The issue of hydraulic fracturing for natural gas is now emerging in NC, and CWFNC has recently learned that legislators are making inquiries in preparation for drafting a bill on “fracking.” Legislative proposals are likely to include increased permit fees and bonding requirements, and increased oversight of any current exploratory drilling. We will be monitoring the situation closely and let you know when your action is needed to protect NC’s drinking water and communities to get the most protective legislation we can!

Current state regulations that protect us from “fracking” (no horizontal drilling, no injection of hazardous materials, or high pressure fluids) may not protect us from all drilling hazards. Because NC shale basins are shallow, horizontal drilling may not be necessary to be of economic interest to gas extraction companies. Four oil and gas companies have obtained approximately 150 gas rights leases, totaling over 7700 acres in Lee and Chatham counties. The Rural Advancement Foundation International (RAFI)’s organizing staff found that many of these leases are highly predatory in nature, with low advance payments to landowners, and in some cases holding them financially responsible for infrastructure, environmental damage and no recourse if drinking water wells become contaminated!

After multiple reports of water contamination by individuals living in close proximity to fracking operations, the EPA required major gas companies to disclose the chemicals contained in their “fracking fluids.” The 2005 Energy Act gave the oil and gas industry exemptions from the Safe Drinking Water Act, Clean Water Act, and Right-to-Know laws. The federal “FRAC Act” would call for the disclosure of chemicals found in fracking fluid, and identification of the chemical mixtures used. Documents obtained by NY Times reporters (Feb. 27 front page) show there is currently no testing required by most wastewater utilities that receive fracking wastes or by drinking water utilities downstream, leading to drinking water contamination in Pittsburgh and high levels of radioactivity found in several states.

During 2010, due to mounting public pressure from Congress, the EPA was directed to conduct a study of hydraulic fracturing and its relationship to drinking water resources. This report will include historical and ongoing case studies from several regions of the country, and will attempt to determine the cause of multiple groundwater contamination events. A 22 member Science Advisory Board of academics and experts in the fields of hydrology, toxicology, and drilling safety will analyze the data and is now asking for public comment.

Two major US cities, Pittsburgh and Buffalo, have successfully passed local anti-fracking ordinances while challenging the rights of corporations to override local rights to clean water, health and self governance. The state of NY passed a 6 month moratorium against fracking, along with new rule making in TX, WY, CO, NM, PA and NY. A best case scenario for NC would be to pass a statewide moratorium on fracking that would encompass at least the first phase of the EPA study (about 2 years). We’ll be in touch about contacting your state legislators and keeping you aware of the latest developments.

CWFNC has been showing the award-winning documentary “GASLAND”, recently nominated for an Oscar for Best Documentary, in several of the 14 counties (Chatham, Granville, Anson, Rockingham, and Davie) potentially impacted by fracking, followed by discussion of impacts and lease issues. The oil and gas Industry voiced their opposition to the Oscar nomination. “While it’s unfortunate there isn’t an Oscar category for propaganda, this nomination is fitting, as the Oscars are aimed at praising pure entertainment among Hollywood’s elite,” said Lee Fuller, executive director of Energy In Depth, a pro-drilling association. Energy industry leaders are squirming in their seats due to the attention the film is receiving.

CWFNC thanks organizations and local volunteers who made these showings possible, including the Rural Advancement Foundation International (RAFI), Dan River Basin Association, Haw River Assembly, Granville Non-Violent Action Team and others. CWFNC is actively seeking partners to continue the outreach effort into all the remaining counties and to reach statewide. Please contact rachel@cwfnc.org to volunteer.
Winter is normally the time when streams and reservoirs replenish their flows. Human needs for irrigation are lower, precipitation is often in the form of snow that melts and penetrates gradually and more completely, and evaporation is reduced by lower temperatures.

Halfway through this winter, however, most NC counties are already in moderate to severe drought, with many more classified as “abnormally dry.” Groundwater levels in many locations have never recovered from recent severe droughts in 2002 and 2007. This drought is worsening with every rainless day and we’re months away from summer.

