SPECIAL ISSUE
Planning and Protecting
JUST Communities

• Big $$$ Development
• Memorium to Rick Maas
• Water Policies that Protect People
• New Mercury Standards

Don’t Miss Clean Water
Lobby Day May 24, 2006
(see bottom of page)

Clean Currents
A newsletter of clean water and community environmental justice issues

Spring 2006

Join CWFNC at these Spring Clean Water and Justice Events

March 26 (Sun.)
Western NC Stream Monitoring Training, Full day training, no experience necessary, FREE! Haywood Community College.

April 1 (Sat.)
Western NC Stream Monitoring Training, Full day training, no experience necessary, FREE! UNC-Ashville.

April 15 (Sat.)
Earth Day at UNC-Ashville. Kids activities, workshops, bands and more. 11 am-4pm.

April 21 (Sun.)
NC State Univ. Earth Day at the NC State Brickyard. 10am-3pm. FREE!

April 22 (Sat.)
Durham Earth Day Festival in Durham Central Park (200 Block of Foster St.), 11 am to 5 pm.

May 20 & 21 (Sat./Sun.)
El Foro at UNC-Greensboro’s Elliott Center. Statewide conference that attracts over 400 community leaders, service providers, policy makers, and youth who have an interest in strengthening North Carolina’s Latino community. Go to http://www.elpueblo.org for more info.

May 24 (Wed.)
Clean Water Lobby Day in Raleigh. About 10am-3pm. Meet at the NC History Museum (Auditorium), then go to the State Legislature. For info. and transportation contact Gracia if coming from western NC at 828-251-1291 or graciacwfnc.org or Hope if coming from central NC at 919-401-9600, hope@cwfn.org

For more info or to RSVP for the events listed, contact:
in Asheville
Gracia O’Neill • 828-251-1291 • graciacwfnc.org

OR in Durham
Hope Taylor-Guevara • 919-401-9600 • hope@cwfn.org

Clean Water Lobby Day May 24, 2006

Spend time talking to legislators about key clean water legislation. For information and statewide transportation arrangements, contact Gracia if coming from western NC at 828-251-1291 or graciacwfnc.org or Hope if coming from central NC at 919-401-9600 or hope@cwfn.org

This special edition of Clean Currents is dedicated to highlighting the critical environmental justice issues associated with “development” in North Carolina. Everywhere we look there are examples where lack of foresight, public involvement and failure to set baseline rules on health-based standards have resulted in unsafe and inequitable policies and practices. We will explore issues ranging from immigration to appropriate land-uses, and from just and sustainable water policy to polluter accountability and right-to-know issues. As our population and economy expand, we must be mindful of the way we grow. Taking the initiative to set guiding principles, and anticipate the variety of ways in which the needs of everyone in our communities can (and should) be met, are critical to ensuring “justice for all.”

The development of high dollar resorts in rural mountain communities is all the rage these days, but not everybody is embracing the new trend. Residents of the Laurel Valley in Madison Co., which sits high in the mountains or western North Carolina and is home to the headwaters of the Big Laurel River, are taking on an issue in their own backyard that could set a precedent for development in the rest of the county, if not all of western North Carolina. Exactly what kind of precedent is yet to be seen.

A Quiet Change
In the summer of 2005, three tracks of land just over the ridge from the Laurel Valley were quietly rezoned from residential/agricultural to residential/resort. The parcels were rezoned in anticipation of the expansion of Scenic Wolf Resort, a development spearheaded by Paul Bussey, and attended public meetings to express their many concerns and have established a website to document their efforts to slow the development in the Laurel Valley, and to serve as an example for other communities facing similar problems. They have met with developer, Rick Bussey, and attended public meetings to express their many concerns, including lack of a comprehensive development plan, incompatible land use (zoning changes), damage to area trout streams from erosion and chemical runoff, potential contamination of the watershed, and the threat to the quiet, peaceful way of life in the valley. Nearly all the valley residents, many with very limited incomes, get their drinking water from springs – crisp, clean water flowing right out of the mountain – and many residents are also concerned that their water supplies will either dry up or become polluted. “I worry that they’re going to ruin my water supply,” says 85 year old resident Cline Shelton. “I was told if they ruin it, I should just dig a well. I’m on a fixed income, I can’t afford that.”

