

**Excerpts from Stokes County, North Carolina
US Commission on Civil Rights Hearing
April 7, 2016**

**Relevant Excerpts on
Healthcare Cost Coverage for Coal Ash Affected Communities**

UNIT

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EXAMINING HEALTH AND ENVIRONMENTAL ISSUES RELATED TO COAL ASH DISPOSAL IN N.C.

April 07, 2016

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1 **UNITED STATES COMMISSION ON CIVIL RIGHTS**
2 **PUBLIC MEETING**
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7 **"EXAMINING HEALTH AND ENVIRONMENTAL ISSUES RELATED TO**
8
9 **COAL ASH DISPOSAL IN NORTH CAROLINA"**

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Walnut Cove Public Library

 106 5th Street

Walnut Cove, North Carolina 27052
 April 7, 2016

APPEARANCES

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2

3 **United States Commission on Civil Rights:**

4 **Martin Castro, Chair**

5 **Patricia Timmons-Goodson, Vice Chair**

6 **Karen Narasaki, Commissioner**

7

8 **North Carolina Advisory Committee:**

9 **Matty Lazo-Chadderton, Chair**

10 **Olga Wright, Commissioner**

11 **Thea Monet, Commissioner**

12 **Rick Martinez, Commissioner**

13 **Jeff Hinton, Regional Director**

14 **David Mussak, Chief, Regional Program Unit**

15 **Corrine Sanders, Administrative Assistant**

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1 (The hearing opened at 9:00 a.m.)

2 MR. HINTON: Good morning all. We're about to
3 get started. We're still waiting for a few more
4 of the committee members, but we're going to go
5 ahead and get started. Before we start our
6 process, let me go over some administrative notes
7 with you. The latrine -- the bathrooms are right
8 outside here in the hallway. As you came in the
9 main entrance, left and right side, okay. You
10 know where it is.

11 You are going to -- since there are
12 restaurants and things in this area, for our lunch
13 we're going to try to get a list of places that
14 you could probably go for lunch if you elect to do
15 so, that's somewhere close in proximity.

16 We're going to have a lot of people speaking
17 today about areas and issues that are, and can be,
18 emotionally charged. I ask you to give them the
19 same respect you want when you communicate, okay.

20 Not everyone has to agree on issues or
21 conversations, but we owe them the opportunity to
22 present that point to whatever level they deem
23 necessary and do it in a courteous fashion. So I
24 ask you to give each and every member that
25 opportunity, the same opportunity you would want.

1 Before I turn it over to the committee chair,
2 are there any questions of me? Again, I'm Jeff
3 Hinton. I'm the regional director for the
4 Southern Region. If it goes good, blame me. If
5 it goes bad, we'll discuss it later. No questions
6 of me? I'll turn it over to the chairman.

7 CHAIR LAZO-CHADDERTON: Thank you. I'm
8 keeping this short, so. Good morning.

9 CROWD: Good morning.

10 CHAIR LAZO-CHADDERTON: Thank you all for
11 being here. And the meeting of the North Carolina
12 Advisory Committee to the U.S. Commission of Civil
13 Rights shall come to order. For the benefit of
14 those in the audience, I shall introduce my
15 colleagues and myself. I am Matty Lazo-
16 Chadderton, and I'm chair of the state advisory
17 committee. And I would like to introduce my
18 colleagues here, the commissioner and committee
19 member, Miss --

20 MS. WRIGHT: Olga Wright.

21 MS. MONET: And I'm Thea Monet, the chair of
22 the sub-committee of health and environmental
23 issues related to the disposal of coal issue --

24 CHAIR LAZO-CHADDERTON: Thank you.

25 MS. MONET: -- here in North Carolina.

1 **CHAIR LAZO-CHADDERTON:** Thank you. And also
2 present are Jeff Hinton, Regional Director,
3 Southern Region. David Mussak, Chief of Regional
4 Program Unit. Corinne Sanders, administrative
5 assistant.

6 Also we are pleased that we have with us
7 Chairman Martin Castro, Vice Chairman Patricia
8 Timmons-Goodson, and Commissioner Karen Narasaki
9 of the U.S. Commission of Civil Rights. They are
10 here today. Thank you so much.

11 The U.S. Commission on Civil Rights is an
12 independent, bipartisan agency of the Federal
13 government charged with studying discrimination or
14 denial of equal protection of the laws because of
15 race, color, religion, sex, age, disability, or
16 national origin, or in the administration of
17 justice.

18 In each of the 50 states and the District of
19 Columbia, an Advisory Committee to the Commission
20 has been established, and they are made up of
21 responsible persons who serve without compensation
22 to advise the Commission on relevant information
23 concerning their respective states.

24 Today, our purpose is to hear testimony
25 regarding the environmental justice issues in

1 North Carolina in support of the Commission's
2 statutory enforcement report on the topic. If the
3 speakers begin to veer away from these civil
4 rights questions and begin discussing possibly
5 important but unrelated topics, I will interrupt
6 and ask them to refrain from doing so.

7 We are fortunate and thankful to have such
8 balanced and diverse panelists with us today. At
9 the outset, I want to remind everyone present of
10 the ground rules.

11 This is a public meeting, open to the media
12 and general public. We have a very full schedule
13 of people who will be making presentations within
14 the limit -- within the limited time available.
15 The time allotted for each presentation must be
16 strictly adhered to. This will include a
17 presentation by each participant around 15 or 20
18 minutes.

19 After all of the panelists have concluded --
20 concluded, rather, their statements, the committee
21 members will engage them in question and answer.
22 To accommodate persons who are not on the agenda
23 but wish to make statements, we have scheduled an
24 open forum today at 11:30 and 4 p.m. Anyone
25 wishing to make a statement during that period

1 should contact Ms. Corinne Sanders or other
2 commission staff to have your name placed on the
3 list.

4 In addition, written statements may be
5 submitted to the U.S. Commission on Civil Rights
6 at 61 Forsyth Street, Suite 16 -- Suite 16T126,
7 Atlanta, Georgia, 30303 or by email to
8 jhinton@usccr.gov. Jeff Hinton's card will be
9 available at the sign-in desk.

10 Though some of the statements made today may
11 be controversial, we want to ensure that all
12 invited guests do not defame or degrade any
13 person, any organization. As the chair, I reserve
14 the privilege to cut short any statements that
15 defame, degrade, or do not pertain to the issue at
16 hand. In order to ensure that all aspects of the
17 issues are represented, knowledgeable people with
18 a wide experience -- a wide variety of experience
19 and viewpoints have been invited to share
20 information with us.

21 Any person or any organization that feels
22 defamed or degraded by statements made in these
23 proceedings should contact our staff, our
24 executive director, during the meeting so that we
25 can provide a chance for public response.

1 Or, that - those persons or organization can
2 file written statements for inclusion in the
3 proceedings. I urge all persons making
4 presentations to be judicious in their statements.
5 The Advisory Committee appreciates the willingness
6 of all participants to share their views and
7 experience with this committee.

8 Finally, the rules for the question and
9 answer portions of the panel discussions are as
10 follows. The Committee may ask questions of the
11 entire panel, or individual members of the panel,
12 after all panelists have had the opportunity to
13 provide their prepared statements. Advisory
14 Committee members must be recognized by the chair
15 before asking any question of the participants.

16 In addition, because of the large number of
17 members and short amount of time, each committee
18 member will be limited to one question with a
19 follow-up. When five minutes are left in the
20 session, the chair will announce that the last
21 question may be asked. At this time, I would like
22 Chairman Castro of the Commission if he would like
23 to make any comment. Chairman Castro?

24 CHAIRMAN CASTRO: Can you hear me without a
25 mic? Do you need a mic for your --

1 **COURT REPORTER: Use the mic, please.**

2 **CHAIRMAN CASTRO: Use the mic? All right.**

3 **How's that? Can you hear me? Better? Okay.**

4 **Thank you. Madam Chair, we want to thank all of**
5 **the members of the Committee for your service.**

6 **When we appoint members to our committee -- we've**
7 **got 51 state advisory committees around the**
8 **country. These are individuals who are from their**
9 **home communities who are volunteering their time**
10 **to look at issues that affect your communities,**
11 **our communities, and the work that they do informs**
12 **the work that we do at the national level.**

13 **The reports that we prepare for the President**
14 **and Congress are especially important when they**
15 **have the input of organizations in the community**
16 **like our North Carolina staff. So we're extremely**
17 **pleased that you've chosen to look at this topic.**

18 **I can assure you that the information that you**
19 **gather here today is going to be part of our**
20 **overall report to the President and Congress. The**
21 **level of importance of what you're doing here, I**
22 **think is evidenced by the fact that, as you've**
23 **indicated, there's three commissioners here today.**

24 **My vice chair, who's a North Carolina**
25 **resident, former Judge of the -- Justice of the**

1 North Carolina Supreme Court, Justice Timmons-
2 Goodson, and my colleague Karen Narasaki. The
3 three of us were appointed by President Obama to
4 the Commission, and in the five years I've been
5 chair this is the first time we've had more than
6 one commissioner come to a state advisory
7 committee meeting. And we don't always come to
8 the meetings, but I think it's significant that
9 we're here.

10 This is a topic that affects us all. It's a
11 topic we've looked at at the national level,
12 because it has, we believe, an overwhelming and
13 disparate impact on communities of color and
14 communities with limited resources. That's not to
15 say that these issues of coal ash and other issues
16 of environmental injustice don't affect all
17 Americans. They do. But those that bear the
18 brunt of it are those that live closest to it.
19 And those that are closest to it are often the
20 least likely to be able to raise the issues
21 themselves.

22 That's why when the EPA issued its new coal
23 ash regulations we were concerned that it puts in
24 the hands of the individual the right to enforce,
25 which is extremely difficult. And when you look

1 at the most important aspects of our country, it's
2 the air we drink. It's the water -- I'm sorry.
3 The air that we breathe, the water that we drink,
4 the parks that our children play in. And we've
5 heard testimony from Alabama to Illinois to North
6 Carolina about the issues that are affecting these
7 communities, our communities of color.

8 And as President Roosevelt once said, a
9 nation that destroys its soil destroys itself.
10 And we cannot let that happen. So we are very
11 pleased to be here today, to hear what you have
12 and what our panelists have to say, and I assure
13 you that this will all be made of the national
14 record and delivered to the president and to
15 Congress. Thank you.

16 CHAIR LAZO-CHADDERTON: Thank you so much,
17 Chair Castro.

18 And now I will introduce the first panel of
19 the speakers. Reverend Gregory Hairston of Rising
20 Star Baptist Church. Sarah Kellogg of Appalachian
21 Voices. Tracey Edwards, a community advocate.
22 And they are present.

23 REV. HAIRSTON: Good morning, Madam Chair and
24 committee members and to all the residents. Truly
25 it's a pleasure to be able to come before this

1 **advisory committee to express our concern in**
2 **regard to the coal ash that is here in our county.**
3 **I'm pretty sure because you are on the advisory**
4 **committee that you are aware of all the results of**
5 **what's happened with those people that are**
6 **centrally located in the areas of ash dump. I**
7 **feel that it is the Constitutional violation in**
8 **regard to the pursuit of life, liberty, and**
9 **happiness.**

10 **Many of the people that are confined around**
11 **this ash dump have a lot of historical problems**
12 **related to health issues. There are many who have**
13 **had strokes, heart attacks. Cancer is on the**
14 **uprise. The central area where the location is,**
15 **is about 80 percent minority. So we feel that**
16 **there have been issues that arise that demonstrate**
17 **that there is a high risk problem there, where the**
18 **ash dump is.**

19 **We have did research. We have did health**
20 **surveys. And we find that a lot of homes are**
21 **affected. Myself have lost family members due to**
22 **cancer. Being a life-long resident and in the**
23 **vicinity of the ash dump. And after we had done**
24 **thorough research we find that this is prevalent,**
25 **not only here but in every state where ash dump**

1 sites are.

2 So, Duke Power has said that what is taking
3 place is natural. Our waters that we are provided
4 come through the aquifer. And these dusts and
5 residue where people are confined around the
6 specific area, are finding these residues that are
7 coming in through their water level. There have
8 been no-drinks issued for wells. The state
9 decided that their level of confining or
10 privileging those wells was not substantial to the
11 federal. So they issued and called a meeting of
12 all those people who were issued a no-drink and
13 told them that the state level had changed and
14 that their water was safe to drink.

15 We invited the legislators and the governor
16 to come to our county, drink our water. They
17 refused to come. So we feel that it is a
18 violation of our Constitutional right that they do
19 not see an interest to come and get at the table
20 and talk.

21 We have fought this battle for three or four
22 years. And we're seeing -- we're not -- we're
23 getting nothing but resistance. They're not
24 answering any questions. They're not willing to
25 come to the table and talk and come up with a

1 reasonable settlement.

2 DEQ found that it was a high risk. We went
3 to a hearing and they had reduced it from a high
4 risk to a low to moderate risk. We feel that
5 that's unacceptable. We feel that it should be a
6 high priority risk due to the things that have
7 happened within our community and to the people in
8 our county. So we feel that an -- an injustice --
9 and the government's supposed to be for the people
10 and by the people.

11 We have no voice. And so we are petitioning
12 to you to take back to our Congress and our
13 Senate, our President, our concerns. Because life
14 is important. We're losing people that are not
15 old. Young people, that are fighting issues with
16 their help. And we directly believe that it's
17 related to the ash dump.

18 They want a cap. They want to put lime in.
19 We want it taken out of our county. We want it
20 removed. And we want it removed not in 2027,
21 which it's deemed by the risk that they are
22 allocated to. So, uh, our issue is that we want
23 our children to have the right to breath clean air
24 and have drinkable water to sustain them. We have
25 schools that are all in the system. Pine Hall,

1 they have the area that is downstream from the
2 facility, and we know there are issues there in
3 Pine Hall also. So it has affected this entire
4 county and we feel that it's not right. It's not
5 true justice to the people that they serve.

6 So we are asking that as you get the data,
7 that you take it back, present it to them and let
8 them know that lives are at stake. And we're
9 talking about future generations and my present
10 generation. I've been here all my life, and I
11 have seen numerous people that have been affected
12 ever since that -- Duke Power has been over there.
13 So we feel that it's a direct detrimental harm to
14 this county.

15 We ask for this commission to relate to our
16 Congressmen that's gonna -- these statements, that
17 we are tired of fighting this battle where people
18 don't want to listen and don't want to come to the
19 needs of the people. Thank you.

20 CHAIR LAZO-CHADDERTON: Thank you, Reverend
21 Hairston. Ms. Kellogg?

22 MS. KELLOGG: Okay. Yes. I would first like
23 to sincerely thank you all for being here. Coal
24 ash is a Pandora's box of an issue, and it's often
25 overlooked, so I really sincerely appreciate you

1 taking a further dive into this.

2 I'm an organizer for Appalachian Voices. We
3 are an environmental non-profit that was created
4 to work on energy issues, primarily coal, in North
5 Carolina. We've been focusing on coal ash for the
6 past three, four years.

7 So, as an organizer for Appalachian Voices in
8 this community -- which, just for clarification,
9 this is Walnut Cove in Stokes County. You may
10 hear people refer to it as Belews Creek or Pine
11 Hall. A lot of different names for the same
12 place. We're talking about within a three-mile
13 radius, really, of the Duke Energy power plant.

14 I'm also a co-facilitator of the statewide
15 alliance of North Carolinans that have been
16 directly impacted by coal ash. It's called Act
17 Against Coal Ash. It includes this community as
18 well as several others across the state, living
19 directly next to Duke Energy's coal ash ponds, as
20 well as communities that are cited to receive coal
21 ash through this excavation process that has
22 already begun. And those communities are all
23 unified, and I'll -- I'll talk more about that
24 later.

25 As an organizer and having heard these

1 stories throughout the state and especially here,
2 I believe without a doubt that coal ash is a civil
3 rights issue. Living in close proximity to coal-
4 burning power plants and the waste they produce
5 infringes on residents' basic rights to clean air,
6 clean water, safe soil, and, most importantly,
7 their right to good health. And that's of the
8 mind and body.

9 In this area, which is predominantly rural,
10 low income community of color, residents have
11 suffered greatly from these toxic effects of coal
12 ash through multiple pathways of exposure. The
13 stories of residents across the state, and
14 especially in this community, are consistent.

15 For decades, the coal ash fell from the sky
16 like snow, and it would eat the paint off of cars.
17 It contaminated garden soil. Folks around here
18 grow food in their gardens, and they were eating
19 that. And it -- it -- I believe it negatively
20 affected the health of all of those who were close
21 enough to breathe it in daily.

22 We know that today, in this community, within
23 1500 feet of the coal ash pond there are dozens of
24 private drinking water wells which have been
25 contaminated with heavy metals that are associated

1 with coal ash, including arsenic, chromium,
2 manganese, and vanadium. Because of this, which
3 many folks in this area did not have their do not
4 drink letters rescinded because they had such high
5 levels of arsenic in their water. Residents now
6 suffer from decreased property values, and in some
7 cases threats to their livelihoods.

8 As with -- in this community there's a
9 gentleman who owns a couple of trailer parks. He
10 received a do not drink letter. He's very
11 concerned about what will happen to his
12 livelihood. Will people stay there? Will they
13 move?

14 So today I'm grateful that you'll -- you'll
15 have the opportunity to hear from a lot of
16 experts, from scientists and lawyers and health
17 professionals, but I'm -- I'm most grateful that
18 you'll be able to hear from the folks who actually
19 live here, like Tracey and Reverend Hairston,
20 because they have been most impacted.

21 And for my part, as -- for just having done
22 this for about three years, actively listening to
23 the concerns and histories of residents and also
24 closely following the actions of Duke Energy and
25 the North Carolina Department of Environmental

1 Quality as well as some other state agencies, I
2 would just like to add some -- some social
3 perspective and historical context to the issue.

4 So, prior to the EPA's Coal Ash Rule and
5 North Carolina's Coal Ash Management Act, I would
6 say there was little hope of justice for these
7 overburdened communities. But today we are in a
8 much different place than we were three years ago.

9 Today we sit at a crossroads. And our North
10 Carolina Department of Environmental Quality
11 actually has the opportunity to listen to the will
12 of the people and properly deal with the coal ash
13 issue in a way that will satisfy people who have
14 been most burdened. And they are gifted not with
15 -- not just with that legal avenue to do that, but
16 they are actually gifted with communities across
17 the state who are unified, informed, passionate,
18 and also visionary about the ways in which they
19 would like to see this coal ash handled so that it
20 no longer burdens them and does not become a
21 burden for any others.

22 So I would say this is a very rare
23 opportunity. And although our state agencies have
24 this opportunity to work directly with residents
25 to resolve this, frankly, life-threatening issue

1 that has persisted for decades, there -- there is
2 little faith within communities that agencies
3 actually will. And that's because of the long
4 history of -- of a lack of transparency, a lack of
5 clear communication, confusing communication, and
6 -- and frankly, what is -- can be perceived as
7 outright collusion with -- with Duke Energy.

8 Appalachian Voices began outreach in Walnut
9 Cove in 2012. We were doing this to let residents
10 know about an opportunity to comment on the
11 federal effluent limitation guidelines. That was
12 our goal, was to plug in people who were living
13 closest to coal ash, so that they could have a say
14 in that ELG rule.

15 In order to do that, we had to start telling
16 people what needed to be limited. What's in coal
17 ash? And -- and that -- that came as a shock to
18 people who had been living here. That was one of
19 the first times that folks had heard about what
20 was actually in coal ash. Again, this lack of
21 transparency or openness about what they were
22 actually being exposed to. And I think it was a
23 few community meetings in when people were -- were
24 just talking to each other across the room and
25 realized the health issues, realized that, you

1 know, they'd always known they'd been sick but
2 maybe this was why. Right.

3 Um, so I say that because I think it's
4 important to know that that idea of the health
5 problems came from the community. It wasn't
6 something that as an advocacy group we brought on.
7 That was something we learned from listening.

8 And I firmly believe that having listened to
9 stories across the state, it's so consistent. You
10 have heart disease, you have cancer, and you have
11 neurological problems. And all within very close
12 proximity to these coal ash ponds.

13 So, people had been living in the shadow of
14 these smokestacks not fully understanding what
15 they are being exposed to. In this community,
16 people had sold their family land to Duke Energy
17 in the 70s to build the plant.

18 There's strong roots in this area. People
19 feel very closely to this land. It's -- some of
20 the same families have been living here for
21 generations. And as Tracey Edwards' mother said,
22 Amy Brown, you know, people -- people only moved a
23 couple of miles away when they sold their land,
24 because we still form that community, pretty much
25 the same people, pretty much the same families.

1 So, now you know that there's even more
2 elements in coal ash that need to be tested. It's
3 kind of -- as we've gone through this process
4 we've learned what's in it. We've learned that
5 it's radioactive. There was a study done by Avner
6 Vengosh of Duke University that showed that coal
7 ash was five times more radioactive than average
8 U.S. soil, and one of his conclusions that we
9 needed to be testing for radio -- radium isotopes,
10 lead 210, other radioactive elements, so that we
11 could better understand how it's been impacting
12 people.

13 There's a lot of concerns about the size of
14 the coal ash pond. I mean, it's -- it's -- over
15 here it's 380-some acres, 12 stories deep. It's
16 huge. And imagining that amount of fly ash
17 concentrated in that one area, also being
18 radioactive, you know, what does that do to
19 people? The answer is, we don't know, because
20 there haven't been studies done.

21 But, we do know that it can eat paint off of
22 cars. And, you know, as I said, people weren't
23 aware of the dangers of it and had -- you know,
24 were letting their kids play outside in it and
25 living their lives, you know, in this beautiful

1 rural area.

2 So, fast forwarding a little bit. As you
3 know, the Dan River spill occurred. That -- that
4 encouraged our legislature to pass the Coal Ash
5 Management act. They also created the Coal Ash
6 Management Commission, which is now disbanded from
7 -- Governor McCrory disbanded that commission. It
8 was intended to oversee coal ash cleanup, or the
9 coal ash prioritization, so that there would be a
10 third-party group that wouldn't be as influenced
11 potentially.

12 I -- I watched the legislature when they were
13 passing this. There was a measure that was
14 narrowly voted down to include an impacted
15 resident on that commission. And I believe that
16 would have been one of the best decisions they
17 could have made, because again, I really think
18 that the expertise for how to deal with this stuff
19 is in the community.

20 The Coal Ash Management Act, as you probably
21 know, triggered the water testing within 1500 feet
22 of the coal ash ponds of the private wells. This
23 was some of the first time that those wells had
24 been tested outside of groups like ours doing
25 similar testing. And what we found was -- was

1 pretty -- pretty horrifying.

2 Most -- most of the wells had elevated levels
3 of contaminants in them, and many received --
4 hundreds received do not drink letters across the
5 state from the Department of Health and Human
6 Services because of various levels of heavy
7 metals, including arsenic, in this area. I mean,
8 there's a well that's at 108 parts per billion
9 when the standard is 10. You know, and that's
10 very close.

11 Those are -- the wells with arsenic are the
12 closest to the coal ash ponds. And we know here
13 that Duke Energy has admitted that they have
14 offsite groundwater contamination coming from
15 those ponds. So it's really not -- you know, the
16 idea that -- that this site could be ranked as low
17 priority under the Coal Ash Management Act and
18 capped in place because it's so large and will
19 save money to do it that way is -- is kind of
20 absurd when you consider how deep this coal ash is
21 in the groundwater table and how -- how we know
22 that it's traveling -- the contamination is
23 traveling offsite, you know.

24 In South Carolina they've excavated and
25 they've found that the arsenic levels in well

1 water decreased significantly in a period of
2 months. You know, that's how we can -- that's one
3 way we can deal with this problem.

4 And this -- this affected people across the
5 state. You know, in Belmont, North Carolina, next
6 to the GE Allen plant, community members had to
7 rise to the occasion to -- to deal with this, to -
8 - to connect their neighbors to resources, to get
9 their wells tested and to get bottled water.

10 And that's another thing I want to highlight,
11 is in the lack of communication or transparency
12 between our state agencies and Duke Energy and
13 these communities is that it -- it fell upon
14 community members. It fell upon groups like us to
15 try to get the word out, to make sure everyone
16 within that 1500-mile radius could get their wells
17 tested. And to this day, in Belews Creek, not
18 everyone has. You know, we still don't have a
19 clear picture under the law of -- of what's going
20 on.

21 And yeah, there is a mother in Belmont. She
22 -- she felt responsible to make sure that her
23 neighbors, who were elderly, could get bottled
24 water from -- from Duke Energy after receiving a
25 letter saying they couldn't drink their water.

1 And she was motivated, like so many people, to
2 protect her family and -- and help her children.

3 And in that same area, I just -- it's just
4 amazing to me, because in September of 2015 the
5 EPA and Duke settled a 15-year lawsuit over the
6 violations of the Clean Air Act where Duke had
7 illegally modified 13 coal-fired units without
8 installing pollution controls or obtaining
9 permits. Now 11 of those 13 units have been shut
10 down. The two that are still operational are at
11 the GE Allen power plant in Belmont. So that
12 community felt, oh, we have been -- you know, this
13 is -- this is a direct quote. "How much more of a
14 prisoner can I feel like in my own home when Duke
15 has contaminated my air and my water?"

16 And there's a woman I worked with there who -
17 - whose husband passed away 12 years after moving
18 into her house, which is -- is as close to the --
19 to the coal plant as you could get. I mean,
20 literally you can look out her front yard and it's
21 like the coal ash pond is lapping like the ocean
22 at her front yard. And her husband passed away 12
23 years after they moved in from respiratory
24 bronchiolitis, interstitial lung disease. Which
25 is something that's acquired envir -- acquired

1 environmentally. And it's just hard not to say,
2 how could that not have been from these illegal
3 violations of the Clean Air Act? You know.

4 So kind of in response to all of this
5 confusion and all of this outreach across the
6 state, that's -- that's what formed Act Against
7 Coal Ash. It's the alliance of Carolinans
8 together against coal ash. It was in July 2015
9 that we first came together. We did that here, in
10 Belews Creek, literally right next to the power
11 plant, and we had almost 100 people in the room.

12 Folks drove from all across the state, from
13 Goldsboro, from Belmont, and actually we're gonna
14 have some people from Goldsboro come in here later
15 to show solidarity.

16 And we had, uh, Donna Chavis, who is -- who
17 is Lumbee, from Robeson County. She helped form
18 the Environmental Justice principle. She
19 facilitated the creation of our unifying
20 principles, which I'll submit. And actually, the
21 wonderful thing about was that all non-profits
22 stepped out in that discussion. It was only
23 impacted community members who came up with these
24 principles.

25 And so I think that's a really amazing and

1 unique thing here in North Carolina, that you've
2 got communities that are already, you know,
3 burdened with this stuff, and have been and have a
4 vested interest in seeing it cleaned up working
5 directly with communities who may be receiving
6 that cleanup to come to a compromise of what could
7 protect everyone.

8 And it includes a lot of, you know, common-
9 sense things. Like Duke Energy needs to provide
10 permanent safe water to people who have been
11 affected. Duke Energy needs to protect worker
12 safety. We've heard so many horror stories about
13 worker safety, especially with regards to coal
14 ash. But, you know -- that when possible needs to
15 -- to stay on site and be stored above ground.
16 Lined landfills are great. They are certainly an
17 improvement from an unlined pit. But we do know
18 at some point they will leak.

19 So it's - it's very, I think, very visionary,
20 and I hope that you can look at that and submit
21 that as -- as an idea, because when we look at --
22 just to wrap this up, you know, this question of
23 what is justice, you know, what has been lost
24 here? I mean, lives have been lost, and we can't
25 bring them back, and we can't make this land as it

1 was before Duke Energy came here.

2 But, you know, I believe that it's the -- the
3 people who have been most oppressed that are most
4 in -- best in a position to shed a light on what
5 justice would look like for them. And that's --
6 you know, that's what these are. That's what the
7 folks here today want to talk to you about. So I
8 hope that you will carry this on, this idea of
9 justice, and hear these living testimonies of what
10 -- what people have been through, the hell that
11 they have been through, that we can finally see a
12 bright day. Thank you.

13 CHAIR LAZO-CHADDERTON: Thank you. I would
14 like to introduce to you all North Carolina State
15 Advisory Committee Rick Martinez from Governor Pat
16 McCrory's office. And then I do have an
17 announcement that the red FL 50 Ford four doors,
18 the tag is, I think CMR-4217, at the entrance of
19 driveway, is blocking a mail truck. So if you're
20 so kind, whoever is the owner, if you can move.
21 Is he already out there? Thank you.

22 And Committee Member Martinez he's telling me
23 that he's not working anymore for the Governor's
24 office, but is in the private sector. Thank you,
25 Rick, for that direction. And our next speaker,

1 **Ms. Edwards.**

2 **MS. EDWARDS:** Good morning. On behalf of my
3 community, I am here today to explain to the
4 Commission what it's been like living near Belews
5 Creek Steam Station, which we all know as Duke
6 Energy. My name is Tracey Edwards, and I grew up
7 in the shadows of Duke Energy power plant.

8 As a child, I played outside all day long
9 with the neighborhood children, just having fun as
10 children do. We grew up living off the land. If
11 we were hungry while playing outside, we would
12 look for something growing on the trees or the
13 vines that were plentiful back then. We would eat
14 the apples off the apple trees, muscadines,
15 blackberries, cherries, and oftentimes I would
16 even eat ripened -- hot ripened tomatoes from my
17 family's garden. I even ate the red clay dirt
18 from a bank next to my house, and it was good.

19 When the Duke Energy plant began its
20 operations in the early 1970's, coal ash would
21 fall off -- fall on our land, rooftops of our
22 homes, and our vehicles, and cover them worse than
23 the pollen in the springtime around here. We
24 could write our names on the cars because it was
25 just that thick. It settled on our soil, and

1 that's where the first point of contact began
2 tainting our water supply and vegetation.

3 Our families grew gardens on soil that was
4 unknowingly contaminated. As a child, I had
5 problems with my bladder. My mother took me to
6 different doctors to try to help -- to get me
7 help, because I wet the bed almost nightly. I
8 remember it very well, because when I was 10 years
9 old my mom didn't allow me to go on the fifth
10 grade field trip to Washington, D.C., simply
11 because she didn't want me to be embarrassed in
12 case I wet the bed. At that time, I was 10 years
13 old, in 1977.

14 I am 48 years old now, and I've lived in
15 Walnut Cove near the Duke Energy power plant all
16 of my life. My mother started having bad stomach
17 ulcers in the 1980's. that kept her in pain for a
18 number of years. My mother also had neurological
19 problems with her left hand, and eventually lost
20 the use of her left hand and arm. She also
21 developed heart problems that ended up causing her
22 death on September 28, 2014, of a massive heart
23 attack.

24 In 2012, my life changed dramatically. I
25 myself had to go to the emergency room because I

1 had a series of three strokes which left me
2 paralyzed on my prominent side, which is my right
3 side. I was 44 years old at the time. And I've
4 also had stents put in, also a defibrillator.

5 There have been numerous cases of cancer,
6 respiratory illnesses, neurological problems, and
7 heart problems within my community, and other
8 communities living near coal power plants. I
9 stated many times that we are in a fight for our
10 lives. Our land and our water has been
11 contaminated for years without our knowledge, and
12 that is criminal.

13 Our community has suffered at the hands of
14 Duke Energy for over 40 years. With heavy hearts,
15 we want our loved ones that have died or have been
16 sickened and unrecognizable due to illnesses from
17 cancer or severely disabled from strokes at a
18 young age. We live in what we call the country,
19 away from city living, from smog from factories or
20 fumes from the city buses and heavy traffic. The
21 only pollutant in our community comes from the
22 coal-fired plant, which is Duke Energy.

23 If my parents or other families living in our
24 community had known when they sold their property
25 to Duke Energy in the late 60s that there would

1 be a danger living within 10 miles around its
2 perimeter, the families would have made conscious
3 decisions to move further out, far from harm's
4 way. They would not have built homes here or
5 raised their children here.

6 Our -- our community is predominantly
7 African-American, and it is rare that African-
8 American families have land and property to leave
9 their children that they worked so hard for their
10 whole life. Now we are faced with property values
11 that are dropping because of water contamination
12 from the coal ash ponds and mounds.

13 I'm giving you the facts of daily living in
14 the Belews Creek area. There are so many stories
15 that people have that has negatively affected
16 their way of life and their health. It's not just
17 my community, but other Duke Energy coal-fired
18 plants around North Carolina. There are cases of
19 breast cancer, brain cancer, stomach cancer, just
20 to name a few. You can't drive two miles in
21 either direction of the power plant without
22 knowing a family that has dealt with such
23 illnesses.

24 I lost the most cherished part of me when I
25 lost my best friend, the love of my life, my mom.

1 She was an active part of informing our community
2 of what was making us all so sick, and I will
3 continue to tell anyone that will listen about how
4 Duke Energy promotes poison for profit at the
5 expense of human life.

< Tracey Brown Edwards:

6 What they have done is criminal, as I said
7 before. Failing to inform the community of the
8 hazardous emissions contaminating our water
9 supply, which is vital to human existence. Their
10 failure to clean up their mess and deny
11 responsibility for creating a toxic environment
12 that we now have to live in.

13 I can't help but wonder when my children may
14 become ill because I prepared baby formula with
15 tap water from my well. It is not reasonable --
16 unreasonable to demand Duke Energy to clean up
17 their toxic waste because it is vital to our
18 survival.

19 Thank you all for allowing me to tell my
20 truth.

21 (Applause.)

22 CHAIR LAZO-CHADDERTON: Are there any
23 questions from the committee members?

24 MS. MONET: Yes, I do. I do.

25 CHAIR LAZO-CHADDERTON: The chair recognize

1 committee member Thea Monet, and the chair of the
2 subcommittee.

3 MS. MONET: Thank you. Yes. I'll just pick
4 it up.

5 CHAIR LAZO-CHADDERTON: And please direct to
6 if they're to the whole panel or to a specific
7 panelist. And then after that, if you have a
8 follow-up question, please let me know.

9 MS. MONET: Thank you so very much. First of
10 all, let me thank you for having the courage and
11 willingness to share with us today. They often
12 say I'm from Raleigh and I'm here to help. Well,
13 I'm from Raleigh and I sure hope we can help to --
14 to correct some situations.

15 What I'd like to know, though, is what kind
16 of efforts are being made by your health
17 department and health providers to stand in the
18 gap of living in these conditions that you've
19 talked about today. Any member, please feel free
20 to answer.

21 MS. EDWARDS: The only time I have encountered
22 anyone from our health department was at a meeting
23 held at Duke Energy on -- on their site, and they
24 were just there for an information session. But
25 they haven't issued anything to our community as

1 far as health concerns. They were here -- they
2 were there getting information.

3 MS. MONET: Thank you. When you're -- when
4 the conditions arise, go to the doctor, typically
5 there's a co-pay. Who's helping to stand in that
6 gap, to meet the economic requirements, the cost?

7 MS. EDWARDS: That burden falls on us as, you
8 know ---

9 MS. MONET: Personally?

10 MS. EDWARDS: Individuals, yes. I don't know
11 if everyone has insurance, but when we go to the
12 doctor we do have a co-pay, and a lot of times
13 when our people in our community go to the doctor
14 they're not letting them know that they are living
15 near a coal-fired plant. You know. So, if they
16 somehow got that information from us, as citizens,
17 then maybe they could start reporting and keeping
18 up with the illnesses that are currently in our
19 community.

