Environmental Quality

PAT MCCRORY
Governor

DONALD R. VAN DER VAART

April 14, 2016

Suite 1840 T
61 Forsyth Street, SW
Atlanta, Georgia 30303
North Carolina Advisory Committee
U.S. Commission on Civil Rights

Honorable members of the committee,

Thank you for the opportunity to speak at the April 7 town hall meeting and share with you the McCrory administration's accomplishments in cleaning up coal ash in North Carolina.

I was pleased announce at the meeting that the McCrory administration will go beyond state and federal requirements to ensure that minority communities are not negatively impacted by Duke Energy's coal ash disposal sites. The state environmental department will conduct an environmental justice analysis for each new Duke Energy application associated with the disposal of coal ash and ask the Environmental Protection Agency's Office of Civil Rights, the U.S. Commission on Civil Rights and its North Carolina Advisory Committee to review and concur with the environmental justice analysis before permits are issued.

In order to ensure that Duke Energy's construction of coal ash disposal sites will not have a disproportionate negative impact on a minority or low income community protected by Title VI of the Civil Rights Act of 1964, the state will not issue a permit for a new coal ash disposal site until these three bodies have reviewed and concurred with the environmental justice analysis. In light of these groups' expertise on environmental justice issues, we ask that they review the applications and provide feedback to ensure the fair treatment and meaningful involvement of all people with respect to the development of these sites.

These additional steps demonstrate Governor McCrory's commitment to addressing the threat coal ash poses to public health and the environment. During his first few months in office, the governor took decisive steps to address the long-ignored environmental impact associated with coal ash ponds in our state. Under his leadership, the state environmental department has issued unprecedented fines and conducted extensive regulatory oversight to hold Duke Energy accountable for environmental violations.

The longstanding problems associated with coal ash, ranging from structural failure to the potential impact on groundwater, have been known and documented for years, yet virtually no

action was taken by previous administrations or North Carolina's attorney general to address them. As the Southern Environmental Law Center acknowledged during the town hall meeting in Walnut Cove, the McCrory administration has done more than the previous administration to address the decades-old risks posed by coal ash impoundments.

I'm proud of the progress we have made over the past three years, which exceeds that of any former governor or the federal government. But our work is not done. North Carolina's environmental department will continue to provide strict oversight of Duke Energy to make sure that coal ash is properly stored so that no community is negatively impacted. We will also continue to hold Duke Energy accountable when it fails to protect the environment or follow the law. The cleanup of coal ash will remain a priority until it no longer threatens our communities, drinking water or the environment.

We look forward to working with you to ensure that every North Carolina community is treated fairly as we undertake the monumental task of cleaning up and closing every coal ash impoundment in the state.

Thank you, and please don't hesitate to contact me with any questions you may have.

Sincerely,

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