a flat monthly fee of \$65).

Despite these promises, an investigative report by WRAL earlier this year showed that Aqua NC has the fourth-highest number of water quality violations in the state from its 60 sewage treatment plants. Our own research indicates that 78% of Aqua’s wastewater facilities and 71% of Utilities Inc.’s wastewater facilities have been in violation of standards at least once in the last three years, and yet monetary fines for all polluters have decreased sharply since the legislature passed a sweeping regulatory reform bill (S781) in 2011.

When polluters violate wastewater standards, local drinking water source waters or streams used for recreation may be contaminated. Sewer customers of Aqua NC and Utilities Inc. pay some of the highest prices in the state, many times without the benefits of proper upkeep and repairs to their neighborhood sewage plants. CWFNC will soon release more research on the impacts of “privatized polluters” conducted by summer Duke Stanback intern Chandler Keenan - stay tuned!

Happy 30th Anniversary, Clean Water for North Carolina!

30th Anniversary Celebration Gathers CWFNC Staff, Board, Volunteers, Old and New!

In September, a lively group of water activists, supporters, as well as past and present Board and staff members, gathered to celebrate Clean Water for North Carolina's 30th year of partnering with communities for safe, accessible water and environmental health and justice! Thanks to the Montreat Conference Center for helping make arrangements at their beautiful mountain venue. Special thanks also go out to our volunteers for the celebration, especially Colleen and Scott Hicks and family!



Fruit of Labor Singing Ensemble Performance. (L->R: Nathanette Mayo, Darrion Smith, Rick Scott, Angaza Laughinghouse).

The Fruit of Labor Singing Ensemble's energizing music opened and closed the program. The group includes long-time CWFNC Board member Nathanette Mayo, a community organizer, public employee, and workers' rights advocate, as well as other labor activists from Black Workers for Justice. The group's music focuses on social issues, from environmental justice struggles in North Carolina, to worker solidarity and the critical role of youth activism. They were inspiring, and we're so thankful they came to share their voices!

The Board of CWFNC surprised Executive Director Hope Taylor with the "**Outstanding Leadership for Justice Award**," for her 15 years of principled leadership and deep commitment to the mission of clean water for North Carolina! Former staff member David Herbert gave a moving tribute to Hope's work.

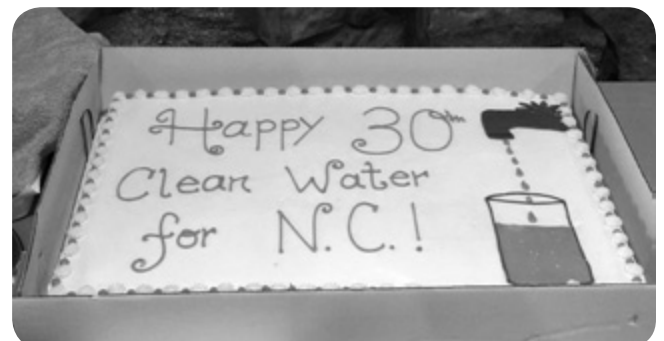


Peg Jones (former Clean Water for NC Board member), Ginny Lindsey (former Executive Director) and Rick Lindsey enjoy reminiscing about the organization!

Film and photo highlights of our community work in our first thirty years were followed by the presentation of community and special awards (see p5). We really enjoyed mingling afterwards with such a great group of friends and capping off the afternoon with fiddle tunes by Sally Morgan and Andrew Zinn.



The staff, Board and members of CWFNC who attended are more determined than ever to carry on our important work for clean, safe water and environmental justice with ALL of you into the next 30 years, and beyond!



Happy 30th Anniversary, Clean Water for North Carolina!

Awards Recognize Community Efforts

Occasionally Clean Water for NC recognizes individuals or community groups whose efforts have set an important precedent, created a new level of organizing and energy, or showed particular courage and extensive efforts have gone far to support the goals of CWFNC and their own communities. This year, in honor of our 30th Anniversary, we presented three awards for such remarkable work.