20 MS. MONET: Are any of the children being born
21 with defects and serious health problems --

22 REV. HAIRSTON: Yes.

23 MS. MONET: -- are you finding that? Is
24 someone keeping a record of that, of those
25 conditions?

1 REV. HAIRSTON: We do at --

2 MS. EDWARDS: Oh, I'm sorry.

3 REV. HAIRSTON: We do have a community member
4 that -- maybe she would be able to speak this
5 afternoon. But she raised her children right in
6 the vicinity of the Duke ash. And each one of
7 those three have had the respiratory problems.
8 She moved from that location up probably 14, 15
9 miles from that site, and her last child had no
10 respiratory problems.

11 MS. MONET: Uh-huh.

12 REV. HAIRSTON: So, we feel that, you know,
13 the breathing and the elements that were consumed
14 from the ash dump and the burning of the fuel and
15 stuff like that was an impact upon those family.
16 And she lost a fam -- a couple of family members
17 with cancer that lived right in that vicinity. So
18 we see a direct correlation to some of the health
19 issues.

20 That we have numerous people that live in
21 that area that are right over here in the Walnut
22 Cove Health Center that have had strokes and
23 they're incapable of staying at home with
24 themselves, so they're in a facility now. So
25 evidently the health department got involved to

1 get them located, because many of them do not have
2 any insurance to -- adequate.

3 And so you got to realize that in a rural
4 area, that many of these people live off their
5 land. And due to the economic situation that has
6 transpired over the years, many of these people
7 were tobacco farmers and things of that nature.
8 And so their income went down. Many of them had
9 to sacrifice to pay for rent or, you know -- and
10 they didn't do the due diligence or get the
11 necessary medical coverage that they had.

12 CHAIR LAZO-CHADDERTON: Ms. Kellogg? Ms.
13 Kellogg, would you like to say something?

14 MS. KELLOGG: No.

15 MS. MONET: I'm just thinking of the cost of
16 medicines.

17 MS. KELLOGG: I guess I could --

18 CHAIR LAZO-CHADDERTON: Thank you.

19 MS. KELLOGG: -- real quick. Well, just to --
20 to add what you're saying. A lot of folks don't
21 have health insurance, are having to pay for these
22 extremely high costs of these health issues, and
23 that's actually one of the principles that I
24 talked about is that we believe that they should
25 be compensated in some way for that his -- that

1 **historical issue.**

2 CHAIR LAZO-CHADDERTON: Thank you. Any
3 comment from the panelist to go to the next
4 committee member? Thank you, Ms. Thea.

5 MS. MONET: Sure.

6 CHAIR LAZO-CHADDERTON: Committee member Ms.
7 Olga Wright?

8 MS. WRIGHT: Yes. I have a question regarding
9 the suspension of oversight. Ms. Kellogg, you
10 spoke of -- regarding testing. What happens now?
11 What was the name of the oversight committee you
12 spoke of?

13 MS. KELLOGG: Oh. Yes. So, the Coal Ash
14 Management Commission was created through the Coal
15 Ash Management Act to, um -- to, yes, to be an
16 oversight committee. And now that they have been
17 disbanded, the Department of Environmental Quality
18 is gonna have the final say on prioritization.
19 That may be challenged in court once that happens,
20 because it's not the way the law was written.

21 And there's a lot of concerns about the
22 Department of Environmental Quality having that
23 final say because of certain actions that they
24 have taken throughout this whole process which
25 included really pushing to change the -- the

1 health screening levels that were established by
2 the Department of Health and Human Services for
3 iridium and hexavalent chromium. It was our state
4 toxicologist, Ken Rudo, who created those
5 standards. He has been on paid leave throughout
6 this process of, well, reeling back those
7 standards.

8 And it was actually a gynecologist, Dr.
9 Randall Williams with the Health Department, who
10 signed off along with the head of DEQ -- or the
11 Assistant Secretary of DEQ, Tom Reeder, on
12 changing those levels, which meant that folks who
13 were hundreds of wells got their do not drink
14 letters rescinded. They've been living on bottled
15 water for a year and all of a sudden they're told
16 their water is safe to drink. And that leaves
17 them with relatively little recourse. You know,
18 they obviously still don't feel that they can
19 trust their well water, and -- and it's gonna be
20 much harder now for them to get Duke Energy or the
21 state to provide them with safe drinking water.

22 And another -- another example, you know, is
23 -- is Duke had volunteered to clean up three extra
24 sites in North Carolina, and -- and by clean up I
25 mean fully excavate them. And DEQ actually tried

1 to block that measure in court, and the judge
2 threw that out. So they are still proceeding.
3 But it's just -- you know, it's very
4 confusing for people to hear these -- these
5 different stories about their supposed regulatory
6 agency making these kinds of decisions. And so
7 people, I think, were really comforted by the --
8 the Commission's existence, and now it's no longer
9 around for us.

10 MS. WRIGHT: I have one more question, a
11 follow-up on that.

12 MS. KELLOGG: Sure.

13 MS. WRIGHT: Are there tests currently being
14 conducted in the area?

15 MS. KELLOGG: So, um, actually I had a -- a
16 woman call me the other day who lives really close
17 to the plant on Old Plantation Road, which is
18 where a lot of high arsenic levels have shown up,
19 and I -- I said, well, here's the phone number to
20 call DEQ to ask to have your well tested. You're
21 gonna tell them you're within 1500 feet. She was
22 told that they're no longer doing the water tests.

23 So now it's -- I'm working with another one
24 of our partner organizations, Clean Water for
25 North Carolina. We have an emergency relief fund

1 set up through Act Against Coal Ash that's
2 donations for residents dealing with these issues,
3 and we can dip into that in order to -- to pay for
4 her to have her water tested through the county.

5 And that's -- I'm worried that she won't be
6 able to receive bottled water if it does come up
7 that it's contaminated because she didn't go
8 through the state. They're not offering that
9 avenue any -- any longer.

10 MS. WRIGHT: When the -- this is my last
11 question. When the commission was in place, did
12 they cover the cost of the well -- the cost of the
13 testing? Or who --

14 MS. KELLOGG: Yes. So, the commission didn't
15 actually have anything to do with the testing.
16 They were supposed to oversee the -- the reports
17 that were getting sent in, all the data, and
18 oversee like the conclusions that DEQ was coming
19 to from -- from Duke's groundwater reports. And
20 so this testing within 1500 feet is a requirement
21 of the Coal Ash Management Act in order for Duke
22 to be able to present a better picture to the
23 state of what's going on underneath the ponds in
24 terms of groundwater contamination.

25 So it was Duke Energy that was paying for the

1 tests that were mandated essentially. You know,
2 the state mandated the tests, Duke paid for them,
3 the results got sent to DEQ. Those were
4 collected, and then those results got sent to
5 DHHS, which is who sent out the letters advising
6 people not to drink their water.

7 And, you know, just on that note, because I
8 forgot to mention it, but the groundwater reports
9 that Duke had been -- that Duke has been
10 submitting to -- to DEQ throughout this process of
11 deciding site prioritization have been really
12 lacking in information. Self-stated lacking
13 information. You know, over here at Belews Creek
14 they just -- it's kind of a long list of all the
15 different factors that they didn't take into
16 account when they were doing their groundwater
17 monitoring. And at -- at Belmont, which I was
18 talking about, this is a community that is
19 surrounded on three sides by coal ash.

20 And Duke Energy, when they -- they did their
21 ground watering monitoring -- or modeling program,
22 they had to -- they set up boundaries, flow
23 boundaries, on either -- on either -- on all the
24 sides except for the side where their -- where the
25 river was, to say that the coal ash contamination

1 was moving towards the river, but the modeling was
2 set up such that it would never say anything
3 otherwise.

4 You know, these are the kinds of things that
5 -- and this -- this is citizens who have -- you
6 know, they've had to become experts in reading
7 these complex things, and this is what they're
8 discovering.

9 CHAIR LAZO-CHADDERTON: Thank you. I want to
10 give now the opportunity to committee member
11 Martinez to ask a question, and then a follow-up
12 as well.

13 MR. MARTINEZ: Reverend, Ms. Edwards, what
14 does justice mean to the community? What do you
15 want from Duke Energy to make this all go away?

16 MS. EDWARDS: Our community would like them to
17 escalate cleaning up. We don't want it to move to
18 another community, for them to have to suffer the
19 same things that we're having to suffer with our
20 health.

21 MR. MARTINEZ: Reverend?

22 REV. HAIRSTON: We would like it placed back
23 on the high priority list, for excavation, not to
24 be kept and lined in place. To require that Duke
25 find some other way of handling the ash dumped.

1 In other words, there were provided at our hearing
2 before DEQ a sample which could contain it and
3 keep it from infiltrating into the soil and
4 contaminating the soil and affecting the water.
5 So we feel that there are means that Duke can
6 handle this in a more expedited way which would
7 not create health issues.

8 And we're looking and stating and studying
9 over the various issues that are related to this
10 is evidence that all the ash dumps, people located
11 around these areas have the same health issues.
12 And you're not gonna tell me that's a natural
13 occurrence. That's an occurrence that comes
14 because something had been placed in there that
15 creates an environment that creates health issues.

16 So we feel that it is top -- top priority,
17 that it be moved and excavated from the county.

18 MR. MARTINEZ: Would I be correct in surmising
19 from your answers that nothing short of excavation
20 is what you want?

21 REV. HAIRSTON: That's right.

22 MR. MARTINEZ: And then may I ask a follow-up?
23 Ms. Edwards, when did your community start putting
24 two and two together, that maybe the health
25 problems were because of the power plant?

1 **MS. EDWARDS:** My mom started working with
2 Appalachian Voices because her and a friend of
3 hers, they started communicating and talking about
4 illnesses in our area. And when she found out
5 what the contaminants would do to a person's body,
6 that's when she started getting more information
7 and started informing the community, anyone that
8 would basically listen, you know, because we could
9 just go up one side of the highway in our
10 community and pinpoint who had what, what kind of
11 illness they had, whether they had cancer, whether
12 they had strokes, heart disease. And then we come
13 down the other side.

14 And so she was, like, trying to catalog
15 basically the area as what type of illnesses we
16 were all seeing, and knowing that Duke Energy was
17 the only culprit in our community that was putting
18 out emissions, dumping coal ash, close to our
19 water supplies, that -- that could have possibly
20 been the only thing that could cause all these
21 illnesses in our community.

22 **MR. MARTINEZ:** And when -- and what time
23 period was that?

24 **MS. EDWARDS:** Well, she started putting two
25 and two -- two and two together basically in 2011,

1 2012.

2 **CHAIR LAZO-CHADDERTON:** We have some minutes,
3 a few minutes more, but I would like to ask the
4 other committee members if they have only a
5 question, and then only one follow-up question if
6 you are so kind.

7 **MS. MONET:** Well, the thought in my mind is
8 whether or not there has been any conversation
9 about trying to compensate families for their
10 losses. You know, is that a reasonable interest
11 that you all have?

12 **REV. HAIRSTON:** Yes. I think that's a
13 reasonable summation, that due to the research and
14 the knowledge that we have acquired about the
15 health issues that these people should be
16 compensated for their illness and the costs that
17 they have incurred for going to doctors and
18 hospitals. I feel that, you know, we have
19 substantially enough evidence to prove that due to
20 the location and the proximity that all these
21 people have a related illness that's directly
22 affected by Duke Energy.

23 **MS. EDWARDS:** Um --

24 **CHAIR LAZO-CHADDERTON:** Committee member --
25 oh.

1 MS. EDWARDS: Oh. I'm sorry. Also, I'd like
2 to add that due to contaminated soil and the water
3 that people have on their property, I would say
4 they would -- I mean, they would probably rather
5 Duke Energy buy their property out like they did
6 in the 60s. Buy them out so they can move away
7 from this. I mean, that's basically the only
8 solution they could come up with to please the
9 public.

10 CHAIR LAZO-CHADDERTON: Thank you.

11 MS. WRIGHT: Ms. Edwards, that was -- as you
12 commented before, that leaves the people behind.
13 So it's not necessarily, the owners that are here,
14 to sell the property, but the excavation --

15 REV. HAIRSTON: Right.

16 MS. WRIGHT: -- would be the solution for the
17 community, not -- I mean, for those that want to
18 sell, of course, but the problem would still exist
19 for those left behind.

20 REV. HAIRSTON: Well --

21 MS. EDWARDS: I understand that. My thought
22 on that is, the people whose property is
23 contaminated to where it can't be fixed, those
24 people need to be compensated for that. They
25 don't need to have to live in something that they

1 have no use for, really. You know, have to get
2 water brought in and can't grow anything on your
3 soil because you'll ingest it if you grow it -- if
4 you grow a garden. So they should be made -- in
5 the radius of those homes, not to allow anything
6 else to be put on that property in order to keep
7 the remaining citizens safe.

8 MS. WRIGHT: Is that that 1500 mile [sic]
9 radius? Or --

10 MS. EDWARDS: Well, it's -- I would say within
11 a five-mile radius, to be honest.

12 REV. HAIRSTON: Well, you know, really, it
13 reaches further than that, but we have been
14 concentrating around the ash dump area. The
15 affect of -- the thing of having been exposed
16 throughout the period of time with the ash dust
17 flying from those smokestacks exceeded our
18 boundaries. They went more than Stokes County.
19 They went to Rockingham. They went to Guilford.
20 And there's evidence that showed that even when
21 roofs were being eaten up by this ash dust being
22 so long, the evidence of paint being taken off the
23 cars. Imagine breathing that into your lungs.

24 Even with the coal mines, workers in the coal
25 mines, they had respiratory masks. Are we gonna

1 **have to have respiratory masks to breathe**
2 **throughout this county for the rest of our lives,**
3 **to obtain that which we is constitutionally given**
4 **unto us, the pursuit of life, health, and liberty?**

5 **Are we allowing industry to come in and**
6 **pollute our land and take away that right that is**
7 **a Constitutional gift by us, and even taking and**
8 **destroying the rights of the property and God-**
9 **given land that's naturally, if left alone, will**
10 **not be contaminated? It has become contaminated**
11 **by these industries putting things in.**

12 **So we feel that yes, they need to be**
13 **compensated because their property's gone down.**
14 **They will not be able to sell their homes. So,**
15 **yes, we do justice. We're amenable to that. If**
16 **Duke Power is the culprit, that they should**
17 **recompensate these people.**

18 MS. KELLOGG: And I just want to speak to the
19 need to that and full excavation. It's -- you
20 know, the groundwater contamination plume from
21 underneath the coal ash pond is only gonna be
22 stopped if the coal ash is removed from the
23 groundwater table.

24 **So I fully agree that, you know, the people**
25 **in closest proximity -- I mean, honestly, it**

1 **should be considered a state of emergency. They**
2 **need to get out. Their homes are worth nothing,**
3 but, I mean, they are at great risk. And if you
4 think about the process of excavation and the kind
5 of -- no matter how well it's done, that's gonna
6 cause dust to go up in the air, fly ash.

7 **I mean, there's just -- there needs to be a**
8 **greater radius of security around these power**
9 **plants where nobody has to live. Right? And once**
10 **you get outside of that, then -- then maybe it's**
11 **still safe for people to live.**

12 **But in order to ensure that their groundwater**
13 **stays safe for the next 50 -- you know, forever,**
14 **is -- that ash has to get out of the -- the**
15 **groundwater, or the plume is just gonna continue**
16 **to spread throughout the years, further and**
17 **further. And we know it's gone 1500 feet but, you**
18 **know, there hasn't been systematic testing outside**
19 **of that radius to really know how far everything**
20 **has extended.**

21 **CHAIR LAZO-CHADDERTON: Thank you so much.**
22 I'm going to ask the panelists, if I may, if you
23 want to give -- share some experience, something
24 that you haven't told about it, that is going to
25 help the Committee and the Commission to have even

1 more education, because during these days we are -
2 - during the day today we are listening, but I'm
3 becoming personally empowered with all the
4 information.

5 MS. EDWARDS: Yes.

6 CHAIR LAZO-CHADDERTON: And we are going to
7 see the other strong panelists also. So we are
8 going to have the whole picture. And the best
9 thing that we can do to base our law for our
10 greater state. Three minutes, each one?

11 REV. HAIRSTON: Well, I'd just like to relate
12 to you that the community has come together. And,
13 as Sarah said, there have been various -- the
14 state legislature, people in the state office have
15 said that we are backed by unions and different
16 organizations. That is not so. This is a
17 community organized to speak to the issues that
18 confronts the health and the pursuit of happiness
19 and liberty within our own community. And we're
20 finding that these rights are being taken away
21 from us each day.

22 And we have petitioned, we have made trips to
23 our legislature, expressing our concern, and they
24 said that though we had convened, well, they could
25 not speak to us. So we have people that are to

1 take care of our best interests, are not showing
2 an interest in the people who have placed them in
3 a position to serve the people. So we feel that
4 this injustice -- and there's this thing that the
5 civil rights, liberty can help, on the federal
6 level. Because when you talk to your people that
7 are there to serve you, you have concern and
8 issues that affect you, your family, and other
9 generations. They ought to be willing to come to
10 the table and talk. They have refused to come to
11 the table to talk. They have been invited.

12 They show up at commissions just like this
13 and they are -- give their spiel, and -- but they
14 won't come to the community meetings that we have.
15 We have invited them. They don't show up. So
16 that tells me they're not really concerned about
17 our issues. So I feel that the injustice that is
18 done here in Stokes County and where other dump
19 sites are, the people that are in position to make
20 the decision to move things are not listening.

21 So evidently there is something else involved
22 that stimulate them, and that got to be money that
23 is placed in their pockets. To me, that's an
24 injustice. And I feel that these injustices need
25 to be heard on the federal level, and you are the

1 commission that can get this answered to them,
2 that we are just tired of people dying, and that's
3 not necessary.

4 We want people that just step up to the plate
5 and do what's right. And we feel that we're not
6 being treated right. The injustice is prevalent
7 throughout the state, and not only here but all
8 the states that have energy where ash dump is
9 stored have the same problems and nobody's
10 listening.

11 CHAIR LAZO-CHADDERTON: Thank you, Reverend
12 Hairston. Ms. Kellogg?

13 MS. KELLOGG: Yeah. I mean, this is --
14 because of the years of organizing because of
15 recent events, I mean, you have a population
16 across this state who cares deeply about this
17 issue and, like I said before, has a pretty clear
18 vision of what they would like to see. And also a
19 call for more creative solutions as well. I mean,
20 we say we want it fully excavated, like we want
21 this out of the groundwater. But, you know, how
22 it ends up being stored or reused, that is
23 something that people often ask about. And we
24 would like to see our wonderful university system
25 look into that more.

1 **I mean, and I think if we need more proof**
2 **that there should be compensation, there needs to**
3 **be health studies conducted. We've started a**
4 **community-led health survey in this area, you**
5 **know, and that's really not gonna have much**
6 **standing in -- in a scientific debate, you know,**
7 **because it -- but it shows things. I mean, it**
8 **shows that this is really a concern. There are**
9 **elevated levels of health problems. And it also**
10 **shows that people are willing to -- to communicate**
11 **with each other in these neighborhoods, to try to**
12 **figure out, you know, what -- what the pattern of**
13 **illness actually looks like.**

14 And at the DEQ public hearings that occurred
15 across the state in the past month, I mean, we had
16 over 1500 people turn out to those hearings, most
17 of whom were living in close proximity to coal ash
18 ponds. And there wasn't -- you know, there was
19 almost 100 people at every hearing. Some hearings
20 there was almost 300.

21 And -- and on top of that, you know, they've
22 already received at DEQ something like 3400
23 comments, and the comment deadline is April 18th,
24 so I'm sure they'll be getting a lot more in.
25 We're working right now to try to get individual

1 comments submitted.

2 I mean, that's the thing, is that there is a
3 breakdown with the state agencies and Duke Energy
4 not being able to directly work with people, and
5 that's what we really, really want, is, you know,
6 we have these community meetings. Come and sit
7 down and actually listen.

8 Don't come with some -- you know, we --
9 there's -- in Belmont they organized community
10 meetings with agencies that they thought would
11 give them answers, right, and they were -- they
12 were -- they left. Those agencies left. They
13 wouldn't answer questions. You know, Duke Energy
14 left the room without answering peoples' concerns,
15 and obviously people were upset. They had just
16 been told they couldn't drink their well wter, you
17 know.

18 It's just -- this stuff is so -- it runs so
19 deep, the effects, and it's been so overlooked for
20 so long, and I just really hope that we can -- we
21 can take this opportunity, this moment, and have
22 this legal avenue to actually do something in
23 North Carolina, to do it right the first time so
24 we don't have to deal with this again in 30 years,
25 you know, 50 years. And I think that's what

1 everyone wants.

2 CHAIR LAZO-CHADDERTON: Thank you. Ms.
3 Edwards?

4 MS. EDWARDS: Living in my community it's been
5 difficult the last few years because I have seen a
6 lot of illnesses. I've seen a lot of death. I
7 don't want the next generation to have to face the
8 same things that we're facing now, with all the
9 toxins that we're being affected by. To see the
10 heartache in my child's face because she knows I'm
11 sick, that's heartbreaking for me. I don't want
12 other families to have to go through the same
13 thing.

14 I lost my mom. That was the most important
15 thing in my life. She's my best friend. And she
16 fought for the same things. She brought awareness
17 to our community because she cared about people,
18 and she did everything she did out of love.

19 Like I said, I continue to do the same thing
20 because I love people. I'm a people person. I
21 care about others more than myself. And that's
22 why I speak up and that's why I'll continue to
23 speak up. Just for justice. Just for justice.
24 The people in my community are somehow related,
25 somehow. So we're all being affected. Thank you.

1 **CHAIR LAZO-CHADDERTON:** Thank you.

2 **(Applause.)**

3 **CHAIR LAZO-CHADDERTON:** On that, we are going
4 to take a break. I want to say thank you first to
5 Reverend Hairston, Ms. Kellogg, and Ms. Edwards
6 for sharing with us all of their experience and
7 their work.

8 We are going to take a 10-minute break, and
9 go a little bit more, until 10:30. I will see you
10 then. Thank you.

11 **(Recess.)**

12 **CHAIR LAZO-CHADDERTON:** Thank you so much.
13 Welcome back to the members of the audience that
14 they were here already, and welcome to the new
15 attendance. I'm going to take a personal
16 privilege to recognize your own Senator, Senator
17 Shirley Randleman, that represent the 30th
18 District. Thank you, Senator. And if there's any
19 elected official that is here in the room, please,
20 if you can stand up and be recognized. You can
21 stand up Senator, for a second.

22 **SEN. RANDLEMAN:** Thank you.

23 **CHAIR LAZO-CHADDERTON:** Thank you for being
24 here.

25 **SEN. RANDLEMAN:** Thank you.

1 **CHAIR LAZO-CHADDERTON:** Now, welcome back, and
2 we are going to have our second panel, beginning
3 with Chandra Taylor from Southern Environmental
4 Law Center. Caroline Armijo, Citizens Against
5 Coal Ash, and Tom Reeder, North Carolina
6 Department of Environmental Quality. That is
7 NCDEQ.

8 **MR. REEDER:** Yes, ma'am.

9 **CHAIR LAZO-CHADDERTON:** And David Hairston,
10 volunteer activist. Thank you so much. So now we
11 have until 11:30, and so you can divide it, you
12 know, the time. After you finish, you will have
13 questions for the committee members. Thank you.

14 **MS. TAYLOR:** Good morning. Thank you for the
15 opportunity to present before you today. My name
16 is Chandra Taylor. I'm a senior attorney at
17 Southern Environmental Law Center. We are a non-
18 profit legal advocacy firm representing
19 environmental organizations who are interested in
20 environmental protection and public health. We've
21 protected natural resources in the Southeast for
22 30 years.

23 In our work, we have partnered with the North
24 Carolina NAACP and the Stokes County NAACP to
25 oppose hydraulic fracturing in Stokes County and

1 to move toward cleaning up the leaking unlined
2 coal ash pits in Stokes County.

3 Today we ask that the Commission recommend in
4 its annual report to Congress and the President
5 action that mandates removal of coal ash from
6 leaking, unlined pits to dry, lined storage away
7 from the community's water. Action that creates
8 modeled plans that prevent low income communities
9 and communities of color from bearing
10 disproportionate burdens from coal ash at any
11 point in the disposal cycle, and action requiring
12 that the Environmental Protection Agency
13 vigorously investigate whether the State is in
14 compliance with all laws, including civil rights
15 laws.

16 Because of this Commission's charge today to
17 look at environmental justice and coal ash, I
18 wanted to set out what environmental justice is
19 and how the Environmental Protection Agency has
20 defined it.

21 Environmental justice is the fair treatment
22 and meaningful involvement of all people,
23 regardless of race, color, national origin, or
24 income, with respect to the development,
25 implementation, and enforcement of environmental

1 laws, regulations, and policies.

2 The Executive Order 12898, signed by

3 President Clinton, requires federal agencies to

4 identify and address as appropriate

5 disproportionately high and adverse human health

6 or environmental effects of its programs,

7 policies, and activities on minority populations

8 and low income populations.

9 As an attorney with Southern Environmental
10 Law Center I wanted to provide you as the
11 committee with the legal framework and authority
12 to analyze environmental justice and civil rights
13 concerns. Those legal authorities include Title
14 VI of the Civil Rights Act of 1964, particularly
15 the provision that prohibits discrimination in the
16 use of federal funding by federal aid recipients,
17 like the North Carolina Department of
18 Environmental Quality.

19 Another legal authority is the EPA Office of
20 Civil Rights implementing regulations. Those
21 regulations set out how to go about investigating
22 whether or not federal aid recipients are in
23 compliance with civil rights laws. It also goes
24 about showing how a potential complainant could
25 file a complaint when they believe that an act of

1 discrimination has occurred.

2 Additional authority is provided in
3 Environmental Protection Agency Office of Civil
4 Rights guidance on analyzing claims of
5 discrimination. There is detailed, multi-page
6 guidance that sets out how to get into -- how do
7 you look at whether an adverse high impact has
8 occurred on a community of color, a community
9 protected by 19 -- the Civil Rights Act of 1964.

10 The Environmental Protection Agency, in
11 complying with Executive Order 12898 that I
12 mentioned before can ensure that the programs that
13 it funds consider disproportionately high adverse
14 human health and environmental effects on minority
15 and low income populations. As the Civil Rights
16 Commission committee members, you can recommend
17 that the EPA ensure that the programs it funds,
18 like DEQ, are considering disproportionately high
19 and adverse human health and environmental effects
20 on minority populations.

21 Turning to the legal analysis for action, I'd
22 like for you today to consider five questions in
23 looking at whether there is an adverse disparate
24 impact on the communities of color in Stokes
25 County. Those five questions are, where is the

1 affected community? Who makes up that community?

2 What are the sources of environmental harm? What

3 is the extent and severity of the threat of

4 environmental harm? And then, what is the

5 political power of that population?

6 So I'd like to actually show a map to you

7 today to get to that first question of where is

8 the affected community. For your reference,

9 committee members, we're over here at the Walnut

10 Cove Public Library. This is a map of the area.

11 The census block that contains the coal ash

12 surface impoundment at the Belews Creek Steam

13 Station. This is the surface impoundment here.

14 You also see the census blocks immediately

15 adjacent to the cen -- to the census block that

16 contains the surface impoundment. So this is

17 where -- answering the question of, where is the

18 affected community? The purple shading that you

19 see on this map indicates areas that have a higher

20 than average population of communities of color.

21 The area -- the census block where the

22 surface impoundment is located is 80 to 100

23 percent people of color. The census blocks

24 immediately adjacent to this census block are 60

25 to 80 percent communities of color. So as a

1 **reference, when we're looking at -- we already**
2 **answered the question, where is the affected**
3 **community? Who makes up that affected community?**
4 **As you can see, the people who are living in very**
5 **close proximity to the surface impoundments at the**
6 **Belews station are people of color.**

7 The Belews Creek Power Station is down here.
8 Belews Lake is here. The Dan River is here. It
9 flows in that direction. So, we've answered the
10 questions. Where is the affected community? Who
11 makes up the affected community?

12 **So what is the source of environmental harm?**
13 And these are the steps to go through in looking
14 at **an analysis of whether there's been**
15 **discrimination, and particularly in environmental**
16 **permitting decisions.** We're looking at, in this
17 context, what the EPA Office of Civil Rights would
18 be investigating. As -- the United States
19 Commission on Civil Rights can refer complaints of
20 discrimination to the appropriate agency. The
21 appropriate agency in this regard would be the
22 Environmental Protection Agency. And these are
23 the steps that they go through in looking at
24 claims of disparate impact.

25 Now, what is -- what are the sources of the

1 environmental harm? There's Belews Creek Steam
2 Station itself. There's a surface impoundment,
3 the largest in the state, holding over 12 tons --
4 12 million tons, excuse me, of coal ash. There's
5 also the landfills that are also in close
6 proximity. So these are the sources of
7 environmental harm.

8 So we'll turn then to question 4. What is
9 the extent and severity of the threat presented by
10 these sources of environmental harm? First, there
11 is the dam at the surface impoundment. The dam is
12 here. And I will actually later provide to you a
13 smaller version of this map so that you can look
14 at it, but there is a dam at this surface
15 impoundment.

16 This dam has been one that has been
17 determined to -- to be what's called a high risk
18 in that if that dam were to fail that people would
19 die. In addition to that, people's drinking water
20 supplies would be contaminated with toxic coal ash
21 within 10 miles downstream of the surface
22 impoundment. People's drinking water supplies,
23 drinking water supplies for Eden and Rockingham.

24 So if this dam were to fail, people's
25 drinking water supplies would be contaminated and

1 people would die. So that is the -- looking at
2 the question of the severity of the threat from
3 the environmental harm, that is one thing to
4 consider.

5 Another -- another factor to consider,
6 another issue to consider here, is that
7 contamination -- groundwater contamination, Duke
8 has already said that it is migrating offsite.

9 Another concern has to do with selenium
10 contamination. Up until 1985, coal ash wastewater
11 was being discharged directly from this active ash
12 pond into Belews Lake. What happened when that
13 discharge occurred was that Belews Lake became
14 contaminated with selenium, so much so that of the
15 20 species of fish in the lake, all but one were
16 completely eliminated. The Department of Health &
17 Human Services issued a fish consumption advisory
18 in 1998, letting the public know that they should
19 be concerned about the fish that were in Belews
20 Lake.

21 This is an environmental justice issue in and
22 of itself as subsistence fishermen, people who
23 supplement their diet through eating fish from
24 lakes and streams, are more likely to be people of
25 color and low income people. So this is an

1 extreme issue of concern.

2 Also, in looking at the extent and the
3 severity of the harm, as you heard earlier, there
4 are concerns with drinking water in this -- in the
5 community. People's drinking water has been
6 affected so that people now are unsure of whether
7 they should wash their dishes, drink the water,
8 bathe in it.

9 So the -- so when looking at, um, what is
10 before the state now is a risk process, a priority
11 process to determine when the surface impoundment
12 should be cleaned up. The three main factors
13 evaluated by DEQ to determine an impoundment's
14 classification are impacts to groundwater, dam
15 safety, and surface water.

16 Based on what you've heard today from other
17 panelists and from me, considering all these
18 impacts, the commission may recommend that the EPA
19 act to make sure that the recipients of EPA
20 federal aid, the North Carolina Department of
21 Environmental Quality, classify this site as a
22 high risk site.

23 Also, looking at the extent and severity of
24 harm and cumulative impacts, I'd also like to
25 raise the issue of another community in close

1 proximity to the surface impoundment, just a few
2 miles to the west. That's the community of Walnut
3 Tree, who has faced the threat of hydraulic
4 fracturing. Hydraulic fracturing is when shale is
5 drilled into with a combination of chemicals -- we
6 don't know what the chemicals are -- sand and
7 water to break it apart and release gas. Well,
8 what happens in that process is potentially a
9 threat to drinking water supplies. The aquifer
10 could be affected.

11 So it's a layered environmental harm by -- as
12 you see, this -- the red triangle here is where a
13 drill core sample to explore for whether or not
14 this area was -- whether or not there was shale
15 gas potential in this area, that is in the
16 community of Walnut Tree. This is the community
17 of Walnut Tree. The citizens here are also people
18 of color. The deep purple shade indicates that
19 this area is one that is 80 to 100 percent people
20 of color. So they also -- there is an affected
21 community who's facing another layer of
22 environmental harm.

23 Moving on to that fifth question of what is
24 the political power of the people who are
25 affected? The people of Walnut Tree did not have

1 the opportunity to elect anyone to the town board
2 who could make the decision about -- to say no to
3 even exploring the potential for hydraulic
4 fracturing.

5 That's because it's a classic area of under
6 balloting, where that -- where the citizens of the
7 community are in the extraterritorial jurisdiction
8 of the Town of Walnut Cove, where they -- they
9 have to pay more for municipal services when
10 provided but have no voting power to get people on
11 the board to -- who could have said no.

12 The drill core sample was taken literally in
13 the backyard of one of the residents in the
14 community. You can actually drive down the
15 backyard and see the site where the drill core
16 sample was taken. And this was against -- against
17 the wishes of the citizens. Another layer of, you
18 know, being politically disenfranchised. This
19 community still does not have a representative
20 from its area on the town board.

21 And if you were to look at the public
22 records, looking at the history of what happens in
23 Stokes County and what happened in the Town of
24 Walnut Cove, you'd see that the citizens have
25 asked. They asked to be annexed. They asked to

1 help deal with the problems with their well water.

2 CHAIR LAZO-CHADDERTON: Thank you so much.

3 And you are going to have time. To all the
4 panelists, we are going to have questions from the
5 committee members. And thank you so much for our
6 -- your sharing. And we are going to move to Ms.
7 Caroline Armijo.

8 Because you are four panelists, you will have
9 only 15 minutes to share with us so we can listen
10 and -- but also in the period of questions and
11 answer you can address your -- I apologize. Thank
12 you. Ms. Armijo.

13 MS. ARMIJO: Good morning. Thank you for
14 coming today. My name is Caroline Armijo. I live
15 in Greensboro, and I'm a Stokes County native. My
16 family came down on the Great Wagon Road in the
17 early 1700's. That's not unusual for this area.
18 Most of the people you will hear from today have
19 lived on this land for generations. Some have
20 never left. Others have returned by choice.
21 Because of this, people are very passionate about
22 this issue and their connection to the land and
23 the community.

24 Over the years, this same stretch of land on
25 the map next to the Dan River has been home to the

1 **Soratown Indians, one of the Hairston Plantation,**
2 **Duke Energy's most efficient steam station, and**
3 **the massive 12 million-ton coal ash pit. It is**
4 **now threatened by fracking.**

5 **In 2010 I began to doubt my faith. I didn't**
6 **believe that our prayers were being heard. I was**
7 **living in Washington, D.C., and I knew that the**
8 **rates of illnesses and death wasn't normal. My**
9 **good friend from middle school, Danielle Bailey**
10 **Lash, was undergonig her second craniotomy for a**
11 **stage 4 brain tumor at the age of 34. She didn't**
12 **drink. She didn't smoke. So it didn't make sense**
13 **as to why she was sick, except she lived at the**
14 **end of Pine Hall Road, where Belews Creek Steam**
15 **Station is located.**

16 **That summer, the funeral home director, who**
17 **everybody loved, died of breast cancer. My mom's**
18 **cousin died within two weeks of her diagnosis of a**
19 **rare form of leukemia, and my childhood neighbor,**
20 **an avid fisherman at Belews Lake, died from a**
21 **brain tumor.**

22 **These were all people from the larger**
23 **community who chose to recreate at Belews Lake.**
24 **People were dying so quickly I feared that the**
25 **scrubbers installed in 2008 had created a super**

1 toxic coal ash that made cancer incredibly
2 efficient. In December of 2015, this past fall, a
3 woman was diagnosed with stage 4 breast cancer and
4 died before the morning.

