Aqua North Carolina continues to build its reputation for poor service, steep prices and outright mistreatment of water and sewer customers in NC. In a history of unjust practices, the most recent may take the cake: when residents miss a wastewater service payment, Aqua NC hires a contractor to come to the house and install a cutoff valve. The company then turns off sewer service, allowing sewage to back up into people’s homes, while slapping customers with $645 or more for the valve. Even worse, some folks who have already paid their bills pleaded with the contractors to stop valve installation, but were ignored. In one case, Aqua NC admitted they had previously received payment, but as the valve was installed, the customer was still responsible for paying. Others have tried to pay their bills but did not complete all the steps in Aqua’s convoluted billing system in time.

Elva Ramseur of Huntersville (pictured), who has several chronic health problems, is one of the residents whose health was threatened by a sewer cutoff. When she found herself with more than $1,000 in sewer bills from Aqua, with sewage backing up into her home, she wrote to the NC Utilities Commission’s Public Staff, but was told they didn’t get involved in “billing disputes.” She learned that the Commission allows Aqua NC to recover the valve installation costs up to $2,200 from customers! “They don’t exercise any influence or authority over Aqua,” Elva observed.

Thanks to Elva, and media coverage of other customers’ experiences, more affected customers are speaking out. The Commission announced in January they would investigate this practice. Pressure is mounting on the Commission to force Aqua to require a longer grace period, clear written notice, and opportunities to arrange payment. Without stronger regulation, Aqua NC can continue, in the words of another customer, “doing everything they can to steal as much money as they can from us.”

A growing number of Aqua customers are working to build a statewide network to advocate for stronger regulation of the company. Juli Wiliams of Raleigh has contacted more than 3000 members of homeowners associations, and folks including Sally Stoehr (Raleigh), Bob Kroupa (Roaring Gap), and Barry Dale Price (Stallings) are keeping their own neighborhoods engaged. Pete Minges, Stan Coleman and others are providing detailed analysis of Aqua’s tariffs and costs. To join in the statewide effort, e-mail katie@cwfnc.org.

In NC, private water and sewer companies have focused until now on acquiring small rural and suburban systems, not city owned systems. However, privatization efforts here and throughout the country are intensifying as the demand for water, and its value as a commodity, increase. The pattern may be changing; private corporations are now approaching some NC towns about buying or operating their water and sewer utilities. Many NC towns have significant infrastructure repair needs, making sizeable bids from private companies seem attractive as short-term budget solutions. In other states, though, these deals have often led to worse long term financial situations for local governments, unfulfilled contracts, as well as higher rates and poor service for water and sewer customers.

Houston-based Ni America, founded only in 2008, recently offered $4.1 million for Tryon, NC’s water/sewer system. The company says that small systems with infrastructure needs like Tryon’s are its “specialty.” But Ni wouldn’t have been courting Tryon for two years unless there were potential profits: “We would love to be in North Carolina,” said company representative Stan Jones. Residents worry that Ni America could choose to sell Tryon’s water to other regions; the town is near a number of drought-prone zones to the south (see p. 4 story on proposed nuclear plant near Gaffney, SC).

Town leaders want to thoroughly study their budget and infrastructure needs before reopening talks with Ni America, and CWFNC is sharing our research on the history and impacts of private acquisitions with them. They plan to ask for public input as soon as they have further reviewed the options: keeping the systems, selling them or joining in a county-wide regional approach. Including the community in the decision-making process early is a crucial step, and an example of one of the primary benefits of public water/sewer system ownership: a level of accountability to local customers that private, for-profit companies aren’t required to provide. (For examples of potential municipal privatization, see pages 4 and 5.)
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.

Board of Directors

Allen Hubbard • Charlotte
Isaac Coleman • Asheville
Nathannette Mayo • Shiloh
DeWayne Barton • Asheville
Marshall Tyler • Mocksville
Jodi Lasseter • Durham
Joanna Connolly • Lawndale
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Belinda Joyner, Northeast Organizer

Ringing in a Clean Water New Year with Supporters in Asheville and Durham

Clean Water for NC’s members, volunteers, allies, staff and board had a great time welcoming the New Year with two January parties! In Asheville, folks gathered at the Downtown Market, a community market creating an “opportunity for community interaction and dialogue.” We had a lot of fun at the party, the first community event in what the owners hope will be many more in this inviting new space!