Laurel Valley Watch
In November, Laurel Valley residents (their concerns growing faster than kudzu) began to organize. They started by holding weekly meetings, attended by 30-60 people each time. They’re forming their own non-profit organization, Laurel Valley Watch (LVW) and have established a website to document their efforts to slow development in the Laurel Valley, and to serve as an example for other communities facing similar problems. They have met with developer, Rick Bussey, and attended public meetings to express their many concerns, including lack of a comprehensive development plan, incompatible land use (zoning changes), damage to area trout streams from erosion and chemical runoff, potential contamination of the watershed, and the threat to the quiet, peaceful way of life in the valley. Nearly all the valley residents, many with very limited incomes, get their drinking water from springs – crisp, clean water flowing right out of the mountain – and many residents are also concerned that their water supplies will either dry up or become polluted. “I worry that they’re going to ruin my water supply,” says 85 year old resident Cline Shelton. “I was told if they ruin it, I should just dig a well. I’m on a fixed income, I can’t afford that.”

The Z Word
Clean Water for NC has been working with 1LW to research past sediment violation, to enlist state officials in enforcing existing laws, and to research suggestions for changes to the county zoning ordinance. In the mountains of western NC, the rights of landowners have long been held as sacred, and it is a brave soul who dares utter the “Z word” in...
Clean Water for North Carolina

In Memoriam

In December of 2005, Rick Maas, member of Clean Water for NC Board of Directors for 17 years, died of a rare blood disease at age 54. Rick was a Co-founder of the Volunteer Water Information Network, which monitors water quality at more than 200 sites along streams and rivers in NC and across the nation.

Some of Rick's accomplishments:
- Chair, UNC-Asheville Department of Environmental Studies, and co-director of UNCA’s Environmental Quality Institute, a leading repository of lead-contamination research data. Rick’s reports and testimony helped reduce lead intake from drinking water and other sources, an injured exposure from pressure-treated lumber, and mercury exposure from fish consumption.
- Member of the Asheville-Buncombe Water Authority, and the first scientist and water-quality specialist appointed to the Authority, he helped to defeat the plan to tap the polluted French Broad River as a drinking-water source, and lead the search for an alternate safe source.
- Board member of the WNC Regional Air Pollution Control Agency, appointed to help address threats to the environment.
- Board of Directors for 17 years, died of a rare blood disease at age 54. Rick was a

Thanks to Our New and Renewing Members for Making Our Work Possible!

A special thanks to those who gave in memory of Dr. Rick Maas
Lisa Enskick, Betty Brown, Vanessa Harper, Bill Holman, Robert Tynes, Kay McLeod, Dean Kahil, Martha McMullen, John Runkle, Millee Buchanan, Kate Breckheimer, Robert Lewis, Jim Carroll, Friends on Banks Creek, Peg Jones (Save Our Rivers) and Greenpeace

Join Clean Water for North Carolina

(renew your membership!)

- Here's my donation to join or renew my CWFNC membership:
  - $20
  - $35
  - $50
  - $100
- Other $___________

- I would like to volunteer, contact me.

[Contact information]

Clean Water for North Carolina

Thank's to Our 2006 Foundation Partners and Major Donors for their Generous Support!

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Clean Water for North Carolina

Visit CWFNC.org

Color printer (hey, if we never ask ...)

Desk lamp
Floor lamp
Foldable display board
LaRousse unabridged English/Spanish dictionary
Empty ink cartridges for recycling/fundraiser
Scanner

CWFNC Wish List

Make your check payable to: Clean Water for North Carolina

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Tooltaks are still available.

Contact CWFNC at 828-251-1291 to obtain your copy!