5 I contacted Dennis Lindley, who had studied
6 the fish population at Belews Lake for the last --
7 over 20 years. His studies found that 19 species
8 were wiped out during the 80s and the remaining
9 fish species was severely deformed. I wanted to
10 let him know that the people were dying too.

11 As you know, coal ash was not regulated in
12 2010. So in 2012 we moved -- my family moved back
13 to North Carolina. My first cousin was diagnosed
14 with a stage 3 brain tumor. When he was first
15 married, he lived under the smoke stacks. This
16 was especially devastating because his wife's best
17 friend had just passed away six months earlier
18 from a brain tumor. She was one of five people in
19 their 50's who had -- she was the last one to die
20 from that group.

21 I contacted Avner Vengosh at Duke University.
22 He had published a paper related to the increased
23 pollution in rivers and streams as a result of the
24 new scrubbers. He put me in touch with Earth
25 Justice, who put me in touch with Appalachian

1 Voices, and we began to get organized.

2 Once we began learning about the lives of
3 those who are considered Duke's actual neighbors,
4 the stories were much more horrific. Today you're
5 gonna meet a family where everybody in the house
6 has had cancer. The first -- even beginning at
7 the age of 9.

8 Other families or neighbors include 4 people
9 at the opposite end of Pine Hall Road who have all
10 contracted leukemia or lymphoma around the same
11 time, in their early 20s.

12 Two years ago, while the nation watched in
13 horror as the coal ash poured into the Dan River
14 in Eden, my Facebook feed was full of prayers for
15 a 10-year-old boy who lived straight through the
16 woods from Danielle's home. He had been in
17 remission from his brain tumor, a tumor that was
18 rumored so hard that a needle could not penetrate
19 it to take a biopsy.

20 After a summer playing outside, he returned
21 to the doctor to learn that his lungs were filled
22 with tumors. The community rallied around this
23 little boy, but their prayers were not answered.

24 Andrea Davis sold everything that she had to
25 move back to her family homestead. She left

1 Myrtle Beach, retired to the country, and,
2 inadvertently, on the banks of the massive coal
3 ash pit. Her body is covered in lesions from the
4 water. Her skin improved once she stopped bathing
5 in her water, but the scars remain. Every three
6 to four days she's able to shave the ash off her
7 bedspread with a sweater razor. Water bottles and
8 recycling have overtaken her home. She's living
9 on a fixed income and unable to leave. She feels
10 trapped in a nightmare.

11 Danielle also feels trapped. She cannot sell
12 her home and does not have the savings to abandon
13 what she's invested in her home, and she still has
14 a mortgage to pay. Her brain tumor is in
15 remission, but it can never be fully removed. She
16 lives without a portion of her skull behind her
17 brain -- behind her ear. She has to be on guard
18 wherever she goes, mindful of where she sits in
19 restaurants.

20 A story in the UK's Ecologist quotes
21 Danielle. All I really want to do is leave, but I
22 can't. She says, I feel like a bad parent, but we
23 don't have anywhere to go.

24 After four years of organizing with the help
25 of Appalachian Voices, people are starting to make

1 connections to their health and the reality of the
2 monster buried in our midst. The tragedy is that
3 the coal ash is hidden in plain sight, around
4 curves and behind trees. The ash basin is 12-
5 point million tons of waste. As a community, we
6 are scared of the broad reach of this toxicity.

7 Because of the test drill for fracking, we
8 know that the water table stands from 89 feet to
9 over 320 feet. The dam wall stands 140 feet high,
10 and the pit of ash is 12 to 14 stories deep. So
11 that is over 280 acres of coal ash sitting 40 feet
12 deep in our water table.

13 We are also concerned because we know that
14 two old streams run beneath this area, and we know
15 that 20 drains have been drained -- 20 drains have
16 been draining water into the Dan River
17 continuously since 2006. Duke treats Madison's
18 drinking water because of the bromides created
19 with the chloroprene, and Rockingham County has
20 the highest ALS levels in the country.

21 We know that Belews ground water from the ash
22 also has a higher rate of radioactivity than other
23 of the 14 sites around the state.

24 Point blank, we refuse to settle for capping
25 in place. I am concerned that Duke's control over

1 our state and local government means that the
2 entities that are meant to protect the people are
3 protecting Duke instead.

4 Danielle's home was originally Duke employee
5 housing. The couple in the home before her had
6 had prostate cancer and a the rare neurological
7 disease of GBS. The owner prior to that also had
8 cancer. So in May of 2014, Danielle contacted the
9 state to have her water tested. The hydrologist
10 asked if Danielle lived in Stokes County, because
11 if she did she would have to share her results
12 with Duke.

13 Danielle lives in Forsyth County, so she
14 didn't. Her home has an elevated radon level at a
15 rate of -- at 4,255 -- I don't actually know how
16 to express that, but she was advised to keep her
17 showers short.

18 A member of our statewide coalition, Alliance
19 of Carolinians Together Against Coal Ash, also
20 faced an experience of being threatened by
21 authorities which she sees as chilling and a
22 violation of civil rights. She followed a truck
23 from the Lee Plant all the way to the Chatham
24 Landfill. She asked the landfill operator, who
25 was happy to show her around, and asked the

1 drivers did they know what they were hauling?

2 They didn't. They said it looked like wet mud.

3 When she got home, the Sheriff called her and
4 told her if she had taken any pictures her phone
5 would be confiscated and threatened to never come
6 around any of the facilities again. This is a
7 public road and a public place.

8 Furthermore, DEQ underwent a website switch
9 one week before the March hearings began. This
10 meant that the public lost all of the links
11 providing information about the coal ash and the
12 site locations. My previous profession included
13 web management for a federal contract. This is
14 not an amateur mistake one makes preparing for
15 such an important period in your work.

16 With the recent changing of water level
17 standards, two recipients of the rescinded do not
18 drink letters requested updated detailed
19 information to explain why DEQ changed the levels.
20 It included a map for vanadium, a study for
21 vanadium in drinking water from 1976 to 1979.
22 This is a 40-year-old study. The red dots from
23 the vanadium belt look identical to the Duke belt.

24 Duke also has a chilling effect on our
25 organization's efforts. They have held more than

1 one event in direct conflict with our publicized
2 events. First, their Eden press conference was
3 held at the same time as our press conference
4 calling out government -- Governor McCrory for
5 hosting a secret dinner at the Governor's Mansion
6 with Duke officials and DEQ officials.

7 This past month we planned a screening of
8 Coal Ash Stories here at the library in Walnut
9 Cove. This is a series that informs the public
10 about the impacts of coal ash. Duke planned an
11 open house to bottled water recipients only at the
12 exact same time as our screening. Plus, Duke
13 representatives are present at all of the Coal Ash
14 Stories screening. While I believe that is fair,
15 we have had attendees say that they are afraid to
16 speak out against Duke and wish that they had
17 known of their presence before saying anything.

18 It has become increasingly clear that Duke
19 nor DEQ are willing to put forth any real
20 solutions. The clean-up options that they are
21 offering are either cap or pollute in place or
22 dump it on another community in North Carolina or
23 across state lines. Meanwhile, no one is keeping
24 track of where the coal ash is being taken.

25 In February, I approached Professor Mark at

1 A&T University. He's been developing coal ash for
2 reuse over the last 15 years. Since December, he
3 has been working on a way to encapsulate coal ash
4 in a polymer. I asked him if he would come up
5 with a solution. Until I met with him, he and his
6 colleagues had no idea that coal ash was toxic.
7 He said, once you know the truth you can begin to
8 create a solution.

9 Even though he had been working with our
10 elected officials and DEQ employees, no one was
11 forthcoming about the real problems. Now his team
12 has created a model for a half-ton solid block of
13 coal ash that could be used for storage. I
14 brought a poster that shows more information about
15 that. This storage option would eliminate the
16 need for transportation, the cost of a landfill,
17 and oversight for monitoring for years to come.
18 We're very excited about this opportunity and we
19 hope that it will bring new jobs and provide a new
20 industry with essentially a new raw material.

21 But then I read an article this week,
22 concrete makers look to import ash from Asia. As
23 we're told in the article, coal ash now needs to
24 be reprocessed to reduce the carbon to bind with
25 cement. Duke Energy, the nation's largest utility

1 company, is the only one in the country that does
2 not do this processing.

3 Over the past few days, I spoke with three
4 people working in different cement companies. Two
5 are active lobbyists around this very issue.
6 Point blank, they are angry at Duke because Duke
7 is not willing to sell the ash. Here is a viable
8 solution right under our noses and they are not
9 willing to participate.

10 I found this to be the most baffling. In
11 South Carolina there are third-party industries
12 that do it for Duke. These third-party vendors
13 want to build -- pay and build up the
14 infrastructure and eagerly want to do it here, but
15 they want a guarantee of tons of ash from Duke,
16 but Duke would rather pay to bury it than have
17 someone to take and reuse their waste.

18 Duke gets a fixed rate from the State
19 Utilities Commission, whereas the vendors provide
20 a variable rate of \$18 to \$30 per ton. We have
21 spent the last month trying to convince the
22 government to clean up 108 million tons of coal
23 ash and these vendors want a guarantee of 100
24 million tons of coal ash. So now the coal ash is
25 first come, first served, based on the vendors.

1 Drivers will travel three hours one way to be
2 turned away. One person said that he followed the
3 coal ash trucks because he could not understand
4 why they wouldn't sell him the ash. They were
5 taking the ash to the landfills. Five -- six
6 years ago, Florida expeted -- exported the ash.
7 Now they are 100 percent import.

8 This is infuriating. In a state that refused
9 to expand Medicaid, the very people that are
10 paying exorbitant medical bills are paying for
11 Duke to permanently poison our citizens for
12 generations to come through the use of landfill
13 and capping in place, all thanks to our State
14 Utility Commission, while at the same time there's
15 an entire industry begging to buy this reusable
16 material from Duke and is even undergoing a
17 national shortage. We are importing China's toxic
18 waste.

19 This is a no-brainer. The concrete industry
20 wants to use the coal ash because it lengthens the
21 life of our infrastructure, reduces the cost of
22 building materials by 20 to 40 percent, and
23 reduces freezing on the roadways, plus it meets a
24 legislative demand by DOT. But most importantly,
25 this solution permanently encapsulates the coal

1 ash and keeps it out of our bodies of our
2 citizens.

3 CHAIR LAZO-CHADDERTON: Thank you, Ms. Armijo.
4 Mr. Tom Reeder?

5 (Applause.)

6 MR. REEDER: I'm Tom Reeder. I'm the
7 Assistant Secretary of the North Carolina
8 Department of Environmental Quality, and my
9 department has responsibility for, you know,
10 regulating the coal ash and regulating Duke Energy
11 of North Carolina. And I'm extremely pleased to
12 be here today. Thank you very much for having me,
13 ma'am. It's a pleasure to come and talk to you.
14 It's a pleasure to be able to come and talk to you
15 about what this administration has done with coal
16 ash in the last three years.

17 We all have a problem. We know we have a
18 problem. Actually we have 150 million tons of
19 problem here in North Carolina, and it's called
20 coal ash. And we're gonna have to do something
21 about it.

22 This problem has been going on in North
23 Carolina since the 1950's, growing and growing and
24 growing, and nobody's ever done anything about it.
25 Nobody's attempted to deal with this problem

1 before now. But this administration has done
2 quite a bit to deal with this problem, and we're
3 gonna do quite a bit more, and I'm gonna tell you
4 all about that today, and that's why I'm so happy
5 to have this opportunity to come here.

6 Within the first months after Governor
7 McCrory was elected, he filed four lawsuits
8 against Duke Energy to try to require them to
9 clean up their coal ash and the groundwater
10 contamination that it caused. These were the
11 first lawsuits ever filed in the history of the
12 state about coal ash. Again, a problem that
13 existed in the state since the 1950's and the
14 1960's.

15 After the Dan River spill, the Governor put
16 together a framework for direct action against
17 coal ash that became the Coal Ash Management Act
18 that was enacted by the General Assembly. Since
19 that bill has been enacted in August of 2014, we
20 have basically waged a war on coal ash in the
21 North Carolina Department of Environmental
22 Quality.

23 In my job, I have responsibility for all
24 regulatory agencies in the department. I spend 50
25 to 75 percent of my time every day, every week,

1 dealing with coal ash. Here's some of the things
2 we've done.

3 We've -- we filed two of the largest fines in
4 state history. In fact, two of the largest fines
5 in state history against Duke for coal ash
6 violations, one at the Sutton plant and the other
7 at the Dan River plant. We've completed -- we're
8 in the process of completing comprehensive site
9 assessments. We're gonna find out the extent of
10 the groundwater contamination that we know exist
11 under all 14 of these plants, and we're gonna
12 require Duke to clean it up in the most
13 expeditious -- expeditiously manner possible.

14 We've also had hearings. We've just had over
15 14 public meetings in one month and have received
16 public comment and listened to the public about
17 what we should do with all this coal ash. We've
18 got millions of tons of it. What are we gonna do?
19 Are we gonna dig it up? Where are we gonna move
20 it to?

21 We're in the process of a complex
22 classification process right now that Ms. Taylor
23 talked about earlier. You know, we're considering
24 dam safety impacts, groundwater contamination
25 impacts, surface water impacts. Like you talked

1 about, the selenium in Belews Lake. We're
2 considering all of those things, and we're gonna
3 come up with recommendations in the next two
4 months about what to do with the 150 million tons
5 of coal ash in North Carolina.

6 We're gonna classify each one of these
7 impoundments individually, and we're gonna make
8 sure that when those classifications are enacted
9 this coal ash no longer poses a threat to North
10 Carolina.

11 Now, let's get to the next step. So you're
12 gonna dig this coal ash up, right? Millions of
13 tons of it. And I think Ms. Armijo talked about
14 that and I think Ms. Taylor talked about that.
15 Where are you gonna put it? Do you want to put it
16 on somebody else? Do you want to give somebody
17 else a disproportionate impact when you put it in
18 a landfill in their community? That's not good,
19 right?

20 I mean, these -- a lot of people have already
21 had to suffer for 50 or 60 years from the effect
22 of this coal ash. Are we gonna pass that problem
23 on to somebody else? No, we're not. Actually,
24 Governor McCrory just this week decided we're
25 gonna take unprecedented action when we permit

1 these landfills in North Carolina, these coal ash
2 landfills.

3 Here's what we're gonna do. We're gonna do a
4 complete environmental justice screen for any
5 permit for a coal ash landfill in North Carolina.
6 We're gonna -- we're gonna have a public meeting.
7 We're gonna have a public hearing for all new
8 permits for coal ash landfills, and then we're
9 gonna do a complete environmental justice screen
10 in accordance with the Title VI laws that Ms.
11 Taylor talked about.

12 But then we're even gonna go further than
13 that, because that's not good enough. We're gonna
14 take our environmental justice screen and we're
15 gonna give it to the EPA Office of Civil Rights,
16 the US Commission on Civil Rights, and the North
17 Carolina Advisory Commission, and we're gonna let
18 them review that environmental justice screen, and
19 we will not move forward with any permitting until
20 that screening has been reviewed and concurred
21 with by those authorities.

22 That's our promise to you. No more
23 disproportionate impacts from coal ash in North
24 Carolina. It stops here. It stops with this
25 administration. It's been neglected too long.

1 We're gonna do these EJ screens. We're gonna turn
2 them over to all those bodies. And we will not
3 move forward with the permitting of any new coal
4 ash landfills in North Carolina until we have
5 gotten the concurrence of those bodies to move
6 forward and that there will not be any
7 disproportionate impacts.

8 So, in closing, what would I like to say? I
9 would like to say that this administration and
10 this governor understands the importance of a
11 clean water and healthy environment. We
12 understand that this problem has gone on for 50 or
13 60 years, impacted these people, and nobody has
14 done anything about it.

15 But we're gonna do something about it, and
16 we're already doing something about it. We're
17 waging a war on coal ash in this administration.
18 I'm very proud of the progress we've made in the
19 last three years. Again, the first administration
20 to ever do anything about this problem.

21 It's like -- here's the way I look at it, if
22 I can talk in the vernacular. It's like, we've
23 got 150 million pounds -- 150 million tons. It's
24 like wrestling with a 150 million ton bull.
25 Right? You've gotta take the bull by the horn.

1 We've done that. We're wrestling with it.

2 We're gonna continue to do it, and we're not
3 gonna stop until we're sure that all this coal ash
4 is safe, it's safe -- protects public health, it
5 protects the environment, and it does not provide
6 a disproportionate impact to any member of this
7 state in the future again. And that's all I have
8 to say. Thank you, ma'am.

9 CHAIR LAZO-CHADDERTON: Thank you, Mr. Reeder.
10 Now we go to Mr. David Hairston.

11 MR. HAIRSTON: Thank you for letting me be
12 here. My name is David Hairston. I'm a lifelong
13 member -- resident of Stokes County, the town of
14 Walnut Cove. Actually, I grew up in the community
15 of the Walnut Tree, and now I'm here to speak on
16 their behalf.

17 In 1972, the Walnut Tree development was
18 created for low income African-American people to
19 own homes, to live the American Dream. And in
20 1972 my mother, after my father passed away when I
21 was 10 years old, she was able to purchase one of
22 the first homes in this community.

23 In 1974, Duke Power came online. The Walnut
24 Tree is approximately three, three and a half
25 miles away from the steaming station. By 1975

1 coal ash was dumping on the community of the
2 Walnut Tree. You could go out on -- my mom had
3 bought a brand new car. You could go out and coal
4 ash was building up on it. After the dew would
5 fall at night, you would go out and try to wipe it
6 off. The coal ash was so thick, it would take the
7 paint off of the car.

8 The communities, homes, were just painted.
9 It wasn't vinyl siding or anything back then. It
10 started eating the paint off the homes. The
11 people that saved, that worked hard to have -- to
12 live the American Dream was watching it dust away
13 with coal ash.

14 As a child, I grew up over there, and I'm 55
15 years old, and right now I have had to go to the
16 funeral of at least 10 of my classmates that grew
17 up in that same community. Most of them died from
18 respiratory problems or either cancer. You cannot
19 ride up and down Martin Luther King Drive and up
20 and down Pine Hall Road, as Ms. Tracey Edwards
21 said, without pulling to a home that somebody
22 suffering from cancer -- someone in that home has
23 passed away from cancer.

24 Our community is feeling really let down, as
25 this lady has spoke about our elected officials,

1 that they have run a health survey. With this
2 many people dying in this cluster of area
3 surrounding Duke Energy, that nobody has taken
4 issue against it, to look and see what's going on
5 in this community, where it's a predominantly
6 black community. If this was going in in Beula
7 Vista in Winston-Salem, and a cluster of rich
8 white people were passing away, somebody would
9 have been done something.

10 The people in the Walnut Tree right now,
11 their home value, if they try to sell their home,
12 the tax
13 value may be \$100,000. You can't get a third of that now
14 because of where our local government allowed fracking to
15 dig a test well at the backyard of the Walnut Tree.

16 They own the water rights to the Walnut Tree.
17 When Walnut Tree was first built we had a private
18 water and septic tank system, which the water was
19 bad. Our parents went to our state legislator,
20 Mr. Baker at that time, and we received a \$350,000
21 grant to buy the water system, and we took it to
22 Stokes County. Stokes County took the \$350,000,
23 bought the water system, at the hopes that we
24 would be annexed into the city limit and get
25 decent drinking water. They sold the water rights

1 to the Town of Walnut Cove for \$1. This was 30
2 years ago. To this day, we're still on that well,
3 and we're not annexed, because we're a
4 predominantly black neighborhood.

5 The administration that they are speaking of,
6 they changed the annex policy to where you have to
7 have 100 percent participation. The turnover rate
8 because of the pollution and the bad water in the
9 Walnut Tree, the homes are constantly being sold.
10 It's a home over there now with two lots, a split-
11 level home, that they could only ask \$37,000 for
12 the home, and the tax value on the home is
13 \$120,000. The people just walked off and left
14 their home.

15 It's so many people that's over there that
16 are strapped with property that they can't sell to
17 get their money back, and some that are on fixed
18 incomes that can't go anywhere.

19 I heard Mr. Reeder speak of how well this
20 administration is doing. This administration is
21 not doing anything for the African-Americans.

22 (Applause.)

23 MR. HAIRSTON: If you look at their voting
24 record, their voting record is for Duke Energy.
25 I've -- (inaudible due to applause) for Duke

1 **Energy.** What he's doing, he never spoke of the
2 community or apologized for the poison that
3 they've dumped on us.

4 He speaks of the administration, what this
5 administration has accomplished. They haven't
6 accomplished anything for the people that lived
7 through this. I've lived through it for 40 years
8 they've been here. I lived through the loss. My
9 mother was a breast cancer survivor. My mother
10 died of a stroke. Now my sister and I own that
11 home over there, which we won't sell because
12 that's our home. We will protect that.

13 What we are talking about is the rights of
14 the people that y'all have dumped this poison on.
15 DEQ came to Stokes County. We went up there and
16 we talked to DEQ. I was not going to speak until
17 I seen that -- I watched teenagers walk up there
18 and beg them to help clean this up. I watched our
19 senior citizens walk up there and ask them to
20 clean this up. DEQ is employed by the taxpayers
21 of North Carolina, not Duke Energy.

22 **FEMALE:** Amen.

23 **MR. HAIRSTON:** They want --

24 (Applause.)

25 **MR. HAIRSTON:** The mayor up there was asked,

1 why don't they use your own scientific facts
2 instead of using Duke Energy's scientific facts to
3 rate the -- Belews Creek was rated as high, high
4 priority, because we have the weakest dam in the
5 state. We have the largest coal ash problem in
6 the state. And no one is even talking about the
7 millions of tons that's laying on the ground
8 before you get over there that's unlined.

9 He speaks of the administration. The
10 administration is doing nothing to save our kids'
11 lives. They talking about 10 years from now. I
12 watched what -- over the progress of 40 years of
13 that poison going in the ground, of what it has
14 done to our community. You can see small amounts
15 of toxins in our drinking water, but a small
16 amount of any toxin over a long period of time is
17 deadly.

18 We are human beings. If you know if your
19 water smells and your water is discolored, it's
20 something wrong with your water. If you go to buy
21 a bottle of water and it's discolored, you're
22 gonna take it back and want your money back, or
23 you're not gonna drink it.

24 Until you have lived what we've lived and
25 lost like we lost -- you can live down there in

1 Raleigh where y'all got purified water, but our
2 only water is well water. Our only family lives
3 here. My only mother is dead. Tracey's only
4 mother is dead. You can talk about 10 years from
5 now, but who will I lose in those 10 years?

6 (Applause.)

7 CHAIR LAZO-CHADDERTON: And now we are going
8 to open to questions, one question per committee
9 member and a follow-up question for the panelists.
10 And if we have a time we are going to do like
11 before, having the opportunity to the panelists to
12 say something that you wanted to say and --
13 because the time. Committee member Thea Monet?

14 MS. MONET: Thank you so very much. This
15 question is directed to Mr. Reeder. You've been
16 here this morning. You've heard the information
17 just as I have. Is this your first time hearing
18 this?

19 MR. REEDER: No, ma'am. I've heard -- I've
20 heard stories such as this before, yes, ma'am.

21 MS. MONET: I guess I'm wondering why this
22 issue has not been moved to a condition of urgency
23 or emergency.

24 MR. REEDER: Well, I would -- I would say,
25 ma'am, respectfully, that in my -- in my mind it

1 is a situation of emergency. We're doing
2 everything we can. We have hundreds and hundreds
3 of people working on this on a daily basis. I
4 mean, like I said, I spend 75 percent of my time
5 every day thinking about coal ash. It's the first
6 thing I think about when I wake up every morning.
7 It's the last thing I think about at -- at night.
8 It's 100 -- like I said, it's 150 million ton
9 problem that we have to solve in North Carolina,
10 and we're doing everything we can to possibly
11 solve it.

12 But I guess the only thing I would say in
13 response to that, ma'am, is, remember, it took 60
14 years to create this problem, and we're not gonna
15 fix it over night. It's just the -- it's just the
16 nature of the beast. But we're doing everything
17 we possibly can to fix it.

18 MS. MONET: I guess I'm wondering, what can be
19 done for the families who are affected right here,
20 right now? Families who are having to pay extra
21 money for healthcare. I'm sure some of the
22 seniors are having to go to the rest homes and
23 nursing homes earlier than usual --

24 MR. REEDER: Right.

25 MS. MONET: And have to pay 20 percent, if not

1 more, of that monthly cost.

2 MR. REEDER: Right. That's a --

3 MS. MONET: What -- what can government do
4 about that?

5 MR. REEDER: Well, that's a good question,
6 ma'am. But I guess -- I hate to -- I hate to
7 answer you in this way. I really do. But, you
8 know, I'm an environmental regulator, and all I
9 know about is environmental regulation. And I'm
10 sorry about that. But I don't -- you know, I
11 don't know about other things. Those social
12 services and things like that in the government, I
13 just don't have any expertise in that area.

14 MS. MONET: Does the government --

15 CHAIR LAZO-CHADDERTON: Thank you.

16 MS. MONET: -- Governor weighed in on this at
17 all?

18 MR. REEDER: Governor McCrory?

19 MS. MONET: Yes.

20 MR. REEDER: I'll tell ya -- I'll tell ya a
21 story about Governor McCrory. So, the Dan River
22 spill happened, and I went up with Governor
23 McCrory to view the Dan River spill three or four
24 days after it happened. And he was very upset by
25 what he saw there. And we were leaving the site

1 in a state -- a State Trooper cruiser, one of
2 those Dodge Chargers. And he was riding shotgun
3 next to the driver and I was sitting right
4 directly -- directly behind the driver.

5 And as we left the -- and this is the first
6 time I'd ever met the Governor. And as we were
7 leaving the Dan River site, he turned around and
8 he pointed at me and he said, I'm gonna tell you
9 three things. He says, you clean this up, you do
10 it by the book, and you hold Duke accountable.
11 And he said, do you understand me? And I said,
12 yes, sir. And that's the last time I've ever
13 talked to him about it. And I've been trying to
14 complete those orders for the last two years, and
15 I'm sure I'm gonna be trying to complete those
16 orders until the day I retire from DEQ.

17 CHAIR LAZO-CHADDERTON: Thank you. Is there
18 any -- another committee member with any
19 questions?

20 MS. WRIGHT: Yes.

21 CHAIR LAZO-CHADDERTON: Committee Member Olga
22 Wright.

23 MS. WRIGHT: Mr. Reeder.

24 MR. REEDER: Yes, ma'am.

25 MS. WRIGHT: Regarding the risk

1 **classification.**

2 **MR. REEDER:** Risk classifications, yes, ma'am.

3 **MS. WRIGHT:** How is it considered low risk
4 when you have so many issues, and how do you
5 determine?

6 **MR. REEDER:** Right. It's a -- it's an
7 excellent question, ma'am. It's very complex.
8 Basically what we're looking at, like Ms. Taylor
9 said earlier, basically what we're looking at is
10 whether the dam is stable. Is there -- is there a
11 problem with the dam? Could the dam fail and this
12 stuff be released? We're looking at the impacts
13 to the groundwater underneath the facility. Okay.
14 We know There's groundwater contamination
15 underneath all of these facilities. How far has
16 it spread? Has it affected people's wells? Has
17 it affected offsite wells? We're looking at that.

18 **MS. WRIGHT:** Okay. Can you answer yes or no
19 to those questions as far as this area? Have
20 there been leakage? Have there been failures in
21 determining --

22 **MR. REEDER:** For which site, ma'am?

23 **MS. WRIGHT:** For the Belews Creek.

24 **MR. REEDER:** For Belews Creek. Belews Creek,
25 I believe that we rated the dam as high risk. We

1 told Duke to take some corrective measures to fix
2 that dam. I don't know if those measures have
3 been completed yet. If they haven't been
4 completed, the dam will receive a higher rate --
5 the facility will receive a higher rating.

6 The extent of groundwater contamination we
7 don't know yet. It takes about 18 months to
8 figure out -- scientifically to figure out the
9 extent of groundwater contamination. So we're
10 working on that. I have our hydrogeologists
11 working on that to try to figure that out.

12 The surface water impact we actually have a
13 pretty good handle on, and those we -- we are
14 taking into consideration in the final rankings,
15 which will be released May 18th.

16 This is -- this is something I've never seen
17 before.

18 MS. WRIGHT: Well, I think you're getting off
19 topic.

20 MR. REEDER: Oh, I'm sorry.

21 MS. WRIGHT: As far as the oversight, if
22 you're not aware of what Duke Power is doing, how
23 do you know they're doing anything?

24 MR. REEDER: Oh, we're aware of what Duke
25 Power is doing.

1 MS. WRIGHT: But you just -- but I thought you
2 just said you weren't sure if they're testing --
3 okay. Let me just ask the question. How do you
4 oversight Duke Power as far as the testing?

5 MR. REEDER: Which kind of testing, ma'am?

6 MS. WRIGHT: Any well water, any ground
7 contamination, any testing.

8 MR. REEDER: Well, Duke -- we treat Duke the
9 same way we treat every other regulated entity in
10 North Carolina, like any other factory or city or
11 municipality. They're required to take samples
12 and then we review the results of that sampling.

13 MS. WRIGHT: And how often are your results
14 reviewed?

15 MR. REEDER: As soon as -- as soon as they're
16 taken. We review them all the time. We -- I
17 mean, we've got the reports. We've got the
18 reports from Duke that are 1,000, 1,500 pages long
19 in the last couple of months that we're reviewing
20 right now, poring over that data.

21 MS. WRIGHT: So if the results show there's
22 detrimental effects --

23 MR. REEDER: Yes, ma'am.

24 MS. WRIGHT: -- then how do you then go about
25 informing -- informing the public and what steps

1 do you take to correct that? Because if there's
2 an -- if there's an issue, so if There's an issue
3 you're watching the levels.

4 So is this an area that is continuously
5 watched, or is it after you go through 1,500 pages
6 of reports?

7 MR. REEDER: Well, I mean -- if -- so if we
8 find out that the groundwater is impacting offsite
9 receptors, that -- that coal ash is gonna have to
10 be removed and taken to the lab.

11 MS. WRIGHT: But is it after reading 1,500
12 pages of reports?

13 MR. REEDER: That's the only way we can figure
14 it out, yes ma'am.

15 CHAIR LAZO-CHADDERTON: Thank you so much --

16 MS. WRIGHT: Not by looking at levels?

17 CHAIR LAZO-CHADDERTON: Thank you so much --

18 MS. WRIGHT: Did you look at levels?

19 CHAIR LAZO-CHADDERTON: Thank you so much,
20 Committee Member Wright. And now we are going to
21 go to the next question, Committee Member
22 Martinez, a question and a follow up, and then
23 going back to the panelist.

24 MR. MARTINEZ: All right. Ms. Taylor, are you
25 -- I'm being careful with my questions here. So

1 I'm going to assume that you are a lawyer.

2 MS. TAYLOR: Yes.

3 MR. MARTINEZ: And I'm going to assume that
4 you are a member of the North Carolina Bar.

5 MS. TAYLOR: Yes.

6 MR. MARTINEZ: And therefore an officer of the
7 court.

8 MS. TAYLOR: Yes.

9 MR. MARTINEZ: And you maintain to those
10 standards in your professional life, not just in
11 your -- regarding matters of the court.

12 MS. TAYLOR: Yes.

13 MR. MARTINEZ: You heard Mr. Reeder's
14 testimony in which he said that under this
15 governor there has been more action done with
16 regard to coal ash. And I ask this question
17 because, for example, I'm seeing the Reverend now
18 with a very skeptical look on his face. And he is
19 not the only one.

20 So what I'm asking you, is the testimony that
21 Mr. Reeder detailed of the actions that Governor
22 McCrory and his administration, of which Mr.
23 Reeder is a part of, has been so much more active
24 than previous administrations, is it essentially
25 correct?

1 MS. TAYLOR: Mr. Martinez, I can say that
2 after Southern Environmental Law Center filed
3 lawsuits --

4 MR. MARTINEZ: That's not what I asked, ma'am.

5 MS. TAYLOR: There was --

6 MR. MARTINEZ: It is simp -- I am not asking
7 about Southern Environmental Law Center. My
8 question was, regarding Mr. Reeder's testimony, is
9 it essentially correct?

10 MS. TAYLOR: I think that this administration
11 has done more than the previous administration. I
12 can't say about the whole history of the State of
13 North Carolina.

14 MR. MARTINEZ: Thank you, Ms. Taylor.

15 CHAIR LAZO-CHADDERTON: A follow-up question?

16 MR. MARTINEZ: Mr. Hairston.

17 MR. HAIRSTON: Yes.

18 MR. MARTINEZ: You say that you've been aware
19 of this problem with 1975 with the ash coming
20 around.

21 MR. HAIRSTON: Yes.

22 MR. MARTINEZ: Yes, sir. Tell me what the
23 administrations and the governors prior to
24 Governor McCrory did for you, your family, and
25 this community? Tell me what those previous

1 governors and administrations did for you?

2 MR. HAIRSTON: Well, first of all, I would
3 like to say that the only reason this
4 administration has done more is because the
5 problem has just recently been recognized under
6 his administration, as of his statement. As of
7 his statement. Now, this was in his statement --
8 yes, it was.

9 MR. MARTINEZ: But I asked -- you knew about
10 this.

11 MR. HAIRSTON: Yes. I knew -- we knew the
12 coal ash, but we didn't know that -- at that time
13 that coal ash was toxic until the report came out.
14 And due to your response and your question, he
15 acknowledged until recently under this
16 administration that we found out that this was a
17 problem.

18 MR. MARTINEZ: And what did prior
19 administrations do?

20 MR. HAIRSTON: It was no problem. Nobody had
21 recognized --

22 MR. MARTINEZ: It was no problem.

23 MR. HAIRSTON: Nobody had recognized it as a
24 problem then.

25 MR. MARTINEZ: No problem.

1 **CHAIR LAZO-CHADDERTON:** Thank you so much.

2 **MR. HAIRSTON:** And I would like to say one --
3 I would like to have a rebuttal. And the people
4 of Walnut Cove and North Carolina are tired of
5 this being politicized. We are dying. We don't
6 care if you're Republican or Democrat. We want
7 help. We don't want -- we are not a party line.
8 We are dying with undrinkable water that we want
9 help. We don't care about your re-election bids
10 or none of that. We want help because we are
11 dying.

12 Y'all can go back down in Raleigh and play
13 politics. We are dying up here. That's what
14 we're looking forward to.

15 (Applause.)

16 **CHAIR LAZO-CHADDERTON:** Thank you so much.
17 And then I appreciate your understanding and your
18 passion and we are going to continue with the
19 meeting. Ms. Taylor, if you have -- maybe -- we
20 have only until 11:30, so one minute and a half or
21 something of that, each of you, and then we are
22 going to go to public comments. Thank you.

23 **MS. TAYLOR:** I think you've heard the words of
24 the community. They've spoken and said that they
25 want for this site to be a high priority for

1 cleanup, and that is all that I'll say in response
2 to that.

3 CHAIR LAZO-CHADDERTON: Ms. Armijo.

4 MS. ARMIJO: I would like to respond to our
5 press conferences that we've had about the water
6 quality issue. Every time the governor has failed
7 to respond. He's never identified a single family
8 of over -- the over 400 families living in North
9 Carolina that they are on well water and each time
10 he has the GOP spokesperson respond that this is a
11 liberal attack group trying to distract voters.
12 That is from his word.

13 And we are a group -- we are a group made up
14 of Republicans and Democrats and independents and
15 Trump supporters, Obama supporters. We are made
16 up of a full range of socioeconomic group and
17 races. We are unified together, and we feel
18 strongly about this issue.