In several ways, groundwater is uniquely valuable. During rainless periods, it’s groundwater springs that keep our streams flowing. For over 2.5 million North Carolinians, groundwater provides a generally pure source of drinking water that has already been filtered. Groundwater, unlike reservoirs, is protected from evaporation in hot weather, and represents long-term protected storage.

But in many ways, groundwater is also more vulnerable than surface water. Once groundwater levels are lowered by an extended drought, they are slow to recover. Unlike flowing and oxygenated surface water, if groundwater is contaminated, it’s difficult and expensive to clean. In recent years, average flows for many central and western NC streams have dropped, indicating falling groundwater levels, while groundwater use continues to rise.

Four years of a Water Allocation Study by UNC and Duke scientists, and its excellent recommendations, have largely fallen on deaf ears. NC policy makers and legislators have failed to require permits for water withdrawals, a system in place in the majority of states, or to implement strict and sustainable planning and management. We are up to our Tar Heel necks in denial about the vulnerability of our water future.

Drought conditions will lead to severe scarcity if we refuse to stop overpumping our groundwater and allocating our river basins based on wishful thinking, rather than reality. NC’s current drought management policy fails to require enforceable conservation measures quickly in response to drought conditions, and doesn’t strongly prioritize critical human and ecosystem needs over wasteful economic uses.

Clean Water for NC calls on our state’s leaders to see that failing to implement water withdrawal permitting is “aiding and abetting” a steady depletion of our resources. This can soon lead to catastrophic losses in major sectors of our economy, as well as the well-being and economy of folks downstream. Probably the toughest protection of all should be given to the most valuable stored water we have - our groundwater.

March 6-12 is National Groundwater Awareness Week, but for North Carolina, EVERY week is Groundwater Vulnerability Week. Please join us in calling on legislators, state and local leaders to conserve water now, permit water uses fairly, and help replenish our priceless groundwater!
The Murky World of Private Water Supply Rates and Governance

Water providers – both publicly and privately owned – should be transparent and open to customers about their operations. However, private companies like Aqua NC and Utilities, Inc., which are rapidly buying up small water systems, often sacrifice transparency and local accountability by with practices like regionalization, resale of public water, and recruiting developers to provide private water supply to buyers.

Regionalization - North Carolina has more than 2,000 community water systems, 70% of which are considered “very small” (25-500 people) by the EPA. In NC, private companies are purchasing small, geographically spread-out water systems. Claiming to create economies of scale, Aqua NC and other companies have chosen to “consolidate” the rates their customers pay statewide – meaning water and wastewater customers in mobile home parks pay the same rates as residents in new subdivisions in more urban areas.

CWFNC is concerned that revenues from Aqua’s high rates do not benefit all customers equally. In a sense, consolidation of many systems into a single rate creates a “tax” on most customers to cover infrastructure improvements for a limited number of systems that get the improvements. Until 2008, the NC Utilities Commission didn’t require Aqua NC to keep financial records for each of its systems. The Commission now has such a record-keeping policy, but has failed to enforce it, even responding to a customer’s letter in 2010 saying the company was “not required to maintain system-specific operating data in its financial books,” despite Commission rulings! Without enforceable rules for system-specific record-keeping, regional-ized companies can’t be held accountable for fair spending of money coming out of customers’ pockets each month.

Resale of public water - In 2004, North Carolina widened the ability of landlords and private companies to resell water from other sources (usually municipal water systems) through “sub-metering,” with an added administrative fee. While justified as promoting water conservation, by charging apartment, neighborhood or mobile home park customers for the volume of water actually used, this mechanism has been used by private companies to increase profits. Residents of Park South Station in Charlotte, highlighted in our last issue, are within the city limits, yet pay substantially higher prices for the same water other Charlotte residents buy directly from the city. Many low income mobile home park residents across the state also suffer from higher prices under resale agreements.

Developer initiatives - Utilities, Inc., another major player in NC’s private water industry, reaches out to developers on their website, boasting “ample staffing, environmental regulation expertise, and strong relationships with state commis-sions...” By aggressively marketing themselves to developers, private companies encourage privatization of water supplies without giving municipalities a chance to extend more cost-effective and accountable service to new neighborhoods.

