

Urge your local government to adopt a resolution demanding solutions for dangerous coal ash sites. This template is specific to North Carolina, but can be tailored to suit any state, utility and location.

For assistance, please contact:
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A RESOLUTION REQUESTING LEGISLATIVE ACTION ON COAL ASH IN NC

WHEREAS, coal-burning power plants across North Carolina annually produce over 5.5 millions tons of coal ash, a by-product of burning coal that contains toxic metals including mercury, selenium, lead, and arsenic that can cause cancer and serious damage to the nervous system in humans.

WHEREAS, there is a lack of federal controls over coal ash and weak state regulations governing coal ash disposal, and there are no clear closure requirements for coal ash ponds when coal-fired power plants are retired.

WHEREAS, in February 2014, approximately 39,000 tons of coal ash and 35 million gallons of wastewater laden with toxic heavy metals were discharged into the Dan River from a broken stormwater pipe beneath an unlined coal ash pit at Duke Energy's Dan River power plant, and an unknown amount of untreated coal ash wastewater containing high levels of arsenic discharged from a second ruptured pipe into the Dan River.

WHEREAS, twenty-nine of North Carolina's thirty-seven coal ash ponds have been rated "high hazard" by the Environmental Protection Agency, meaning that pond failure will likely cause loss of human life in addition to economic loss, environmental damage and damage to infrastructure.

WHEREAS, none of North Carolina's thirty-seven coal ash ponds have a composite liner.

WHEREAS, the North Carolina Department of Environment and Natural Resources has stated under oath, in filings with the court, that all of Duke Energy's coal ash ponds in North Carolina are violating the Clean Water Act by discharging pollutants to rivers, lakes, and/or groundwater drinking supplies, and that pollution from the coal ash ponds is a serious threat to public health, safety, and to water resources.

WHEREAS, South Carolina utilities Santee Cooper and SCE&G have agreed to close out their coal ash ponds by removing and drying the coal ash and disposing of it in lined landfills.

WHEREAS, the North Carolina Department of Environment and Natural Resources has failed to require Duke Energy to cease its ongoing groundwater and surface water discharge violations, and despite groundwater contamination at each of Duke Energy's North Carolina coal ash facilities, the utility has made no commitments to cease or clean up its pollution of public water sources.

WHEREAS, Insert site specific clause

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NOW, THEREFORE BE IT RESOLVED, the Town/City/County of _____ urges the North Carolina General Assembly to pass legislation prohibiting the placement of any additional waste into any existing coal ash ponds.

NOW, THEREFORE BE IT RESOLVED, the Town/City/County of _____ urges the North Carolina General Assembly to pass legislation requiring all coal ash in North Carolina be moved to safe, dry, lined storage away from water resources, with leachate collection systems and appropriate groundwater monitoring.

NOW, THEREFORE BE IT RESOLVED, the Town/City/County of _____ is strongly opposed to any closure plan for the _____, and _____ site that includes leaving any coal ash on site and will work cooperatively with Duke Energy to meet this objective.

BE IT FURTHER RESOLVED, the Town/City/County of _____ urges the North Carolina General Assembly to repeal Section 46 of the Regulatory Reform Act of 2013 (S.L. 2013-413), which changed the regulations governing compliance boundaries allowing Duke Energy and other polluters to avoid or delay cleanup of pollution that is contaminating groundwater.

BE IT FURTHER RESOLVED, the Town/City/County of _____ urges the North Carolina General Assembly to require that Duke Energy pay for the cost of the cleanup both at Dan River and the other coal ash ponds across the state, and that the cost not be passed on to ratepayers.

BE IT FURTHER RESOLVED, the Town/City/County of _____ urges the North Carolina General Assembly to fund the North Carolina Department of Environment and Natural Resources at a level that allows them to adequately and responsibly monitor coal ash sites.

BE IT FURTHER RESOLVED the Town/City/County of _____ calls upon all other municipal and county governing bodies of North Carolina to pass similar resolutions to this one.

BE IT FURTHER RESOLVED that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly.

This the ____ day of _____, 2014.