19 CHAIR LAZO-CHADDERTON: Thank you so much.
20 You know, I am an immigrant that happened to me
21 that in 1987 I fell in love with North Carolina.
22 And I have no hesitation that I stayed. I am now
23 in love -- I'm in love with this state. When I
24 came the first day, they say Maggie, how can I
25 help you? I came with my whole family, only

1 because one reason. And that's exactly the spirit
2 that I can see here. The thing is that we all are
3 passionate. But I care about you, and Olga, Thea,
4 and all of you, and I know that you care about me.
5 We all here, without exceptions, we are caring
6 about -- in this moment about North Carolina. And
7 in this moment about this future.

8 So in that spirit, let's finish, if Mr.
9 Reeder and Mr. Hairston have one thought to share.

10 MR. REEDER: I don't have anything.

11 CHAIR LAZO-CHADDERTON: And then we are going
12 to open the floor for public comments. And let's
13 keep the meeting -- I'm so very proud of all of
14 us. When I came one and a half year old, I was a
15 thousand years ago, that's the a reason that I
16 said I'm a millennial by heart. I told my
17 children that I'm 30 years old. And my father, we
18 came back to Peru and he said, the United States
19 of America is the land of opportunity. And it's
20 the place when you are free to disagree. E
21 Pluribus Unum, and this group is exactly like
22 that. We're one thing in our heart and mind.
23 North Carolina. Thank you.

24 We are going --

25 MR. HAIRSTON: I still have one thing to say -

1 -

2 CHAIR LAZO-CHADDERTON: Thank you for giving
3 me this --

4 MR. HAIRSTON: -- before you get to --

5 CHAIR LAZO-CHADDERTON: Yeah.

6 MR. HAIRSTON: Okay. He said he didn't have
7 anything to say.

8 CHAIR LAZO-CHADDERTON: Oh, you have -- no.
9 How about you?

10 MR. HAIRSTON: Okay. The only thing I'd like
11 to say is, a lot of us have been labeled as
12 activists, which is great, but I'd like to think
13 of us as a group of realists. We are people that
14 are fighting for a cause that are based on facts
15 and what is real.

16 It is real that humanity can't survive
17 without clean air. It is real that humanity
18 cannot survive without clean drinking water. It
19 is real that humanity cannot survive without
20 decent food to eat. So that is not drawn down
21 political lines, racial lines, money lines, or
22 anything else.

23 This is something North Carolina has to fight
24 for together, that we want a better future for our
25 kids. Clean air. They are being robbed of their

1 civil rights to grow up healthy because our
2 generation has done this. Your generation, my
3 generation, your generation, your political, your
4 political, your political, my race, your race. We
5 did this to them. And we need to correct it so
6 these kids have a chance.

7 CHAIR LAZO-CHADDERTON: Thank you so much, Mr.
8 Hairston.

9 (Applause.)

10 CHAIR LAZO-CHADDERTON: Now we are going to
11 open to public comments, and I'm going to ask Mr.
12 Jeff Hinton.

13 (Recess.)

14 MR. HINTON: Okay. We're about to get started
15 again. I wanted to remind everyone, like I said
16 earlier on, at the very beginning, the
17 conversation can be emotional. It can be charged.
18 It can bring up emotions in us. But we're here to
19 find information, okay.

20 So let's be respectful of each other. We
21 don't have to agree, but we do have to be
22 respectful of each other. There may be something
23 we learn in this process just by listening, okay.
24 So I'll turn it back over to the chair. Therese
25 Vick is on the floor, Madam Chair.

1 **CHAIR LAZO-CHADDERTON:** We are going to hear
2 how many people, Jeff, and how many minutes?

3 **MR. HINTON:** Three minutes. We have 10
4 people.

5 **CHAIR LAZO-CHADDERTON:** Thank you.

6 **MS. VICK:** I'm Therese Vick. I'm a community
7 organizer with Blue Ridge Environmental Defense
8 League. We are over 30 years old, 32 years old
9 this year, actually, and I have worked on waste
10 disposal issues off and on for 20-plus years. And
11 I wanted to talk just briefly -- and first, thank
12 you all so much for being here. I wanted to talk
13 to you all briefly about the other end of the
14 issue.

15 We also participate with the ACT alliance
16 against -- the ACT Alliance Against Coal Ash. And
17 we have member groups that participate as well,
18 folks from Lee and Chatham Counties, folks from
19 Anson County, and folks from Person County
20 hopefully will be participating, but the other
21 three already do.

22 I was very intrigued by Secretary Reeder's
23 remarks about the Governor's new initiative, and I
24 wanted to ask him a question but he's not here.
25 So I'm gonna focus on this. Some of you may have

1 heard the testimony that was given in DC about
2 what has happened in Lee and Chatham Counties.

3 I want everybody in this room to know that
4 those two toxic coal ash landfills are not
5 classified by the state as landfills. They are
6 considered mine reclamation and considered
7 structural fill. So by legal definition -- I'm
8 not an attorney. But I'm guessing that they are
9 not classified as landfills.

10 So I would like Assistant Secretary Reeder to
11 clarify his remarks about what's going to prevent
12 the 90 other clay pits in North Carolina from
13 being conflated and being used by DEQ and Duke
14 Energy for coal ash disposal, which would possibly
15 prevent them from being under the Governor's new
16 initiative. It's a big loophole.

17 These two landfills -- I have worked on these
18 issues, like I said, for years. Duke Energy says
19 in some of the documents I've looked at that part
20 of the reason they need to move ash at certain
21 facilities is because it'll take three to five
22 years to permit a landfill on their own site.
23 These two landfills, they call mine reclamation,
24 were permitted in a few months.

25 So without -- without clarification of that

1 from the State of North Carolina, it's an empty
2 promise. I look forward to hearing more from
3 them.

4 I also wanted to briefly tell you a little
5 bit about air quality, and I hope I don't use up
6 all my three minutes. But Chatham County has done
7 some testing on the transportation of the coal ash
8 to their Brickhaven landfill.

9 The air quality, they had a consultant do
10 some testing and they are finding heavy metals in
11 the air from -- just from the trucks that are
12 tightly covered, that have increased up to 400
13 percent from the baseline that they did before the
14 coal ash started coming. This concerns us because
15 of the course of the communities that are in that
16 area, the workers' silica has also increased a
17 great deal. And really, coal ash is very
18 difficult to control in the air.

19 And the last thing I briefly wanted to say
20 is, is I'm very aware of the hexavalent chromium
21 issue. The water, the do not drink and the do
22 drink. I just wanted the Commission and committee
23 members to know that it was not one rogue
24 epidemiologist who came up with that protective
25 level for hexavalent chromium and vanadium. They

1 went through their normal process, between the
2 divisions at DEQ and DHHS. And until it became
3 inconvenient politically for certain companies and
4 municipalities, it was fine. Thanks.

5 MR. HINTON: Thank you. Dana Dalton.

6 MS. DALTON: Good morning. I thank you all
7 for coming, because if it were not for you all and
8 your interest, I'm not sure statements that you've
9 heard today would have come about. Civil rights
10 is about equality and making sure that there's
11 justice for all. Well, I think -- well, I know
12 that the residents of Stokes County, Belews Creek,
13 we have seen several injustices.

14 I am a born and bred resident of Stokes
15 County, Walnut Cove, to be specific. I went away
16 after college to Atlanta, and was lucky enough to
17 sit at the feet of some of the civil rights
18 leaders. And they would explain how they did the
19 things and how they came up with their -- their
20 plans, and it was very much like what's going on
21 here.

22 We have grassroots. We haven't had elected
23 officials to help us. We've had grassroots.
24 Appalachian Voices. Other small groups that have
25 come together statewide to do what has been done

1 so far. So I just want you to know that.

2 But I'm here to say I am a legacy descendant
3 of some of the ramifications of Duke Energy. My -
4 - my father and his siblings had to sell our
5 family farm, which had been in our family for
6 three generations right after slavery to build
7 part of the steam station. Also we have other
8 land at ground zero, on Middleton Loop Road. And
9 it's our family and about five other families who
10 are surrounded by these landfills, covered coal
11 ashes or whatever.

12 And our property borders the Dan River. And
13 if you go down there and look, there's a stream
14 that just runs right through, so it's just
15 straight from the plant. And you can see
16 particles and all kinds of things in the water.

17 But my -- my point is, that DEQ and the Duke
18 Energy folks set up the criteria for the name of
19 the low and high and intermediate, of 22
20 criteria. Our station has 19 of those. In
21 December it was declared as high risk. All of a
22 sudden, in the middle of the game, they changed
23 the rules and made us low. But the 19 of the 22
24 is still there, and it's getting worse.

25 You have heard today that people talked about

1 there's been no -- as I said earlier, no medical
2 county help. Co-pays, medicine, water. The do
3 not -- there was a do not drink and then all of a
4 sudden, as I said, things changed overnight. The
5 rules changed. You can drink. But who's gonna
6 drink that water that has hexavalent chromium,
7 arsenic, poisons of all types.

8 There was a family of -- one of the six
9 families that live on Middleton Loop Road, which
10 is where our property is, and the other owner is
11 Duke Energy. They were just -- one of the
12 families was displaced by the DOT, so they decided
13 to move to Middleton Loop Road, and they have
14 cattle. They can't bring their cattle there
15 because of the -- of the water and the land.

16 Also, if you go down to Middleton Loop Road
17 today you might not can get through because of the
18 potholes, because Duke is clearing the land for
19 something. But we cannot find out for what.

20 So I ask you, when we talk about injustice,
21 there's lots of injustice that has been done and
22 appears to be continuing. When DEQ came last week
23 for the hearings, none of what Secretary Reeder
24 was laid out. This is the first time I have heard
25 all that stuff.

1 (Applause.)

2 MS. DALTON: Since they disbanded the
3 oversight committee, who is gonna watch them?
4 They made a lot of promises before but, as I said,
5 they changed the rules at whim. So who's to say
6 that all these things, the protocol that sounds
7 great, will ever come to fruition? I am very
8 concerned and I ask that you do what you deem
9 necessary and fit what is right and as the day
10 goes, you're gonna hear more, but, as I said,
11 we're at ground zero, and we need federal help
12 because our state, our local officials, our state-
13 level officials have failed the residents.

14 MR. HINTON: Leslie Brewer.

15 CHAIR LAZO-CHADDERTON: And let's keep the
16 comments at three people so the other people can -
17 -

18 MS. BREWER: I have no idea. Somebody flash
19 me a sign or something. Seriously.

20 CHAIR LAZO-CHADDERTON: He's going to.

21 MS. BREWER: When I hit two minutes, let me
22 know. I'm throwing away the speech.

23 CHAIR LAZO-CHADDERTON: Thank you.

24 MS. BREWER: My name is Leslie Bray Brewer,
25 and I was born and bred here in Walnut Cove. I'm

1 a former high school English teacher. I'm the
2 former editor of Stokes News here, our local
3 newspaper, and now I'm the pastor and director of
4 a 501(c)(3) ministry right here in Walnut Cove.

5 And I'm obviously not part of a minority
6 community, other than maybe as a woman I am, but I
7 grew up out here. This is my community. I rode
8 the school bus with Dana. I rode the school bus
9 with David. This is my community. Grandpa came
10 here. Grandpa Bray bought land here because --
11 I'm just gonna tell the truth -- it was cheaper
12 land because it was a low-income, minority-
13 dominated community when grandpa came here in the
14 30s and 40s.

15 So he bought this treasured family farm. My
16 family lived there. Uncles, cousins, aunts,
17 grandpa, grandma, everybody. And grandpa sold
18 some of that treasured land when Duke Energy came
19 this way, Duke Power back in that day. And I know
20 that Duke Power targeted this area because it was
21 low-income and minority-dominated. That's my
22 opinion.

23 So when grandpa sold his land, we remained on
24 the little 32 acres that remained of that big farm
25 he once had. We ate the food that came from the

1 coal ash-saturated ground. When we got up in the
2 mornings, as David testified, we wiped the coal
3 ash off the cars. We drank the water. We bathed
4 in the water that nobody told us for a very long
5 time was toxin-laden.

6 We killed -- when daddy would deer hunt, he
7 would kill deer that were so deformed and
8 horrifically laden with tumors -- we have pictures
9 of these animals that fed there at Duke Energy's
10 steam station and the ponds there. We realized
11 all of a sudden that our community was full of
12 cancer. We were a little cluster of cancer, heart
13 disease, respiratory disease.

14 I lived on the family farm and raised four
15 children once I grew up. I think somebody
16 testified about me before I got here this morning.
17 Those four children had horrific breathing
18 difficulties, and I didn't understand it. We
19 didn't have any risk category for that.

20 I was stricken with a mysterious illness that
21 had all the markings of a toxin-induced
22 neurological disorder. I was in a wheelchair. I
23 was bedridden for many years. I couldn't breathe.
24 Mama and daddy had melanoma. Grandpa and grandma
25 died of respiratory issues. Aunts and uncles died

1 of tumors and respiratory issues.

2 And then I moved. And when I moved 20 miles
3 away, toward the mountains, my fifth child, who
4 was raised primarily there, who is now 11 years
5 old, had no breathing issues, unlike the other
6 ones. Unlike my daughter, who would go out in the
7 snow over near the steam station, where we were so
8 close we could hear the communications on the
9 radio there of the workers.

10 She would go out in snow storms and her skin
11 would become covered with hives as the snowflakes
12 fell through that pollution-laden air.

13 Now, I've moved, and I don't own land there -
14 - I do own land, but I don't live there anymore.
15 But mama and daddy are still there. My children
16 still go back to visit there. I visit there. I
17 urge you, make -- whoever. Go recommend to
18 somebody that this becomes a high priority.
19 Classify this as the highest emergency priority,
20 because we still have to deal with this. I urge
21 you, be our defenders. Thank you.

22 (Applause.)

23 MR. HINTON: Elijah Evans.

24 MR. EVANS: As he said, my name is Elijah
25 Evans. I'm one of the five children that the

1 previous speaker spoke of. And I firmly stand
2 behind everything she said about the coal ash
3 problem, but I would like to take a second to talk
4 about another potential environmental hazard that
5 we face here, which is hydraulic -- hydraulic
6 fracturing.

7 But before I would go any further, I would
8 like to thank you all for coming to listen,
9 because it does mean a lot. It really does.

10 Anyways, I've done intense studies on
11 hydraulic fracturing, or fracking, and I did a 4-H
12 presentation on the issue and went all the way to
13 the state level, where I won a gold medal for it.
14 Fracking is a huge issue, not only because of the
15 environmental damage it can cause, but because
16 more times than not power companies and both
17 companies looking to frack seek out these minority
18 and low income areas to take advantage of all
19 those who live there, which is a severe civil
20 injustice.

21 Fracking can cause water pollution, which is
22 an issue the residents of Walnut Cove are already
23 more than accustomed to. With the steam station
24 already so close and causing water contamination
25 so dire that local residents are afraid to drink

1 the water coming from their sinks because of the
2 discoloration, smell, and horrible taste, the last
3 thing this town needs is another thing such as
4 fracking to come in and create even greater
5 problems with our community's water. Especially
6 since a state agency recently and suspiciously
7 raised the acceptable levels of some of the toxins
8 in the groundwater near the coal ash ponds, making
9 Duke Energy -- making sure that Duke Energy was no
10 longer required to provide the affected residents
11 with clean water.

12 We know big companies argue the science of it
13 all and tend to deny that any harm or negative
14 effects can come through coal ash or fracking.
15 But the one thing that cannot be denied is the
16 testimony of the people that are suffering from
17 ill health effects through the -- a plethora of
18 different ways, from lung issues and asthma to
19 diseases such as cancer.

20 Many say fracking is a completely separate
21 issue from coal ash altogether, but I say that no,
22 it is not. It's connected to the danger of
23 earthquakes, for one thing, a phenomenon experts
24 say is completely unrelated to fracking, but a
25 study done in 2010 by NBC News, I believe it was,

1 showed that before fracking began in Youngstown,
2 Ohio, they had never recorded a single earthquake
3 since the records first began being kept. Since
4 then, they recorded 109 earthquakes, a number that
5 I'm sure has grown greatly since that study years
6 ago.

7 Earthquakes cannot only cause damage to our
8 communities, but also, one earthquake is all it
9 would take to break open the largest coal ash pond
10 in the state, which would be a catastrophe too
11 great to imagine, especially for the minority
12 groups that are more greatly affected because of
13 their close proximity to the coal ash ponds.

14 In closing, I would like to say that I've
15 lived in Walnut Cove my entire life. I've grown
16 up under the ominous shadow of Duke Energy, the
17 steam station. I lived in an area mostly
18 populated with minorities, and I have firsthand
19 seen the effects of coal ash in my own health
20 issues such as, as she said, asthma and severe
21 breathing issues.

22 A great civil injustice against the people --
23 against the people of this community is continuing
24 to be looked over, but I say no more. It's time
25 that people get the justice they deserve. It's

1 time that Duke Power -- I mean, Duke Energy use
2 some of their power to fix the problems they have
3 caused.

4 I love my town. I never want to leave. But
5 I have to think about future generations, what my
6 children are gonna have to look forward to. The
7 issue is greater than all of us. This issue is
8 about the future of the town and the people that I
9 love. So please do the right thing and help right
10 these civil injustices.

11 (Applause.)

12 MR. HINTON: Johnnie Gurley.

13 MR. GURLEY: My name is Johnnie Gurley, and
14 I'm with Down East Coal Ash. I want -- I wanted
15 to ask Mr. Reeder a question. He's not here. So
16 I'll ask it to this man over here that's with Mr.
17 McCrory. You've got \$102 million fine. He got a
18 \$7 million fine. Where's the money. Why ain't it
19 helping these people, along with me? I live 1500
20 feet from one of these. I've had three heart
21 attacks, had nine stents.

22 I've had three uncles and one aunt die from
23 cancer. And you say oh, that happens to
24 everybody. Well, there's 100 people within one-
25 mile radius of my house that's got cancer. I've

1 got a list of them. I didn't bring it. But I can
2 get it for you if you need it. It's community
3 record. I mean, it's on the thing.

4 But I want to know, what happened to the
5 money. You say, well, well, these guys -- Mr.
6 McCrory, he's doing a whole lot to help the
7 people. What's he doing? He's moving the coal
8 ash and dumping it in Sampson County in a landfill
9 that ain't lined. Is that really do something?
10 All you're doing is moving the problem from one
11 place to another, but you're keeping the same
12 problem there because we already affected where
13 the coal ash come in and falling on their land.
14 Blowing in the water.

15 We plant our own garden, me and my wife does.
16 We have to eat the polluted mess. You say, well,
17 you can get bottled water. Yeah, we can get
18 bottled water. We do. We buy it. But how do we
19 know that ain't contaminated, too? Our well water
20 is one thing, and that -- and that is (inaudible).
21 We got lead. We got arsenic. We got hexavalent
22 chromium.

23 Mr. Reeder. He weren't there, but his people
24 were, when they come down to our -- our city, and
25 they had this meeting. And the lady set the water

1 up in front of them and asked them to drink it.

2 They went running. They were scared to death she
3 was gonna throw it on em, because they knew it
4 was poison.

5 Would you drink the water? I doubt it. I
6 sincerely doubt you would. But you can sit there
7 in your high ivory towers. And I'm sorry. I get
8 really emotional. But that's me. Because I feel
9 for all of these people. They're just like me.
10 They've been affected. And you can sit there with
11 a little smirk on your face, and say, well, I'm
12 with Mr. McCrory. We got money. We can do, and
13 live in our ivory tower. We ain't got to worry
14 about your stupid water.

15 But guess what? Your young'uns might have
16 to. Your grand young'uns might have to. Don't
17 think you're all away from it, because they're
18 dumping the coal ash mess, the water, from Lee,
19 right into the Neuse River right now, and we got
20 pictures of it. Am I wrong? We got pictures of
21 it. We can show you. They're dumping the mess
22 right on in there.

23 I -- I can't believe that you can sit here
24 today, that he can sit here and -- and have that
25 glorious attitude like, the heck with all these

1 people out here. Look at the people you're
2 killing, the babies you're killing. You say,
3 well, we got 1500 feet. Dan River is what, 70
4 miles? What about the other -- from 1500 feet to
5 the 70 miles? Those people are affected. These
6 people right here, they're affected. I'll shut
7 up.

8 (Applause.)

9 MR. HINTON: John Wagner.

10 CHAIR LAZO-CHADDERTON: I apologize.
11 Apparently we are going to be a few minutes after
12 12. Please raise the hand whether -- who would
13 like to listen to the 10 people that we have. We
14 have Mr. Wagner is number 6, 7, 8, 9, 10. Okay.
15 The majority. Thank you. So it's the open
16 comments. After that, immediately, we are going
17 to have a break for lunch. Thank you. And please
18 refer to your comments. We are not going to
19 answer any question. Only comments. Thank you so
20 much, Mr. Wagner.

21 MR. WAGNER: Thank you very much and thank you
22 for being here. It really means a lot to the
23 people of this state that you came and are -- are
24 listening to people talk. My name is John Wagner
25 and I'm a resident of Chatham County, which has

1 existing coal ash and is also -- has the new coal
2 ash pits. But I wasn't going to speak until I
3 heard Mr. Reeder, and I have to say a few things.

4 Our State Highway Patrol does not depend on
5 people's self-monitoring of their speed. You
6 don't go down to the police station and say, I
7 went 15 miles over the speed limit and turn
8 yourself in. They check people. They do the
9 tests. They catch people and they fine them and
10 there are consequences.

11 DEQ lets Duke monitor its toxic levels that
12 affect this community and every coal ash community
13 in the state. Duke gets to self-monitor. I asked
14 Mr. Reeder yesterday at UNC's School of Public
15 Health when he made a talk why they let Duke self-
16 monitor. And he said oh, we let all industries do
17 that, and it would be too expensive for us to do
18 the testing.

19 Now, he testified today that they check Duke
20 all the time. Yesterday he said they test them --
21 they check it once a year. A little discrepancy
22 there. The other thing is, yes, it might cost
23 some extra money, but when people's lives are at
24 stake you don't cut corners. And that's what DEQ
25 is doing. That's what Duke is doing. And I ask

1 you all to make sure that whatever decisions you
2 make and you recommend are enforced and are
3 checked by independent groups.

4 You can't rely on Duke. And if Mr. Reeder's
5 testimony today is an example, we can't just rely
6 on DEQ either. We need some independent testing.
7 Thank you.

8 (Applause.)

9 MR. HINTON: Reverend Warren.

10 MR. WARREN: My name is Alfred Warren, and
11 I've lived here all -- all of my life. I'm a
12 lifelong resident of this area.

13 The question was asked, what can be done? We
14 would like for it to be cleaned up, and what we'd
15 like is justice. It's been a great injustice
16 taking place in our neighborhood. And the
17 representatives say, he act like he didn't know
18 what was going on. Listen. We have been fighting
19 in this area for the last 38 years, ever since the
20 plant came down. I'm -- my mother, she had 10
21 children. We have one of the largest black
22 families that live there in that area right there
23 around that plant.

24 I know all about the politics of Stokes
25 County. Because the last 38 years I've been

1 **fighting the politics of Stokes County. The**
2 **politics of North Carolina. So you ought to let**
3 **Mr. McCrory know, tell him to clean it up. We**
4 **want to make it high priority first of all, and to**
5 **clean it up. And then to the U.S. Commission, we**
6 **want justice. The people that live here want**
7 **justice.**

8 **The issue that I want to bring out, that this**
9 **is affecting people's lives. People are dying.**
10 **Each one of you that's within this building that's**
11 **an advocate, we want you to come on board. Let**
12 **the Governor of North Carolina know how we feel**
13 **here. Because it not only affects Stokes County;**
14 **it affects the whole state. It's affecting the**
15 **whole nation. Let Mr. Obama know that we**
16 **appreciate him coming out (inaudible). We want**
17 **results. Granted (inaudible) but what we need is**
18 **results because people are dying. I made a pact**
19 **with Tracey's mother before she died. And I**
20 **promised her, I said, I'm gonna do all that I**
21 **possibly can to let people know that people are**
22 **dying. This is a real issue. And I have to tell**
23 **you, we need to get across the most. To each and**
24 **every one that's within this room right here,**
25 **we've got to let them know. Not only here in**

1 Stokes County, but all over the State of North
2 Carolina. This is real and we need to deal with
3 it.

4 They said, well, don't raise the issue about
5 race. Don't say nothing about race. Let's just
6 take everything and make it an advocate of the
7 environment. Listen, how can we deal -- not deal
8 with the problem, the system that you pointed out
9 to us is, it's a low-income black neighborhood.
10 Why? Why not make it an issue? We're not making
11 an issue of race. We didn't make it an issue of
12 race. That's where I live at. That's where I was
13 born and raised at, my family.

14 And we need justice. The young man who was
15 sitting here representing the governor, we need
16 justice and we need more than just a lot of
17 rhetoric. That's what we need. I'd like to thank
18 all of the advocate groups that are here,
19 everybody that has gotten up and spoke. I thank
20 you so much. Because ever since I was 22 years
21 old -- I made history in this county right here.
22 I ran for public office. I was 22 years old. And
23 as I was sitting there I said, some of the same
24 issues that we were dealing with then, we're still
25 dealing with now.

1 It's time for action. We've had enough
2 rhetoric. Let's have some action. Let's get the
3 people that live right in these areas. Coal-fired
4 plants all over the State of North Carolina, all
5 (inaudible). It needs to be addressed. I made
6 the promise to Tracey's mother, Ms. Anne Brown,
7 and I told her, I said, I'll do all I can, Anne,
8 to let this nation know the effects of coal ash.
9 And we as the residents are the ones that need to
10 speak to let each and every advocate group to
11 share, let them know, we need you. We want you on
12 board.

13 I thank God for each one of you, because
14 you're servants of righteousness. This group we
15 have, I've never seen the type of love that I've
16 seen out of all the brothers and sisters that's in
17 here working. People are dying. We need to be
18 concerned about what's going on, not just let it
19 pass over. We need to look a little deeper into
20 the consciousness of their heart.

21 (Applause.)

22 MR. HINTON: Shelton Bass. One comment for
23 the participants, address the Committee with your
24 comments. Address it to the Committee, because
25 they are the ones that are actually listening to

1 and collecting the information. And sometimes
2 when you turn your back it's hard to -- hard to
3 hear you all, so I have to read lips.

4 MR. BASS: Hello. My name is Shelton Bass.
5 I'm from Lee County. I'm a member of
6 Environmental Lee. We found out about this coal
7 ash coming to our county a year ago. We live 50
8 foot from the flag. Our fence line is the water
9 line for the coal ash pit, so it really is harm to
10 our little farm there where we raise our animals.
11 This makes me sad. This (inaudible) you know.

12 Here comes Mr. Coal Ash, Mr. Duke Energy, and
13 then we turn to the county, and the state took the
14 county's rights away, so they said, well take the
15 \$120 million. It's just gonna be 20 million tons.
16 And then today Mr. Reeder -- this is the first
17 time I've ever listened to him and not walked out
18 of a meeting, ever. Because I thought, well, he's
19 gotta be lying, but he's saying something I want
20 to hear. Until, as Ms. Therese puts out, any new
21 permits that come down we are gonna look at.
22 Well, they pushed our permits for our coal ash
23 dump in Chatham and Lee County in three months.
24 They were out there. Here, we're gonna dump the
25 coal ash on you.

1 How many barbecue plates did I have to sell
2 to raise money for a lawyer for our little group
3 to fight Duke Energy, that's got more money than
4 Obama or the government. They got all the money,
5 because everybody pays the power company.
6 Everybody, if you got power. You can't steal it
7 from them. They'll come get you. It's terrible.
8 And we're fighting all this stuff.

9 But what I'm trying to say is, now Chatham
10 and Lee County are gonna take 150 million tons
11 because he didn't -- he said the new permits --
12 these old permits, they're just gonna keep piling
13 it on us. We got 300 acres behind us. We can put
14 a whole lot of coal ash in 300 acres. Y'all got
15 enough here. The lady said it was 12 stories
16 deep. Dig it deeper. It doesn't matter. The
17 water's already contaminated in both counties. Go
18 ahead and dig it deep as you want to dig it.

19 We've got three rivers there. One of them
20 feeds the Cape Fear River. They're gonna bring
21 the coal ash from Cape Fear the one in Wilmington,
22 they're gonna bring it to Chatham County and we're
23 just gonna pump it right into the Cape Fear and
24 send it right back to them. It'll be a vicious
25 circle. And I really want y'all to think about

1 this and make the North Carolina legislation,
2 Governor, be accountable for their actions, not
3 just say they're gonna do something and then
4 change their minds, because that's what they're
5 gonna do. Big industry does it all the time. I
6 worked in big industry all my life. They'll tell
7 you anything.

8 As I told the lady earlier, I was at the
9 Union Carbide plant, Franklin, Virginia. Darrell
10 Edwards, owner of Edwards Construction, biggest
11 construction company in North Carolina, was one of
12 their welders. They said, I don't want none of my
13 new cranes on that job site. The paint's being
14 peeled off of em. I looked at him and said, this
15 welder ain't going back up there. If your crane
16 can't go up there, I can't go up there.

17 These people will tell you the same thing. I
18 can't live where I cant' grow my food and my
19 animals and my children. Thank y'all so much.

20 (Applause.)

21 MR. HINTON: Ms. Florence Malloy. And this
22 will be the last participant before we break for
23 lunch.

24 MS. MALLOY: My name is Florence Malloy, and
25 I've lived on Pine Hall Road all my life. I

1 started down at the -- when I first started to
2 going to school, my father and them lived right
3 there at the -- uh, Dallas Smith Grocers and
4 Grill. And the house burned up as I was little
5 and we moved on up further. But all these years
6 he had owned land in the Duke Energy surroundings.

7 And my -- I am so concerned of what this
8 water is doing to our bodies. They don't want you
9 to drink it, don't want you to cook with it, don't
10 want you to wash with it and all of this stuff.
11 Well, the old people is getting older and the
12 young people that's coming along behind us, and
13 I'm just really concerned what it's doing to our
14 health. And I always have thought about it, and
15 it's really a scary issue. And that's what I come
16 today to say, because I am really concerned about
17 the health issues on this. And all the little
18 children that's come around in the neighborhood
19 nowadays, what will they come up with next? And
20 that's all I have to say.

21 (Applause.)

22 CHAIR LAZO-CHADDERTON: Thank you so much.
23 Now we are going to break for lunch until 1:20.
24 Our third panel will be 1:20 to 2:30. Thank you
25 so much.

1 (Lunch.)

2 **CHAIR LAZO-CHADDERTON:** Good afternoon,
3 everyone. Welcome back and welcome to people that
4 they just came, or came a short time ago. My name
5 is Matty Lazo-Chadderton, and here I am the Chair
6 for the Advisory Committee, and we have the honor
7 to have from Washington, D.C., Chairman Martin
8 Castro and Commissioner Karen Narasaki. And my
9 colleagues next to me here and committee members.

10 Our next panel is going to be from 1:25 to
11 2:30 p.m. and the speakers are Marie Garlock from
12 Breast Cancer Action. Peter Harrison, Waterkeeper
13 Alliance. Will Scott, Yadkin River Keeper. We
14 have Dr. Rebecca Fry, Associate Professor at UNC-
15 Chapel Hill. Thank you so much. Please --
16 because you are four panelists, we are going to
17 have 15 minutes, a little bit less, and then we
18 open for questions.

19 And I wanted to say thank you for being a
20 wonderful, wonderful team of North Carolinans, and
21 thank you for the wonderful people, local people
22 that they are great hosts. And please keep the
23 environment respectful to each other. And we are
24 only for one goal here: the well-being of our
25 state. Thank you.

1 Peter Harrison first, or who is going to be
2 first?

3 FEMALE: He has the (inaudible) set up.

4 CHAIR LAZO-CHADDERTON: Fantastic. Yeah. We
5 are flexible here.

6 MR. SCOTT: Can y'all hear me?

7 FEMALE: A little louder.

8 MR. SCOTT: A little bit louder?

9 FEMALE: Yes, please.

10 MR. SCOTT: All right. Hi. My name is Will
11 Scott. I'm a Yadkin River Keeper. We're a
12 501(c)(3). We're a non-profit based out of
13 Winston-Salem, and we do water protection work
14 throughout the Yadkin River Keeper basin. We're
15 here today because we have members who are in the
16 Dukeville Community, which is next to the Buck
17 Steam Station, a retired coal ash facility on the
18 Yadkin River.

19 We were also some of the first responders to
20 the Dan River spill when it happened in 2014, and
21 so we're gonna talk a bit about the problem of
22 coal ash through our own lived experience in both
23 those cases and the impacts we see it having on
24 communities in North Carolina, including the
25 disabled and the elderly.

1 So, on Sunday the 2nd -- I'm sorry, Sunday
2 February 2nd, 2014, you know, the Dan River, uh,
3 spill occurred. We were some of the first folks
4 on site. We worked with local community members
5 to try to give them up-to-date information on the
6 water quality there and also, you know, what was
7 happening. We've returned since and we've worked
8 with folks in the basin to understand the long-
9 term impacts and the impacts on the ecosystem as
10 well as the community there.

11 So you can see from this image the difference
12 between the regular soil of the Dan River and the
13 coal ash, tens of thousands of tons of which got
14 dumped into it that day. That ash is all still in
15 the river. None of it has been cleaned up. And
16 it's gradually making its way down the river.
17 It's been silted over and buried.

18 So, uh, when we look at this problem, you
19 know, it hasn't gone away. Our State Department
20 of the Environment has said that the ambient water
21 quality standards are now being met, right. So
22 the ash is no longer in the water column, but it
23 is buried in the bed of the river and it's
24 gradually making its way, uh, back through the
25 ecosystem into things like fish that people eat.

1 So there are gonna be long-term impacts that
2 we don't understand for a long time as these
3 pollutants are gradually released out of the soil
4 there.

5 So because we have been involved in helping
6 clean up the Dan River spill, we started looking
7 at coal ash facilities in our own watershed, and
8 what we found was the Buck Steam Station. It's
9 named after James Buchanan Buck Duke. It started
10 operating in 1926, and it burned coal for four
11 score and seven years, until 2013. There are over
12 five million tons of ash sitting in 170 acres of
13 ponds there.

14 On one side of that facility you have the
15 Yadkin River, which it's our job to try to
16 protect. On the other side you have a -- a road
17 full of families who are living on well water.
18 All right? So those are the two options that the
19 ground water has for getting out.

20 Like all other coal ash pits basically in
21 North Carolina, these are unlined. So we saw --
22 from 1927 to 1957, we don't really know what
23 happened to the ash. There's not good
24 documentation. We do know it probably didn't go
25 far. Right? It's always been heavy and hard to

1 dispose of.

2 From 57 through 2013, Duke began building
3 these earthen dams, impounding water, including
4 one stream that used to flow through the community
5 and then out to the Yadkin River. I've actually
6 talked to community members who remember playing
7 in that stream before it was impounded and buried
8 underneath millions of tons of ash. So we know
9 where the water from these ponds is heading
10 because there were streams in some cases
11 underneath them.

12 We also have retired ash ponds at our site
13 that have been covered over and buried and that
14 actually have trees growing on top of them. So
15 our concern is, we really don't want to see --
16 just because there's no longer coal being burned
17 there, for this problem to be sort of covered up
18 and forgotten. Even though we know that there are
19 long-term environmental impacts involved.

20 This is a picture taken of some of our
21 members that we've worked with. This is Bryant
22 and Sherry Gobble. They live, as you can see,
23 next to one of the ash -- ash ponds. That's the
24 Buck Steam Station in the background there.
25 That's the largest ash basin in the foreground.