In Durham, Board Chair Jodi Lasseter hosted local members and supporters for a party shortly after the “Indy” Award celebration. The food was delicious and the conversation lively at both events. Thanks to all the volunteers whose efforts made these events successful, especially Sara O’Neal and Susie and Lance at the Asheville Downtown Market, and Jodi Lasseter and Helen Fischer (wow, that chocolate cake!) for the Durham party.

A “Customized” Water Rights Workshop in Your Community?

Did you know that CWFNC offers bilingual community workshops to help protect your drinking water rights? You can invite us to provide a free, informal workshop in your community that focuses on the topics you care about most, whether it’s private wells, water quality, affordable rates and service, or mobilizing to organize for human rights to clean, affordable water.

A participant in a past workshop said she was, “impressed that the staff communicated in both Spanish and English. Excellent job of balancing topics for different participants.” Please contact katie@cwfnc.org (or call 1-800-929-4480) if YOUR neighborhood or local group would like to host a free workshop!

Congrats - and Farewell for Now – to Outreach Coordinator Rachel Lang-Baldé

On November 23, CWFNC’s outreach coordinator Rachel Lang-Baldé and her husband Thierno welcomed their second child, Yaghouba Baldé! The family is doing well. Rachel has opted to spend time at home with Yaghouba (Arabic for “Jacob”) and his big sister Hadia. We miss her but wish her all the best! In the meantime, please send future outreach and event correspondence to info@cwfnc.org or katie@cwfnc.org.
Hydraulic Fracturing: Water and Community Justice

Hydrofracking Issue Looms over NC as Opposition Unites
by Hope Taylor

The faceoff in the NC General Assembly on whether NC will allow hydraulic fracturing and horizontal drilling is fast approaching. The 2012 Short Session of the legislature opens in May, but a lot has been happening recently. Opponents of “fracking” from over 20 groups have spoken in dozens of communities, sent waves of calls and emails to state legislators to keep the House from overriding the Governor’s veto of S709, held vigils, hosted speakers, promoted local resolutions and ordinances, served on study panels, and strategized together.

“Boom and Bust” Economics
The key argument of shale gas fracking proponents has been the potential for job creation and a new stream of income for local governments. In areas with intensive gas development, studies indicate that as few as 30% of jobs go to local residents and most highly paid jobs go to experienced workers from out of state. As gas production wanes, often in just a few years, local economies are left weaker and less diverse than before the boom. Local governments depending taxes from gas often experience a sharp budget drop.

Shale fracking will be a critical issue for this year’s legislative “short session,” a measure of whether our communities are willing to allow industrialization of our landscape, and unprecedented threats to our water and air, mostly to benefit of large landowners and investors in drilling corporations. A pattern of environmental injustice—with the traffic, noise and pollution disproportionately impacting low income populations—is becoming more clear.

While supporters of shale fracking continue to tout potential profits in NC, the US Geological Survey’s assessment of NC’s gas resources won’t be available for months. Drilling corporations in the Marcellus Shale in PA are already shutting down some rigs, as peak production has passed and prices are low. For years, drilling corporations have kept up the appearance of unlimited reserves to attract new investors, continuing the damage in PA and other states, while yielding lower revenues. The first of several import gas terminals has been permitted to switch to exports, as gas prices are far higher in other countries. So much for shale gas as a critical domestic supply for national energy security!

The DENR Shale Gas Study that a NC Senate Committee Wants to Go Away
Part of a study called for by last year’s House Bill 242—a review of NC’s regulatory programs—has just been completed, and the list of tasks needed to develop an oil and gas regulatory program is daunting. The “STRONGER” Review Team says that, if NC decides to allow oil and gas extraction, including hydraulic fracturing, it will need to develop detailed formal standards and siting criteria, change existing regulations and bonding requirements, provide additional funding and staffing to inspect and enforce regulations, collect baseline data and much more!

After over 300 people turned out at DENR’s October 10 hearing in Sanford, and more submitted comments, the agency incorporated more potential impacts on air, health, water and economics into its study plan. After a tour of PA gas drilling areas led by Chesapeake Energy, DENR and legislators met with local groups opposing gas extraction. The NC Commerce Dept. has raised questions about the jobs created, training and funding for regulators and local governments, and local economic impacts of gas extraction. We’ll send out a link to the draft report right away so that folks can prepare for the March 20 (Sanford) and March 27 (Chapel Hill) hearings.

