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UNDER THE DOME MAY 30, 2016 6:24 PM

Environmental agency head says new coal ash bill unneeded

HIGHLIGHTS

- The secretary of the Department of Environmental Quality says state has sufficient authority.
- Bill's sponsor says revised bill expands water connections even for those without contaminated wells.



Donald van der Vaart, Secretary of the N.C. Department of Environmental Quality speaks at the Environmental Health Summit in Durham, N.C. on Monday, October 26, 2015. **Liz Condo** - newsobserver.com

BY CRAIG JARVIS
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RALEIGH — The head of the state's environmental agency spoke out on Monday against a coal ash bill expected to clear the General Assembly on Tuesday and go to the governor, who says he will veto it.

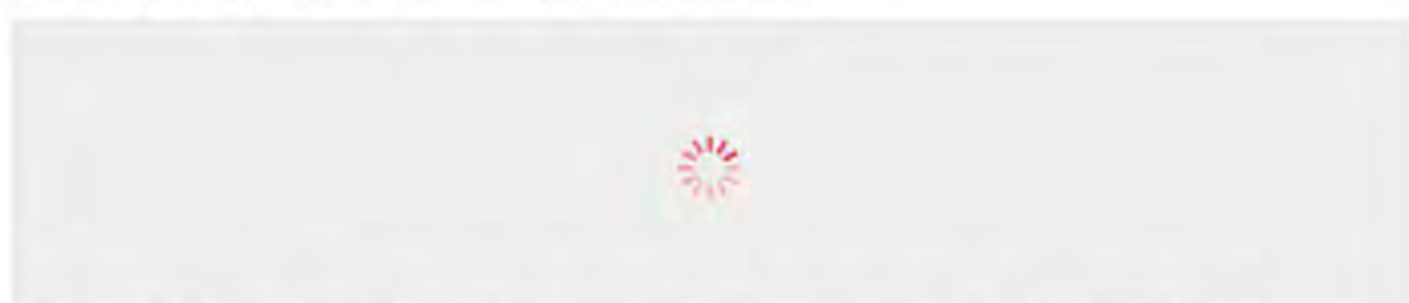
The legislation would facilitate municipal water connections for owners of wells near Duke Energy power plants, and it would reconstitute an oversight commission to regulate the cleanup of coal ash, estimated to cost several billions of dollars depending on how extensive the task is.

A revised version of the bill, filed on Monday, would expand the number of people who could receive alternate water supplies.

Donald van der Vaart, secretary of the N.C. Department of Environmental Quality, said the state already has the tools it needs to ensure safe water is supplied, and much quicker than what is proposed in the bill, and the oversight panel is unnecessary.

The 2014 Coal Ash Management Act already requires Duke Energy to provide a permanent source of water for people whose wells can be shown to have been affected by contaminants from the leaking coal ash ponds. It has been providing bottled water for hundreds of residents for the past year. But while Duke and DEQ scientists disagree about some of the wells, van der Vaart said, the state also has significant leverage to force the utility to provide clean water.

DEQ's proposed cleanup and closure schedule requires all 33 coal ash ponds to be excavated and moved to lined storage. But the agency says that can be re-evaluated within 18 months if Duke Energy repairs dams and provides water connections. Under the proposed bill, plans for alternate water supplies wouldn't be required until September 2017. Environmentalists, however, are skeptical of the 18-month time frame, saying it allows DEQ to sound tough now and then re-evaluate after the November election.



"We have a much larger stick to beat Duke with," van der Vaart said. "They do not want to run afoul of their court-appointed monitor by not meeting the schedule."

Last year a federal judge ordered Duke Energy to pay a \$102 million criminal penalty related to the 2014 coal ash spill into the Dan River. A court monitor is overseeing its cleanup efforts as a part of probation.

Well water testing has been going on since last year, and there is no definitive proof that coal ash has polluted the wells.

"We believe extending permanent water supplies to basin neighbors makes sense because it gives them peace of mind and helps preserve low rankings, which benefit all in North Carolina because we have the full range of closure options," Duke Energy spokeswoman Paige Sheehan said Monday.

The revised bill filed Monday would provide piped water to people who live some distance from the basins, without having to establish that their wells are contaminated.

She added that the company is working to meet deadlines laid out in the 2014 law, and said it supports reconstitution the Coal Ash Management Commission, which Gov. Pat McCrory disbanded after the state Supreme Court ruled it was an unconstitutional overreach by the legislature.

Van der Vaart says Duke Energy helped draft the bill, which also drew alliances among two of House's staunch environmentalists: McGrady and Rep. Pricey Harrison, a Democrat from Greensboro. McGrady said Monday that Duke Energy, environmentalists and others had input into the drafting of the bill.

"The irony is palpable here," van der Vaart said of the alliances. "It helps get the legislation through, and the way they're doing that is they're going to join forces with those in the General Assembly still smarting after the landmark (Supreme Court) ruling. disbanded after the state Supreme Court ruled it was an unconstitutional overreach by the legislature.

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