

AGENDA

Commission for the Environment March 10, 2014 7:30 p.m.

Orange County Environment and Agricultural Center
306 Revere Road, Hillsborough

-
- | <u>Time</u> | <u>Item</u> | <u>Title</u> |
|-------------|-------------|--|
| 7:30 | I. | Call to Order |
| 7:32 | II. | Additions or Changes to Agenda |
| 7:35 | III. | Approval of Minutes – February 10 (Attachment 1) |
| 7:40 | IV. | Orange County Recycling Program update
Sassaman will provide an update on the upcoming public hearings (March 18 and April 1) for funding and enhancing the County's recycling program. (Attachments 2-4) |
| 7:50 | V. | Environmental Summit planning
The CFE will discuss initial preparations for the planned Environmental Summit to be held on May 31 at the Maple View Farm Agricultural Education Center (Attachments 5) |
| 8:10 | VI. | State of the Environment 2014
Staff will review the status of the draft State of the Environment report and identify any final tasks for CFE member involvement and assistance. (Attachment 6)

Draft #7 of SOE report available from special link to DEAPR webpage |
| 9:00 | VII. | Committee Meetings
If time allows, CFE will break into its standing committees (<i>Air and Energy, Land, Water</i>) to discuss any needed final revisions to the State of the Environment report. (Attachment 7) |
| 9:20 | VIII. | Updates and Information Items
Staff and/or CFE members will provide updates on the following items: <ul style="list-style-type: none">➤ Proposed Renewable Energy and Efficiency Work Group (Attachment 8)➤ Solar array project approved for Rougemont (Attachment 9)➤ America's wildlife pest problem – Time magazine (Attachment 10)➤ Dan River coal ash spill article – NY Times (Attachment 11)➤ Gov. McCrory comments on climate change (Attachment 12) |
| 9:30 | IX. | Adjournment

Next meeting: April 14 (Chapel Hill – Solid Waste Management office) |

**Orange County
Commission for the Environment**

DRAFT Meeting Summary

February 10, 2014

Orange County Solid Waste Management Administration Building, Chapel Hill

PRESENT: Jan Sassaman (Chair), May Becker, Loren Hintz, Donna Lee Jones, David Neal, Steve Niezgodka, Jeanette O'Connor, Rebecca Ray, Gary Saunders, Lydia Wegman, David Welch

ABSENT: Peter Cada

STAFF: Rich Shaw, Tom Davis GUESTS: Gayle Wilson, Eric Gerringer, Tom O'Dwyer

- I. **Call to Order** – Sassaman called the meeting to order at 7:30 pm.
- II. **Additions or Changes to Agenda** – There were no changes or additions.
- III. **Approval of Minutes** – Sassaman asked for comments on draft minutes for January 13. Neal motioned to approve as written; O'Connor seconded. Approved unanimously.
- IV. **Industrial Hemp Film** – Tom O'Dwyer (former CFE member) presented information about the benefits of growing industrial hemp as an agricultural crop. He began by quoting from a Forbes on-line magazine article from 2013. He noted that since growing hemp was outlawed in 1971 seventeen states have passed some kind of law in support of growing or experimenting with hemp. O'Dwyer said the Farm Bureau has changed its position such that it also now supports hemp production. He also noted that hemp can be a more profitable crop than corn, and provided some figures from Canada.

Neal said O'Dwyer's information is persuasive, and noted that Congress recently passed a Farm Bill that allows the study of hemp production in the United States.

Welch cautioned that increased hemp production could spur farmers to grow hemp in previously uncultivated areas of ecological significance, which is what happened when corn prices rose to high levels in Midwestern states.

Sassaman asked O'Dwyer what he wanted from the CFE. O'Dwyer said he would like the CFE to indicate its support of industrial hemp production in North Carolina in light of the environmental benefits of growing hemp. He would like the CFE to co-sponsor a showing of the film, "Bringing It Home" along with other county advisory boards, such as the Agricultural Preservation Board and the Economic Development Commission.

Hintz said it may be worthwhile for the CFE to co-sponsor a film event, but he would like to see more definitive information, including the findings of published studies, about the environmental benefits of growing hemp on farmland. Neal agreed, because if the CFE co-sponsors the film it would appear that the CFE was supportive of growing hemp.

O'Dwyer said he had provided some documentation earlier, but would re-send to CFE members. Jones referred members to the Congressional Research Service publication O'Dwyer had provided. Sassaman thanked O'Dwyer for his presentation.

- V. **Orange County Recycling Program update** – Sassaman introduced Gayle Wilson (Solid Waste Management Director) who he had invited to provide an update on the latest proposal for funding and enhancing the County's recycling program.