Currently, over half of all Americans use bottled water at least occasionally. Reasons include convenience, taste and concerns about the safety of their local tap water, often unfounded. There are plenty of questions about bottled water source and quality, as well as economic, health and environmental impacts.

After a report by the US Government Accountability Office on bottled water testing, sources and treatment, Rep. Stupak (MI) stated, “Neither the public nor federal regulators know nearly enough about where bottled water comes from and what safeguards are in place to ensure its safety.” Phthalates and Bisphenol A (BPA), two types of plastic additives known to disrupt hormones, are of health concern but aren’t regulated. The Society of the Plastics Industry is launching a social-media campaign to try to damp down public concern about plastics.

The US is the largest consumer of bottled water. Americans drink 21 gallons per capita per year, though sales fell 3.3% last year. One major reason is the campaign targeting plastic water bottles as a major source of waste. In the US alone, billions of bottles a year get tossed and only 15% get recycled. Bottled water can cost a household hundreds of dollars a year, while tap water is far less expensive and safer. As Bioethics Professor Dr. Arthur Caplan states, “if you want to do something to really reduce global warming and cut down the earth’s pollution problem, stop buying bottled water.”

If tempted to reach for the bottle, remember these factors & consider taking a pledge to “Take Back the Tap!”

1. Far Weaker Regulation - The Food and Drug Administration (FDA), not the EPA, regulates bottled water; no periodic testing for many contaminants, unregulated if water sold in-state.
2. Sources - Several top brands, such as Aquafina and Dasani, are just tap water from big city systems put through taste-enhancement process.
3. Types of Plastics - Avoid, or look for #1 plastic, “BPA or Phthalate free,” store in a cool place out of sunlight, & recycle.
4. Cost - Up to 10,000 times as much as tap water!

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Vapor Intrusion – a Hidden Toxic Threat at Brownfields Sites?

In the U.S., “Brownfields” programs are initiatives to re-use properties contaminated or potentially contaminated by hazardous substances. Like other state programs, North Carolina’s Brownfields Program forms agreements with developers to limit their liability for environmental hazards, which incentivizes revitalization of abandoned properties. Generally, properties are assumed safe for their intended uses once a Brownfields agreement is made (though some limited cleanup may be stipulated). Therefore, safe implementation of the program hinges on thorough, unbiased initial evaluation of contamination. However, evaluations are often limited, especially when it comes to the potential for “vapor intrusion”.

Volatile organic compounds (VOCs), such as trichloroethylene (TCE), are released from soils or liquids as gases over time. Redeveloping areas polluted with VOCs can allow vapors to intrude into buildings, potentially impairing air quality and harming human health. Yet nationwide, assessments for Brownfields Programs typically don’t include a full evaluation of vapor intrusion risks.

Alarmingly, NC’s Department of Environment and Natural Resources staff has little experience with vapor intrusion. NC didn’t attend a 2009 EPA National Forum on Vapor Intrusion, where states like Vermont described progressive efforts to include more rigorous vapor intrusion testing in their states’ Brownfields evaluations.

Vapor intrusion hazards are also a hot topic in assessment of more contaminated properties under the Superfund Act. In February, EPA began gathering public input on the inclusion of vapor intrusion as a factor in designating high priority sites for cleanup under Superfund. In NC, for example, residents near the abandoned CTS facility await a decision in April on whether the site qualifies for the Superfund National Priority List. Since residents close to the plant have reported high levels of TCE vapors entering their homes, a decision to put CTS on the List could indicate EPA’s willingness to place higher priority on difficult-to-measure health risks, such as vapor intrusion.

Thanks to Barry Durand for help in researching this article.

Water Rights Workshops Underway - Host One in Your Community!

In February, CWFNC presented the first two bilingual “Water Rights” workshops to communities in Buncombe and Lincoln Counties. Above, CWFNC’s Rachel Lang-Balde talks to a group of private well users and residents of Eden Glen Mobile Home Park about their priorities when it comes to safe water. Other potential workshop topics include community organizing, public and private water systems, water quality and testing, and more! If you’d like to host a Water Rights Workshop in your community, contact katie@cwfnc.org or call 1-800-929-4480.