1 This was their dream home. They saw this as
2 a water feature when they initially built it, and
3 they were told that there were no potential
4 groundwater impacts. All right. So they built
5 the home. They have a well. In the spring of
6 2014, after we responded to the Dan River spill,
7 we went out and started both sampling at the river
8 and also helping people test their wells around
9 Buck Steam Station, and what we found was that
10 there were high levels of hexavalent chromium and
11 vanadium. And levels that, you know, according to
12 studies, may have long-term human health impacts.

13 So, we began helping folks do that testing,
14 and what we found really concerned us. So,
15 there's certainly two sides to this site, and I
16 want to explain this to you all, because I think
17 this is the case with a lot of coal ash ponds,
18 right. At the top of the screen there, those red
19 dots are where we took seep samples. Right? So
20 we -- we went out in boats on the river and --
21 because we had gotten a notification that there
22 was something orange coming out of the river bank.

23 And we pulled samples. We took it to a state
24 certified laboratory, and it came back that those
25 samples were high in cadmium and arsenic, which

1 are metals that we generally associate with coal
2 ash. Those yellow dots you see are the Gobbles,
3 who I just showed you the photo of, and the one on
4 the right there is the Thomases. And these are
5 the first families we really worked closely with.
6 The Thomases have been living on this property for
7 several generations, as far back as the 19th
8 century.

9 And so this community has been here for a
10 long time. It's called Dukeville because the
11 reason people came to live in this place initially
12 was because the plant was there. In fact, the old
13 original Dukeville was actually -- some of it was
14 where the ash basins now are, and some of those
15 old houses that were built as company housing in
16 the 20s and 30s have been moved back on to
17 Leonard Road, where you can see that line of
18 houses on the bottom.

19 So our real concern here is that when you put
20 residential water wells in close proximity to
21 millions of tons of industrial waste, there's a
22 connection between groundwater sources. When you
23 put this weight on top of the groundwater table
24 you're gonna change the natural direction of flow
25 and you're gonna cause it to radiate outward in a

1 sort of a radial pattern. So not only do you have
2 that pressure pushing it out, but you also have --
3 wells pull water in, right? By pulling water in,
4 they actually create a different direction of flow
5 than you'd have under natural conditions.

6 With wells that are this close, we worry that
7 they're pulling water in from underneath those ash
8 basins that's been contaminated by a variety of
9 coal ash pollutants that you've already heard the
10 health effects of.

11 So this is a map of the site in April of
12 2015. So we started working with folks in spring
13 2014, doing our own water testing. That didn't
14 necessarily get a lot of attention from the state.
15 In August of 2014, or -- yeah, 2014, the state
16 passed the Coal Ash Management Act, which mandated
17 well testing within 1000 feet or -- I'm sorry,
18 1500 feet for down gradient wells.

19 So in April of the following spring, all
20 these folks, over 70 people around Buck, got these
21 letters telling them not to drink their water from
22 the State Department of Health and Human Services
23 because it contained levels of contaminants that
24 cause an elevated cancer risk over a lifetime of
25 exposure. So this -- it wasn't enough that you

1 might -- you would know that this was bad for you.
2 You wouldn't necessarily have acute toxicity where
3 you'd get sick, but over a lifetime of exposure
4 this could happen.

5 And so we've worked with a number of these
6 folks and helped to try to organize this
7 community, because some of these folks really
8 didn't feel like they could speak up for
9 themselves. So these are the seeps I was talking
10 about. You all can see that orange there. This
11 is -- Buck Steam Station is next to a dammed lake,
12 monitored by Alcoa.

13 And the reason we were able to take these
14 seeps is because that ground that you see is
15 normally under water, about 10 feet under water.
16 But because the lake levels had been dropped,
17 people could see this orange metallic ooze coming
18 out. And Pete Harrison was with me when we went
19 out there and sampled and documented these, and
20 what we saw was almost a quarter mile of these
21 orangeish, metallic seeps coming out of the bank
22 into what would normally be below the water line
23 of the river.

24 So as river keepers, that's our real concern,
25 is that just below this station there's -- first

1 there's over 293,000 people that have their
2 drinking water that comes out of intakes below the
3 station.

4 Second is, there's High Rock Lake, which is
5 the most heavily used part of the Yadkin for
6 recreation, including swimming and fishing.
7 There's also a lot of people who have lake houses
8 around it who are on well water. So there's an
9 enormous amount of people that are impacted if
10 this water has contaminants in it.

11 That's just another close-up so you can see.
12 There was so much metal in this water that when it
13 pooled, there was actually sort of metallic crust
14 on it that you had to break open if you wanted to
15 see the water underneath, all right.

16 We now know from Duke's own engineering
17 studies that they estimate that tens of thousands
18 of gallons of -- of groundwater from underneath
19 the site every day are flowing into the river.
20 So, as river keepers, since that's a water of the
21 United States, we regard that as a violation of
22 the Clean Water Act, and that's why we filed a
23 federal Clean Water Act suit September 3rd, 2014,
24 alleging discharges of a pollutant to a water of
25 the United States.

1 That suit's still ongoing. We survived
2 summary judgment. Duke Energy presented the
3 argument that the State Department of
4 Environmental Quality was diligently prosecuting
5 the problems here at Buck and so our suit should
6 be blocked. A federal judge rejected that
7 argument and said that if -- none of the actions
8 that you would expect of a prosecuting entity had
9 been taken. They had not a case order. They
10 hadn't taken depositions. Discovery was not
11 ongoing. Essentially, while the state had filed a
12 suit, they were doing nothing to aggressively
13 prosecute the violations that we see here, and
14 that's why our suit is still alive today, and we
15 can prosecute it as citizens.

16 Again, in red here you'll see the ash basins.
17 The small red dots there are where we took seep
18 samples. We saw seeps throughout the area in
19 between those two points. In the foreground you
20 can see the coal ash plant. So really, I want to
21 emphasize that there is nowhere good for the
22 groundwater to go here, and there is nothing
23 preventing the groundwater from moving either
24 towards the river or towards residential wells.

25 So this is Duke Energy's own assessment of

1 what's happening at this site. We don't agree
2 with a lot of it, but what they show, the green
3 there is where they say water is draining off the
4 site. So that's towards the river, right? So
5 they've essentially conceded that tens of
6 thousands of gallons of contaminated groundwater
7 are flowing into the river every day. And this is
8 a river -- again, it's a drinking water source
9 downstream. There are municipal drinking water
10 intakes below it. It's also heavily used for
11 recreation. So there's an impact to our members
12 there.

13 What we don't agree with is that Duke Energy
14 drew what they call a no flow boundary around the
15 south end of the site there. The residential
16 boundary. That means in their computer model
17 groundwater can't flow past that black line that
18 you see there. All right.

19 So when we're speaking here to you all, what
20 we think is important to understand is the
21 community itself does not have the resources to
22 argue against this kind of science. Duke Energy
23 has spent millions of dollars producing these
24 reports, but we believe they've done so in a way
25 that fundamentally misrepresents the behavior of

1 groundwater underneath the site that's potentially
2 contaminating wells and the Yadkin River.

3 So that's why we really think that it's
4 important that the Commission be involved in this
5 and to make this public, because we don't
6 necessarily have a process where either the state
7 agency is effectively prosecuting or utility. The
8 polluter that's involved, which has already pled
9 guilty to several criminal violations of the Clean
10 Water Act, is really having someone push back
11 against their presentation of what's going on
12 here.

13 This is the -- one of the last things I
14 wanted to show you all. Each of those blue dots
15 is a seep that Duke admits is a leak in the coal
16 ash ponds, right. So the important thing to
17 understand is, while there's groundwater going out
18 in all directions, these dams are earth, and they
19 leak. There's water coming out of them all the
20 time, right. And that water contains coal ash
21 contaminants.

22 The whole idea of a coal ash system is that
23 the bad things, the metals, go down to the bottom,
24 right. And that the water on top is clean enough
25 that you can drain it off. What we see here is

1 that there is nothing to prevent those metals from
2 mixing with groundwater and then from escaping
3 through seeps like this or just through the
4 groundwater table that residential wells and the
5 river feed off of.

6 CHAIR LAZO-CHADDERTON: Thank you.

7 MR. SCOTT: Oh. Thank you.

8 CHAIR LAZO-CHADDERTON: Thank you. And who is
9 next? Peter?

10 MR. HARRISON: Thank you very much to the
11 Committee and to the Commission for this
12 opportunity. My name is Peter Harrison, and I'm
13 an attorney with Waterkeeper Alliance. We're an
14 international organization comprised of more than
15 270 local organizations, river keepers, like Will,
16 who are each dedicated to one body of water.

17 My particular area of expertise is coal ash,
18 and I work primarily in the Southeastern United
19 States, including across North Carolina. And so I
20 want to just speak to a -- one really general
21 theme today, and I think that you've heard
22 different facets of it from all of the speakers
23 that have been out here. And that theme is that
24 coal ash regulation is such a quintessential
25 governmental failure. It's a failure of the

1 government to do its most fundamental task of
2 protecting the very, very basic security and
3 safety of the public. And it -- it's happened in
4 a million different ways, and it just so happens
5 that North Carolina has been -- it's become very
6 exemplary of many of these ways that the
7 government has failed to protect the public. This
8 failure is -- is ongoing.

9 There have been some signs of progress in the
10 form of new regulations that are long overdue that
11 we now have, but the gaps that remain are many and
12 they are very serious. So I'm going to provide a
13 few examples of this failure to put into context,
14 and you've heard reference to some of these
15 before.

16 But the first thing I want to start with is
17 just to make sure everyone understands the
18 magnitude of the problems here, the problem of
19 coal ash, the national problem of coal ash, not
20 just in North Carolina but across the country.
21 This is the number one source of toxic water
22 pollution in the United States, coal ash. We're
23 talking about 5 billion-plus pounds of pollutants
24 that go into waterways legally every year. That
25 does not account for what goes into our waterways

1 illegally every year. And that also seems to be
2 quite a big problem, the illegal pollution
3 discharges.

4 In North Carolina, for example, Duke Energy
5 owns 14 current or former coal-fired power plants.
6 According to the State of North Carolina, all 14
7 of them have been illegally polluting groundwater
8 and surface water for many years. And so this is
9 what's leaking out of these ash pits, and, as you
10 just saw on the photo, coming through the river
11 banks, into streams, et cetera.

12 So this is a massive problem. When it comes
13 to government oversight, protection of one of the
14 basic human needs to live, water, clean drinking
15 water, I want to talk to a few points about that
16 here.

17 As you've heard, when new coal ash
18 legislation was passed in North Carolina, that
19 resulted in a requirement that Duke Energy
20 identify all of the drinking water wells that are
21 within a half mile of this coal ash pond, at every
22 site across the state. Astonishingly, nobody had
23 done that before, in spite of the fact that the
24 state government, the federal government, and Duke
25 Energy itself knew that these ash ponds were

1 leaking in the groundwater.

2 Nobody had bothered to ask, well, I wonder,
3 are there people drinking the groundwater anywhere
4 close to these plants? It turns out hundreds of
5 people are.

6 So the next step, after identifying all the
7 wells within a half mile of the plant, North
8 Carolina DEQ requires Duke Energy to test all the
9 wells within 1,000 feet, and a smaller radius. Lo
10 and behold, most of those wells contain what the
11 state deemed unsafe levels of contaminants
12 associated with coal ash.

13 So the next step, DEQ says, Duke Energy you
14 must test now within 1,500 feet of the coal ash
15 ponds. Lo and behold, same result. But that's
16 where the testing stopped. And the testing was
17 incomplete within -- within 1,500 feet. So there
18 are still many people who we have every reason to
19 believe will have unsafe levels of contaminants in
20 their wells who live less than a half mile from
21 coal ash ponds, whose wells -- nobody has even
22 offered to test their wells. And there are many
23 more who have not had their wells tested that are
24 even closer than that.

25 And so I think that is the -- that's a very

1 important factor to remember, that, you know, at
2 some point last year the state simply stopped
3 looking. And there are many more people who --
4 who are very much at risk.

5 How at risk are these people? We -- we've
6 had a very bizarre change of events here where at
7 first all of those folks who -- almost 400
8 residences were advised not to drink their water
9 by the state government here, because they
10 contained unsafe levels of one or more
11 contaminants associated with coal ash.

12 Fast forward to two weeks ago, those same
13 people, many of them, received another letter from
14 the state that said, you know what, it is safe to
15 drink your water. Not because we are -- we made
16 some error in calculating how much risk there is
17 from drinking your water. That -- that's staying
18 the same. We were right about that.

19 But, basically we're just determining that
20 you -- you should accept a higher level of risk
21 than what we originally said, which is -- was
22 consistent with widely-accepted risk screening
23 levels.

24 And so now we see a shift away from these
25 originally-determined risk factors that triggered

1 the do not drink advisories, and now the State's
2 Department of Environmental Quality, Department of
3 Health and Human Services, is recommending that
4 people simply look to the federal Safe Drinking
5 Water Act standards as the -- the ultimate say in
6 what is safe for them to drink, what is not.

7 So this is in this case, unfortunately,
8 patently bad advice. I listened to Mr. Reeder
9 speak yesterday to an audience at the University
10 of North Carolina where he said that he thinks
11 it's safe to drink your water if your water meets
12 all of the standards under the federal Safe
13 Drinking Water Act.

14 In the case of chromium and hexavalent
15 chromium, which has been one of the frequently
16 talked-about contaminants showing up in people's
17 wells near coal ash ponds in North Carolina, the
18 federal Safe Drinking Water Act standard for that
19 is 100 parts per billion. According to the State
20 of North Carolina's own risk numbers, that amounts
21 to a 1 in 700 lifetime cancer risk. That level of
22 chromium, or hexavalent chromium.

23 And so if you interpret what Mr. Reeder said,
24 that it's safe to drink the water that meets that
25 standard, and then you look at North Carolina's

1 population, that amounts to saying, well, I think
2 that we should accept that 14,000 North Carolinans
3 get cancer from drinking hexavalent chromium.
4 That's not all right.

5 And so in the last couple of weeks -- and I
6 just want to drive this home -- the State of North
7 Carolina has sent advisories to residents telling
8 them it is safe to drink their water and their
9 water contains levels of hexavalent chromium that
10 amount to about a 1 in 1,000 lifetime cancer risk.
11 They sent these letters to families with four
12 children who drink the water, and without any real
13 explanation of why they're doing that.

14 So I just want to really reiterate that
15 point, that we have the government giving very bad
16 advice, very dangerous advice. And I'd also like
17 to point out that -- that Governor McCrory has
18 been completely silent on all of this. Governor
19 McCrory has not responded to numerous phone calls,
20 letters, and pleas from these affected citizens
21 for help. He's not said a word publicly about it.

22 And one final point that I would like to make
23 is just to kind of revisit something that Will
24 just spoke to, which is the enormous complexity of
25 these issues here. These -- understanding what is

1 happening, evaluating who is at risks, the degree
2 of risk, where is ground -- contaminated
3 groundwater moving? These are extremely technical
4 problems and no ordinary citizen could possibly be
5 expected to understand it.

6 This is a job for the government to figure
7 out. That's why we need government. And in the
8 case of North Carolina, the sole responsibility of
9 investigating and studying these problems falls on
10 Duke Energy itself. And that is also a problem,
11 especially given the fact that we've seen Duke
12 Energy plead guilty to federal crimes involving
13 its coal ash management in the last year. It --
14 it is literally a fox guarding a henhouse.

15 And so, you know, I think that many in the
16 state government and the Department of
17 Environmental Quality would agree that the
18 Department does not have the resources to do this
19 work, and so now we are in a position of having to
20 rely on Duke Energy to do this. And so we've got
21 Duke Energy spending millions to create these site
22 assessments and -- and with -- I think I've heard
23 the figure an army of 300 or more consultants
24 working on this, and the public has very few
25 options when it comes to actually examining that

1 and overseeing that. Government is doing very
2 little in that regard.

3 And -- and to sort of tie it all together to
4 the federal level, the EPA has now enacted a coal
5 ash rule, treating coal ash as a solid waste, but
6 there are many problems with the -- the new EPA
7 rule. It took too long to get in the first place.
8 But one of the most glaring ones is that in
9 adopting this rule EPA passed off all of its
10 obligation to enforce the rule. The burden falls
11 solely on citizens, to enforce this magnificently
12 complicated federal rule.

13 And again it's the same -- the same theme
14 that we see in North Carolina. It is the owners
15 of the coal ash facilities that are in charge of
16 doing all the work. And so I want you to consider
17 that in the context of what's going on in North
18 Carolina, that there is -- this is not just a
19 state failure. This is a -- a federal failure.
20 And it -- with that I will defer to the rest of my
21 colleagues here.

22 CHAIR LAZO-CHADDERTON: Thank you. Thank you
23 so much. We'll have Marie.

24 MS. GARLOCK: I've got a few papers here. Can
25 you all hear me okay? Hi. I'm Marie Garlock.

1 I'm with Breast Cancer Action, which is an
2 organization devoted to health justice for all
3 people living with breast cancer and at risk for
4 breast cancer, expanding into persons facing
5 advanced cancers of all types.

6 I have a few items I'm going to put up here.
7 This was a symbol only of coal ash. This was a
8 symbol of the picture that may have been on the
9 table with Duke Energy CEO Lynn Good, DEQ
10 representatives, and Governor McCrory at a secret
11 dinner that was held at the Governor's Mansion,
12 and residents of Stokes County and the rest of the
13 state have invited all of those people to have
14 dinner with them multiple times, and that
15 invitation has not been followed up on.

16 And I know that throughout this process of
17 being here in the hearing today, we've felt some
18 counter-energies to what residents have been
19 sharing, and I want to shift the energy back
20 toward what the residents are sharing so that that
21 is the news story, because that is what we should
22 be focusing on. We can say the sky is pink and
23 then have a news story arguing, oh, no, someone
24 said the sky is pink and someone else said the sky
25 is blue. But we're here to look at what the

1 residents are sharing with us.

2 So, I got involved with this because I began
3 a research project with UNC Chapel Hill and IRB
4 study 152371, and working with the NAACP's, non-
5 partisan, Forward Together movement in North
6 Carolina as a Breast Cancer Action representative.
7 I asked where I could interview people who became
8 health justice activists in line with the Breast
9 Cancer Action mission because they faced cancers.
10 And everyone said, go to Walnut Cove because there
11 are so many people facing cancers.

12 I showed up in June at the request of some
13 colleagues. I had a meeting with residents who
14 were activating creatively. Such amazing
15 leadership in this community that really can be
16 documented to be of benefit to other similar
17 communities. Looking at the correlation of coal
18 ash toxicity and how fracking in positions in the
19 Walnut Tree neighborhood would increase that risk
20 for them, as you've heard so beautifully put with
21 all the representatives so far today.

22 And when I wore this pin that says Cancer
23 Sucks, it was the fastest that I have run out of
24 pins that say Cancer Sucks. Because people know
25 it does when you face it. I faced it in my own

1 family. It does. It sucks. Pardon my language.

2 But people want to wear this in this community,
3 because so many people have faced cancers. It
4 went faster than at cancer symposiums that I have
5 been to, because there were so many people facing
6 cancers here.

7 And so what I want to do as I go through what
8 this research has been with in-depth oral history
9 interviews with residents here in Stokes County,
10 and intercept interviews, over 30 of those, and
11 then participant ethnography at more than 25
12 statewide, county, and town events here. I would
13 like to move this.

14 I'd like to dedicate this presentation and
15 this dinner invitation with all of the residents
16 here in Stokes County to all of the people who
17 cannot be here, the people who have passed away,
18 whose representatives you've seen here, or the
19 people who are too sick now. In calling residents
20 and research partners to come and speak today,
21 many of them said, I can't, because I have
22 doctor's appointments. And so I just wanted to
23 represent that as a real thing, preventing even
24 more people from coming and sharing their
25 experiences here with you.

1 I also want to dedicate this presentation to
2 all people who are intimidated. There's been
3 silence in this community, like many similar
4 others who are facing coal ash toxicity, where
5 jobs and tax revenue are pitted against health and
6 responsible handling of toxic industrial waste.
7 People whose family members who work or did work
8 for Duke Energy who are not comfortable or who are
9 not legally able to speak out while facing illness
10 after living and working in close proximity to
11 coal ash waste.

12 I would also like to dedicate this
13 presentation to all people experiencing cognitive
14 dissonance. That's something that came up in a
15 lot of the interviews. Employees, people in
16 marriages split apart from the stress or from the
17 illness itself. Lifelong residents who think
18 something that many people in this room may be
19 familiar with and many people on the panel
20 listening to this may be familiar with, which is,
21 but this is America. This is America. Of course
22 I would have clean water. Of course the
23 government wouldn't allow a company to dump toxic
24 waste on our beloved home place where we raise our
25 families. Of course this company would follow the

1 rules and respect its neighbors.

2 And lastly, this is dedicated to all people
3 struggling to get by while ill. To all those who
4 must pay exorbitant health bills, co-pays, and who
5 struggle to qualify for appropriate health
6 insurance coverage due to the multiple costs of
7 coal ash in their lives, and people reluctant to
8 speak about illness when they have not had proper
9 insurance for most of their lives, because they
10 fear further discrimination based on trying to get
11 proper health insurance if they're open about
12 that.

13 As you've heard, Walnut Cove and Stokes
14 County have become a ground zero and a prime case
15 study for state and national media,
16 documentarians, and filmmakers, some of whom are
17 here today, covering citizens activism to address
18 and reverse the tragic costs of unchecked
19 influence, of private industrial interests on
20 public governance at local and state levels.
21 That's really what we're dealing with here today.

22 We've had documentarians come and say we're
23 gonna look at North Carolina for a film series
24 because of the conflicts of interest and money in
25 politics and your state and local governments.

1 That is what is characterizing your state right
2 now.

3 In Breast Cancer Action we follow people who
4 face cancer from a patient-centered perspective,
5 and we believe in the pursuit of health justice,
6 that everyone should have the equal opportunity to
7 be healthy regardless of race, ethnicity,
8 socioeconomic status, or education.

9 Focusing on inequities in cancer, we can look
10 at cancer incidence and health disparities which
11 stem from a complex interplay of money and power,
12 as you've seen, racism and discrimination that
13 lead to social injustices resulting in major
14 inequities in health and provision of healthcare,
15 because all of this is really about -- what we're
16 here about today is environmental justice that is
17 inextricably tied to health justice and racial
18 justice. We cannot look at one without the
19 others.

20 And also here with this audience we have
21 today, I would like to point out that breast
22 cancer action takes a look at something that many
23 residents in this community have pointed out,
24 which is the process of pink washing. Where a
25 company that claims to care about breast cancer or

1 other cancer advocacy by promoting a pink ribbon,
2 image, or product, at the same time produces,
3 manufactures, or sells products linked to cancer
4 causation.

5 So we can look at, for example, the way that
6 the Duke Energy tower in Charlotte every October
7 is lit up with pink to say that they support
8 people facing cancer, but perhaps that is a
9 process of pink washing, to cover over all of the
10 cancers that you've heard about so far, and some
11 interview excerpts that I'll share with you to
12 that end.

13 There is an array of dirty fossil fuel
14 practices that affect people's health in this
15 nation and are tied to cancers, and, in this
16 community, as you've heard, we're looking at this
17 implication of coal ash and fracking together.
18 And so I would urge the commission to make a
19 recommendation that governments not allow Duke
20 Energy, the local government here in Stokes County
21 and other communities in similar positions, not
22 allow Duke Energy and similar companies to replace
23 coal production in their communities with natural
24 gas as if it were safer, and fracking production,
25 as if it were safer.

1 And I'd like to move into an interview
2 excerpt from someone that you already heard a bit
3 about but she could not be here today because
4 she's got to work to pay her bills and get her
5 health insurance. And this interview excerpt will
6 reveal some of the dynamics in the community
7 around timing of exposure and cancer causation.

8 So if we look at things that you'll hear
9 about more from other speakers later, but pregnant
10 women, people who were children in the time of fly
11 ash in the 1970's and 80s, or who are
12 experiencing continued toxic air releases in the
13 1990's through the 2000's, the cumulative impact
14 of these toxins is revealing the illnesses we see.
15 Many residents in and beyond the study I've
16 conducted have developed brain, breast, bladder,
17 lung tumors in their 30's and early 40's. And
18 they were children during the time of the raining
19 down of a lot of this fly ash.

20 Similarly, alarming health patterns in the
21 initial data of women who were pregnant while
22 living near coal ash ponds or mounds with
23 contaminated water, as well as people with
24 compromised immune systems or people who are young
25 children are elders. And these subgroups are most

1 vulnerable to changes in their genes, their
2 organs, caused by toxins found in coal ash.

3 And this is from Danielle Lash, who said she
4 got a pretty strange expiration date at 34 when
5 she had a stage 4 brain tumor she was diagnosed
6 with. And she was given three months to live at
7 the time, and they said, you might be a miracle
8 woman and live another 30 years, but the major
9 chance is that you're gonna live for three months,
10 and luckily she is still here with us.

11 Now, it seems intentional, like, well, those
12 people don't have a voice anyway. They're not the
13 most valuable people in the community. And they
14 probably felt like, they won't care. We can do
15 whatever we like. Like, I was trying to explain
16 to my daughter, the entire community would be
17 like, you know, we're so porny [sic] here. If it
18 were something like a strip club we would say no,
19 you can't put up a strip club in Walnut Cove. You
20 are not putting up a strip club in our town. It's
21 because we know how that would affect the
22 community and what it looks like. We would
23 immediately protest.

24 But because we didn't know about Duke Energy
25 and what they were doing, we didn't even know to

1 protest at first. And I guess they know how to
2 pick. Like, here. They wouldn't go to Stratford
3 Road, where all the doctors and dentists happen to
4 live, and say, we're gonna put a Duke Energy plant
5 right here, because those people would be like,
6 well, first of all, my cousin is the so-and-so of
7 such-and-such, and they might be shareholders in
8 Duke Energy. And they also have the education
9 about, you know, reading up on things that say,
10 oh, I know power plants cause health issues.

11 But we're sitting over here like, oh, they
12 said jobs are coming. And we just run with that.
13 Jobs. And it seems like there would be a simple
14 database. You know, I know doctors are very busy.
15 But like the same way when you go to the doctor's
16 office and everything's connected. The
17 oncologist, he's typing stuff in. My primary
18 healthcare physician sees that same thing. Well,
19 the hospital I go to for my MRI's, everything's
20 connected.

21 It seems like they would be connecting it and
22 saying, hey, that person lives so many miles from
23 a Duke Energy plant. You know, and maybe that's
24 why they're facing cancers.

25 I believe that Danielle's interview helps

1 reveal ways that people in this community are
2 dealing with what can be called sacrifice zones,
3 where people in fence line communities with zoning
4 that allows residential and industrial areas to
5 mix are affecting, as you've heard, largely low-
6 income communities with majority people of color.
7 And I would like to share a few commonalities in
8 sacrifice zones throughout the country.

9 Polluted people in sacrifice zones can't
10 identify the conditions that are making them ill,
11 but they frequently think or are told in the
12 beginning, that's just the way it is here. And
13 this is according to Lerner and his publication in
14 2010 as well as other evidence about sacrifice
15 zones.

16 Residents are disproportionately low income
17 in communities of color who know that affluent
18 whites don't have to endure the kinds of heavy
19 pollution they do, but they can't afford to
20 protect themselves by moving.

21 In low income and minority areas in sacrifice
22 zones, cleanup takes longer and is less intensive.
23 Health effects among residence with the fence line
24 with heavy industry are patterned. People
25 experience elevated rates of respiratory disease,

1 cancer, reproductive disorders, birth defects,
2 learning disabilities, psychiatric disorders, eye
3 problems, headaches, nosebleeds, skin rashes, and
4 early death. And I go through those things so
5 quickly because so many people in this community
6 know about them. And I would like to say -- close
7 today by sharing a short piece that was offered at
8 many of the vigils and rallies that were held by
9 residents here and inspired by the interviews with
10 them.

11 And before that I would like to say, I
12 recognize all of the contributions of the panel
13 here and the Commission on Civil Rights in your
14 gathering here, and the ways that this has really
15 influenced this community, to be able to hear that
16 they could ask for reimbursement for all of the
17 health costs. People haven't even thought that
18 far yet, because they just want it to be cleaned
19 up.

20 And I would also like to say, I recognize the
21 creativity of Duke Energy and the McCrory
22 Administration and their creativity to get an
23 appointment on the Civil Rights Commission tasked
24 with coal ash waste. And having a former
25 spokesman of Duke Energy's top lawyer, who also

1 happens to be our governor-to-be, here with us
2 today. And so this invitation is to everyone on
3 the Commission, both with McCrory, DEQ, and Duke
4 Energy.

5 Do you know who would like to be at the table
6 with you? The five- and six-year-olds home sick
7 with asthma so severe they cannot attend school.
8 The young moms with brain cancers who mistakenly
9 blame themselves as fools, for believing their
10 family could safely live near coal ash as you
11 bend, break, and remake the rules.

12 DEQ, Duke Energy, and McCrory, your group
13 recreates government in the image of corruption,
14 as you sell not just your but all our souls with
15 your greedy deception. The people are facing
16 brain, blood, breast, bladder, stomach, lung
17 cancers and dying way too early. Young people
18 with strokes, heart attacks, who can't breathe and
19 who faint. The people with partial paralysis from
20 coal ash toxins leached without constraint. The
21 people to the north and south of here. The people
22 affected all over the state targeted for pollution
23 because they are black, brown, or rural, low-
24 income, or lack town voting rights.

25 The people united before you to say we caught

1 you on the wrong side of the fight. The people
2 weeping not just over water, but health bills,
3 lost jobs, and graves. Over local economy
4 suffering while you, public leaders, rush to save
5 the largest private energy utility in the United
6 States.

7 So here's the invitation. You've served your
8 own citizens up on platters, telling them their
9 lives, jobs, votes, health, don't matter. So
10 we're here to turn the tables and invite you.
11 Given the choice, will you hate, deceive, or love
12 your state's people? Will you sell your ethics or
13 lead on moral principle? Will you destroy, as you
14 already have, Duke Energy, DEQ, and McCrory? Or
15 will you now choose to create respect, health, and
16 transparency, given the stakes? Thank you.

17 CHAIR LAZO-CHADDERTON: Thank you.

18 (Applause.)

19 CHAIR LAZO-CHADDERTON: Now we have Dr.
20 Rebecca Fry.

21 DR. FRY: Can you hear me? Thank you for the
22 invitation to speak. We're very happy that you're
23 here to listen to this. I think the title of my
24 slides will convey and be a nice follow after
25 Marie's presentation, which is, I think we're all

1 here because we want to improve and protect public
2 health, and to do that we need partnerships. We
3 need partnerships with government, academia, and
4 community.

5 I'm here from UNC-Chapel Hill, from the
6 Department of Environmental Sciences and
7 Engineering. I have a Ph.D. in biology, and I
8 have a fantastic lab. If you're in my lab, can
9 you raise your hands? Thanks. Who drove here to
10 be part of this and part of the partnership that I
11 hope that we can build and we continue to build.

12 My own research focuses on toxic metals
13 exposure and health effects. And, as I said, I'm
14 a biologist, and I'm -- and what we're doing in
15 the lab is trying to understand how exposure to
16 toxic metals is related to health effects in both
17 adults as well as children.

18 And I don't know if this was touched on
19 earlier in some of the talks, but I think it's
20 really important that we remember that the
21 developing fetus is very susceptible to
22 environmental toxins in ways that we as adults are
23 not.

24 My own research was launched with a
25 partnership with the government of Thailand.

1 Thailand has issues like we do in the United
2 States with toxic metal exposure. Some of that
3 work focused on exposure to arsenic during the
4 prenatal period, and this was one of the first
5 studies to show that prenatal arsenic exposure can
6 change the way genes act. They turn on or they
7 turn off. And in this case, they influenced genes
8 that play a role in inflammation.

9 So again, think -- if you want to take home
10 one thing from my presentation it's that not only
11 should we be protecting the health of adults in
12 this community, but the unborn children and
13 children who are extremely susceptible to these
14 environmental toxins.

15 My group, a few years ago, partnered with
16 DHHS to look at toxic metal patterns across the
17 state in private wells. And we've published this
18 data. The data are publicly available. And we
19 looked at patterns of naturally-occurring or
20 industry-derived contaminants in private wells.

21 One of the things we need to consider or
22 remember is that more than 2 million people in
23 North Carolina are drinking from private wells.
24 Private wells are not regulated by the EPA.
25 Anything can be in a private well. And so if

1 you're looking at this map, the areas in dark gray
2 and black are areas where arsenic was elevated.
3 Arsenic exceeded the EPA standard for many of
4 these wells. 1,500 exceeded the 10 parts per
5 billion. Hundreds exceeded the 50 parts per
6 billion. And the max we saw was 800 parts per
7 billion. That -- that level actually exceeds what
8 we saw in Thailand and what we've shown in Mexico.

9 We have since published studies where we're
10 looking at other metals and their patterns across
11 the -- the state. Here you're looking at arsenic,
12 manganese, cadmium, lead, and let me just say, for
13 toxic metals, they serve no purpose in the human
14 body, as opposed to essential metals, which we
15 need.

16 Toxic metals, we truly want -- there is no
17 level that does any good in the human body. So if
18 we're looking at arsenic and manganese, you can
19 see that these co-occur. The patterns of them are
20 equally strong across the central part of the
21 state. And those metals are known to be
22 geologically naturally-occurring. And so it is an
23 issue that we need to talk about, which is, some
24 of these metals are naturally-occurring in North
25 Carolina, but some of these metals are also

1 **industry-derived.**

2 **In this study, one of the findings that we**
3 **show, we partnered with the North Carolina birth**
4 **defects monitoring program because I -- it is my**
5 **research passion to protect children from the**
6 **harms of toxic metals. And one of the findings**
7 **that we showed was that in areas where toxic**
8 **metals were high, birth defects prevalence was**
9 **higher. This is published data, publicly**
10 **available.**

11 **I also, in addition to being faculty at the**
12 **School of Public Health, and the director of UNC's**
13 **Superfund Research Program. This is a program**
14 **that's funded by the NIH, one of the arms of the**
15 **NIH, which is called the NIEHS, or the National**
16 **Institute of Environmental Health Science.**

17 **The mission of that program, there's an EPA**
18 **Superfund Group, but this is a -- this is the**
19 **group at the NIEHS that works to understand and**
20 **break the link between chemical exposures and**
21 **disease, and that's what our center at UNC does as**
22 **well.**

23 **I oversee 50 faculty and staff across the**
24 **School of Public Health, the School of Medicine,**
25 **the Institute for the Environment. We also have**

1 partnerships with researchers at Duke and North
2 Carolina State University. We focus on
3 understanding risk of toxic substances in the
4 environment and how we can reduce those and
5 prevent those.

6 And we also, really importantly, and one of
7 the reasons that I've gotten involved in the
8 situation, we are tasked by the NIH to translate
9 our research and to protect communities who are at
10 risk of being exposed. And so we were contacted
11 by communities concerned about toxic metals in
12 their wells, concerned about their do not drink
13 notices, who did not have the resources and the
14 information that they needed, and it's very, very
15 scary.

16 Some of the -- what we're doing in our center
17 is understanding risks from different levels of
18 exposure. And I think we've probably talked about
19 that a little bit. One of the issues that's
20 complicated here is, we have to talk about what
21 risk is at low-level exposure and how different
22 that is from high-level exposure, and how much
23 risk are we willing to take on? And so we focus
24 on that in the center. We're looking for
25 understanding mechanisms of disease.

1 And again, the goal is to break the link
2 between environmental substances and disease.

3 As I had mentioned, toxic metals serve no
4 purpose in the human body, and their presence can
5 lead to toxic effects. We should talk about,
6 however, that disease and human health are complex
7 factors. It's not just exposure. It's your diet.
8 It's your genetics. It's when you're exposed.
9 And, as I had mentioned, timing of exposure during
10 susceptible windows of vulnerability is something
11 that we should be thinking about. Are there
12 pregnant women who live in this community? Yes.