Wilson began with an overview of the recycling program, including the following:

- Orange County closed its landfill in July 2013; the County is getting ready to cap the landfill, and expects it be completed by July/Aug. 2014 (costing \$3.5 million)
- Orange County opened its upgraded Walnut Grove Road solid waste convenience center in 2013; permitting for upgrading the Eubanks Road SWCC by the Town of Chapel Hill is expected to allow completion by Sept. 2015
- The scales and household hazardous waste collection will be relocated to the north side of Eubanks Road, so all public facilities will be co-located there
- Orange County will continue to provide curbside recycling service within the three municipalities (in town limits); this service will be supported by 3-R fees charged to town residents. The County has ordered 19,500 roll carts for recycling.
- Orange County is still considering whether to provide curbside recycling to a portion of the residents in the unincorporated area of the county

Wilson said the County is considering two options for funding curbside recycling for residents in suburban areas:

- 1) Establishing a Solid Waste Service District effective July 1, 2014, which would allow charging a tax to replace the annual \$38/household Rural 3-R Fee, which was assessed on property tax bills from 2004 to 2012.
- 2) Establishing a subscription-type service for those residents that would choose to have their recycling picked up from their homes rather than having to take it to a solid waste convenience center (or not dispose of their recycling properly)

Wilson said the County will hold public hearings on March 18 in Chapel Hill and April 1 in Hillsborough. He provided a map showing the proposed Solid Waste Service District.

Wilson said the service district option would provide a stable and predictable revenue source, but it would also apply to vacant properties where there is no residential dwelling. He said the subscription-type service would provide more flexibility to residents. Wegman asked if there needed to be a minimum number of residents subscribing to make the subscription-type service viable and cost effective. Wilson said yes, but did not have any figures available at this time. He said fees would have to increase if there weren't a sufficient number of participants. He cited a 5-10 percent level of participation with existing subscription-type programs, such as in Alamance County.

Hintz asked how the service district would apply to farmland where there is no residential dwelling. Wilson said the fee would be applied based on the tax value of the land. If the farmland were enrolled in the County's present use value taxation program then the fee would be based on that lower tax valuation.

Neal asked if the final decision would be made by voters or the BOCC. Wilson said the BOCC would decide on which approach to adopt.

Sassaman reminded CFE members of an April 2013 memorandum to the BOCC in which the CFE urged the BOCC to work with the towns to find a way to finance the County's recycling program in a way that would not threaten the continued success of the program. He then handed out a draft resolution for CFE consideration. He explained his interest in the CFE supporting the proposed service tax district proposal.

Welsh asked Wilson how much taxes would increase. Wilson estimated a 1½ cent increase for five years, and then a possible reduction after the rollout carts were paid off.

Wilson was asked whether the name “solid waste tax district” meant that funds could be used for other solid waste purposes. Wilson said it was only intended for recycling.

Hintz said he supported the resolution, but said the County would need to provide clear and sufficient public information to explain the purpose and scope of the tax district. He said he would like CFE members to have “talking points” to share as needed.

Hintz motioned to approve the resolution, seconded by O’Connor. CFE members pointed out some edits needed for paragraphs two, three, eight, and eleven. Hintz and O’Connor agreed to amend the motion to include those edits. Sassaman called for a vote. The CFE voted unanimously in favor of adopting the resolution and sending it to the BOCC for consideration.

Wilson then introduced Eric Gerringer, the County’s new recycling program manager.

- VI. **State of the Environment 2014** – Shaw reported on the status of the report, including a summary of the changes made with help from CFE members since the January meeting. He said there had been substantial improvements to all sections of the report.

Shaw referred CFE members to a staff memo (Attachment 6) listing several things that need to be revised or completed. He suggested each of the committees work on the items listed for their respective section of the report, and, most importantly, to identify “critical issues” and specific recommendations to highlight at the front of the report.

Members noted that someone would also need to check each link to the referenced web pages to make sure they are still active. Also, to consider making a pdf copy of each link content so that the information would remain available in the future.

Sassaman asked for volunteers from each committee to take a lead role in completing their respective section. Saunders agreed to work on the Air and Energy section. Hintz agreed to work on the Land Resources section. Davis said he would handle the Water Resources section. O’Connor agreed to help identify the critical issues and key recommendations for the front of the report. Finally, Ray offered to help design the symbols to represent the status and trends for each environmental indicator.

CFE members agreed to work toward completing the final edits by February 24 so that staff could prepare a final draft for CFE members to review prior to the March meeting.