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[Contact information]
C8 Working Group Holds DuPont Accountable for Contamination

The NC C8 Working Group, a coalition of environmental and worker safety advocates is calling on DuPont to release information about employee blood testing and air monitoring to control the controversial chemical C8. Residents near the Fayetteville plant fear they are also being exposed and want to know why C8 levels in the blood of tested employees almost doubled from 2001 to 2003.

DuPont’s Fayetteville facility became the only manufacturer of C8 after JM Corporation announced the phase-out of production, based on “principles of responsible environmental management.” In a January interview with National Public Radio’s “Living on Earth,” Hope Taylor-Guevara pointed to NC’s grave responsibility to hold DuPont-Fayetteville accountable as the sole new source of this widespread toxic contaminant.

Last year, DuPont paid a $107 million settlement to a West Virginia community after the chemical leaked into drinking water. In December, EPA fined DuPont $5 million for failing to submit C8 toxicity studies, just a tiny fraction of DuPont’s profits from Teflon alone.


Call for a Just and Sustainable Water Policy for North Carolina!

Through our Water Justice Campaign, led by Western Organizer Jill Rix, Clean Water for NC is focusing on water use practices and policies across our state and how they affect a human right: access to safe and affordable water. The major drought that peaked in 2002 revealed how poorly prepared NC is to cope with a serious drought and other water emergencies, and the lack of a water policy for a more just and sustainable NC.

- Local water systems must be given incentives and tools to implement the simplest and most effective methods to encourage conservation: pricing structures with the lowest rates for basic residential users, with steeply increasing rates for use of larger volumes, including for commercials.
- Essential and non-essential water users must be clearly defined and prioritized, with 1) basic health-related hygiene having the highest priority, 2) economic and emergency (e.g., military and production) targeted for reductions, and 3) recreational uses such as golf courses and ski areas prohibited from withdrawals during droughts;
- Emergency water conservation expectations must be aggressive and enforceable by state officials, including serious penalties for water users who do not comply with reporting, water reductions, new water withdrawals, and regional planning efforts. Water users who make efforts for “continued improvement in water use efficiency” should not be penalized by further steep reductions during drought conditions.
- Water supplies must not be privatized, even in drought or economic emergencies; local “water governance councils” and education must be encouraged.
- “Full water accountability” must be required, with reporting for all users withdrawing supplies from surface or groundwater that are for other than basic residential use.
- NC’s energy policy must de-emphasize water-intensive electrical generation facilities (coal and nuclear plants), which result in high temperatures, toxic emissions and degradation of downstream aquatic habitats.

Watch for CWFC’s forthcoming report on Water justice for the Yadkin River Basin, North Carolina’s most drought-impacted region, on our website (www.cwfc.org).

Pollute Accountably

Will North Carolina Accept Weak and Unjust Mercury Protocols?

Heather Jacobs, Pamlico Tar Riverkeeper with Hope Taylor-Guevara

Fish advisories By now, most of you know about the 2004 Food & Drug Administration (FDA) and the Environmental Protection Agency (EPA) joint federal advisory for mercury in fish, calling for restricting the consumption of certain types of fish, is directed towards women of childbearing age and young children. A newly released study of hair samples by Greenscreen and the Sierra Club has found unsafe mercury levels in 20% of US women of childbearing age, including those tested in NC. NC Riverkeepers have found mercury levels elevated in fish samples in most of the rivers tested, with the highest levels in the Neuse.

What are mercury’s effects and where does it come from?

Mercury can cause severe neurological and developmental problems in unborn fetuses and very young children whose brains are still developing. A relationship exists between mercury levels, fish consumption, and deficiencies in neurological behavior in children.

Long-term exposure to mercury-contaminated fish can have serious health consequences for adults as well, including damage to the liver, kidney, and nervous and cardiovascular systems.

Most mercury in the environment is emitted from coal fired power plants, is deposited in our waters and converted to toxic methylmercury, which bio-accumulates in fish tissue. In 2000, EPA decided that mercury must be regulated as a “hazardous air pollutant” and emissions must be controlled under rules endorsed by the Bush Administration, mercury would be much less stringently controlled, using a “cap and trade” program. Three times as much mercury would be emitted.