The Fight for Justice Downstream of Blue Ridge Paper

Last fall, after CWFNC and 6 other Tennessee and NC groups filed a challenge to Blue Ridge Paper’s 2010 wastewater permit, the company attorneys asked the judge to delay some permit requirements to get leverage in fighting our coalition’s case. While the company was granted a 90 day extension until the end of summer, the extension won’t have much effect - except for the critical “low flow contingency plan.” Low river flows are very likely his summer with abnormally dry conditions dominating the region. If there’s no credible plan to adjust operations for low flows this summer, the temperature and pollution impacts on the tiny Pigeon River and TN-based rafting companies could be even worse than usual.

We’ll be urging faster action on the “low flow” plan, and watching with downstream partners Clean Water Expected in East Tennessee (CWEET) and Cocke County for water quality trends in the Pigeon and impacts this summer. Thanks to all of our coalition partners in TN and NC, who have generously contributed their time, passion and resources to this important case. As we complete “discovery” from the state agency and the company, interview experts, and move toward a hearing in the case, we’ve learned a lot, even about some new options for cleaning up the Mill’s discharge. We are especially grateful to our wonderful attorneys at the Southern Environmental Law Center, whose detailed, resourceful and brilliant handling of the case makes us feel as though they live downstream, too!
Two just-released studies, based on data from North Carolina swine operations and communities, indicate just how deep in the cesspool our state has dunked itself in order to produce millions of pigs in concentrated feeding operations each year, for sale around the world.

Results from a remarkable collaboration between UNC researchers (Dr. Steve Wing and colleagues), Mt. Sinai School of Medicine and community-based organizations in eastern NC, including Concerned Citizens of Tillery, show impaired lung function associated with measured concentrations of odor-causing chemicals and small particulates within 1.5 miles of large hog operations. Increased sore throats, eye irritation, chest tightness and even nausea were also related to doses of various air contaminants, after only 10 minute exposures.

Many residents near hog operations are low income and/or people of color. Siting of industrial hog production has long been known as North Carolina’s most widespread Environmental Justice issue. Often, low income residents lack air conditioning or houses tight enough to escape exposures for much of the day, making the health and quality of life impacts even more persistent.

For decades, the public health community has been raising concerns about overuse of antibiotics for conditions that aren’t even treatable by antibiotics, thus increasing the growth of resistant strains of bacteria. In the last decade, farm assistance groups, the Union of Concerned Scientists and others have sounded even more urgent alarms due to massive use of antibiotics in industrial livestock operations, not for treatment of disease, but supposedly to prevent disease or speed up animal growth. In fact, North Carolina livestock producers use nearly 3 million pounds per year, contributing to the 70% of US antibiotic use for livestock, rather than human medicine.

A striking new study from NC and Kansas State universities links antibiotic use on hog operations to resistant bacteria found in the guts of insect pests. Previously thought to be a threat mostly to on-site workers, antibiotic resistance in highly insects such as flies and cockroaches present a much wider potential exposure of human populations.

Antibiotic resistant strains of bacteria had already been reported in groundwater monitoring wells near livestock operations, indicating a potential threat to nearby well users, who usually have no means to test their wells or find a safe replacement water supply. Spray applications of untreated waste have spread odors and aerosols into neighboring residential areas, contributed to groundwater contamination, and run off into local streams when fields are saturated.

In 2009, CWFNC joined four Riverkeepers and other organizations and researchers in calling on Governor Beverly Perdue to convene a Governor’s Task Force on Public Health Issues Associated with the Swine Industry. She hasn’t met with the advocates or taken any action on documented threats presented, while the mountain of evidence of public health risks that the industry has created continues to grow.

NC SAVE$ ENERGY - Going Statewide and Local on Efficiency Proposal!

NC SAVE$ ENERGY, a proposal for an independently administered statewide efficiency program, is now supported by over 50 non profits and small businesses across the state! Seeing that utility based efficiency programs will always be constrained by a built-in conflict of interest, the original. Alliance of NC SAVE$ ENERGY groups saw the need to create a statewide Public Benefit Fund run by a non-utility administrator. In the fall of 2008, they proposed the plan to the NC Utilities Commission, which didn’t authorize it, saying that controversial 2007 energy legislation prevented approval (the same bill that authorized utilities to seek rate hikes to build new power plants!).