In the meantime, it’s clear from their meetings so far that most members of the NC Senate Energy Issues Committee members have little respect for DENR’s careful study. We’ve heard that some Senators are working on an aggressive bill to move quickly to allow shale gas extraction, and they expect it to pass quickly. We need to build the movement to stop fracking fast, before the May start of the short legislative session!

Take Action!
Share your concerns with friends in shale areas (see map), and point them to information on fracking at www.cwfnc.org. Connect friends and relatives across the state with CWFNC and other groups working on fracking to host a local organizing meeting or skills workshop!

Talk to your local elected officials and state Representative as soon as possible! Work for local resolutions and ordinances to show how controversial this issue is, and that avoiding a vote on it in a legislative election year (all House seats are up for election this year) is smart. Don’t assume that Republicans aren’t listening because of previous votes in favor of fracking. This will be one of the most controversial issues facing this year’s short session of the legislature—with enough pressure, we may be able to keep it from coming up for a vote in the NC House!
Legislative Study of Asheville Water System Raises Privatization, Local Control Concerns

Representative Tim Moffitt (Buncombe) has caused a stir in his hometown with a study of a possible involuntary transfer of Asheville's water system. He chairs an NC House of Representatives committee to study three options: transferring the system to the Metropolitan Sewerage District (now in charge of the wastewater system), creating a new regional authority, or keeping ownership with the City. Of the five committee members, only two represent districts in western NC.

Not surprisingly, many residents vehemently oppose legislative intervention on a local issue. At community forums giving folks a chance to hear from local leaders and decision makers, many cite the City's good stewardship of the system in recent years. While there can be some advantages to regional cooperation, most agree that any change should be a local initiative, rather than a legislated mandate.

Rep. Moffitt’s unclear motives, and his involvement in another committee on Public-Private Partnerships, led to fears that Asheville’s water could become vulnerable to privatization if transferred from City ownership. Although Moffitt denies this and promised to support legislation to keep the system publicly owned and managed, many water advocates are skeptical. He repeatedly refers to conflicts between the City and County, causing Rep. Susan Fisher of Asheville to warn of a “divide and conquer” approach now driving conservative legislative strategies.

The committee will held a public hearing in Asheville on the three alternatives on February 23. Concerned residents have started a blog with more info: ashevillewater.blogspot.com.

CTS Building at TCE Contaminated Site Demolished! Residents Press for Cleanup

After years of advocacy from nearby residents, Buncombe County officials last year condemned the old industrial CTS building sitting atop a legacy of toxic groundwater contamination. In December, crews demolished the eyesore, a visible sign of hope to the surrounding neighborhood, but also a reminder that the real threat still lies underground.

Since the building came down, local residents have been pressuring the Environmental Protection Agency to move forward with cleanup of TCE, a known carcinogen, and other chemicals in the soil and groundwater. A decision is expected in March as to whether CTS will become a “Superfund” site.

In the meantime, frustration is growing over an agreement reached between EPA and CTS, stating the company will install filtration systems for residents and start another round of well testing, rather than pursuing more permanent solutions. Residents have been calling for extension of municipal water lines to serve current well users near the site, and for EPA to oversee a full site cleanup. CWFNC shares residents’ concerns that filtration systems could be used to “justify” the company’s continued refusal to pay for a cleanup. Following two recent hearings of an NC House Select Committee, where EPA officials didn’t respond to requests to appear, the Committee has now issued them a rare subpoena.

New SC Duke Nuke Plant Close to Asheville, Charlotte?

Duke Energy wants to get approval to build two new nuclear reactors in Gaffney, SC, just south of Charlotte and only 60 miles from Asheville. The William States Lee III Nuclear Station would withdraw 47 million gallons of water per day (returning only 25% of that amount) from the Broad River. The river is already strained by power plant withdrawals both upstream and downstream. Duke’s NC and SC ratepayers would pay for the $14 billion plant through their power bills; the company has already spent $261 million of ratepayer money on financing and licensing costs.

Concerned residents packed a Nuclear Regulatory Commission public hearing on the proposed plant’s Environmental Impact Statement on January 19. Speakers discussed the hazards of nuclear waste and radiation, huge water withdrawals in a drought-prone region, and impacts to local communities and ecosystems. CWFNC has been reaching out to Gaffney residents who would be displaced by construction of back-up cooling ponds, many of them low-income, and we’ve discovered Duke has not communicated clearly with them about the plans. An Asheville-based alliance called SAFE Carolinas has formed to stop plant approval and construction, working with CWFNC and many other groups, along with activists in Polk County and in SC.
Community Updates

“KEEP THE BAN” Coalition Fends Off Vote to Allow Uranium Mining

In 2007, Virginia Uranium, Inc. began efforts to overturn a 30 year ban on uranium mining in the state, in order to mine uranium at a south central Virginia site along a tributary to the Roanoke River. The company has been waging a campaign about jobs and economic development, taking legislators to Canada and France to see mining operations and stepping campaign donations to key legislators.