Other states including Pennsylvania recognize that EPA’s mercury rules are an outrage. As NC prepares to announce public hearings on its mercury rules, please join us in calling for quicker mercury reductions of up to 90%. Under new legislation, mercury would be much less stringently controlled, using a “cap and trade” program. Three times as much mercury would be emitted.

DuPont’s Fayetteville facility has made Teflon for years, and is now the only manufacturer source of C8.

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DuPont, LLC, also known as EIPCO and PPG, has been called a “likely human carcinogen” by EPA’s Science Advisory Board. The manufactured chemical is produced on non-stick surfaces and other products, and has been found in groundwater beneath the Fayetteville plant and in discharges to the Cape Fear River, as well as a nearby drinking water well and a private lake, but DuPont still can’t identify the source.

C8 concentrations in blood taken from 17 workers tested in 2002, as production started at the Fayetteville plant, averaged 113 parts per billion, more than twice the level found in the general population. The average concentration in 2003 (29 workers) increased to 217 parts per billion, and in 2005 to 430 ppb.

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NC’s regulations propose weak mercury rules—a toxic injustice Other states including Pennsylvania recognize that EPA’s mercury rules are a gift to the coal-fired electrical utilities and a threat to public health, and are calling for quicker mercury reductions of up to 90%. Under new rules proposed for NC’s coal fired electrical boilers, however, mercury levels would still be “tradeable” by the utilities and would be only very slightly lower than the federal rules. For supporters of Environmental Justice, which calls for the protection of the most vulnerable populations, including children, poor and minority populations (which depend more on fish consumption) and those already heavily impacted, these rules are an outrage.

As NC prepares to announce public hearings on its mercury rules, please work with CWFC and all of those calling for a more just and mercury free environment for our state, including fighting for more protective mercury regulations through legislation.

Immigration and “Justice for All”

As neoliberal economic policies exacerbate living conditions farther and farther South of the border, the federal government's immigration enforcement policies that avoid core issues: As long as goods flow freely across political borders, labor will also shift and people will continue to risk their lives in search of a better life. While there is an increasing demand for workers, undocumented immigrants will arrive to fill low-wage, service sector jobs here in the US and especially in NC.

Latin-American immigrants, documented and undocumented, are dramatically changing North Carolina’s demographic and economic landscape. In 2004, North Carolina’s Latino population totaled about 600,000 (or 7 percent of the state’s total population) and accounted for 27.5 percent of the state’s population growth from 1990 to 2004. North Carolina’s Latino immigrants originate from three sources: those who move directly to the state from Latin America (with the largest percent from Mexico), those who move from other US states; 3) and those born in the state.

According to a recent report from the Kanan-Flager Business School at UNC-Chapel Hill, Latinos live in all 100 of North Carolina’s counties and contribute more than $9 billion to the state’s economy through purchases and taxes while at the same time increasing the state’s economic output and cost competitiveness. The report estimates that the cost to the state per Latino resident is $102 for corrections, education, and health care (the report does not compare this estimate to any other ethnic group).

In December 2005, the House of Representatives approved an unwieldy immigration bill that CWFCN opposes for what it proposes to enact, as well as for what it does not endorse. If enacted, the Sensenbrenner-King, Border Protection, Anti-Terrorism, and Illegal Immigration Control Act (H.R. 4437) would harm legal immigrants, refugees, visitors, citizens, citizens-in-waiting, and business owners, without fixing unauthorized migration. The bill proposes to engineer an environmentally devastating triple fence along the United States border and does not offer effective solutions for bringing undocumented immigrants in the U.S. out of hiding, nor does it address channels for future legal migration. Furthermore, the legislation would make “any relative, employer, co-worker, clergyperson, lawyer, or friend of an undocumented immigrant as an ‘alien smuggler’ and criminal.”

It is irresponsible for the US to adopt the extreme measures proposed in H.R. 4417 to control migration while at the same time maintaining and looking to expand trade policies that result in environmental degradation and increased pressure to emigrate due to increased poverty and economic instability in people’s homes of origin.

