

Smoke in the Water by Derb Carter, June 2 2013

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CHAPEL HILL, N.C. — NO ONE is exactly sure when Duke Energy’s coal ash pit adjacent to the Dan River in north-central North Carolina began leaking toxic coal ash into the waterway. What is known is that by the time the leak was discovered, in early February, more than 39,000 tons of coal ash and millions of gallons of contaminated water had spilled into the river near the town of Eden, N.C. — making it the third largest coal ash spill in American history.

Coal ash contains arsenic, selenium and other pollutants known to be harmful to human health — and unfortunately for the residents of towns along the river, the Dan supplies drinking water to thousands of homes.

Officials at Duke Energy, the largest electric utility in the country, assured families that the tons of coal ash posed no harm to drinking water, but we’ve known for decades that these pits are unsafe. And the Dan River case is not an anomaly: Duke and other major energy companies throughout the country often locate coal ash pits in unlined holes in the ground near waterways, meaning that what happened to us here could happen virtually anywhere.

What is perhaps unique to North Carolina, though, is the response by state regulators and politicians. The Dan River spill didn’t just expose the lax enforcement of regulations in our state — far more significantly, it also exposed

the cozy relationship between regulators and the industries they regulate, especially Duke Energy.

With a governor, Pat McCrory, who was employed by Duke for 28 years, and a Legislature rife with members who have accepted contributions from Duke and other energy companies throughout their careers, it's no surprise that our state government has shown little interest in forcing Duke to clean up the mess it has made of our state.

In fact, even as North Carolina faces the worst threat to its waterways in a generation, state politicians have started a process to eliminate dozens of environmental protections that have kept our water safe and clean for decades.

Last year, the General Assembly mandated that every single safeguard on our state's waterways and drinking water be allowed to expire, unless regulators went through a burdensome process to readopt each one. To further stack the deck, legislators have simultaneously slashed 40 percent from the budget of the state Department of Environment and Natural Resources, the agency charged with ensuring these safeguards are in place and enforced.

Nearly four months after the Dan River spill was discovered, Duke Energy has barely begun to clean up the river (though it reached a deal with the Environmental Protection Agency to do so last month), and the Department of Environment and Natural Resources has yet to force Duke to begin a comprehensive cleanup in its 13 other coal ash sites across North Carolina — all of which are slowly leaking pollutants into our rivers, groundwater and drinking water. The site on the Dan River is the smallest one in the state; if the coal ash ponds near Asheville or Charlotte or another community were to fail, it would make the Dan River spill look like a mere prelude to a truly national disaster.

It's hard to overstate the seriousness of the crisis that would ensue if our politicians allowed the safeguards that protect our water to expire. These are the laws that allow us to feel confident that when we turn on our taps and pour a glass of water, that water is going to be clean and free of toxins. These are the safeguards that stand between us and corporations that have demonstrated, with every single leaking coal ash pit, that what they care most about is profit, not the health and safety of North Carolina's families.

Worst of all is the fact that threats to longstanding environmental protections won't stop here. North Carolina has become a bellwether — a "purple" state where,

most especially in an election year, all eyes turn to see which way the political winds are blowing. All too often, one state’s radical experiment can become a national wave, and if politicians succeed in gutting the traditional safeguards on our air and water, you can be sure that North Carolina will not be the last state to do so.

We have a chance right now to get this right: The North Carolina Legislature just went back into session, and it is debating a series of bills related to Duke’s coal ash pits. We all know Duke needs to clean up its mess — but that’s not enough anymore. North Carolina families, and people around the country, must speak up, because we can’t allow Governor McCrory and the State Legislature to rob our state of the protections we rely on to keep our drinking water safe and clean.

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