In May, 2011, Keep the Ban organized 20 VA groups for the effort, supported resolutions in towns and counties, and brought hundreds of grassroots lobbyists to Richmond. In January, Gov. McDonnell conceded that the National Academy of Sciences report has raised important health, safety and environmental questions, so a vote will not be taken this year. However, he’s told agencies start drafting mining regulations!

Kill Devil Hills Considers Privitization Deal with Aqua NC

Aqua NC has proposed a public-private partnership (see p. 3) with the Town of Kill Devil Hills (KDH) for its sewer system. Like all of the Outer Banks, KDH has unique water/wastewater challenges due to its position on a narrow strip of land. Recent rapid development has resulted in overcommitted wastewater treatment capacity. Currently a small local company owns the plant and some of the lines. Aqua NC proposes to buy and operate the wastewater treatment plant while the Town owns the lines, with investments by Aqua financing about $1.6 million in improvements. KDH would pay Aqua directly and then bill customers to make up for this amount, including Aqua’s substantial returns on equity financing, debt financing, and annual overhead.

Though $1.6 million in up-front funds for improvements appeal to local decision-makers, KDH would lose some local control of the system, and residents’ sewer rates would climb. A memo from the Town manager implies KDH would retain oversight of costs and rate of return calculations through “open book” accounting. However, some town officials have researched Aqua NC’s track record in other locations and have doubts about the deal being in the community’s best interest.

Camp Lejeune Contaminated Water Investigation—What’s the Navy Hiding?

TCCE (trichloroethylene), found in Camp Lejeune’s water supply for decades, has been officially recognized as causing cancer, and revelations of benzene and other toxic contaminants have further deepened fears among former residents. Families who lived at the site of the nation’s largest drinking water contamination scandal are demanding a rapid and thorough investigation. Jerry Ensminger, whose 9 year old daughter, Janie, died of a rare leukemia, has been leading the fight for many years, including testimony before Congressional committees.

A key part of the investigation will be reconstruction of where in the Marine base’s water system the contamination was found, and how high the levels were. Completely mapping the water system from the 1950s through the present is critical to determining who could have been exposed to toxic contamination that could be responsible for the increased levels of disease, including male breast cancer and childhood leukemia. Yet the Navy now claims that the water system information must be withheld for reasons of national security, and is trying to keep it out of a health report due soon!

Ensminger and other Marine families are fighting for health care and full accountability for the base’s failure to close contaminated wells despite years of warnings. They say this may be one more ploy by the Navy to cover up its responsibility and stall justice for about one million former residents at the base who may be victims of the poisoned water.
NC SAVE$ ENERGY—A Hearing in 2012, New Website Launched!

NC SAVE$ ENERGY is an initiative by over 45 social justice, senior, faith, consumer and environmental organizations to create an independently managed energy (electricity and gas) statewide efficiency program. NC SAVE$ ENERGY would keep savings from energy bills in the hands of residential customers and help pay for energy efficiency programs for homes, local government buildings, hospitals and schools. Other benefits of this program include the creation of new jobs to carry out program activities and increasing the efficiency of the state’s aging housing stock through weatherization projects. This initiative would provide the most just, affordable and comprehensive approach to protect low and middle income residents from increasing energy rates.

First New Reactors Approved in 33 Years; Groups Challenge License

Vogtle Reactors Approved Near Augusta, GA

Only 11 months after the ongoing nuclear disaster in Japan started, the Nuclear Regulatory Commission voted 4 to 1 in February to approve construction of two new reactor, to be built by Georgia Power, a subsidiary of utility giant Southern Company. Despite a decade of industry touting a “nuclear renaissance” and enormous federal funding and incentives, no plants had been approved in the more than 3 decades since the partial meltdown at Pennsylvania’s Three Mile Island.