In 2009, a strong group of House of Representatives sponsors and cosponsors filed an NC SAVE$ ENERGY bill, but it was stalled in committee by a powerful lobbying effort of Duke, Progress Energy and gas suppliers. They knew that an effective statewide efficiency program could impact their sales growth.

The Alliance is again preparing to meet with legislators to gain support for NC SAVE$ ENERGY. While such legislation would appear to be a huge challenge n NC’s changed legislative climate, we hope that the contrast between what a small benefits surcharge can do for jobs and NC’s energy future, and what massive rate hikes proposed by the utilities will do to ratepayers, will draw some support even from fiscal conservatives. In updating our goals for NC SAVE$ ENERGY, we are also reaching out to more city and county governments for resolutions of support. The most recent city to support the program is Asheville, and groups are preparing presentations for Durham, Pittsboro, Hendersonville and other locations, too.

Visit ncsavesenergy.org or for an example resolution, contact hope@cwfnc.org or Maqui@cwfnc.org, or call us at 919-401-9600.

Visit ncsavesenergy.org or for an example resolution, contact hope@cwfnc.org or Maqui@cwfnc.org, or call us at 919-401-9600.
Since a controversial 2007 energy bill was passed, North Carolina’s electric utilities have been able to charge their customers for costs of planning and building new power plants. But the rate hikes would have to be reviewed by the NC Utilities Commission, including hearings. Now Duke Energy and Progress Energy want to further change state law to be able to raise rates for construction with almost no public oversight. Duke has asked the Commission to add more than $400 million to its rate base for “preconstruction” costs for new plants that aren’t needed (hearing March 15). New plants would be a further threat to NC’s rate-payers and water supplies, and may not even be completed! The massive rate increase would dwarf the cost of our statewide efficiency proposal, NC SAVE$ ENERGY, which would reduce energy demand, save consumer costs, and create more jobs (see page 5).

A new bipartisan poll shows that 70% of voters across North Carolina firmly reject a proposal to reduce public scrutiny of rate increases to build nuclear power plants, and many say that it will cause them financial hardship. On February 23, Consumers Against Rate Hikes, including CWFNC and 12 other groups, announced the results of polling 600 likely voters statewide. Bill Wilson, associate director at AARP of North Carolina, said the findings are common sense. “In this difficult economy, this is not the time to increase utility rates on seniors,” Wilson said. “Breadwinners are finding it difficult if not impossible to provide basic needs for their families,” said Dr. Kathy Shea, executive director of NC Interfaith Power and Light. “We believe that it is unacceptable for the general public to support risks that stockholders and bankers are unwilling to assume.”

Wall Street banks have refused to lend the money needed to build the reactors because of the high risks of cost escalation and project cancellation. Massive federal loan guarantees haven’t been enough to “jump start” the industry’s long-touted renaissance, so ratepayers have been forced by utility supported laws in several states to take the risk of financing these plants. To get involved, contact CWFNC or other members of Consumers Against Rake Hikes!

Consumers Against Rate Hikes is supported by AARP North Carolina, Action NC, Alliance for NC SAVE$ ENERGY, Blue Ridge Environmental Defense League, Clean Water for NC, NC Fair Share, NC Housing Coalition, NC Interfaith Power & Light (a program of the NC Council of Churches), NC Justice Center, NC League of Conservation Voters, NC WARN, Nuclear Information & Resource Service, Western NC Physicians for Social Responsibility.

Coal Plant Saga Continues – Updates From the Catawba and French Broad

In January, the Division of Water Quality issued wastewater permits for Duke’s Marshall, Riverbend, and Allen Steam Stations along the Catawba River. Despite comments by many individuals and groups, including CWFNC, the permits fail to do justice to Clean Water Act goals, allowing temperature spikes in the river and setting no limits for selenium, arsenic, and mercury. It’s clear that DWQ is eager to let Duke continue business as usual.

