

N.C. Coal Ash Bill Secures Cleanup For Only Four Of 14 Sites

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Conferees broker weak, inadequate compromise that tries to shield Duke Energy from following current laws

Raleigh - North Carolina House and Senate conferees on Tuesday signed a wholly inadequate S729 conference report that could allow coal ash to remain in place at 10 facilities across North Carolina, where it's polluting rivers, streams, and groundwater, and leaving communities at risk.

They are expected to vote on Wednesday.

Despite promising strong legislation that would protect communities and their drinking water from toxic pollution, both the House and Senate put forward weak proposals that let the nation's largest utility off the hook for its mess. Although a conference committee added language that could potentially limit how many low-risk coal ash ponds can be capped in place, the provision offers few assurances that groundwater will be adequately protected.

"A far cry from the historic bill lawmakers have touted, this plan chooses just four communities out of 14 across the state to receive cleanup," said Amy Adams, North Carolina campaign coordinator for Appalachian Voices. "The others, our lawmakers have decided, will have to wait for a commission of political appointees to decide their fate."

Unlined coal ash pits are leaching arsenic, chromium, mercury, lead, cadmium, boron, and other pollutants into rivers, streams and groundwater at every single Duke Energy facility in this state. Under public pressure, Duke Energy has already publicly volunteered to remove ash from the Dan River, Riverbend, Sutton and Asheville facilities.

"Just as Duke Energy says it has cleaned up the Dan River by removing about 7 percent of the coal ash spilled in February, the legislature is trying to call this a historic cleanup plan when it's only ensuring cleanup for the four sites Duke already committed to," said Donna Lisenby, global coal campaign coordinator for Waterkeeper Alliance. "To say it falls short is an understatement."

The utility posted \$609 million in profits this quarter, but has balked at footing the bill for complete excavation and removal of coal ash at all of its sites. The bill would allow Duke Energy to begin raising rates to recoup cleanup costs in as little as five months.

"Duke Energy has the resources to do the right thing, yet they want to charge ratepayers for cleanup. The legislature failed to give them the push they needed to make responsible changes to the way they

handle coal ash disposal,” said Caroline Hansley, Raleigh organizer for Greenpeace. “The status quo is polluting our precious waterways and putting drinking water at risk. Every community in this state deserves comprehensive cleanup, not another giveaway to Duke Energy.”

Remarkably, the bill attempts to shield Duke Energy from its existing cleanup obligations, made evident in a judge’s ruling earlier this year that explicitly confirmed state environmental officials’ authority to force Duke to take immediate action to eliminate sources of groundwater contamination.

“This bill is a big gift to a multi-billion-dollar utility giant,” said Hartwell Carson, French Broad Riverkeeper. “Instead of strengthening and furthering protections from coal ash, this bill attempts to weaken cleanup requirements already in place.”

The bill gives the state Department of Environment and Natural Resources and coal ash commission enormous discretion to determine which sites are cleaned up, which are left in place, and on what timeframe.

All 10 sites not designated for cleanup pose significant risk to their surrounding communities and waterways, but recent news reports have highlighted problems at the Buck Steam Station, the Cape Fear Plant, and the H.F. Lee Plant. It’s hard to fathom why lawmakers aren’t doing more to protect the public.

“Duke Energy is responsible for the third largest coal ash spill in the nation’s history, and our state legislature is allowing Duke to dictate what should be done about it,” said Kemp Burdette, Cape Fear Riverkeeper. “It’s hard to fathom why our elected leaders aren’t doing more to protect the public. Who are they working to protect?”

At the Buck coal ash site, near Salisbury, recent tests of well water show cancer-causing hexavalent chromium on 14 properties adjacent to Buck’s ash lagoons. Residents there have suffered from decades of birth defects, brain tumors, cancer and respiratory problems. Yet Buck is not deemed a high priority for cleanup.

At the Cape Fear coal ash site, near Sanford, the dams have been rated significant hazard by the Environmental Protection Agency, which means a break could cause economic loss, disruption of lifeline facilities, and environmental damage. Those dams were also rated in poor condition by the EPA. In March, one of the dams developed its third crack when a 35-foot-long section of the dam started sliding into the ash pond. In that same month, Duke Energy was caught intentionally pumping 61 million gallons of coal-ash-tainted wastewater into the Cape Fear River, which supplies drinking water for one in four North Carolinians. Yet Cape Fear is not deemed a high priority for cleanup.

At the Lee coal ash site, near Goldsboro, groundwater samples taken near the Neuse River show arsenic levels at more than 60 times the federal standard. That’s the highest concentration of arsenic at any coal ash facility in the state. From 2010 to 2013, Duke Energy violated various state groundwater standards at Lee at least 279 times. People are fishing and paddling on the Neuse River every day. Yet Lee is not deemed a high priority for cleanup.

“Duke wants to throw a tarp over their leaking ash ponds, leave them in place, and walk away from their mess. This plan could allow them to do that, even though lawmakers are touting it as a clean-up plan,” said Matthew Starr, Upper Neuse Riverkeeper. “That means 10 communities across the state might have to live with this toxic threat lurking near their homes and drinking water sources. That isn’t right, and legislators don’t deserve a pat on the back for it.”

On the whole, this bill epitomizes North Carolina’s poor enforcement record on coal ash to date: it’s a toothless action that tries to shield Duke Energy from following state laws, while putting 1.5 million people in our state at risk for drinking water contamination or worse.

“The environmental community has been clear from the start: any plan that leaves coal ash in unlined pits near waterways falls far too short to be called a cleanup,” said Liz Bozeman, board president for Yadkin Riverkeeper. “The people living near coal ash pits in North Carolina deserve better. They deserve the assurance that their drinking water is safe and that their children can grow up in healthy communities. Our state lawmakers have failed them, and it’s a great disappointment for North Carolina.”

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- See more at: <http://appvoices.org/2014/08/20/n-c-coal-ash-bill-secures-cleanup-for-only-four-of-14-sites/#sthash.DVrP2QMv.dpuf>