Given the flat demand for electricity, and poor financial prospects for the nuclear industry, only a combination of $8.5 billion in taxpayer-funded guarantees and Georgia’s “Construction Work In Progress” (CWIP) ratepayer-funding could keep Georgia Power handering after this project. The lone vote against licensing the project, NRC Chairman Gregory Jaczko, said “I cannot support issuing this license as if Fukushima never happened.” He had called for stronger, post-Fukushima safety requirements for any new licenses.

Groups File To Block License

Nine state, regional and national groups, including NC WARN, quickly went to court to block the Vogtle licenses, saying that enhanced safety requirements resulting from studying the Fukushima disaster haven’t been incorporated into the license. The groups area also call on the Dept. of Energy to demand full disclosure of critical cost overruns and delays for the previous two reactors at Vogtle with major implications for the taxpayers and ratepayers who would be taking on the risk for the $14 billion project.

NRC Watchdog: Safety Tracking Poor

Also in early February, the Inspector General for the Nuclear Regulatory Commission issued a report critical of the NRC’s tracking and accountability for safety agreements made with nuclear facilities to correct safety problems. The NRC agreed to improve its centralized tracking and regional safety over-

Last April the NC SAVE$ ENERGY Bill (House Bill 874) was filed by sponsors Paul Leubke (Durham), Susan Fisher (Asheville), Pricey Harrison (Greensboro), and Larry Womble (Winston Salem), and 10 co-sponsors. In 2012, we hope to have a hearing on the bill and convene our Alliance to strategize about local and statewide action. NC SAVE$ ENERGY would pave the way to make North Carolina a more just and energy efficient state.

For more information check out the newly launched NC SAVE$ ENERGY website at: http://ncsavesenergy.org/

“Super-CWIP” and Why We Must Fight It

In 2007, NC legislators passed a bill allowing the power utilities to go to the NC Utilities Commission to seek to recover “reasonable and prudent” costs of building and financing costly new power plants through increased electric rates, shoving the risks of financing onto customers. Currently, at least the utilities’ requests must undergo some scrutiny at the NC Utilities Commission. Now, Duke and Progress want to push through a bill that opponents call “Super-CWIP”, to allow nearly automatic annual rate hikes to cover the costs of construction and financing. Customers take the risk for plants that may never operate, while the investors get a guaranteed rate of profit. Watch out for “Super-CWIP” and prepare for a hard fight—many NC legislators not only get campaign $$ from utilities; they are utility investors, too!

A church site that was purchased to make way for Lee Nuclear Station reservoir—just one example of new power plant being built with “CWIP” (ratepayer) funding.
Our newest Board member, Tina Motley-Pearson, made CWFNC history as the first Board member to have a baby while she’s in office. Tina joined our Board after several years of collaboration and advocacy to protect local drinking water reservoirs. She and Scott welcomed Ava in late November, and we look forward to getting to know this charming little water advocate!

Kathy is a GIS specialist working for the Iredell County Planning Department, to help water and Environmental Justice activists envision impacts by providing maps of livestock operations, NC waters and shale basins (see p. 31). We are grateful for her help in our outreach to the public and policy makers! Kathy’s shown here enjoying a tributary of the Catawba River.

Welcome to Ava!

Our newest Board member, Tina Motley-Pearson, made CWFNC history as the first Board member to have a baby while she’s in office. Tina joined our Board after several years of collaboration and advocacy to protect local drinking water reservoirs. She and Scott welcomed Ava in late November, and we look forward to getting to know this charming little water advocate!
Since 1993, the Durham-based Independent Weekly has awarded groups or individuals for their commitment to making a positive change in their communities. This year Clean Water for NC was awarded an INDY Citizens Award for our continued efforts in ensuring safe, clean drinking water for all. With the possible threat of changes in current laws protecting NC against hydraulic fracturing, a method of extracting natural gas from shale rock, our work with communities and local groups has never been more important. We are humbled and honored by this award, and grateful to all of the many grassroots and advocacy organizations collaborating in this statewide effort!

DENR is holding public hearings for its draft shale gas study report in March! Please come and speak briefly or support those who do—a big turnout will show DENR, the media and legislators how concerned we are! Public comments will be accepted at the meetings and by mail or email.

Tuesday, March 20th 6:30-9:30 PM – Sanford, Dennis A. Wicker Center, 1801 Nash Street

Tuesday, March 27th 6:30-9:30 PM – Chapel Hill, East Chapel Hill High School Auditorium, 1709 High School Rd.

Not getting our free weekly “FrackUp dates,” with the latest news on fracking? Sign up at www.cwfnc.org