13 For the community who is here, some of what
14 we do in the center is to provide them with
15 information on where to go, because they don't
16 have that information in many places. And so, for
17 example, a resource that we use is the ATSDR that
18 I've shown here. If you want to have information
19 about where these toxic metals come from, harms
20 that they can cause in the human body, it serves
21 as a great resource.

22 Just to give you an example, and I'm sure
23 you've heard of these. Some of the harms that
24 toxic metals can do are shown here in this slide.
25 And let me again just highlight that. Toxic metal

1 exposure in adults and the response that it
2 influences in terms of human health effects is
3 very different. The adult -- our adult
4 physiologic systems can respond differently than a
5 developing fetus or an infant to some of these
6 toxic metals.

7 I don't think I need to talk about this,
8 which is the potential exposure for coal ash, but
9 we should also talk about bioaccumulation, which
10 is that some of these metals can be taken up by
11 fish and can accumulate in the food chain. And so
12 think about other ways that people could be
13 exposed to toxic metals in the environment.

14 One of the issues that has made what we're
15 talking about today very complicated is the
16 difference in drinking water standards, and it
17 makes some of what -- it influenced the do not
18 drink notices and it influenced the rescindencies
19 of those. And so if we look at the drinking water
20 standards, I had mentioned before the standards
21 for arsenic that was exceeded in many of the
22 private wells that we looked at in the state is 10
23 parts per billion. And I've compared there the US
24 to the North Carolina standard.

25 The standard for chromium in the state, as

1 you know, and as you've talked about, was set
2 differently. The DHHS set that at .07 parts per
3 billion. Why would they set it at .07 parts per
4 billion? They used a risk level of 1 in a
5 million. The World Health Organization uses risk
6 levels of one in a million. This is a public
7 health protective standard.

8 So when we think about lifetime cancer risks,
9 if we're talking about 1 in 10,000 that means that
10 one person out of 10,000 equally exposed would
11 contract cancer if exposed continuously. And then
12 the difference between 1 in a million, we can
13 compare. So 1 in a million is considered to be
14 small, negligible, risk, but it is a public health
15 protective level that is supported by the World
16 Health Organization.

17 In Europe, these are levels that they strive
18 to achieve, okay. One in 10,000, these are
19 sufficiently large that remediation is desirable.
20 So this is sometimes complicated, what we're
21 talking about, the difference between 1 in 10,000
22 and 1 in a million. I think one of the questions
23 I ask myself is, if I worked at the DHHS, and it
24 were my job to protect public health in North
25 Carolina, which of these would I choose?

1 So the role of my group at UNC is to provide
2 assistance to communities and to local governments
3 who are working in partnership with both of these
4 groups. We do not have a dog in this fight. Our
5 goal is to protect public health. To get more
6 data, to protect citizens in North Carolina. We
7 can help with information on where and how people
8 seek water testing.

9 As you know, as I said, private wells are not
10 regularly tested. If we're talking about -- if
11 we're looking at the data that we have on the
12 table right now, it's a very small number. We
13 have many people who are on private wells for whom
14 we do not have data on what is in their -- their
15 private wells. We can help in interpreting
16 results. We can help in understanding potential
17 health risks. And we can also help in thinking
18 about solutions if their water is contaminated.

19 I've put my contact information here,
20 including the funding agency that provides us with
21 the funds that we need to do good and protect the
22 public health in North Carolina. And we thank you
23 again for coming.

24 CHAIR LAZO-CHADDERTON: Thank you.

25 (Applause.)

1 **CHAIR LAZO-CHADDERTON:** I would like to ask
2 the committee members if there's any question.
3 Remember that it's one question and only one
4 follow-up question. And it has to be addressing
5 the environmental justice or health connected with
6 coal ash. So we are going to be very specific
7 this afternoon. Thank you so much. Any committee
8 member that they would like to have one question,
9 one follow-up question, regarding the subject that
10 we are talking about?

11 **MS. WRIGHT:** I have a question, Dr. Fry.

12 **CHAIR LAZO-CHADDERTON:** Ms. Olga Wright, a
13 committee member.

14 **MS. WRIGHT:** I guess my question would be
15 regarding testing and interpreting. If the state
16 is not performing testing, where can citizens go?
17 Would they come to your organization or --

18 **DR. FRY:** So all of the citizens in the
19 communities can go to their county health
20 directors. Their county health directors will
21 help them to have their water tested. Now, there
22 is a cost. And the cost is currently the
23 responsibility of the citizen.

24 **CHAIR LAZO-CHADDERTON:** Follow-up question?

25 **MS. WRIGHT:** Yes, follow-up would be -- hang

1 on a second. Do you have a question?

2 MS. MONET: I do, but it's a little different.

3 MS. WRIGHT: Okay. I'll come back.

4 DR. FRY: But let me -- can I add one thing?

5 CHAIR LAZO-CHADDERTON: Yeah. Well, let's
6 stay with Committee member Wright now. She was
7 going to make a comment.

8 DR. FRY: My comment was that we have the
9 capacity at UNC-Chapel Hill to test well samples
10 as well. So if -- some of what we will be doing
11 in partnership with communities here is to helping
12 -- helping them in that capacity, so.

13 CHAIR LAZO-CHADDERTON: Committee member Thea
14 Monet?

15 MS. MONET: Thank you. I wonder if any of you
16 are in a position to help to push for mental
17 health services, counseling and support for the
18 children, for the members of the adults in the
19 community? Because you cannot live as collateral
20 damage and not be damaged. You just can't. And
21 if any of your agencies can do that -- can you do
22 that? Are you in a position to do that?

23 MS. GARLOCK: I would recommend that there be
24 offerings by Stokes County and this region around
25 cancer support services. But I can say for Breast

1 Cancer Action's perspective, and that would
2 include psycho-social support because of the
3 difficulty of the number of people who just list
4 this person down the street, this person down the
5 street, four people in my family, three brothers
6 here, two cousins there, all of those people
7 passing away from cancer.

8 It's really something that -- we talk about
9 bioaccumulation, and I so appreciate your question
10 about the psychological accumulation of that.

11 It's very overwhelming. And this is alongside the
12 cardiovascular and neurological and respiratory
13 illnesses. So if there were psycho-social support
14 services that could be recommended for people
15 dealing with the impacts of this, that -- that
16 would be excellent.

17 CHAIR LAZO-CHADDERTON: Follow-up question.
18 Ms. Thea. Committee member Martinez, would you
19 like to ask a question and follow-up question?

20 MR. MARTINEZ: Mr. Harrison, I believe I heard
21 you say that the federal standard of hexavalent
22 chromium, or constituent -- I'm having a hard time
23 pronouncing -- was not satisfactory for the people
24 of North Carolina. So I would ask you to please
25 submit to us, so that we can submit to the Federal

1 Commission on Civil Rights, what you think that
2 standard should be. Should it be 10 parts per
3 billion, like California?

4 And also, in your testimony you said that you
5 had many problems with the EPA's rule on
6 regulating coal ash and so forth. I would
7 appreciate if you would submit in writing your
8 problems with that, being that this is a federal
9 panel before you that will submit our report to
10 the a federal agency, that we could get that
11 communicated to the EPA.

12 And Professor Fry, there is an opening for
13 you as well as to what the standards for those
14 should be for the federal government. Because, as
15 you well know, the states take their lead in many
16 ways from the federal government.

17 MR. HARRISON: I presume that you read my
18 testimony from the briefing of the Commission in
19 DC?

20 MR. MARTINEZ: No. I would like that to be
21 part of our record that we submit, as part of our
22 task and so forth.

23 MR. HARRISON: Okay. But it is already part
24 of the record that's been submitted to the
25 Commission prior to today.

1 MR. MARTINEZ: To the Commission or to this
2 Committee?

3 MR. HARRISON: To the Commission.

4 MR. MARTINEZ: Okay. So, it would be
5 redundant to send it to us?

6 MR. HARRISON: I'll be happy to do what you're
7 asking, but --

8 MR. MARTINEZ: Thank you.

9 MR. HARRISON: -- yes, it has been submitted.

10 CHAIR LAZO-CHADDERTON: Any follow-up
11 questions?

12 MR. MARTINEZ: I have a follow-up for Ms.
13 Garlock.

14 MS. GARLOCK: Yes.

15 MR. MARTINEZ: I apologize if I mispronounce
16 your name.

17 MS. GARLOCK: That's okay.

18 MR. MARTINEZ: And I'm gonna assume you did
19 not hear the Chairman earlier in the meeting
20 mention that I no longer work for Governor
21 McCrory.

22 MS. GARLOCK: Yes.

23 MR. MARTINEZ: And I'm going to assume that
24 you also do not know that I was appointed to this
25 Commission long before I knew Governor McCrory.

1 MS. GARLOCK: Okay.

2 MR. MARTINEZ: I worked for him, and I'm going
3 to assume that it was not your intent to impugn
4 the integrity of this Commission, this panel, or
5 the federal commission, that it would be open to
6 political influence on the appointment of a member
7 in their charge. Am I correct in that?

8 MS. GARLOCK: I would hope it would not be
9 open to the political influence through
10 appointment. And as I understand it from Rabbi
11 Selzman and Mary Frances, Barry, the role of the
12 US Commission on Civil Rights is to act as a
13 watchdog, not a lapdog, for governments. And
14 that's their quote. I'm not trying to say
15 anything too harsh. And to ensure that the
16 government enforces civil rights laws fairly and
17 even-handedly, and that this commission can act as
18 a thorn in the side of sitting presidents and
19 state governments.

20 And so relationship with any particular
21 current leader may -- you know, whether that's
22 prior or not, may sort of bring that into
23 question. And so that was my intent in offering
24 that information. And then just thinking about
25 the ways that, you know, civil rights are about

1 guaranteed equal protection under the law and
2 where there's a violation either persons are not
3 protected by the law or their rights exist on
4 paper but are not respected in practice.

5 And that's what we've seen a lot from these
6 interviews with residents is that their rights are
7 just not being, you know, respected in practice or
8 protected. And so they are questioning the state
9 leadership at this point and the gerrymandering of
10 the districts within this state and their ability
11 to vote the governor in or out and have their
12 votes count and have the votes count as well as
13 those who are in the Walnut Tree neighborhoods and
14 the other majority black neighborhoods in Stokes
15 County that have not been annexed into the town
16 over time whereas the white neighborhoods have
17 been annexed over time. And so that question
18 comes into play in relationship to what our
19 current state leadership is.

20 MR. MARTINEZ: Okay. Just so I understand
21 here --

22 (Applause.)

23 CHAIR LAZO-CHADDERTON: Thank you so much. If
24 you need more discussion -- I (inaudible) forever.
25 But one thing they say, we are Latinos, and you

1 know in the Latino community you respect their
2 elders. I'm much older than you. He's a kid, so.
3 You use that so well. And that's the beauty of
4 becoming older. I didn't want to become older.
5 Thank you for your question.

6 MR. MARTINEZ: Thank you.

7 CHAIR LAZO-CHADDERTON: Well, we have -- we
8 are talking and investing our time in a very
9 neutral, non-political way. Very serious issues.
10 And yet still we have the time to smile. Still we
11 haven't lost our sense of humor because we must
12 keep moving forward together. And let's keep
13 moving forward together to our next break for 10
14 minutes. After -- at 2:40. I'll see you at 2:40.

15 (Recess.)

16 CHAIR LAZO-CHADDERTON: Good afternoon,
17 everyone. We are about to begin. Thank you.
18 Good afternoon, again. Thank you for your
19 patience. Now we have the fantastic panel, like
20 the previous one. And we are going to finish at
21 4:00, and it's Mark McIntire from Duke Energy.
22 Amy Adams, Appalachian Voices NC Campaign
23 Coordinator. Lisa Evans of Earth Justice.
24 Reverend Rodney Saddler from North Carolina NAACP.
25 Thank you so much. You are welcome to whoever

1 would like to begin first.

2 MR. MCINTIRE: I drew the short straw. Good
3 afternoon.

4 CHAIR LAZO-CHADDERTON: Good afternoon.

5 MR. MCINTIRE: Members of the Committee,
6 Commissioners, thank you for being here. Thank
7 you for coming to North Carolina. Thank you for
8 coming to Stokes County. You talked earlier today
9 about the spirit and passion of this community,
10 and I think you captured it very well.

11 And you talked about being an immigrant. I
12 am not an immigrant. I was born in Nebraska. But
13 I spent all of my teenage years living in the
14 Republic of Panama. I moved to North Carolina 26
15 years ago from Central America, and I was embraced
16 by a community that compelled me to never leave.
17 And so that spirit and passion that we have heard
18 today, it's pervasive throughout the state. And
19 if you ever have the opportunity to travel to
20 other counties, other sites, I encourage you to do
21 that. Because this community I have a tremendous
22 amount of respect for.

23 I want to thank the folks that are behind me
24 for being here. It takes courage to be here, to
25 get up in front of you, and to speak. So thank

1 you for coming. Thank all of you behind me for
2 being here as well.

3 My name is Mark McIntire. I serve as Duke
4 Energy's Environmental Affairs Director for North
5 Carolina. I live in Raleigh. I've lived there
6 for 26 years. My second-grade teacher wife and I
7 are raising our five-year-old son and our three-
8 year-old -- sorry, five-year-old daughter. My
9 children changed gender all of a sudden. My five-
10 year-old daughter and my three-year-old son. And
11 we're really happy to call North Carolina home.
12 And I see myself staying here for many, many years
13 to come.

14 So again, thank you. We certainly at Duke
15 Energy appreciate the opportunity to be part of
16 this unfortunate conversation. Thank you for
17 having us. Thank you for allowing us to speak.

18 We're predominantly here to listen. I got
19 here early this morning. I've had the real
20 pleasure of listening to everyone before me who
21 has spoken, and I've learned a lot. And we're
22 certainly gonna take a lot with us back to our
23 offices. A lot to think about.

24 You know, listening is an important part of
25 how we strive at the company to serve our

1 customers and our communities. We also, as I
2 said, really appreciate the opportunity to share
3 our perspective. We've been a part of the
4 communities of this state for a very long time,
5 and I'll talk a little bit more about that.

6 But really today I'm gonna focus on three
7 primary things. I'm gonna focus on the progress
8 that we're making closing up ponds, protecting
9 groundwater quality, and pursuing opportunities to
10 recycle coal ash. You've heard about -- a little
11 bit about the reuse of this material, and so I'm
12 gonna take a little bit of time later today to
13 talk with you about that.

14 I want to talk with you about how we at the
15 company are striving to meet all the requirements
16 of the Coal Ash Management Act, the federal CCR
17 ruling, and really all of the other stringent
18 environmental laws that we are held accountable
19 to. And I also want to talk about our efforts to
20 engage our communities. We operate across this
21 state. Our employees are part of these
22 communities. We're passionate about them.

23 So really, to understand where we are today,
24 I think it's incredibly important that we go back
25 in time and understand kind of how Duke Energy

1 started. So I cannot tell you what the name of
2 the company was in those days. Maybe it was Duke
3 Power. I'm not sure.

4 But we started as a hydroelectric company
5 over 100 years ago, delivering electricity derived
6 from hydroelectric dams to customers in the state.
7 And as the demand for electricity grew over time,
8 we had to find additional ways to meet that
9 demand. So we developed new generation
10 techniques. Coal, nuclear.

11 We operate the largest nuclear regulated
12 fleet in the company, between North and South
13 Carolina. Increasingly these days natural gas
14 generation and renewable generation. North
15 Carolina is the only state in the Southeast with a
16 renewable energy portfolio standard. So we're
17 striving to deliver more megawatts every year from
18 renewable sources like solar.

19 When we built coal plants, some of our coal
20 plants -- some of these sites date back to the
21 20s. And when we built those plants we were
22 looking for large parcels of land that had access
23 to water. In order to find large parcels of land
24 with access to water, we were generally led to
25 rural areas of the state. And we watched the

1 communities around these facilities grow up. They
2 changed. We've tried to change with them. But
3 We've always adhered to the industry standards for
4 managing coal ash, improving over time to storing
5 it in basins, now to storing it in dry, lined
6 landfills. And I'm happy to tell you that we
7 reused 38 percent of the ash that we produced in
8 North Carolina. The balance of that was managed
9 dry, in lined landfills.

10 Today we're closing ash basins, and we're
11 really trying to focus on getting it right.
12 You've heard an awful lot today about what getting
13 it right means. This is a complicated issue, but
14 we're focused on trying to get it right. It's
15 important to all of us at Duke Energy because we
16 live here. We're members of the community. Our
17 employees are members of the community. We have
18 employees and retirees that live here in Stokes
19 County.

20 In North Carolina we have 15,000 Duke Energy
21 employees. We have an equal number of retirees.
22 We call North Carolina home. And so it's -- it's
23 important to us that we get this right.

24 We also are dedicated to supporting these
25 communities through philanthropy. We'll talk a

1 little bit more about that later, but in any given
2 year we look for opportunities to give back to the
3 communities that we serve, both financially but
4 also through volunteerism. So our employees are
5 frequently found out in the communities that we
6 serve, giving back.

7 So I want to talk to you about some of our
8 guiding principles with respect to closing ash
9 basins. You know, it's really our commitment to
10 these communities that drives our efforts to do it
11 safely across the state. Not just here in Stokes
12 County, but everywhere in North Carolina where we
13 operate.

14 As you know, coal ash is a byproduct of
15 burning coal used to produce electricity for our
16 customers. Under scientific testing standards
17 established by the Environmental Protection
18 Agency, coal ash is regulated as a non-hazardous
19 solid waste, primarily composed of common elements
20 such as silicone, iron, and calcium.

21 Coal ash has been used for years in the
22 cement industry and roadway construction and in
23 production of cinderblocks. And, in fact, the
24 word cinder comes from bottom ash, from a coal-
25 fired boiler.

1 **Researchers continue to look for**
2 **opportunities to use coal ash, and we continue to**
3 **do so as well. As you know, in 2014 the North**
4 **Carolina General Assembly passed the Coal Ash**
5 **Management Act. We call it CAMA. It's considered**
6 **to be the most stringent coal ash legislation in**
7 **the country. I'm not aware of any other state**
8 **that has its own coal ash management law beyond**
9 **North Carolina.**

10 **And that law requires that all ash basins**
11 **across the state be closed no later than 2029.**
12 **Many of those have to be closed much sooner. We**
13 **have a variety of basins across the state that**
14 **have to be closed by 2019. But all of the ash**
15 **basins have to be closed, by law, in a way that**
16 **protect people and the environment, regardless of**
17 **the manner in which they're closed.**

18 **In weeks following the Dan River spill, we**
19 **volunteered to accelerate closure across our**
20 **entire fleet. This was well in advance of the**
21 **Coal Ash Management Act becoming law, certainly**
22 **well in advance of the federal regulations that**
23 **were adopted by the US EPA at the end of 2014.**
24 **And that closure work is really driven by a series**
25 **of guiding principles, and the first one of those**

1 is ensuring that groundwater is protected. We
2 cannot develop a closure plan that does not
3 protect groundwater.

4 We want to ensure the continued long-term
5 safety and stability of impoundments, including
6 during extreme weather events. In North Carolina
7 it's been a while since we experienced a
8 hurricane, but having lived through Hurricane Fran
9 and others, we all know how severe extreme weather
10 can be. And so the closure plans that we develop
11 need to acknowledge the potential impacts from
12 extreme weather.

13 We really want to leverage the opportunity to
14 reuse this material. Onsite lined landfills and
15 consolidated lined storage solutions when state
16 and federal requirements dictate that we've got to
17 excavate make sense. But to the extent that we can
18 use this material beneficially, it makes sense for
19 everybody. Concrete is stronger when used with
20 fly ash from coal combustion.

21 We need to strictly adhere to all state and
22 federal regulations and rules. It's an absolute
23 guiding principle. And we want to continue to
24 address environmental risk and concerns, such as
25 selecting a safe closure solution, on-site when

1 possible, to avoid community disruption by
2 transporting this material off-site. And when we
3 do have to transport the material off-site, we
4 want to use rail to the extent that we can,
5 because it's far more efficient to move large
6 quantities of material by rail than it is by
7 truck.

8 Today we're making safe, steady progress
9 rooted in some of the most detailed scientific and
10 engineering studies ever performed around
11 facilities in the nation. We've enlisted the help
12 of national independent coal ash experts to
13 develop and execute safe and efficient closure
14 plans. Our efforts are informing industry-wide
15 practices across the nation for coal ash
16 Management and safe basin closure.

17 I want to talk a little bit about
18 groundwater. We've heard a lot about that today.
19 And as I told you, any plan that we develop for
20 closing an ash pond has got to protect the
21 groundwater.

22 We've heard a lot about health risks. I told
23 you I have a five-year-old daughter and a three-
24 year-old son. We drink water from a well. And
25 the communication that we have gotten from our

1 various agencies have been confusing about the
2 safety of well water. My well water doesn't meet
3 the criteria established by the Health and Human
4 Services Department.

5 Any time anybody deals with a health issue,
6 it's painful. I don't know any family who has not
7 been faced with a health challenge. My mother had
8 a stroke when she was 38. She was in the hospital
9 for a year. I grew up with a mother that was
10 forever changed. I buried my sister last year.
11 Died from liver cancer. Health challenges are
12 painful. We have to acknowledge that. And in
13 preparing closure plans, we've got to make sure
14 that we get it right, and that whatever plans we
15 develop protect groundwater.

16 We've got to follow the science, and the
17 science indicates that our impoundments are not
18 influencing nearby wells. The evidence also tells
19 us the groundwater is moving away from neighbors
20 in North Carolina, with the exception of our
21 Sutton plant. Our Sutton plant in Wilmington is
22 the exception. There was evidence some time ago
23 that there was the potential for groundwater wells
24 around that facility to be impacted. We took the
25 proactive measure, working with a local water

1 utility, and we connected them to public water.

2 But the concerns about groundwater are real.

3 That's why we've been delivering bottled water
4 voluntarily to these well owners, about 400 of
5 them, for the better part of a year, because we
6 know how important safe drinking water is.

7 I just want to talk quickly about how we
8 engage in our communities. So we've had a
9 foundation looking for opportunities to invest in
10 communities for a very long time, and we recognize
11 that there are communities that need more
12 attention than others. And so annually we give
13 quite a bit. Last year we
14 gave \$17 million in financial assistance and grants to
15 causes in North Carolina.

16 In addition to that, we have programs that
17 have been established for providing grants to
18 income-qualified families to improve energy
19 efficiency in their homes. It's a \$20 million
20 fund called the helping home fund, and I encourage
21 you to look into that. It can make a real
22 difference in people's lives.

23 I hope this update has been helpful, and I'm
24 happy to share additional information with you,
25 and look forward to answering your questions.

1 Like I said, we appreciate the opportunity to
2 participate in today's town hall. I'm proud to
3 work for Duke Energy. I'm proud to work for a
4 company that volunteered to deliver water to these
5 folks when we weren't required to. I look forward
6 to hearing what our other panelists have to say.
7 Thank you.

8 CHAIR LAZO-CHADDERTON: Thank you, Mark. And
9 now I would like to go to Lisa Evans.

10 MS. EVANS: Thank you very much. It's a great
11 honor to be here. As people may know, I'm not
12 from North Carolina, but it is a great, as I say,
13 honor, to come and present before this committee
14 and before the commissioners behind them.

15 My name is Lisa Evans. I am senior
16 administrative counsel at Earth Justice. I have
17 worked on the coal ash issue since 2000, and I
18 worked generally on hazardous waste issues for
19 about 30 years. I come here with a national
20 perspective, although I have looked a lot at North
21 Carolina, because North Carolina does happen to be
22 ground zero for coal ash, and Stokes County is in
23 the center of the controversy.

24 The U.S. Commission on Civil Rights' recent
25 focus and their national investigation on coal ash

1 is essential and timely. While the tragedy of
2 Flint, Michigan is still in the headlines, we must
3 consider the similar threat posed by coal ash.

4 In Flint, the failures of state and federal
5 agencies caused a minority and low-income
6 community to be severely and irreversibly harmed
7 by toxic chemicals. Coal ash pollution poses a
8 similar threat to communities across the U.S.,
9 including one just a few miles from where we sit
10 today. Thus, again, it's fitting that we are here
11 talking about this issue.

12 Today I'm gonna offer the committee six
13 recommendations that I hope can provide relief to
14 the members of impacted communities. These
15 recommendations require the immediate action of
16 the U.S. EPA, and it is my hope that the
17 commission will be influential in spurring that
18 agency to act in North Carolina and throughout the
19 U.S.

20 My recommendations will hopefully help
21 communities that are struggling with the toxic and
22 inequitable burden of coal ash. I emphasize
23 inequitable because it's absolutely necessary that
24 we look at coal ash through the lens of
25 environmental justice. Long-term solutions to coal

1 ash contamination here and across the country can
2 be achieved only if we acknowledge and vigorously
3 address this inequity.

4 Before I start, if I may, I would like to --
5 I would like to pass a letter to the commissioners
6 to take back to Washington. This letter is a
7 letter from Earth Justice to the Alabama
8 Department of Environmental Management. Recently
9 there's been some severe harassment, intimidation,
10 threats, of people in Uniontown, Alabama. A
11 witness who came before the commission in the
12 beginning of February. The acts are outrageous.
13 I posit they're illegal. And we are hoping that
14 the commission will reconsider its ability and --
15 to go to Uniontown to see at least -- at least a
16 few of the commissioners, to see the situation
17 there.

18 Uniontown was the -- the landfill in
19 Uniontown, Alabama, the Arrowhead landfill,
20 received all the coal ash, the four million tons
21 of coal ash that was removed from Kingston,
22 Tennessee. This coal ash caused terrible problems
23 in that small community. It's a warning bell for
24 where we put the coal ash when we move it. We
25 have to be very sensitive of the communities that

1 receive it, make sure that those landfills are
2 safe.

3 And in addition, you know, it's outrageous
4 that a landfill owner would try to intimidate
5 people who have brought a Title VI action and
6 spoken up for their -- for their civil rights, for
7 their rights to a clean and safe environment. And
8 so I do hope that the Commission can follow up on
9 that.

10 Now, I have a -- if I can have some help on
11 somebody putting up the Power Point. Okay. So
12 just to get this out of the way -- of course we
13 know this is a civil rights issue. There are
14 nearly 900 coal ash ponds in the United States.
15 EPA has determined through a demographic analysis
16 that those ponds pose disproportionate impact to
17 low income and minority residents throughout the
18 United States. We discuss this pretty thoroughly.

19 I just want to point out that the
20 contaminants in coal ash are some of the dangerous
21 chemicals known to man, and they -- they attack
22 all of man's -- all of our major organs. Numerous
23 pathways, through poisoned water, through exposure
24 to food and contaminated surface water from toxic
25 dust and so on.

1 Again, because I work on the national level,
2 I just wanted to emphasize how big of a problem
3 this is nationally. We have a lot of data here, a
4 lot of attention here in North Carolina, but this
5 is a national problem. We create 133 million tons
6 of coal ash a year, which is enough to put in
7 boxcars and stretch from the North Pole to the
8 South Pole. And this is what has to be disposed
9 of safely every year. It's the second-largest
10 industrial waste stream in the country, and
11 there's more than 14,000 coal ash dumps.

12 Now, the -- the damage from coal ash is not
13 hypothetical. Apparently in North Carolina the
14 coal ash naturally flows away from people's wells,
15 but that hasn't happened throughout the United
16 States, and we've identified over 207 coal ash
17 contaminated sites. Not we, but public interest
18 groups and the EPA. This is a map of the
19 contaminated sites, and there is quite a
20 concentration in the Southeast because coal ash
21 ponds have been one of the dangerous sources of
22 this.

23 Coal ash impacts in North Carolina. You've
24 heard a lot about that already. The Dan River
25 spill, which followed 70 miles of river in -- from

1 Eden, North Carolina. The fact that there are
2 many coal ash ponds, 37 coal ash ponds covering
3 more than 2,000 acres, that are managed by Duke,
4 and most are unlined and leaking.

5 It's important to note that these coal ash
6 ponds are large. They're large and dangerous.
7 Most of them are high hazard. And the definition
8 of high hazard is that if it fails it's likely to
9 kill people. Thirteen cases the EPA has already
10 documented of water contamination from those
11 ponds. Most of the wells have been contaminated,
12 that have been decontaminated that was -- that
13 were tested throughout the state.

14 And then Pete Harrison's point of the fox
15 guarding the chicken coop, we have had Duke Energy
16 plead guilty to nine coal ash crimes and it has
17 been fined \$100 million, and they're currently
18 operating under probation.

19 Now, this slide just highlights -- let's just
20 look at the first line of this. But what this
21 slide says is that using the Environmental
22 Protection Agency's EJ screen, which is just a
23 very quick and kind of very easy way to find out
24 if you've got an environmental justice community
25 near a polluter, plugging in the coordinates of

1 the different -- eight of the 14 of Duke's plants
2 in North Carolina you can see that by the red
3 boxes that we've got environmental justice issues.

4 So if you take Belews Creek, what this means
5 is that the population near Belews Creek is 74
6 percent within one mile, 74 percent non-white,
7 which is twice the U.S. average, and twice the
8 North Carolina average. The percentage of low
9 income is about one and a half times the U.S. and
10 North Carolina average. And then what's also
11 pertinent is that the percent of residents with
12 less than a high school education within a one and
13 three-mile radius is also much above the state and
14 federal averages.

15 I am gonna go through this really quickly. I
16 just want to show it, just because I've been
17 working on this so many years, and I just want to
18 impress on you how deep these problems go.

19 I took a couple of minutes and looked at the
20 latest inspection done by Duke Energy of its
21 immense coal ash pond. And we're talking about
22 the pond that stores more than 12 million tons of
23 coal ash. We've heard that figure before. I want
24 to impress on you it also has almost a million --
25 I'm sorry, a billion gallons of wastewater on top

1 of it. So this is an immense quantity of
2 material, much of it toxic.

3 So the inspections since 1978 -- these are
4 inspections by Duke, one by EPA, but mostly by
5 Duke itself, has shown that there are stability --
6 serious stability issues at that pond that have
7 never been addressed. So we're talking about over
8 30 years of problems that this community has been
9 threatened by. You know, we're lucky that there
10 has been no failure, but there have been warning
11 signs.

12 Now, the latest inspection, which is just
13 hosted last -- I think it's done in November and
14 posted in January -- showed unacceptable -- and
15 these are the words of Duke. Unacceptable seepage
16 problems, stability that doesn't meet federal
17 standards, and potential leaking of coal ash
18 wastewater to Belews Creek. You heard that
19 before, the fish die-offs, the deformed fish, the
20 high selenium in Belews. Well, it doesn't seem to
21 be totally cured because even though the pipe was
22 -- was blocked, there is again leaking there. So
23 it's a question of, you know, is proper
24 maintenance occurring at these very dangerous
25 ponds?

1 The inundation map shows loss of human life.
2 That's why it's a high hazard pond. Duke Energy
3 pledges to -- or claims that repairs are planned
4 for construction in this next year. But will they
5 really mitigate the problems? And everything I've
6 read said that there will be repairs, and I don't
7 see a report that says that the stability issues
8 have been, and the seepage issues have been
9 totally cured.

10 Lastly, and this is important, is that the --
11 the site is not only plagued by an ash pond but
12 also by -- by landfills and structure fills. Oh,
13 one minute. I'm gonna have to really rush.

14 We got a new coal ash rule, and let me tell
15 you that it's -- it was decades in the making and
16 is a disappointment. The biggest reason it's a
17 disappointment as it relates to civil rights is
18 that it's entirely self-implementing. So what
19 you're doing is putting the burden on people who
20 do not have the resources, perhaps not the
21 education, but certainly not the resources to
22 either bring citizen suits or even understand the
23 issues in front of them because they're very, very
24 technical. If we're talking about groundwater
25 monitoring data, which I've got engineering

1 studies, stability of ponds, it's all extremely
2 complicated.

3 So, what are my six recommendations? First,
4 EPA has tremendous technical expertise, tremendous
5 resources. A lot of people sitting behind desks
6 both at the federal and at the regional level.
7 Get them to work. They made this weak rule. They
8 put the rule on these communities that can't
9 possibly enforce the rule.

10 EPA has to use its technical expertise to
11 identify coal ash ponds in minority and low income
12 communities and ensure that drinking water is
13 protected. They particularly have to find those
14 ponds in environmental justice areas where people
15 are drinking groundwater, where their wells could
16 be impacted.

17 So technical assistance to these communities,
18 to find out if their water is contaminated. Also,
19 to follow the closure plans, which are incredibly
20 complicated, to follow the dam stability plans.
21 Every other posting that has to be done to help
22 them interpret it.

23 This is the -- I'm not making something up.
24 I've worked 30 years in RCRA and Superfund. The
25 federal government can have technical assistance

1 grants. There can be neighborhood -- community
2 grants where the community can hire their own
3 people. This is not something that can't be done.
4 This is something that has to be done.

5 Cumulative impacts. Just one -- 30 seconds
6 on earthquakes. I've read many dam stability
7 reports that say earthquakes can bring down -- or
8 that -- not -- that certainly earthquakes can
9 bring down a dam, but that the dam is not stable
10 in the event of an earthquake. So this area has -
11 - I don't think it's a high earthquake area, but
12 with fracking, what are we gonna see.

13 This -- this is a completely easy one for
14 EPA, a central repository for the information
15 that's being posted pursuant to the federal rule.
16 It has to be easy to get. That's the first step
17 to the community being well-informed, is being
18 able to access information. We can't truck,
19 train, in any way push this waste onto communities
20 that can't handle it and where the law does not
21 protect them.

22 Municipal solid waste, EPA, federal rule
23 exempting municipal solid waste, they're not
24 subject to the more stringent standards. Earth
25 Justice is going to have a petition to EPA

1 **shortly. Those -- all landfills should be subject**
2 **to the same standards so that all communities,**
3 **whether they are near Belews Creek or near the**
4 **Arrowhead landfill or near any other municipal**
5 **dump should be protected from coal ash.**

6 **Lastly, this three-year review that EPA has**
7 **to review its regulations every three years. This**
8 **next three-year period for the coal ash rule is up**
9 **in 2018, not too long from now. They should**
10 **review this for the environmental justice impacts**
11 **of the rule that they promulgated. Is there a**
12 **disproportionate impact because of the self-**
13 **implementing nature of the rule? It's a critical**
14 **question that they should answer, and they should**
15 **start looking at these things now. And I'm done.**

16 **Thank you.**

17 **(Applause.)**

18 **CHAIR LAZO-CHADDERTON: Thank you so much. Is**
19 **-- who would like to be next?**

20 **MS. ADAMS: I'll be next.**

21 **CHAIR LAZO-CHADDERTON: Okay.**

22 **MS. ADAMS: My name is Amy Adams, and I'm the**
23 **North Carolina Campaign Coordinator for**
24 **Appalachian Voices. I want to thank you so much.**
25 **We have been working in these communities across**

1 this state, and being able to be here with you
2 today and know that their voices are being heard
3 and listened to and recognized is -- is just an
4 amazing feat in and of itself that you guys are
5 here, so thank you so much.

6 I am an activist, but I need to explain to
7 you that that is a new hat for me. I am a former
8 DEQ regulator. My father was a 32-year veteran of
9 the Department of Environmental Quality. He was
10 hired for the second time in 2006, from the
11 Division of Water Quality. I started with the
12 Division in 2004, starting by testing the water
13 for the Indian Water Quality program. I received
14 several promotions. I was named an employee of
15 the year, and I became a regional office
16 supervisor for the Washington Regional Office at
17 age 36.