The **“Challenging Water Injustices Award”** went to **Friends of Locally Owned Water - NC** (Communities served by Aqua NC). Aqua NC filed for a rate hikes in 2013, and pushed for a new ability to add surcharges to customer bills several times a year without public notification or input. Their customers organized their neighbors, attended rate hike hearings, and connected with local and state leaders to oppose the rate hikes. Stan Coleman, a key leader of the efforts, accepted the award along with Nydia Morales and Allan Kaufman.



The group's efforts led to:

- Approval of a much more moderate rate hike than what was proposed
- New reporting requirements for water quality and service issues
- The attention of state legislators, who could potentially sponsor legislation studying impacts of private water utilities on customers
- Attorney General Roy Cooper intervening in Aqua's rate case and appealing the results, which will go on to the courts!

“The Extra Mile to Protect Community Water” Award went to the **Buncombe County Board of Commissioners**. The award was announced at our Anniversary Party and presented at the Oct. 21 County Commission meeting.

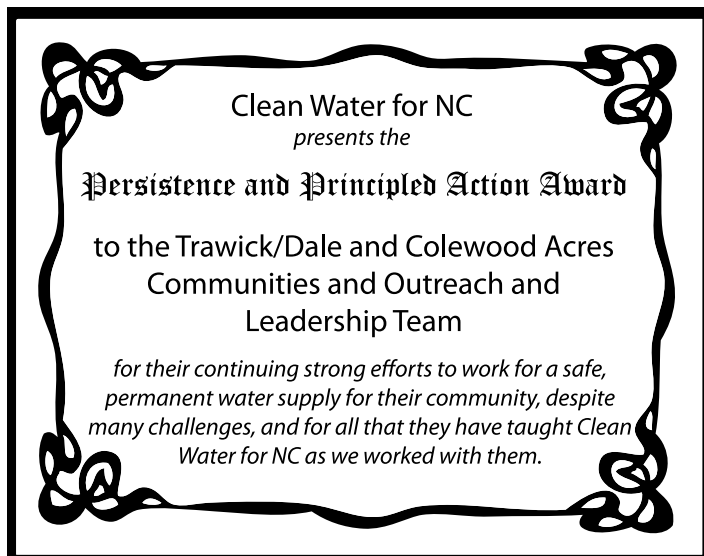
During continued delays by the polluter and federal government agencies, the county has taken steps including condemning and demolishing the old manufacturing building, running public water lines to the area, and committing to conduct free well tests for residents who do not live within the 1-mile radius of the site currently being tested by the federal EPA. They also authorized the county attorney to seek reimbursement from CTS so that the responsible party, not Buncombe County taxpayers, would have to foot the bill.



The **Trawick/Dale and Colewood Acres Communities' Outreach and Leadership Team** was presented the

“Persistence and Principled Action Award” for their ongoing efforts to obtain a safe replacement water supply after their household wells were found to be contaminated by pesticides about two years ago. These neighborhoods, consisting mostly of retired or working class residents, are actually surrounded by the City of Raleigh, but were not able to pay the high cost of annexing into the city to get water and sewer service a few years ago.

When the contamination was found, they learned that the community was not eligible for most grants and loans, due to the fact that Wake County is not rural and is, overall, one of the state's wealthier counties. They have organized, reached out to households, met repeatedly with Wake County officials and researched the few remaining options. We admire their determination and commitment to meeting the neighborhoods' needs in the face of steep odds!



Community Updates

Western NC Resolutions Against Fracking—Including Eastern Band of Cherokee!

The Eastern Band of Cherokee joined a growing list of western NC localities passing resolutions against fracking. Passed unanimously, the resolution bans fracking on Tribal lands and expresses support for a statewide ban on fracking. It was signed by Principal Chief Michell Hicks on September 10th. Susan Leading Fox, an enrolled Cherokee member who has worked for the tribe for over 20 years, is also a leader of the grassroots group Swain County Coalition Against Fracking, and encouraged the Tribal Council to pass the resolution.