As North Carolina faces itself adjusting to demographic and social changes brought about by immigration, CWFC recognizes the opportunity and responsibility to be precedent-setting in terms of our responsibility to participate in public policy development and community work across the state that promotes justice for all.

The 4th World Water Forum convened this March in Mexico. The subject of debate at past forums has been how water should be designated a human “need” or “right.” The debate continued this month in Mexico City—the megalopolis where providing safe water to the inhabitants of one of the world’s largest cities poses almost every imaginable problem. In Mexico City alone, 400,000 people do not have running water, and more than 37 percent of the city’s water escapes through leaks in the crumbling infrastructure. It is no wonder that governments across the globe are seduced by private companies eager to restructure their water distribution responsibilities.

In the book, Blue Gold, “The Fight to Stop the Corporate Theft of the World’s Water,” authors explore the question of “who should be responsible for ensuring people have access to water?” If developed countries become a commodity of the private sector and this global commons can be bought and sold on a free market basis, re-directed to the mercantile supply and demand forces of the marketplace. As the debate rages over whether water is a human right or a human need or right, we encourage North Carolinians to reflect on the changing demographics of the state. Thirsting for a better life, people continue to risk their lives to come to the US. In their journey here, ironically, many immigrants narrowly escape death for lack of water in order to reach the U.S. where this basic human right might be satisfied.
Restorative Economic Development: CWFNC Announces Youth “Energy and Water for Justice Team” in Durham! 

Youth in low-income communities rarely get the chance to take intellectually challenging and environmentally restorative jobs right in their own communities that can also improve their future job and educational prospects. Our mission of promoting environmental protection and social justice means that we shouldn’t just be preventing harms, but also should be a part of creating a new economy.

CWFNC is preparing to hire a project coordinator and select a small team of high school students from diverse backgrounds who are motivated to learn hands-on stream restoration and energy conservation skills. Students will be paid for intensive after school sessions to explore the biology and chemistry of water quality and the physics and math of residential energy auditing starting this spring. The most motivated trainees will be selected for employment where they will continue their “restorative” work in their community, doing outreach and marketing to residents and local businesses.

Thanks to generous support from the “Creating New Economies Fund” of the Conservation Fund, and partners ranging from the Durham Public Schools, Clean Energy Durham, Durham Soil and Water, and the Haw River Assembly. If this pilot scale project succeeds in Durham, we’ll love to help start similar work in YOUR community! To support this project or offer partnership ideas, please call Hope at 919-401-9600.

Oxford: Towns Use Sewage Hookups to Recruit Businesses, Causes Downstream Injustice

In 1999, the northern piedmont town of Oxford was issued a record breaking fine of $125,000 for water quality violations caused by years of neglect of its wastewater treatment plant and sewage collection system. As a result of that fine, the NC Division of Water Quality had serious “leverage,” and was able to issue an order that included strong penalties and deadlines for compliance. Unfortunately, the order did little to deal with Oxford’s problems: the whole sewage collection system was lãned with “inflow and infiltration” problems—leaks that allowed storm runoff into the lines and contributed to frequent overflows of raw sewage at downstream locations like the Bermuda Hundred, broken lines, etc. The City’s leaders and budget had ignored these needs for many years, and cared little about sewage pollution downstream to African American residents along Coon Creek or farmers along Fishing Creek.

Finally, in July of 2003, after 17 sewer overflows at several points in Oxford’s system nearly a million gallons into small streams already damaged, the Division came in with its heavy guns: it sent Oxford a letter. Calling itself a “Notice of Violation,” the letter said that the Division would be recommending penalties and suggested the City consider applying for a “Special Order of Consent” while making improvements to its sewage treatment plant. Records show that no penalties were ever discussed or recommended.