18 I was raised to be a public servant. I quite
19 literally grew up in the halls of DENR. I was
20 proud of my job, and I was proud of my agency.
21 But I walked away from all of it in 2013 because I
22 could no longer in good conscience stay with an
23 agency that was being dismantled and redirected
24 into a pro-corporation, polluter-friendly agency.

25 Southeastern states, including North

1 Carolina, have a poor track record of protecting
2 communities and the environment from coal ash.
3 EPA's new rules put the states in charge of
4 implementing these regulations, and pushes the
5 responsibility for site inspection and regulations
6 to states that are under no legal requirement to
7 comply and that, quite frankly, don't seem the
8 least bit interested in complying with federal
9 guidelines that are not mandated.

10 Unfortunately, what I have witnessed in North
11 Carolina is that DEQ has become a politicized
12 agency. And in that process it is the citizens of
13 North Carolina who have lost out. If you don't
14 think it's become politicized, read any of DEQ's
15 recent press releases where it touts the amazing
16 and wonderful groundbreaking actions of the
17 McCrory administration. DEQ press releases these
18 days read more like a re-election ad than
19 environmental position statement.

20 The truth is, this administration has had
21 ample opportunities to step up and protect
22 citizens and has repeatedly failed to do so. It
23 tried to stop citizen lawsuits by overfiling the
24 suits. It has tried to enter into Settlement
25 Agreements that were lacking in any sort of

1 oversight, and that would even allow the
2 settlement of future claims, not just past and
3 present, but gave up the rights to all future
4 claims for its citizens.

5 In 2015, DEQ appealed the court ruling
6 clarifying that it had the power to legally tell
7 Duke to clean up the coal ash. It appealed its
8 own authority to clean up coal ash. Later in
9 2015, Duke Energy, based on its own analysis,
10 voluntarily committed to the highest level of
11 cleanup at three additional sites not named in the
12 Coal Ash Management Act. It proposed that idea in
13 motions filed in the court.

14 DEQ objected to those cleanups. It clings to
15 the mentality that DEQ, and only DEQ, are cleared
16 to designate sites for cleanup, and insist that
17 its own lengthy bureaucratic process be followed,
18 whether or not it's in the public interest of its
19 citizens or not.

20 The DEQ state process does not value public
21 input. Getting public input is treated as if it
22 were simply a check-box that they must complete to
23 get back to their game plan. If the opinion of
24 the public was a priority for DEQ, we would have a
25 two-way dialogue with the state agency.

1 Time and time again we heard Tom Reeder say
2 this morning, we have waged a war on coal. We are
3 considering options. But let me make this
4 perfectly clear. There is no we in DEQ's
5 approach. There is the mentality of old school
6 regulators like Mr. Reeder that regulators don't
7 have to provide public education or public
8 outreach because they have the rules and the rules
9 are what they are.

10 Community groups have had to fight to get
11 their voice heard. While impacted citizens have
12 yelled from the front lawn of the Governor's
13 Mansion, the governor is meeting with DEQ
14 leadership and Duke leadership behind closed
15 doors. This is not transparency. This is not a
16 collaborative stakeholder process. Where are the
17 impacted voices in the discussions that are
18 occurring around cleanup?

19 It is as if we assume that because these
20 communities are rural, lower income, communities
21 of color, that their ideas and that their
22 knowledge is not valuable. No, they are not
23 engineers. But they have had more out-of-the-box,
24 visionary thinking and problem solving skills than
25 DEQ ever had. They have found a way to find

1 common ground and have set up statewide coalitions
2 of which unifying principles from groups that
3 currently have coal ash to groups that may receive
4 coal ash have all agreed. That is a rare thing.

5 Mr. Reeder said that they will require Duke
6 to clean up its coal ash. Yet, in the four years
7 since the first lawsuits were filed we have not
8 seen DEQ require Duke to clean up one pond. The
9 Coal Ash Management Act law named four sites for
10 cleanup. Duke Energy agreed to excavate four more
11 sites, which, like I said, DEQ objected to that.

12 In four years of waking up and thinking about
13 coal ash every day and hundreds of man hours being
14 put in according to Tom Reeder, we seem no closer
15 today to hearing a cleanup demand out of DEQ than
16 we were four years ago. For something that is
17 deemed an emergency in the mind of the Assistant
18 Secretary, that sure is some slow movement.

19 Promulgating regulations on coal ash that do
20 not require states to comply and that place the
21 burden of enforcement on citizens is a plan that's
22 designed to fail. Those being hit the hardest are
23 often the ones least able to fight back. I
24 suppose that is job security for non-profits like
25 me, who must fill in the gap between the rules and

1 the reality.

2 If there is a message that I could ask you to
3 deliver, it is that states are ill-equipped in
4 general to handle justice issues. In order to
5 safeguard the life and liberty and rights of all
6 North Carolinans, the state departments must be
7 pushed to prioritize EJ issues, and they must be
8 held accountable when they do not.

9 Our North Carolina citizens deserve better
10 than our current path. We are at a crossroads
11 here. We have the opportunity to create a
12 collaborative, community-based conversation about
13 how we can handle this toxic problem across the
14 state. There is common ground here. There is
15 vision here.

16 What we need are the policies and the
17 approaches that uplift these communities and
18 create a collaborative effort that protects all
19 North Carolinans' air, water, and land resources.
20 Thank you.

21 (Applause.)

22 CHAIR LAZO-CHADDERTON: Thank you, Amy. And
23 now Reverend Saddler.

24 REV. SADDLER: Thank you. I appreciate this
25 time to speak with the Commission today. Proverbs

1 Chapter 24, verses 10 through 12 say, if you faint
2 in the day of adversity your strength will be
3 small. If you hold back from rescuing those who
4 are taken away to death, those who go staggering
5 to the slaughter, if you say look, we did not know
6 this, does not he who weighs the heart perceive
7 it? Does not he who keeps watch over your soul
8 know it? And will not he repay all according to
9 their deeds?

10 This passage speaks to us today, reminding us
11 that it is our job to fight for those who are
12 taken away to death and staggering to the
13 slaughter. It is our responsibility to care for
14 those whose lives are put at risk, whether it be
15 by acts of physical war or acts of corporate
16 greed. That we cannot say that we did not know
17 what was happening and expect to get a pass on our
18 obligation to defend the vulnerable, those whose
19 lives are put at risk through no fault of their
20 own.

21 That ultimately someone is watching what we
22 do, ensuring that we care for the vulnerable, that
23 we protect the victimized, and that we do our part
24 to make sure that they do not suffer from an
25 affliction from which we could have rescued them.

1 God is watching what we do here and now, how
2 we treat our sisters and brothers put at risk by
3 coal-fired power plants and by coal ash pollution.
4 And what we allow to happen to them matters. What
5 we do as a result of these meetings today matters.
6 And someone above the courts, above the state,
7 above the EPA, someone above them all is watching.

8 Hello. I'm the Reverend Dr. Rodney Saddler,
9 associate professor of Bible from Union
10 Presbyterian Seminary, the chair of the healthcare
11 committee for the North Carolina NAACP, and the
12 vice-chair of the National Organization for
13 Justice Action Mobilization Network, a group that
14 emphasizes that part of the environmental justice
15 movement should be bringing people together to
16 wrestle with all issues of justice.

17 I'm here today because though we've heard
18 from the people who speak about science and though
19 we've heard from people who speak about law and
20 though we've heard those who have told their
21 stories, there is one more voice that must be
22 heard.

23 In essence, I want to say that we have not
24 heard the end of the matter until we've heard from
25 the Lord. God has something to say about the

1 burning of coal and other fossil fuels, the
2 dumping of coal ash near cities and towns and
3 rural communities and their water supplies. The
4 moving of coal ash to other regions and dumping
5 them there in thin, five-year durable plastic-
6 lined pits that will be destined to fail. God has
7 something to say.

8 God has something to say about people who
9 have to breathe the air polluted by coal-burning
10 power plants and that 69 percent of all African
11 Americans live with in 30 miles of such plants.
12 God has something to say about the incredibly high
13 rates of asthma that such communities, minorities
14 and poor people, experience because of their
15 proximity to such plants.

16 God has something to say about the storing of
17 coal ash in largely impoverished and economically-
18 challenged neighborhoods, where the people who
19 suffer most are those who have the least ability
20 to impact their own fates. God has something to
21 say about experimenting with fracking in
22 impoverished communities like Walnut Tree at the
23 behest of their wealthy and more powerful
24 neighbors.

25 God has something to say when the same

1 governmental leaders who have given Duke Energy a
2 virtual pass on coal ash spills are also the same
3 leaders who have denied Medicaid expansion monies
4 that might actually help poor people suffering
5 from the impact of coal ash contamination actually
6 get treatment.

7 God has something to say about allowing
8 chemicals like hexavalent chromium, arsenic,
9 cadmium, and lead to contaminate the soil where
10 crops are grown and the water that is used for
11 human consumption. God has something to say about
12 the burden placed on the poor urban and rural
13 communities when unsealed coal ash, left untreated
14 because the site is labeled -- not labeled a high
15 priority.

16 God has something to say about declaring well
17 water to be clean and drinkable, that has been
18 determined to be hazardous not because it's been
19 cleaned up or the contamination problem has been
20 solved, but simply because a different standard
21 has been identified that declares the levels so
22 reasonably acceptable.

23 God has something to say about the corporate
24 and state policies that we use that adversely
25 impact vulnerable communities and that put profits

1 over people when it comes time to ascribe blame
2 for willful ignorance or, excuse me, negligence.

3 God has something to say when we, as the
4 passage reads, says that we did not know what we
5 certainly know. Coal ash is dangerous and
6 represents a clear and present hazard to human
7 beings. God is watching, and we should care that
8 what we do is deemed fair and just and loving to
9 these children of God made in God's image, whom
10 our actions impact.

11 The point I want to make is that this is not
12 just an economic matter, a scientific matter, a --
13 it's also a moral matter. We have a critical
14 moral issue to attend to as we deal with coal ash
15 contamination because what we do will impact
16 people's lives, and what we do or fail to do might
17 cause people's deaths.

18 That is why we have to ensure that the
19 primary consideration in any action that takes
20 place with coal ash stored here is, what is the
21 impact on people and on the planet, for these
22 people and this planet are precious to God and
23 should be precious to us, too.

24 The 24th Psalm begins with the statement, the
25 Earth is the Lord's and the fullness thereof, the

1 world and those who live in it.

2 This is a reminder that what we do to people
3 and what we do to the planet we are doing for
4 something that is owned by someone else. We do
5 not own the planet. We do not have the right to
6 destroy it as we deem fit. We are lessors who are
7 inhabiting it for a time and have a responsibility
8 to protect it.

9 We have a responsibility to God, its ultimate
10 owner, to make sure that we do not break down what
11 God has built up. We have the responsibility to
12 future generations, who will hold the lease when
13 we are gone, to our sons and our daughters and
14 their offspring, to leave them a planet that is
15 better than when we found it.

16 My mama always told me, if you play with
17 someone else's stuff, you have the responsibility
18 to care for what happens while you have it. So I
19 call on Duke Energy to remember this principle,
20 that I'm sure that Duke Power's people have -- and
21 their mothers have told them as well.

22 As we are sitting in this hearing today, I
23 want to remind us to tend to our responsibilities.
24 We have a responsibility to ensure that the
25 decisions that we will make will improve the

1 quality of our environment and not allow past
2 instances of pollution to put other people's lives
3 at risk. We have the responsibility to ensure
4 that Duke Energy cleans up the mess that it has
5 made and works to reverse the harm that it has
6 caused to people, to the land in which they leave,
7 the water that they drink, and the property values
8 of the land that they own.

9 We have a responsibility to ensure that Duke
10 Energy is held accountable to meet the healthcare
11 needs of those that have been negatively impacted
12 by the residues of coal-based power production and
13 coal ash seeping into -- seeping into our ground
14 and leaking into our water. These are people who
15 have to deal with the chronic lung ailments,
16 chronic chemical poisoning, the cancers of various
17 varieties that can be correlated with the presence
18 of environmental contaminants.

19 We have a responsibility to tend to God's
20 green Earth and all of God's people, but we cannot
21 allow this generation to undermine the safety and
22 security of our world, of God's world, for this
23 and future generations.

24 In part, this is why I want to propose that
25 we not only eliminate the problem of coal ash

1 spills but eliminate coal ash plants altogether in
2 the State of North Carolina. This is a technology
3 of a bygone era, a technology whose time has come
4 and gone.

5 In this regard, I would suggest that we take
6 advantage of this opportunity to completely seal
7 off the coal ash ponds and coal ash pits by
8 vitrification or by burial and effectively seal
9 containment units away from water supplies.

10 I propose that we treat each of these sites
11 where coal ash is stored as high priority, for the
12 people and the planet are all high priority.

13 And then I propose that we turn our attention
14 to production of a grid based on renewable energy.
15 Moving to a renewable energy grid at this time is
16 imperative. As we learned with COP 21, we have to
17 make a shift away from the modes of energy
18 production that proliferate greenhouse gases like
19 the burning of coal. This transition needs to be
20 comprehensive. It needs to maximize the
21 opportunity to employ solar and wind-generated
22 electricity.

23 Duke needs to do a whole lot more than rely
24 on only four percent of its future energy
25 production on renewable sources. The turn to

1 renewables has multiple benefits. The cost is
2 much cheaper, in general. The health risks are
3 non-existent. The opportunity for economic
4 development is significantly greater.

5 The opportunity for Duke Energy to continue
6 its profitability is even greater if we shift from
7 Duke being a producer of energy to being a storer
8 of energy. Having the power grid connect us to
9 batteries that will sustain us with solar energy
10 that's accessible. And with a more robust form of
11 net metering and the legitimization and
12 legalization of third-party energy sales, we can
13 create a more durable power grid that is less
14 vulnerable to, I don't know, terrorist attacks,
15 storms, and other systemic sabotage, if we are
16 decentralized.

17 Building a renewable energy-based grid now
18 gives us the opportunity to save our rivers, save
19 our air, save our planet, and save our lives as we
20 develop and employ safer technologies that depend
21 on an endless supply of naturally God-given
22 resources.

23 There is a way forward. We can do better as
24 a society, and I call on us right now to say that
25 we should make a new -- a shift away from coal

1 energy, coal ash spills, to renewable energy
2 sources now. Thank you.

3 (Applause.)

4 CHAIR LAZO-CHADDERTON: Thank you, Reverend
5 Saddler. And at this time I would like to ask if
6 any committee member have a question, and then a
7 follow-up question.

8 The Chair recognizes committee member Thea
9 Monet.

10 MS. MONET: Thank you. It's been quite a day.
11 Thank you so much for your attention. Mr.
12 McIntire you were one of the first people to say
13 hello to me this morning, and I thank you for
14 that. But can you help me to understand and
15 appreciate, based on everything you've heard
16 today, what it is that Duke Energy has actually
17 done for this community, and in particular if
18 any of that \$700 million --

19 MR. MCINTIRE: Seventeen.

20 MS. MONET: Seventeen, thank you. Million
21 dollars that they've given away has come into
22 Stokes County.

23 MR. MCINTIRE: That's a -- that's a great
24 question, and I appreciate it very much. I guess
25 I'll start by saying that what I have heard today

1 suggests to me that we are a lot more similar than
2 we are different. I introduced myself to Reverend
3 Saddler and it turns out that he is at the
4 seminary across the street from the seminary that
5 my father graduated from. And I wouldn't be
6 surprised if they had met at some point. We're a
7 lot alike. We care about this community. We care
8 about all of our communities.

9 I can't tell you with any definitely what
10 portion of our grants made last year came to
11 Stokes County. I don't know the answer to that.
12 I'll be happy to follow up with that information
13 for you. We care about this community, as we care
14 about all of our communities. We've been a member
15 of the communities in this state for over 100
16 years. I challenge you to talk about the history
17 of North Carolina without also not including Duke
18 Energy, because we are part of the fabric of this
19 state. We are proud of that.

20 MS. MONET: Mr. McIntire, I'm going back to
21 Raleigh and I'm not gonna be faced with the
22 problems that exist here in Stokes County. I'd
23 like you, Duke Energy, to provide this committee,
24 so that we can share with the Commission on Civil
25 Rights, exactly what's happening on behalf of the

1 people here in Stokes County.

2 MR. MCINTIRE: Yes, ma'am.

3 MS. MONET: Okay. Thank you so much.

4 CHAIR LAZO-CHADDERTON: Thank you, thank you,
5 thank you. Committee member Olga Wright.

6 MS. WRIGHT: I guess we only have a limited
7 amount of time, so I'll be respectful. Does coal
8 ash have hazardous waste, what do you call it,
9 designation?

10 MR. MCINTIRE: Designation, yes, ma'am.

11 MS. WRIGHT: How is that designated? As low
12 risk versus high, in a community where you have so
13 many issues? I guess that's where I'm not
14 connecting.

15 MR. MCINTIRE: Yeah, that's a -- again, that's
16 a great question. Unfortunately we don't have
17 anyone here from EPA. EPA, as I understand, was
18 invited and they chose not to participate for
19 whatever reason. Really, the hazardous/not
20 hazardous designation was the result of EPA
21 rulemaking. So EPA, through their scientific
22 process, their federal coal combustion residuals
23 rulemaking process, concluded that coal ash ought
24 to be treated as -- and managed as a non-hazardous
25 waste, similar to (inaudible) and that's how the

1 rule was finalized.

2 It -- I do not believe that that
3 hazardous/not hazardous designation relates to the
4 empowerment risk classifications that we're
5 talking about under the Coal Ash Management Act.
6 You know, I take some comfort in the fact that
7 North Carolina is the only state in the country,
8 as I understand it, with its own dedicated Coal
9 Ash Management law.

10 MS. WRIGHT: But who is regulating it?

11 MR. MCINTIRE: I'm sorry. I couldn't hear
12 you.

13 MS. WRIGHT: Who is regulating the rules in
14 place, the testing? Is Duke Energy actually doing
15 all of the testing?

16 MALE: Results aren't in yet.

17 MR. MCINTIRE: So I will share with you that
18 the way that the Coal Ash Management Act was
19 structured, the burden of paying for well sampling
20 for neighbors was placed on us. We paid for that
21 work.

22 MS. WRIGHT: Yes, okay. So Duke Energy
23 provides the funding for the testing of the wells?

24 MR. MCINTIRE: Yes, ma'am. We -- we provided
25 the funding for the testing of the wells up to the

1 1,500-foot radius that was identified in the Coal
2 Ash Management Act.

3 CHAIR LAZO-CHADDERTON: Thank you. Committee
4 member Rick Martinez, do you have any questions?

5 MR. MARTINEZ: Yes. Mr. McIntire, my --
6 sorry. Mr. McIntire, my question to you, or in
7 essence, a favor. Because in my time here today,
8 in speaking with citizens, not the advocates, I'm
9 gonna walk away with the thought that they will
10 not be satisfied until the coal ash pond is
11 excavated. Not capped. And I understand that,
12 being a young guy, your superiors are probably
13 gonna be a little bit older than you and they're
14 gonna throw in some science and some budgeting and
15 so forth. And so I would ask that you start
16 telling them to start budgeting for this
17 eventuality not only here but in other communities
18 across the state.

19 And I would also ask your management to
20 examine the comments of Mr. Wagner and Mr. Bass.
21 Mr. Bass, I believe, lives in either Chatham or
22 Lee County, how in essence selling not only the
23 coal ash but with it transferring the liability of
24 that coal ash to a third party, how that fits into
25 your guiding principles. Because I see a

1 diametric opposition to that.

2 So I would ask you guys to re-examine as to
3 whether or not what you're doing in Chatham and
4 Lee County is within those principles. So if you
5 would take that back -- that is my question for
6 you. In fact, I have a follow up with Ms. Evans.

7 CHAIR LAZO-CHADDERTON: Sure.

8 MR. MARTINEZ: Ms. Evans, it's been perfectly
9 clear, everybody wants coal ash out. So given
10 your 16 years' experience in this field, what do
11 we do with it? Where does it go?

12 MS. EVANS: Well, there are three things you
13 can do with coal ash. One is to -- to move it out
14 of the current, unsafe areas that it is now --
15 it's in contact with groundwater, where it's in
16 danger of a catastrophic spill.

17 The first -- and this includes excavation.
18 You can excavate and bury it on site. Many coal-
19 fired power plants have land that's high and dry.
20 You have to get ash as far away from water that's
21 possible. You have to have the engineering -- the
22 modern engineering standards that are set forth in
23 the federal rule. The liners, the ground
24 monitoring, the leaching collection, et cetera, et
25 cetera. These -- these are not -- you know, it's

1 not rocket science. This is, you know, the last
2 century technology. So you keep it high and dry
3 and you find a place preferably without having to
4 -- to transfer it far.

5 But in the process you can also do what other
6 -- North Carolina too can do what other companies
7 have done, which is to recycle a large part of the
8 ash through encapsulation in a solid structure.
9 So we had examples of that earlier today. It's
10 common concrete. It may involve a reprocessing.
11 But once you reprocess it and once you put that in
12 the concrete, it's much safer than landfilling.
13 It's much safer than transferring it to -- you
14 know, long distances, or even leaving it on site.

15 MR. MARTINEZ: Number three?

16 MS. EVANS: What did I leave out? I think I
17 conflated two.

18 CHAIR LAZO-CHADDERTON: Any other comment from
19 the -- any panelist that you have?

20 MS. ADAMS: Yes, ma'am. I would just like to
21 again say thank you. I know that this has not
22 only been a long day for the audience and a long
23 day for me, but I know that it's been a long day
24 for you, and you have all four remained attentive
25 and interested and asked pertinent questions, and

1 so I would just like to say thank you to each of
2 you, and for those who have attended. Thank you
3 so much.

4 (Applause.)

5 CHAIR LAZO-CHADDERTON: Thank you, Amy. I
6 think in this case, a meeting so empowered and so,
7 I would say, emotional, about the fantastic
8 example of the whole community has given to all of
9 us, to me personally. My life has changed today.
10 Thank you. Thank you to the community. Thank you
11 to the local residents.

12 And now my boss, Jeff Hinton, is telling me
13 that we are going to begin with an open comment
14 session. Thank you.

15 MR. HINTON: We're going to take five minutes.

16 (Recess.)

17 CHAIR LAZO-CHADDERTON: Hello. I wish I could
18 have a picture of really all of you, because this
19 is a great day, and we are going to have great
20 results. Thank you so much. Now, Mr. Jeff
21 Hinton.

22 MR. HINTON: Okay. As we start the second
23 portion of the open comments period, I have a list
24 of people that want to speak. I will call your
25 name. You will have your three minutes.

1 For the people that are in the audience,
2 again, let's be courteous to the speakers. Some
3 of the conversation can be emotionally charged,
4 but let's be courteous, okay. Let's be courteous.
5 We've done a good job up to this point. Extremely
6 good job up to this point. So let's take it on in
7 and finish it the way we need it to be, because
8 this information is necessary and needed for my
9 commission to look at as they make their
10 decisions. So we don't want to taint that process
11 by no means.

12 Thank you. Myra Blake.

13 MS. BLAKE: Thank you. Thank you all for
14 being here this evening. My name is Myra Blake,
15 and I'm an attorney with the Southern
16 Environmental Law Center. I represent Appalachian
17 Voices and other groups across the State of North
18 Carolina that are working to get Duke Energy to
19 clean up its coal ash problems.

20 The question came up earlier this morning,
21 has this administration done more than other
22 administrations with coal ash. And the answer is,
23 unfortunately, yes. DEQ has done more to try to
24 frustrate citizens aimed at cleaning up coal ash
25 and it has done more to create bureaucratic

1 processes that delay cleanup of coal ash.

2 The relevant question to the people here
3 today, though, is, has this administration and DEQ
4 done anything to actually clean up coal ash,
5 require cleanup, or help the people of North
6 Carolina? And the answer is no. DEQ has not
7 required any cleanup of coal ash that Duke Energy
8 is not already required to clean up or already
9 agreed to clean up. DEQ even opposed cleanup of
10 three sites that Duke Energy admitted had severe
11 enough problems that they needed to be excavated.

12 And a federal judge in Winston-Salem just
13 last fall found that DEQ was not diligently
14 prosecuting the enforcement actions that it had
15 brought in state court, not diligently prosecuting
16 those actions. The state filed its lawsuits in an
17 attempt to block citizen action, and then the
18 administration sat on its lawsuit and didn't even
19 take the initial steps to hold Duke Energy
20 accountable.

21 I'd be happy to submit that federal decision
22 to the committee, and I encourage all of you to
23 read it if you have not already.

24 DEQ even entered into an agreement with Duke
25 Energy, saying that it would not enforce any

1 future groundwater violations at any Duke Energy
2 sites here in North Carolina.

3 DEQ's scientific staff said that almost all
4 of the sites across the state are high or
5 intermediate risk, including the Belews Creek site
6 here. The scientists found that 19 of 22
7 factories that they considered were high or
8 intermediate risk for the Belews Creek site, but
9 DEQ's political appointees turned around and
10 proposed to call Belews Creek possibly low risk.

11 That's what this administration has done so
12 far. And they have a chance to change all that
13 when they make their final decisions in May on
14 prioritization of these coal ash sites. We hope
15 they will do the right thing and not leave any
16 community behind as a low priority.

17 The comment period is open until April 18th,
18 and we need all the help we can get. Thank you.

19 (Applause.)

20 MR. HINTON: Nick Wood.

21 MR. WOOD: Thank you all again, so much, for
22 being here, and I think just hearing the stories
23 of the people in this room, for those who haven't
24 been really working with these folks and hearing
25 these stories, it's a pretty emotionally heavy

1 thing and I think just from watching folks and the
2 attention, I think we feel like you can help us,
3 and we need your help.

4 So again, my name is Nick Wood. I've
5 actually just started as an organizer with
6 Appalachian Voices, though I've been around
7 working on this coal ash for over two years. And
8 many of the folks in this room were part of the
9 founding of the group you've heard about, the
10 Alliance of Carolinians Against Coal Ash, where
11 people decided that they didn't want to be
12 divided, and that poisoning anybody wasn't okay.
13 Two wrongs don't make a right. Some pretty basic,
14 simple things.

15 And after the Duke shareholder meeting last
16 year where they didn't listen to us, we went down
17 the street, had some pizza, and decided we need to
18 build a statewide movement. Down East Coal Ash
19 Coalition, Belews Creek Residents for Coal Ash
20 Cleanup, Chatham Citizens Against Coal Ash Dump,
21 and the amazing Environmental Lee. People from
22 Belmont and Robeson and around, and we're growing.

23 We're absolutely growing. Because now --
24 with almost all the plants -- and we saw this.
25 Millions of media hits. People speaking out. I

1 mean, I think in a week there were eight people
2 that I was with who spoke out to the media for the
3 first time and spoke their truth, and it was
4 incredibly powerful.

5 And as -- as for truths, I also, like my
6 esteemed colleague, am an officer of the court,
7 though that might not be as scrutinized, and
8 frankly, I'm a pretty terrible lawyer. And
9 community organizing is where it's at. I had a
10 law professor that told me, he said, look, as long
11 as you understand that law is the Golden Rule,
12 you'll be all right. I said, well, that's
13 interesting. He's like no, no, no. Not the one
14 you learned on Sunday. But it is, they who have
15 the gold make the rules.

16 But there's kernels in there, right?
17 There's ways to use the laws in our government,
18 because at its core the government is supposed to
19 work for the people.

20 And I was gonna spend my time talking about
21 wait the governor has done, but I think Myra
22 covered that pretty well, so I'm gonna turn around
23 and say what the government of North Carolina,
24 including the Governor, who, as has been said, he
25 worked for Duke Energy for 30 years. He refused

1 to disclose his -- that he -- how much stock he
2 had. He didn't sell it until after the Dan River
3 spill. That happened, and he knew what happened,
4 he had to do something.

5 But this is what -- what he didn't do. In
6 addition to being, it looks like, about the same
7 rate of after-disaster as George W. Bush was in
8 Katrina, Governor McCrory has said nothing
9 publicly. We looked. We can't really find
10 quotes. And it makes people wonder.

11 Governor McCrory and many of these officials
12 haven't spoken to these folks. We just got
13 through a round of hearings with hundreds of
14 people who haven't been able to talk to their
15 government in a public hearing in over two years.
16 With the urgency of the problem we know we have,
17 that isn't good enough.

18 Water testing that we've heard about, 1,500
19 feet, are you kidding me? We know from these
20 stories that people from miles away are affected
21 by this, but oh, we follow the law. But it wasn't
22 environmental regulators knocking on doors and
23 saying hey, we realize you have a big problem. It
24 was, oh, we'll send you a letter, and if you
25 respond, well, maybe we'll do something. And

1 after the second time we'll get the labs testing
2 for the right stuff. And then later we'll just
3 change the standards even though the water hasn't
4 changed.

5 And this, suffice to say, and I'm gonna close
6 because I'm going too long. I have a tendency,
7 especially with this much emotions. But we need
8 your help. The state government is working
9 systematically to support corporate donors and to
10 discriminate against people all across to take the
11 power away from local governments and local
12 communities to regulate themselves. We saw this
13 with House Bill 2. We've seen it with fracking.
14 And we've seen it with all of this.

15 And that has got to change, and that's why we
16 need you. Because the professionals in the state
17 government who study this stuff, they tend to
18 agree with this side, the side that maybe, what,
19 95 percent or more of the speakers and the
20 testimony spoke from.

21 So thank you so much. Please stay engaged.
22 Come meet folks in those communities. Be the
23 people that the state hasn't been and maybe
24 challenge them to do their job a little better,
25 because the people here are not being represented.

1 And you have heard this pain and you have heard
2 this power and we're alone. So thank you for
3 being here on this historic day.

4 (Applause.)

5 MR. HINTON: Frank Holleman.

6 MR. HOLLEMAN: Members of the committee and
7 members of the commission, thank you for being
8 here. My name is Frank Holleman. I'm a senior
9 attorney with the Southern Environmental Law
10 Center, like Myra. I have been coordinating our
11 efforts across the Southeast, in all the
12 Southeastern states, to address this problem of
13 coal ash storage and its effects on communities.

14 And I'm gonna make three points to you today
15 and relate some of what we've experienced in South
16 Carolina, just south of the border here, which has
17 been so different.

18 The first point I want to debunk that you
19 have heard, oh, this is such a complicated issue.
20 We have to have all these studies. That really is
21 not true. What the utilities in the Southeast
22 have done, in particular Duke Energy, is they have
23 stored millions of tons of industrial waste
24 containing arsenic, lead, and mercury, in unlined
25 pits full of water, next to drinking water sources

1 and rivers and lakes, held back only by dykes made
2 of earth that leak.

3 Now, you don't have to be an engineer, a
4 lawyer, you don't have to be magna cum laude, or
5 thank the lord, to know that it is dumb, that it's
6 a bad way to store industrial waste. And there is
7 a simple solution, and that is to move it out of
8 those pits to safe, dry, lined storage.

9 The second important thing to know is,
10 burning coal for electricity does not generate
11 wastewater. There is no wastewater in this
12 process. Duke Energy has created the waste by
13 adding water in order to transport it easily to
14 these pits. So, in other words, this is a problem
15 of choice, not a problem inherent in generating
16 the electricity.

17 The second point I want to make is, that I
18 think is important for the committee to know, is
19 Duke Energy is continuing to fail the state.
20 First, it did commit crimes, by its own admission.
21 One them that is so shocking is its own staff
22 asked it to spend \$5,000 to inspect the pipe that
23 caused the Dan River spill and the management said
24 no. That's one of the crimes. We wouldn't have
25 this spill had they spent \$5,000.

1 Second, the state has confirmed that Duke
2 Energy violates the law everywhere it stores coal
3 ash in the state of North Carolina, including
4 here.

5 Third, their claims to be looking at
6 independent science are not true. That is not
7 true. I know this. They are hiring environmental
8 consultants, not independent scientists, who do
9 work with them regularly and who are vendors to
10 them in the future to prepare reports about what
11 they should be obligated to do. That is not
12 independent science. That's consulting.

13 Next, they are not protecting the
14 groundwater. That simply is not true. We've read
15 their reports. They are proposing to leave ash in
16 groundwater tens of feet deep and millions of tons
17 of ash. It may -- here they're proposing to leave
18 it in over 70 feet of groundwater.

19 We've heard it said, all our groundwater
20 moves away from the houses nearby. We study it.
21 We've had experts to study their reports. Those
22 reports yield that result in some instances
23 because they had assumed away the factors that
24 might cause the water to move to the houses.
25 Well, they have clipped the houses out of the

1 model.

2 At seven sites in this state, including the
3 one here, Duke's current proposal is to leave the
4 ash in place and not excavate it, and most of
5 those sites are in this river basin where these
6 communities live. Belews, Roxboro, Mayo, hold
7 some of the biggest deposits of coal ash in the
8 state. And finally, you should know this. North
9 Carolina's cement manufacturers are importing coal
10 ash from China because they can't get it from Duke
11 Power, Duke Energy, to make cement. Meanwhile in
12 South Carolina, Santee Cooperative Utility is
13 cooperating with the company to generate, to
14 reprocess ash so it can be recycled into cement.
15 That's not happening here.

16 And two points I must make on the state's
17 failure of its people. And these are the two most
18 striking things. Soon after law-abiding citizens,
19 including some people in this room, reported the
20 legal violations, some of which led to the
21 criminal convictions of Duke Energy, instead of
22 the law enforcement officials, those are DEQ,
23 who's supposed to enforce the environmental laws,
24 coming to us -- that is, the citizens groups -- to
25 help enforce the law, they almost immediately

1 began meeting with Duke Energy's lobbyists and
2 lawyers to come up with a strategy to frustrate
3 enforcement of the law by the law-abiding
4 citizens.

5 It's exactly the opposite of what I learned
6 growing up in Occonee County, South Carolina. If
7 you report a crime to the sheriff or law breaking
8 to the sheriff, and the sheriff works with the
9 victims of the crime and the law-abiding citizens,
10 not the law breaker.

11 The second point is this. On May 15, 2015,
12 Duke Energy pleaded guilty 18 times to coal ash
13 crimes. Seventeen days later -- 17 days after
14 that plea, and they're now on criminal probation.
15 Criminal probation. The executives of the
16 convicted entities met at a private dinner in the
17 Governor's Mansion with North Carolina's chief
18 environmental law enforcement official, who had
19 pending at that time civil charges of many kinds
20 against the Duke Energy entity.

21 And I would ask the commissioners, can you
22 imagine if Loretta Lynch, the Attorney General of
23 the United States, had a private dinner at the
24 White House with executives of some corporate
25 entity that had charges pending against it from

1 the Justice Department, what the Congress would
2 do? But that is what we have in this state. It's
3 amazing. And that's why it's so important to have
4 empowered communities, groups like this committee
5 and the commission looking into these issues, so
6 that communities of color, poor people, and all
7 people -- everybody drinks the water -- can be --
8 have their best interests and the interests of our
9 natural resources put first.

10 And I make this one point. I have mentioned
11 South Carolina, just south of the border here.
12 Every site in that state is being cleaned up,
13 excavated. Nobody's been charged with a crime.
14 There's not one lawsuit pending. Nobody's
15 criticizing any elected official in that state on
16 this issue, and the ash is being moved today or
17 being recycled in concrete. Why can't we have
18 that here?

19 (Applause.)