“The tribe took the initiative to pass this resolution, and it has set a precedent in Indian Country,” said Susan. “It upholds the philosophy that Native Americans hold land to be sacred.” The Eastern Band of Cherokee is a sovereign state, and is exempt from state and local authority, but chose to pass this resolution anyway. Susan Leading Fox explained, “the tribe is being a good neighbor to surrounding NC counties, in addition to good stewards of the land.” Other locales in western NC that have recently passed resolutions against fracking include the Village of Forest Hills, Franklin, Hayesville, Haywood County, Marshall, Murphy, Swain County, Sylva, and Webster.



Susan Leading Fox, of Swain County, speaks about the social impacts of fracking at a press conference before the Cullowhee hearing on the draft Oil & Gas Rules.

Approaching Local Governments to Take a Stand on Fracking

by Jenn Weaver

Several towns and counties across the state – including some of those most vulnerable to fracking – have passed resolutions against fracking or ordinances prohibiting or placing an extended moratorium on the industry. Though state legislation allows “pre-emption” challenges to ordinances by industry, both resolutions and ordinances (enforceable local laws) can send powerful messages about a community’s deep concern about impacts to people and resources.

CWFNC has a new guide to help you in approaching local officials -- “Working With Local Government to Take a Stand For Community Protection.” Though this document discusses fracking specifically, the same general advice about approaching local officials can be applied to a range of issues.



Some highlights from “Working With Local Government to Take a Stand”:

- Learn how the process of local policy decisions works. Talk to a town or county official you like before engaging other officials in conversations where you attempt to persuade them about a resolution or ordinance. Knowing what to expect and the mechanics of your local government helps tremendously.
- Place the discussion in the specific context of your community. Your town or county has a unique culture – local residents, industry, natural environment, services, economy, and history. Elected officials often have a good feel for this, and can help you see how it ties in to your desire to prevent fracking, and that will strengthen your position.
- Decide which talking points are most likely to be effective with local staff

and elected officials before you approach them one by one or in small groups. Local jurisdictions have some core responsibilities that they must take care of: local roads and other infrastructure, public safety, emergency services, and, frequently, water and sewer services. If you describe how fracking could impact these essential services, it will capture the attention of elected officials and staff.

You’ll find the full document at www.cwfnc.org under the “your community” tab.

Clean Water for North Carolina

Thanks to Our Generous Foundations and Major Donors!

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Theresa Lanning, Sue and Buck Smithson,
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Garbutt, Jeannie Ambrose, Glenn Bozorth

Monthly Support: An Easy Way to Give

Did you know you can sign up online at cwfnc.org/donate to give monthly to CWFNC? Thanks to our current recurring donors: Valerie Blanchette, Stan Coleman, Theresa Lanning, Meg MacLeod, and Gayle Tuch

Thanks to Our Recent New & Renewing Members!

Cornelia Whittlesey, Jo Ellen Wade & Carol Diamond,
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Here is my donation to join or renew my CWFNC membership:

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

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Climate Change Warning!

The Intergovernmental Panel on Climate Change (IPCC) 2014 report is in, and its forecast is dire. We're already experiencing the effects of climate change, and people in developing nations will continue to be hit hardest. Globally we must reduce the use of fossil fuels by 2050, and cut them out entirely by 2100, or sea level changes, ocean acidification, extreme precipitation, and reduced crop yields, will be even more "severe, pervasive, and irreversible."

The first **North Carolina Climate Justice Summit**, a gathering of youth and adult leaders to focus on connecting the dots between social justice issues and climate change, will be held Nov. 21-23 at Haw River State Park! Register here: <http://bit.ly/1DSHoTB>

Atlantic Coast Gas Pipeline Coming: Landowners Beware!

The "Atlantic Coast Pipeline" will be constructed to carry natural gas from fracking operations in the north, through WV and VA, into North Carolina. Its proposed route will pass through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties. Dominion, a Virginia based energy company, will finalize the route by summer 2015, and construction will take an estimated 2 years.

If you live in or near the pipeline corridor (see the map to the right), get informed early, and start a landowner group in your area. Go to public meetings in January 2015, and comment on all possible issues. It is important to get involved as early as possible, in order to protect yourself and your community!

You can read all about gas pipelines in Clean Water for NC's new report, "*Natural Gas Pipelines: Regulation and Risk for North Carolina*," available now on our website! (www.cwfn.org).