Meanwhile, the Asheville Steam Station’s overdue permit is on hold due to unresolved issues with a biological study. Progress Energy, like all permit applicants, must monitor and report whether a “balanced and indigenous” fish population survives downstream of its hot discharge. Their last report was imprecise and didn’t analyze biological communities according to guidelines that EPA Region 4 issued last winter in objecting to another permit. Now, DWQ is considering demanding more fisheries data from Progress before giving the OK to issue a new permit.

This permit will also include new requirements for groundwater monitoring around the coal ash pond. Stay tuned as we gear up to strengthen safeguards against the toxic coal ash waste currently housed behind a high-risk impoundment above I-26 and the French Broad River!

Another Radioactive Water Leak at Brunswick Nuclear Plant

In December, underground pipes at Progress Energy’s Brunswick Station, North Carolina’s oldest nuclear plant, sprung another leak. The plant has been operating since 1975. The leak of water containing tritium, a radioactive form of hydrogen, was only detected when some of the water pooled on the emergency generator building’s basement.

As a result of previous leaks at Brunswick, Progress installed about 100 groundwater monitoring wells in 2007, and the utility says that the wells will enable them to detect any contamination before it migrates off site. While major cities in the area depend largely on the Cape Fear River for water supply, many rural well users in the coastal area depend on a relatively shallow aquifer for their drinking water.

Radioactive leaks have been reported at dozens of plants across the U.S., perhaps as many as a quarter of all operating nuclear stations, often from hidden underground pipes. At Vermont Yankee, delays in reporting and misleading statements from the utility to regulators and the state legislature led to pressure to shut the plant down rather than renew its operating license.

Previous leaks have occurred as recently as last year at Brunswick and at Shearon Harris Nuclear station near the Triangle, where 1,000 gallons of tritiated water contaminated soil.
Thanks to our Foundation Partners and Major Donors for their Generous Support!

Ann Batchelder and Henri Kieffer
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Julian Price Family Foundation
Z. Smith Reynolds Foundation
Fred and Alice Stanback
Stidham Family Endowment
Family of Winston and Betty Taylor
Richard and Shawney Weisler
Two Anonymous

Thanks to Retiring Board members, Montie Hamby and Joann Almond

The Board and Staff of CWFNC are deeply grateful for the years of service by two much beloved members who left our Board late in 2010. Montie Hamby of Winston-Salem, a long-time activist, educator, and relentless paddler who worked to protect the Yadkin River, joined the Board in 2004. He also helped to organize the new Yadkin River Keeper organization in 2007, and served on its first Board of Directors.

Joann Almond of Albemarle, long-time leader of Stanly Citizens Opposed to Toxic Chemical Hazards, and a tireless fighter for protections from toxic emissions from Solite and other industries, supported and collaborated with CWFNC for many years before joining our Board in 2006.

We thank them for their insightful guidance and generous support for extended terms, and we’ll miss them greatly!

Thanks to Our Recent New and Renewing Members!


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: _____________________________
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Make your check payable to: Clean Water for North Carolina, 29 1/2 Page Avenue, Asheville, NC 28801

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Denise Lee

Denise Lee is a 30 year resident of Anson County, 15 years president of CACTUS (Citizens Against Chemical Toxins and Underground Storage), and former community organizer with Blue Ridge Environmental Action League. She collaborated with SCOTCH, Clean Water for NC and NC WARN in fighting hazardous waste incineration at Solite. CACTUS fended off several environmental threats to Anson County, including a nuclear waste dump, hazardous waste incinerator, lead smelter near Wadesboro, and got enforcement action on a concentrated animal feeding operation near Ansonville. Denise was a great help in coordinating our January showing of GasLand in Wadesboro, including outreach to local officials and media. She will continue to work with her community to protect NC air and water from “fracking” for natural gas and threats to safe drinking water, including high fluoride levels! Thanks, Denise!

Mountain House

Paulette Dudley and her adult clients have been helping Clean Water for North Carolina with our mailings of newsletters and other publications for over 7 years. The adults, who have mild to moderate disabilities, are part of a work-training program through Family Preservation Services (http://www.fpscorp.com/Locations/NorthCarolina.asp). All have been wonderful & enthusiastic collaborators with our staff. Think of them making our outreach possible as you are reading this edition of “Clean Currents!” THANK YOU Mountain House for your excellent work!