20 MR. HINTON: Shantarlya Graves.

21 MS. GRAVES: My name is Shantarlya Graves.

22 I'm a student at North Carolina Central
23 University. I'm a sophomore double majoring in
24 psychology and bio med, and I speak today on
25 behalf of my family that grew up in Walnut -- in

1 **Walnut Tree and on behalf of the people in Belews**
2 **Creek area.**

3 **According to the Physicians for Social**
4 **Responsibility, the toxic substances found in coal**
5 **ash can inflict great damage to the human body and**
6 **the environment. These substances have been shown**
7 **to escape from coal ash disposal sites,**
8 **contaminating the air, land, surface waters, and**
9 **underground aquifers that feed drinking water**
10 **wells.**

11 **Many people are not aware of how toxic coal**
12 **ash is or how much of it exists. Coal ash**
13 **commonly contains some of the earth's deadliest**
14 **toxins: arsenic, lead, mercury, cadmium, chromium,**
15 **and selenium. Among the effects of the most**
16 **dangerous toxins in coal ash are. Arsenic. It**
17 **has been long known that arsenic, if ingested in**
18 **very high levels, is deadly. However, lower**
19 **levels of exposure are also harmful and can cause**
20 **nausea, vomiting, and diarrhea, anemia, and**
21 **decreased production of the white infection-**
22 **fighting blood cells.**

23 **Arsenic has been linked to various types of**
24 **cancers. Contaminated drinking water is the**
25 **primary route of arsenic exposure.**

1 **Lead. A very potent neurotoxin, lead is**
2 **highly damaging to the nervous system. High**
3 **levels of exposure result in swelling of the**
4 **brain, kidney disease, damage to the hemoglobin,**
5 **and death. There is no safe level of lead**
6 **exposure.**

7 **Mercury. Another well-known neurotoxin.**
8 **Mercury has the dangerous capacity to**
9 **bioaccumulate, or build up in animal tissue.**
10 **Mercury is particularly toxic to developing a**
11 **nervous system. Exposure during infancy or**
12 **childhood can cause developmental delays and**
13 **abnormalities, reduced IQ, and mental retardation,**
14 **and also behavioral problems.**

15 **Cadmium can be absorbed when they're -- when**
16 **taken orally or inhaled. Chronic exposure can**
17 **result in emphysema and other obstructive lung**
18 **diseases. Chromium 6 can cause asthma and other**
19 **breathing problems, nasal ulcers, and lung cancer.**

20 **Selenium. As confirmed by the laboratory**
21 **studies, selenium accumulation in (inaudible) is**
22 **limited to physical abnormalities, including**
23 **severe developmental abnormalities and deformities**
24 **have been held responsible for exterminating some**
25 **local fishing populations. Chronic exposure to**

1 high levels in humans has been shown to cause a
2 lack of mental alertness as well as discoloration
3 of the skin and deformities of the nails.

4 This information that I've just read to you
5 may not matter much to the people dumping the coal
6 ash or trying to frack in the neighborhoods that
7 we grew up in, but this impacts me and my family
8 and any and everyone that lives in the small town
9 of Walnut Cove negatively.

10 This especially hits home for me, because not
11 one person in my immediate family has been cancer
12 free. My grandmother has had thyroid and cervical
13 cancer. My grandfather has had prostate cancer.
14 My aunt has had breast and thyroid cancer. My
15 uncle has had skin cancer. Myself, I have asthma
16 and dysmenorrhea.

17 My mother, diagnosed with ovarian cancer and
18 thyroid tumors and uterine cancer. She has had a
19 full hysterectomy and later was diagnosed with
20 thyroid and brain cancer. She has had nine
21 cancerous brain tumors. She has chronic migraines
22 and suffers from chronic fibromyalgia. Her
23 medicines for a 30-day supply is \$1,940.45. But
24 who's gonna pay for that? I'm a college student.
25 She doesn't work. She can't get disability.

1 Insurance won't pay for her medicine. But this
2 all comes from coal ash.
3 Growing up seeing your family suffering from
4 these chronic illnesses is not something any child
5 should ever have to experience. If this was your
6 family, how would it make you feel? Stop killing
7 our people. Stop harming our earth. We all live
8 here. We breathe the same air. We can't drink
9 the water. The least we can do is make a change,
10 starting now. Thank you.

11 (Applause.)

12 MR. HINTON: Ada Linster.

13 MS. LINSTER: Good afternoon. Thank you all
14 for coming to the little town of Walnut Cove. No
15 one thought we'd be on the map like we are. But
16 my name is Ada Linster, and I live in the Walnut
17 Tree development. And I'm gonna start with the
18 coal ash. Coal ash play a big part in our lives,
19 as my granddaughter just stood here and spoke.
20 They used to haul it across the road there and put
21 it on a train. Our children played on it. That's
22 where ash used to go. The railroad, before they
23 moved the railroad, they used to bring it right
24 across the road there and put it on the train --
25 or put it out there and the train come along,

1 There's a guy there, and he scooped it up and put
2 it on the wagon and carried it away.

3 But my thing of it is right now, it's
4 fracking too. Because we're fracking, they say it
5 just go straight down, but we know how it go.
6 That's earthquake. That's water right over there.
7 So, what are they doing? The Town of Walnut Cove,
8 Danbury, Raleigh, all knew what was going on with
9 the fracking, but the citizens in Walnut Tree had
10 no idea until three days before the time came up.

11 How would you like to be living in a
12 neighborhood and they have run their 45-day
13 testing, permission to do something, and not even
14 say a word to the citizens? Not one word. Not
15 even to today, have any of them come and said one
16 thing.

17 I will say this much for the Town of Walnut
18 Cove. I thank Bobby Miller, but he's only one
19 person, he cannot do it all by himself. So he
20 needs your help, along with ours, to get
21 everything squared away over there. Yes. The
22 whole neighborhood is full of cancer. You can
23 walk outdoors and dust flying. That was the coal
24 ash. It's gray.

25 You can't drink the water. We pay a double

1 water bill from the Town of Walnut Cove which we
2 worked o to get -- to come into -- let me back up
3 just a second. These houses were through
4 government. FHA when we started out in the
5 1970's. That's when the development was built.
6 Government houses, for us to live there.
7 Everything went downhill. They give you so many
8 years and then they say, okay, you're only
9 (inaudible) a little bit. Find me another plate.
10 So their hands is out of it. They gone.

11 We started having water problems. We
12 contacted Town of Walnut Cove. Town of Walnut
13 Cove's gonna come in. They gonna help. But yet
14 still we, the citizens over there, went through
15 all the leg work. Who get the worst end of it?
16 We get the worst end, because the town gave
17 Danbury, our county seat, one dollar for the
18 rights of our water and we still cannot drink it.
19 It's cloudy.

20 Yes, it's clear -- it's clear right now, but
21 for how long? We do not know. I do not drink it.
22 I buy. I pay a double water bill every two months.
23 But I also spend \$30 a week to buy my drinking
24 water and my cooking water.

25 Someone asked me, how do we take a bath? No,

1 I do not shower. I run the water in the tub, take
2 a cap of Clorox, pour that in the water and kill
3 the germs in it. Take Oil of Olay and put it on
4 my body to make it soft. This body is 68 years
5 old. I do not drink the water. No, I do not.

6 Duke Power plays a big part in it. It's all
7 there. So between the coal ash and the fracking,
8 we, the people in the Walnut Tree, the people here
9 in Walnut Cove, need your help. We need it.
10 Sincerely. Not just come here looking at us
11 saying you got these sad stories and patting us on
12 our shoulders like they think we -- they doing,
13 and walk away. Because as I told the Town of
14 Walnut Cove, none of us have an X stuck up on our
15 forehead. And that's the way it make us feel,
16 like we are stupid. Well, we're not. We
17 understand what's going on.

18 And it's -- you put your money in their
19 pockets, but you don't give anything back. And I
20 heard someone ask how much Duke Power give us?
21 Thank you.

22 MR. HINTON: I can't read that last name.
23 Donald Henry --

24 CHAIR LAZO-CHADDERTON: Is he here? No.

25 MR. HINTON: Jacob Penn.

1 MR. PENN: Good evening. How's everybody
2 doing? First, I'm gonna pray and ask God to give
3 me words to say because I didn't write anything
4 down. He always told me if you asked, he would
5 give. Father God, I come before you right now
6 asking the words to say in this meeting that might
7 open up the grime in people's eyes and unstop
8 their deaf ears. Send your holy spirit among us
9 right now. In Jesus name we pray.

10 I have three points I want to try to bring
11 out, and both of them is about, do you really
12 care? Do you really care? Y'all are supposed to
13 be the government panel, right? Am I right?
14 Somebody say something.

15 MS. MONET: Not really. Not really the
16 government panel.

17 MR. PENN: Who is the federal government part
18 of the panel. But anyway, the first one is, do
19 you really care about the people of Walnut Cove?
20 Do you care about their grandchildren? Do you
21 really care about their great-grandchildren? And
22 from everything that I've been hearing, it don't
23 seem like nobody care about nobody. All they care
24 about, are dollar bills. You got one in your
25 pocket and I can figure out a way to get it out,

1 I'm gonna get it.

2 And does the people that we vote for and put
3 in office, do they care? It don't seem like it.
4 Did they ever clean up this coal ash and figure
5 out some other kind of way? Because God is giving
6 knowledge every day to better everybody's life.
7 And I hear from the solar energy, that's the way
8 we need to go. And if that's the way you need to
9 go, go. Do you really care?

10 I ask the question, do you really care? I
11 don't think so. Y'all just come together as one,
12 pray to the father and the son and the holy ghost.
13 He's gonna lead us in the right way. And if you
14 done something wrong, repent. If you don't
15 repent, you know where you going. And God knows I
16 don't want to go to hell. Thank you.

17 (Applause.)

18 MR. HINTON: Lydia Prysock.

19 MS. PRY SOCK: Good evening. Thank y'all for
20 coming. Everybody has said pretty much what's on
21 people's mind in Walnut Cove, Pine Hall, and
22 wherever else we're having these problems. But my
23 thing is, I've been in Walnut Cove for 37 years.
24 And I'm from New York, so anybody want to say
25 yankees, no problem with me.

1 But the difference, I found, coming from a
2 big city like New York, we're taught and trained
3 to fight for what you want. Fight for what's
4 right. I come down here with my family, my
5 husband and my children, and we raise our children
6 in the Walnut Tree development. It was -- it's a
7 nice little development. It's clean. Everybody
8 keeps up their homes. We're not rich people.
9 But, that community has been there for some 40-odd
10 years with the problems of water and coal ash.

11 And the bottom line is, in 1995 we went three
12 months without water, period, any kind of water.
13 And the Town of Walnut Cove, as Ms. Linster said,
14 tried to help us. And we organized then, and we
15 got together and got the county commissioners.
16 State representatives came. They gave us the
17 money to get -- to pipe into the Town of Walnut
18 Cove to get clean drinking water. Over the years
19 -- it took -- it took us five years to get it
20 done, but we got it done.

21 But we also learned that our taxes pay
22 salaries. Our taxes are for the good of the
23 people, for the people. And we have people in
24 government that does not recognize it, does not
25 respect it, gets paid, and do what they want to

1 do. I'm very agitated about it because of the
2 simple fact I've raised my children and even spoke
3 to other children in the neighborhood growing up
4 around us that you -- in order to get something
5 you gotta give. Well, how much more does the
6 communities in this county, in this state, have to
7 give? Their life is involved in this.

8 We have the right to free drinking water.
9 Are we gonna wind up like Detroit, lead in the
10 system? We don't know. I have issues with my
11 hands with the water. I have to put special
12 medications on it because it breaks out. That's a
13 minor issue compared to cancer, thyroid disease.

14 I've worked in the hospital for 32 years, and
15 I've seen things I wouldn't want to describe to
16 anybody. Health issues from contaminations.
17 You'd be surprised to how many people are walking
18 around with something in their system and they
19 don't know because poor drinking water. All kind
20 of -- I don't know what you want to call it, but
21 all kind of sediment in our water.

22 Some people in our community say our water.
23 Some still have smells like rotten eggs. That's
24 sulfur. That's definitely sulfur. Then at one
25 point we were changing our heating elements every

1 other year. We have sand in our water system, in
2 our taps. So, I mean, where -- where does it
3 stop?

4 We are told we can vote. We have no
5 representation. No representation for that little
6 community over there. We can't vote in the town
7 because we're out of the city limits. They have
8 tried to put us in the town and then put the city
9 limit line back so that we could not be in there.

10 We're asking the Commission to help us get
11 annexed into the Town of Walnut Cove because then
12 we have a right to due process. We have a right
13 to vote for who we want to put in our office and
14 work for us.

15 It is our right to do so. We have no kind of
16 representation in Walnut Tree, Pine Hall, wherever
17 else we are. But this whole state is going
18 backwards. We've seen that in the past couple of
19 days with the H2 law. We've seen how it's just --
20 it's just too much for us to bear. And all we're
21 asking is the right to have clear drinking water,
22 clean up the coal ash, be annexed into the Town of
23 Walnut Cove, so that we have support where we are.

24 Now, if they don't want us in there, that's
25 fine, but we gonna continue to fight. And if we

1 don't fight, our children will fight. And my
2 children have gone and grown -- a lot of the young
3 people have gone and moved on, but a lot of them
4 have issues.

5 My daughter has an issue. She couldn't have
6 children. She could not have children because she
7 drank the water. We didn't know it. She drank
8 the water. I'm not saying it's a terrible thing
9 for her not to have children, because of -- but
10 who's to say? How did we know? We don't know. We
11 won't find out for another 20 years.

12 And this is the thing now. We're finding out
13 now in the -- I was born in the 40s. I don't
14 care who knows it. But the point is, things were
15 a lot easier, a lot better, a lot contained. Now
16 we have all of these explosions of big businesses,
17 people getting paid and doing what they want to
18 do. This is showing out young people. Nobody
19 cares. So when you ask them to come out and vote,
20 why should they go vote? There's nobody gonna do
21 nothing for em in the first place. But you still
22 have to instill on them, this is your right. A
23 man died for that right. So continue to do -- no
24 matter what is done to you, continue to do what
25 you're supposed to do.

1 That's the law of the land. That's the law
2 of the Bible. We have to follow these laws. And
3 why do these people in politics -- I'm talking --
4 I don't -- no disrespect to anybody, but from the
5 president on down, why do they feel like they have
6 the right to say how we feel about our living
7 conditions when they don't even come in the
8 communities, they don't even represent us in the
9 communities? They just tell the news what they
10 want the news to know and say the people, the
11 people. They don't even know us. But how do they
12 know how we feel? They don't come to our
13 communities and say, well, I'm so-and-so, we're
14 here to see what's going on. And, you know, try
15 to get us in a -- in a communication level so
16 where they can say they really care and they
17 really do want to help our community.

18 These are issues that are gonna be binding us
19 in the next 10, 20 years. These are issues that
20 if we don't stand up now, we're gonna fall by the
21 wayside. And we've fallen as a country now
22 because a lot of things are being done in this
23 country. People don't know which way to go.

24 And this community, small as it is, we gonna
25 fight our way to stand on top, to come out ahead.

1 It may not be the way the government wants it.

2 We're not threatening. We're not trying to abuse
3 anybody. But we're trying to stand up for what
4 little bit of time we got left on this earth to
5 get these things done and get it done right.

6 Thank you.

7 (Applause.)

8 MR. HINTON: Doris Smith.

9 MS. SMITH: Thank y'all so much for coming.
10 This is so great, seeing all these people. We're
11 just asking for your help. We're not mad. I love
12 the country. I love this place. This is -- I'm --
13 - my son is the 7th generation on this land.
14 We're only two miles and four tenths from the
15 smokestacks.

16 My question is, why did Duke Energy let this
17 happen and go so far when they had all these
18 people working for them? They're supposed to be a
19 whole lot smarter than us and put our life in
20 danger. Explain that to me. I want somebody to
21 tell me, where were they all at? If they're so
22 smart, why can't they find out and let us know?
23 They never told us anything.

24 When they come in here they was like a snake
25 in the grass. Nobody knew what they were doing.

1 And some of us, they took their land for almost
2 nothing. But once the people found out who it was
3 they got two to three times as much. And that's
4 not fair. It wasn't fair from the beginning.
5 It's not fair now.

6 And I am not blaming any certain one, but I
7 am blaming Duke Energy's head officials for not
8 looking after us. They say they love us and they
9 care for us. I've got a map here of everybody's
10 land that was bought. And it's a 1966 map. And
11 they were my friends, and a lot of my family.
12 Even where Duke Energy stands today, I have worked
13 in tobacco there. All up and down the road I
14 have. R.C. Flynn, Pauline Flynn, Wade -- Wade
15 Marshall, R.J. Southern. Dee Southern, Mooney's
16 Store, and Neil's up above that, which I was a
17 Neil before I married.

18 My great-grandpa owned 500 acres in there,
19 and, I hate to say it, but he made it by making
20 liquor because there were so many -- there were so
21 many creeks running into that lake. And I'm just
22 telling you like it is. And I don't think it's
23 very funny. I don't think it's a bit funny.
24 Because it was a serious situation what they've
25 got us in today. And if anybody can lay down and

1 sleep at night, I can say with all this down
2 there, and they don't write us a letter, tell us
3 nothing about nothing. We're just in the dark.
4 We're just sitting there like a duck.

5 And I've been there for 72 years. And honey,
6 I don't want to sell my land. My land means a lot
7 to me. I don't have a whole lot. I'm poor. But
8 one thing about it, I've worked all my life. I've
9 even worked at sawmills down where that stuff is
10 at. I had to. When I was growing up, I had to
11 work and make my clothes to go to school in the
12 summertime. And I would just appreciate y'all, if
13 y'all would please help us and put a stop.

14 And this coal ash thing is not going away
15 unless they move it. It's not going anywhere.
16 Because it's 342 acres down there, and I have a
17 truck to turn over right above my house. And it
18 laid up there from -- on Wednesday between 9:30
19 and 10:00. They didn't let nobody in there. They
20 had a no fly zone in there. They didn't have
21 anybody up there. Because they done it, they
22 worked 24 hours each night for two nights.

23 And for them to say that that's not a bad
24 place down there when they had everything cut off
25 down there, then why, if -- if one truck of ash is

1 that bad, what about 342 acres of it? Somebody
2 needs to wake up. And I'm not no smart woman and
3 don't claim to be one, but I got some common
4 sense. I was raised up the right way.

5 And I just want people to know that I want
6 this to be a high priority. And I want this -- I
7 don't want them to do anything to this ash. I
8 want it moved. Get it out of here, because it's
9 affecting people every day. My husband has COPD.
10 He's had a heart attack. He's anemic. He goes
11 the oncologist twice to month. And I've had a
12 heart attack and I've got four stents. And I
13 could go on and on. But y'all have heard it from
14 a lot of people.

15 But I just want you to -- I appreciate y'all
16 coming. I can't believe this many people is here.
17 And if everybody's behind us, I want you to stand
18 up and clap your hands.

19 (Applause.)

20 MR. HINTON: Bobby Jones.

21 MR. JONES: Good afternoon. I'm Bobby Jones,
22 from Goldsboro, Wayne County. I want to thank you
23 all for being here, and I want to provide the
24 Stokes County community for inviting us to come
25 all the way up here to support you. We stand in

1 complete solidarity with you a we fight this coal
2 ash battle. And it is a battle.

3 FEMALE: United together.

4 MR. JONES: Let me start by first saying it is
5 my understanding that the advisory committee to
6 the U.S. Commission on Civil Rights is to go -- is
7 to receive information from the people that have
8 come before you, that each of you should do
9 everything you can to keep this information free-
10 flowing. And I would be -- well, first of all,
11 thank Mr. Martinez for his change of tones
12 throughout the process.

13 (Applause.)

14 MR. JONES: I would be remiss if I didn't
15 share my observations and concerns in your
16 interaction with attorney Taylor. That
17 (inaudible) action tends to shut down the free-
18 flowing of exchange of information. Information
19 that the commission needs in order to do what
20 you've been sent here to do. Frankly, that
21 posture came across to me as being defensive and
22 somewhat bullying.

23 With that said, let me be the first to say
24 that I may be a little sensitive. Don't let my
25 large size fool you.

1 See, our coalition has poured our hearts out
2 to individuals and groups of individuals with some
3 degree of sincerity that they wanted to help us,
4 and we believe that. Especially since they have
5 been elected to, or paid to serve us. We were
6 sorely disappointed. Now it's hard to trust that
7 people will do what they're supposed to do and
8 will do what they say that they're going to do.

9 And in a situation like this, where people
10 share information, it's just something that they
11 should be attacked in an intimidating fashion like
12 what happened to Ms. Taylor.

13 From 1951 to 2012, Duke Energy's H.F. Lee
14 coal ash plant burned coal in the western part of
15 Goldsboro, North Carolina. Millions and millions
16 of tons of coal ash were piled up and put in
17 ponds. As a matter of fact, as a young man I
18 played out in those -- in those ponds. We did
19 fishing. And it was a fun place for our community
20 to go. We couldn't afford to go to the beach, so
21 we went to the coal ash pond.

22 I've always been concerned about all of the
23 deaths, cancer, neurological conditions, and
24 autism in our children, just to name a few of the
25 conditions associated with this coal ash poison.

1 About four years ago one of our local radio
2 personalities by the name of Robin Wade did some
3 investigative reporting and started putting out
4 some alarming statistics about the death rates and
5 cancer rates and these other disease rates in
6 Wayne County.

7 Then, I learned about coal ash. I began to
8 connect the dots. And once the Coalition started
9 canvassing the neighborhood, I was just amazed how
10 you could go from one house to the next house, and
11 everybody is talking about the large number of
12 people in one family that's dead, that's dying,
13 that's suffering, just going from one door to
14 another door.

15 Even -- I think about one of the schools,
16 elementary schools, where two children have a
17 neurologic condition, a very rare neurological
18 condition. The whole school have to build a
19 schedule around these two children. Because of
20 their neurologic condition they can't be in the
21 same place at the same time. They can't pass each
22 other in the hall.

23 Sadly, some of the people that come to their
24 doors with cancer, that's dying from coal ash
25 poisoning from cancer or other illness still do

1 not support our efforts because they are afraid,
2 because they -- they think they might lose their
3 retirement from working with Duke Energy. They
4 think that a family member might lose their job.
5 But they're dying.

6 By the way, I attended Robin Wade's funeral
7 about three weeks ago. She died from cancer.

8 What do I -- I want? I want the removal of
9 coal ash, and I want the people in my community to
10 be compensated. I want to protect our
11 communities. I want to stop the deaths, the
12 disease, the poison of our communities.

13 Unfortunately we can't rely on our local officials
14 to protect us. We can't rely on the Department of
15 Environmental Quality to protect us. We can't
16 rely on our legislature to protect us.

17 And no, Mr. Martinez, we can't rely on our
18 Governor to protect us.

19 To try to put this in some type of
20 perspective, I'll just say this. Jesus betrayed -
21 - Jesus was betrayed by Judas for 30 pieces of
22 silver. Last year, Duke Energy's net income was
23 \$2.82 billion.

24 In closing, I want to thank you once again.
25 I want to invite you to come to Goldsboro and

1 visit us, and to see what I'm saying is real.
2 It's not a figment of our imagination. I can't
3 make this up. And I want you to come check it
4 out. But when you come to Wayne County and
5 Goldsboro, please don't drink the water.

6 (Applause.)

7 MR. HINTON: Vernon Zeller.

8 MR. ZELLER: My name is Vernon Zeller, and I
9 live on Old Plantation Road, which adjacent to the
10 ponds. Not too far away. My water was tested.
11 Non drinkable, non potable, don't give it to
12 animals.

13 I'm gonna tell a personal story. My wife
14 died (inaudible) brain cancer. Killed her in 12
15 weeks. She worked for Duke Power, a security
16 guard. She'd come home at night and her car would
17 be covered with ash. She owned a white
18 convertible, so it was easy to see. I thought of
19 some cute sayings while I was standing back there,
20 things like talking about the McCrory Company.
21 Oh, I'm sorry. It's Duke Power. It's not
22 McCrory.

23 And I am an avid Christian. I don't know
24 what to do. So I pray. I lost an animal just
25 prior to my wife's death of an unidentified

1 neurological disease. My wife had three surgeries
2 for cancer. The brain cancer killed her. She had
3 -- brain function decreased very quickly. When I
4 say 12 weeks, they didn't find the cause until two
5 days before she died, that it was cancer.

6 I'm a short-timer in the community. I've
7 been here 20 years. But I'm still part of the
8 community. And I feel that Duke Power has
9 intentionally, starting in 1960, when they
10 designed a non-lined sediment pond, their
11 engineers knew what would happen. They've had
12 that information from the 1920's. They
13 deliberately bypassed a safety liner for their
14 ponds to cut their costs. Figured someday it
15 won't hurt, it will trickle down the river, Belews
16 to Dan River and nobody will know it. Water
17 doesn't run downhill. It sits (inaudible) go
18 uphill. I'm not a learned man. I read a lot of
19 books. I don't have a college education. I'm not
20 a hydrologist.

21 One man who had been to our meetings, Dr.
22 Register, some of you folks may have met him.
23 He's a toxicologist in Winston-Salem. The first
24 time I met him, he said, why do you people live
25 here? He said, I drive up here from Winston and

1 this smells when I get up here. Now, this is a
2 man who works with toxicology. And he said we all
3 should have a blood test if we live in this area
4 to see what our contamination is in our own blood.
5 Now, this is a guy who had Parkinson's disease.
6 He knows of the problem (inaudible). But that's a
7 word from the wise, I think. He's in that
8 business.

9 I don't know what the answer is. Is Duke
10 going to lay a water storage pipe from Walnut Cove
11 up there and pipe it all to the people who need
12 it? I doubt it. They don't have the motivation
13 to do that. Are they gonna just give you bottled
14 water? I guess that's a simple way out.

15 I want to know one thing. Did anybody read
16 in the paper last week they had three new bills in
17 the Congress to raise Duke prices, approved.
18 Three of them. They aren't gonna pay for this.
19 We are. Whatever they do, they're just gonna
20 sign.

21 I tried to speak at the last meeting they had
22 and ask the DEQ some questions about who is their
23 boss, where did they get their money? And I was
24 told by the DEQ, we're not gonna answer those kind
25 of questions. We want to hear your personal story

1 is what they told me. So they just cut me off.

2 They don't want to talk about that. All they
3 wanted to hear is sad stories that they could just
4 (inaudible).

5 Then they raise the percentage of hexavalent
6 chromium in water to 300 percent. And they say we
7 have all these studies. Yet in their own reports
8 they say the studies have not been released or
9 sent in by Duke yet. We're getting -- your
10 supplier, Duke, to do the studies and return the
11 report that looks bad to them? I don't think so.
12 That's called DUH science. Dumb, untrainable,
13 human beings. They had a good report. Well, duh.
14 You bought and paid for these people. It better
15 be a duh science. And that's all we get from the
16 Duke reps that come, are their public relations.
17 Those guys come there, all they do is spout the
18 same story.

19 Mr. Mowry tried at the last meeting at Duke.
20 They had no -- they didn't want to hear his story.
21 They had their schematics laid out. There was
22 charts and all this being wheeled out, a dog and
23 pony show. They did not want to hear Mr. Mowry.
24 Didn't want -- those guys were not legally bound
25 by Duke to answer any questions. They presented a

1 dog and pony show. Some of you might have been
2 there. Didn't say nothing. Gave no information
3 of any kind. People said their comments were
4 limited. Not many people had comments. But Duke
5 doesn't want to know about this. They don't want
6 to hear about it.

7 They're bought and paid for. McCrory taught
8 college and he taught Duke managers for 29 years.
9 Where the heck -- excuse my French, but where the
10 hell do you think their attitude is? Where do you
11 think his attitude is? It's sure not in our side.
12 I called Mr. Tillis. I said, I got a problem.
13 And his staff told me, what is it? And I told
14 them. They said, well, we cannot negotiate direct
15 with the company. Senator Tillis can only talk to
16 other federal agencies. Unquote. So how am I
17 supposed to get my senator to help me? They won't
18 even talk to me.

19 That's what's happening in our country today.
20 They're not listening to us. They're listening to
21 big companies. And now the big companies went
22 overseas, and the Panama Papers, we may find out
23 who some of these people are. We may find McCrory
24 with \$10 million in a Caribbean island somewhere.
25 And how much more has Duke farmed out to Panama

1 Papers? When you (inaudible).

2 These questions that we have as people, as
3 citizens paying taxes, that no one will ever
4 answer because they're worried about their
5 pension.

6 How much -- you don't hear the -- years ago I
7 went to WII-FM radio school. Anybody ever hear
8 about that? WII-FM radio? This goes back to the
9 Army days. What's in it for me? They said, the
10 only person to ask, what's in it for me? And the
11 lobbyist coming up says, we got \$10 million for
12 your re-election this year. How much do you need?

13 City Council for Walnut Cove, what's your
14 election gonna cost you this year? Well, we've
15 got about 40,000 we can kinda split with you.
16 It's every where. So for you to get action, I
17 don't have any faith that you can move the
18 mountain. Jesus can. He can move a mountain for
19 us. We can through our belief.

20 I'm a re-born Christian. After my wife died,
21 I thought, she was a so much better Christian than
22 I would ever be. She worked with her people and
23 taught them the computer stuff and worked on their
24 (inaudible) regardless of race. It didn't matter
25 to her.

1 And after she died I realized how far behind
2 I was. I was a righteous, book-reading,
3 understanding Christian. But I didn't know how to
4 practice. Now I'm volunteering two days a week
5 with (inaudible) down here because I'm physically
6 capable at 77 of carrying 60 pounds and chopping
7 my own wood. But now my question comes to me,
8 since I have this morning, when am I gonna die?
9 Am I next? Thank you.

10 (Applause.)

11 CHAIR LAZO-CHADDERTON: I would like to share
12 with you that we have invited EPA, the agency,
13 several times. We tried to reach them out and
14 they declined. That is very -- I'm very grateful,
15 we are very grateful, for all the organizations,
16 you know, Duke, and all that they have come here.
17 It's not easy but, like you all say, there is hope
18 and I'm learning more and more from you in Walnut
19 Cove of perseverance and love for your land and
20 faith in God.

21 And now if you allow me I would like to
22 invite all the commissioner -- Chairman Martin
23 Castro and Vice Chair member Patricia Timmons-
24 Goodson and Commissioner Narasaki, Karen Narasaki,
25 if they would like to say some final comments?

1 And at the same time we are very grateful to you
2 to come here to Walnut Cove in North Carolina.

3 VICE CHAIR TIMMONS-GOODSON: I don't see any
4 reason to sit. I want to add my thanks to the
5 thanks that have already been extended by the
6 chair of the North Carolina Advisory Committee.
7 I'm Patricia Timmons-Goodson, a member -- well,
8 Vice Chair, currently, of the U.S. Commission on
9 Civil Rights. I'm a resident of the State of
10 North Carolina. I reside in Fayetteville, North
11 Carolina. Served this state for 28 years in the
12 judiciary, on the District Court, the Court of
13 Appeals, and the Supreme Court.

14 And as has been stated numerous times here
15 today by others, I love this state. I love this
16 state. I was not born here, but I too got here as
17 quickly as I could. You may already have heard
18 that the U.S. Commission on Civil Rights just a
19 couple of months ago conducted what we call our
20 statutory briefing dealing with environmental
21 justice.

22 And so we received testimony from experts
23 that came in. I'm speaking of governmental
24 experts, I'm talking about academicians, and
25 citizens that are dealing with the very same

1 issues that you are.

2 I must tell you how moved I was with all of
3 the presentations here today. I believe in
4 government. I believe in our government. There's
5 a very important role for it to play. I'm trying
6 to choose my words carefully. There are some
7 things that we cannot do for ourselves. I don't
8 care how hard we work. But our government can do
9 it for us. And we elect people to represent us
10 and we have to hold their feet to the fire. We're
11 going to take the information that we've gained
12 here today back to Washington, and as we prepare
13 our statutory report on environmental justice much
14 of this information will be used there.

15 Let me again just say thank you for coming
16 out. Thank all of you for being willing to share,
17 being willing to share. And we on the U.S.
18 Commission on Civil Rights will do our part to do.
19 Now, you must understand that all we can do is to
20 recommend. Those elected officials that we put up
21 there, they've got to do their part. But you have
22 done your part. We're gonna see about doing all
23 we can.

24 I'm going to hand it over now to Commissioner
25 Karen Narasaki.

1 (Applause.)

2 MS. NARASAKI: I was hesitating because I
3 didn't know if I could get through this without
4 crying. My father very much loved this country
5 even though he was interred during World War 2
6 simply for looking like the enemy. Even though he
7 had been born in California. And he always said
8 to us that in democracy, you get the government
9 you deserve. Meaning that for democracy to work
10 the people have to give it life.

11 And I just want to say you all deserve an
12 incredibly much more responsive, caring, and
13 accountable government, because you have all done
14 your work. So I really want to thank you.

15 I always worry about raising expectations
16 because, as the Vice Chair says, our job is to
17 advise the President and Congress. But you have
18 made our job so much easier because you have given
19 life to the issues, the policy issues that get so
20 wonky, that seem so complicated. You have made it
21 clear that in this case it's just about common
22 sense, and that's what we're gonna take back. So
23 thank you so much.

24 (Applause.)

25 CHAIR CASTRO: Thank you all for being here

1 today. I know many of you, I saw this morning
2 when we first got started. And it's been an
3 incredible day. It's been a very passionate day,
4 very moving day. Of all the hearings I've
5 attended, including our own, I think this was the
6 most emotionally moving, and it's because of each
7 and every one of you who testified today and the
8 great candor and thoughtfulness of each of the
9 committee members.

10 And I know there are different points of view
11 and that's the beauty of our commission. That's
12 the beauty of our democracy. We come from
13 different perspectives but at the end of the day
14 we're all gonna come together and try to figure
15 out how to address this issue.

16 And I didn't say it this morning, but I think
17 I'm gonna share these thoughts because I come from
18 a community in Chicago on the far Southeast side
19 that shares many of the same traits of the
20 communities that are being victimized by
21 environmental racism here in North Carolina. I
22 live, and I come from a community of cancer
23 clusters. My grandfather. My uncle. My father.
24 My aunts. Have all died of lung cancer, colon
25 cancer, brain cancer. And it's not just my

1 family. Maybe it's my DNA. But you know what?

2 Every friend of mine from my old neighborhood
3 whose parents or cousins or aunts have died, 90
4 percent of them are some kind of cancer.

5 And we had steel mills. We had coal burning.
6 We had pet coke. We had lead. We had everything.
7 And so don't tell me that there's not a
8 correlation. And it just so happened that the
9 community that I lived in was black and brown.

10 So this is not an issue -- as Karen said this
11 is not just merely a Constitutional or a public
12 policy issue. For many of us it's a real life
13 issue. And so when you shared your stories with
14 us, know that they did not go unnoticed and they
15 did not go unfelt, because you and I and we share
16 the same experiences.

17 And yes, you know, we can't fault everyone.
18 There are clearly issues that happen across the
19 country. It's not one company or one corporation
20 that's doing it, but clearly there's a pattern
21 here. And what's happening in North Carolina is
22 happening in Alabama, it's happening in Waukegan.
23 It's happening in Chicago. There's something
24 wrong with this system, and we need to figure out
25 how we can change that system.

1 So what we're promising you is that we're
2 gonna come up with some strong findings and
3 recommendations and then we are gonna advocate for
4 them. So you will have an advocate not only here,
5 but in Washington and in our home states, and
6 we're gonna try to work together to solve this
7 resolution -- or resolve this issue in the
8 community and with the companies involved because,
9 you know what, everyone's gotta be at the table to
10 figure this out.

11 So I do want to commend Duke Power for being
12 here, especially since the EPA wasn't. And I can
13 assure you that we're gonna -- when we get back to
14 Washington we're gonna find out why the EPA wasn't
15 here, and they're gonna hear from us.

16 (Applause.)

17 CHAIR LAZO-CHADDERTON: Thank you all. This
18 meeting is adjourned.

19 (THE MEETING WAS ADJOURNED.)

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