

S729 Fails to Protect People from Duke Energy's Coal Ash Pollution

August 19, 2014

CHAPEL HILL, N.C.— The coal ash bill issued by a conference committee of the N.C. General Assembly today fails to require cleanup of 10 coal ash sites across North Carolina by allowing Duke Energy to leave its polluting coal ash in unlined, leaking pits at 10 of 14 sites. The bill leaves at risk people in nearby and downstream communities throughout North Carolina and other states. The bill seeks to weaken existing law and protect Duke Energy from taking responsibility for its coal ash waste.

Allowing coal ash to be left in unlined, leaking pits across North Carolina with documented groundwater contamination at each site is not a cleanup plan nor does it protect the people of North Carolina. Many sites across the country where coal ash has been covered up or "capped" in place continue to experience high levels of toxic pollution. Covering up coal ash and calling sites "closed" does not stop or clean up pollution.

All communities deserve to have water supplies protected from the toxic threat of coal ash by moving coal ash to dry, lined storage away from our waterways.

All of Duke Energy's coal ash disposal sites pollute groundwater, and existing law in North Carolina requires "immediate action to eliminate the source of contamination" at these sites. Politicians inserted language into Senate Bill 729 that guts existing law and undermines citizens groups' ongoing efforts to ensure real cleanup of these polluting sites under existing law.

As Duke Energy sought previously through its proposed sweetheart settlement deal with the state, the bill gives Duke Energy amnesty for its leaking coal ash dams. Rather than requiring Duke to fix its leaking dams, S 729 would let the N.C. Department of Environment and Natural Resources (DENR) shield Duke by authorizing uncontrolled discharges of contaminated wastewater into our rivers and lakes. Granting this responsibility to an agency with a history of putting the interests of Duke Energy over the public is a prescription for failure.

The legislature should require Duke Energy to clean up its leaking coal ash dams, and not allow DENR to paper over Duke Energy's pollution.

Any bill written to weaken North Carolina's protections against coal ash pollution is alarming given the recent disaster at Duke Energy's Dan River facility and frequent promises from our elected representatives that this bill would protect citizens of North Carolina.

The Southern Environmental Law Center represents the following citizens groups in various court cases to clean up Duke Energy's coal ash pollution across North Carolina: Appalachian Voices, Cape Fear Riverwatch, Catawba Riverkeeper Foundation, Dan River Basin Association, Neuse Riverkeeper Foundation, Roanoke River Basin Association, Southern Alliance for Clean Energy, Waterkeeper Alliance, Winyah Rivers Foundation, and Yadkin Riverkeeper.

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About the Southern Environmental Law Center

The Southern Environmental Law Center is a regional nonprofit using the power of the law to protect the health and environment of the Southeast (Virginia, Tennessee, North and South Carolina, Georgia, and Alabama). Founded in 1986, SELC's team of more than 60 legal and policy experts represent more than 100 partner groups on issues of climate change and energy, air and water quality, forests, the coast and wetlands, transportation, and land use.

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