Over the next two years, the Division of Water Quality “negotiated” a deal with Oxford that continued to protect the City from penalties for sewage overflows while work on its new treatment plant was underway, and allowed the City to hook up 100,000 gallons/day of raw sewage accounts even as the sewage system couldn’t handle the sewage flows it had! Without penalties, the Division had no leverage at all, and again, they did almost nothing to force Oxford to fix the real problem: leaking sewage collection lines.

At this point, many downstream residents, along with Clean Water for NC, and the Pamlico-Tar River Foundation, had more than enough of the state’s “wet noodle” approach to enforcement. Our coalition of organizations and residents, called Oxford Sewage Watch, filed a “contested case” against the Division of Water Quality for this sweet deal. We are demanding that state officials issue substantial penalties and other REAL enforcement actions for sewer overflows to Oxford and all sewage polluters to motivate them to do the required dredging and system repairs. Environmental justice considerations (don’t force pollution downstream to downstream communities) and sustainability require strong state level enforcement, and the commitment of citizens willing to vote for leaders and budgets as though we all lived downstream of ourselves!

Wal-Mart: Displacing Community at “Low-Cost”

Over the last several months CWFNC has been part of a non-profit coalition that has been working with Monticello Mobile Home Park residents and local agencies to encourage clear communication and a more just decision-making process between stakeholders and those whose lives will be deeply impacted by the potential construction of a Wal-Mart Supercenter in West Asheville. If approved by Asheville’s City Council, more than 200 residents of the community, mostly elderly and Latino, will be displaced.

The residents of the community have been consistently mis- and under-informed about compensation, timeline of dislocation, and their basic rights. Neither the Landowner, Asheville Property Management (APM), nor the applicant (Wal-Mart) have provided communication in Spanish to residents (predominantly Spanish-speaking), despite repeated requests. Informational meetings held by the property owners have been announced with little notice and with disregard for community members’ diverse needs including accommodations for language barriers, physical disabilities, unstable health conditions, or work schedules.

Prior to the January Planning and Zoning Commission (PZC) meeting, the landowner in cooperation with Wal-Mart met at least $200,000 in relocation assistance to 56 recognized residents of the trailer park. Advocates for the community were troubled to learn that Wal-Mart severely underestimated the actual number of residents in the community and their potential relocation costs.

According to a door-to-door survey completed by non-profit workers and volunteers, more than 200 people live in the community. During the survey, residents indicated a wide range of concerns including not being able to move trailers they own or rent-to-own, to finding affordable housing options in Asheville, to maintaining jobs that they are currently able to commute to on foot, by bike or public transportation.

According to resident Manuel Cauldio Vasquez, who owns his own trailer and rides a bicycle to work, many of the residents would like to stay in the community. “The truth is that I would like to stay here. I don’t have anywhere to go, I don’t have much money, and from here my work is nearby. I don’t know what to do.”

Asheville’s PZC approved the proposal with certain conditions. The commission requested that Wal-Mart give an additional $175,000 in compensation, and required to provide relevant information to residents in English and Spanish. The residents of the community must be given the right to know the conditions of their almost inevitable dislocation. While community members have a right-to-know, APM, the City of Asheville, and Wal-Mart have a “responsibility-to-know” about the community they propose to dislocate before they propose conditions for their displacement.

CWFNC has worked closely with Asheville’s Planning and Zoning Department to guarantee simultaneous interpretation services (English/Spanish) at the March 1st meeting. As a result, more than 30 Spanish-speaking residents (including many children) who attended the meeting were able to more fully participate, more courageously expressing their concerns about the potential development and their almost inevitable displacement.

As part of the non-profit coalition working with the community, CWFNC also expressed comments at the PZC meeting. According to Jill Rios, Western Organizer, “Assessing the needs of the families who live in the community would include timely, clear, and bilingual communication. The people who live in the community have a right-to-know. While ‘right-to-know’ is commonly associated with pollution problems, in this case we’re speaking about another kind of urgent right-to-know issue—the right of the residents of the community to know the conditions of their almost inevitable displacement. While community members have a right-to-know, APM, the City of Asheville and Wal-Mart have a ‘responsibility-to-know’ about the community they propose to dislocate before they propose conditions for their displacement.”