- VII. **Environmental Summit** – Sassaman reported he asked Norman Christensen, research professor and founding dean of the Duke Nicholas School for the Environment, to be the keynote speaker at the planned Environmental Summit. O’Connor reported on her subcommittee’s efforts to identify a suitable location and date for the summit. She said the NC Botanical Garden and Maple View Agricultural Center would be available for certain dates in May 2014. She noted that Davis had identified other potential locations.

The CFE agreed to work toward holding the Environmental Summit on either May 17 or May 31, depending on the availability of Dr. Christensen and a suitable venue. Sassaman and O’Connor will report back to the subcommittee for further consideration.

- VIII. **Committee Meetings** – The committees did not meet.

- IX. **Updates and Information Items** – Information on the following subjects was included in the meeting materials and selected items were summarized by staff: a) the Renewable Energy and Efficiency Work Group, b) Orange County fair proposal, c) UNC Bingham facility update, d) a new solar power program in Durham, e) Orange County transit plan update, OWASA’s efforts to protect the local water supply, and f) the Lands Legacy action plan (2014-17).

- X. **Adjournment** – Sassaman adjourned the meeting at 9:30 pm.

Summary by Rich Shaw, DEAPR Staff

February 14, 2014

Re: Public Hearing to discuss Solid Waste Service Tax District

Dear Property Owner

On February 4, 2014 the Orange County Board of Commissioners voted to hold two Public Hearings to consider the establishment of a Solid Waste Service Tax District effective July 1, 2014. You are receiving this letter because your property is located in the proposed Solid Waste Service Tax District. A Notice of the Public Hearing and a map of the proposed new Solid Waste Service Tax District are attached.

The Solid Waste Service Tax District is being considered as a means to improve curbside recycling services in the county's unincorporated area. For those residents currently located within the rural curbside recycling service area and eligible for curbside recycling services, the tax district will replace the annual \$38/household Rural 3-R Fee, which was assessed on the property tax bill from 2004 to 2012. A report, as required by North Carolina General Statute 153A-302(b), containing additional information related to the proposed Solid Waste Service Tax District is available for public inspection in the office of the Clerk to the Board – 200 South Cameron Street, Hillsborough (open 8:00a.m. to 5:00p.m.), beginning February 14, 2014.

The first Public Hearing will take place on March 18, 2014 at 6:00p.m. at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill, 27516. A second Public Hearing will take place on April 1, 2014 at 6:00PM at the Social Services Center, Hillsborough Commons, 113 Mayo Street, Hillsborough, 27278. A brief presentation will be made at 6:00p.m. to be followed by public comments.

Please feel free to contact Gayle Wilson in the Solid Waste Management Department Office if you need additional information at 919-968-2885 or gwilson@orangecountync.gov

**NOTICE OF PUBLIC HEARINGS
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

Pursuant to the requirement of the General Statutes of North Carolina, Chapter 153A-302(c) notice is hereby given that the Board of County Commissioners will hold a Public Hearing at the Southern Human Services Center located at 2501 Homestead Road, Chapel Hill, North Carolina 27516, on Tuesday March 18, 2014 at 6:00 p.m.; and a second Public Hearing at the Social Services Center, Hillsborough Commons, 113 Mayo Street, Hillsborough, North Carolina, 27278, on Tuesday April 1, 2014 at 6:00 p.m. for the purpose of taking specific action on the following item:

Creation of a Solid Waste Service District

1. A report prepared on the proposed district as required by N.C.G.S. 153A-302(b) may be inspected in the Office of the Clerk to the Board of County Commissioners located in the John Link Government Services Building located at 200 South Cameron Street, Hillsborough, North Carolina between 8:00 a.m. and 5:00 p.m., Monday through Friday.
2. A map of the proposed Solid Waste Service District is attached.

Questions regarding the proposed solid waste service district may be directed to the office of Gayle Wilson located in the Solid Waste Management Department administrative offices at 1207 Eubanks Road, Chapel Hill, North Carolina, 27516. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. You may also call (919) 968-2885.

**ORANGE COUNTY
COMMISSION FOR THE ENVIRONMENT**

MEMORANDUM

To: Orange County Board of Commissioners

From: Jan F. Sassaman, Chair
Orange County Commission for the Environment

Date: February 10, 2014

Subject: Resolution Supporting Orange County Establishment of a Solid Waste Service Tax District

The Orange County Commission for the Environment (CFE) has followed, with interest, deliberations by the Orange County Board of Commissioners (BOCC), as well as those of municipal elected officials, as they collectively discern the best way to finance recycling services for residents of Orange County and the incorporated areas. The overarching “Charge and Responsibility” of the CFE, as stated in our Annual Report/Work Plan (December 2013) to you is “to advise the BOCC on matters affecting the environment, with particular emphasis on environmental protection and enhancement.” With that role in mind, the CFE finds that:

ORANGE COUNTY COMMISSION FOR THE ENVIRONMENT

RESOLUTION

Solid Waste Service Tax District

WHEREAS, the present Solid Waste collection, handling, and disposal system is an integrated system that requires the Orange County Board of Commissioners and County staff to work together with local governments to preserve our successful, consolidated recycling program; and

WHEREAS, the Orange County Solid Waste Management Department is recognized as the leader in the state for waste reduction, most recently climbing within 2 percentage points of the County’s goal of reducing its waste stream by 61%, such that the County is now disposing only 0.56 tons of waste per person per year compared to 1.36 tons per person per year during the baseline year of 1991-1992; and

WHEREAS, the National Recycling Coalition has reported that manufacturing recycled products requires, on average, 17 times less energy than manufacturing the same products from virgin materials, conserving energy reduces the emission of greenhouse gases that contribute to climate change, according to the US EPA recycling results in a net reduction for ten major categories of air pollutants (such as nitrogen oxide, particulates, and sulfur oxides) and eight major categories of water pollutants, and recycling also conserves natural resources, such as timber, water and mineral ores; and

WHEREAS, by diverting recyclable materials from the solid-waste stream, we also reduce the need and cost to send solid waste to landfills out of county; and

WHEREAS, our present integrated recycling system takes advantage of economies of scale; and

WHEREAS, the creation of a Solid Waste Service District would provide a stable, effective, and equitable funding mechanism and would allow for the cost of this service to be maintained at a relatively low rate compared to an “opt-out” subscription roadside collections service; and

WHEREAS, continuing to achieve the levels of waste reduction presently achieved through the County’s recycling program would be jeopardized by moving to a subscription-based system, since, as shown in national studies that participation in recycling, and the quantity of materials recovered, would likely decrease with a subscription-based system; and

WHEREAS, the majority of the unincorporated areas in which recycling materials are proposed to be collected are in higher density areas, compared to the less-developed rural areas, making collection highly efficient; and

WHEREAS, the proposed service will provide mitigating measures for the elderly and disabled, as well as those properties where there are special collection needs; and

WHEREAS, maximizing recycling and reuse efforts, while minimizing waste disposal, is beneficial to Orange County’s environment and continues the strong environmental culture of our community that can be a model and foundation upon which subsequent generations can build;

NOW, THEREFORE BE IT RESOLVED that the Orange County Commission for the Environment recommends that the Board of County Commissioners establish, as soon as practically possible, a Solid Waste Service Tax District pursuant to N.C. General Statute 153A-301(a)(5) that would provide universal bi-weekly (every other week) curbside recycling services (with roll carts) within the district, the boundaries of said district to be reasonably equivalent to those indicated on the map provided with the Action Agenda Item 7-b to the BOCC at the February 4, 2014 meeting of the BOCC.

This the 10th day of February, 2014.



Jan F. Sassaman, Chair
Orange County Commission for the Environment

cc: Michael Talbert., Interim County Manager
John Roberts, Orange County Attorney
The Honorable Mark Kleinschmidt,
Mayor of Chapel Hill
Roger Stancil, Chapel Hill Town Manager

The Honorable Tom Stevens, Mayor of
Hillsborough
Eric Peterson, Hillsborough Town Manager
David Andrews, Carrboro Town Manager
David Stancil, Orange County DEAPR Director
Gayle Wilson, Orange County Solid Waste Director

**ORANGE COUNTY
DEPARTMENT OF ENVIRONMENT, AGRICULTURE,
PARKS AND RECREATION**

MEMORANDUM

To: Commission for the Environment
From: Rich Shaw
Date: March 6, 2014
Subject: Environmental Summit 2014

In February the CFE identified May 17 and May 31 as two potential dates for the Environmental Summit. After conferring with several potential venues the CFE decided to hold the 2014 Environmental Summit on May 31 at the Maple View Agricultural Environmental Center.

Jan Sassaman has lined up Dr. Norman Christensen to serve as keynote speaker at the event. Dr. Christianson is a professor of biology/ecology at the Duke Nicholas School of the Environment, and was the founding dean of that institution in the 1990s.

In addition to a keynote address, the CFE discussed having concurrent sessions on various subjects discussed in the State of the Environment report and having an activity for children.

The format and content of the meeting will be a topic of discussion at your next meeting.

Maple View Agricultural Education Center

3501 Dairyland Rd, Hillsborough NC

Maple View Agricultural Educational Center (MVAEC) is a nonprofit, educational facility, designed to encourage both children and adults to learn about agricultural life through hands on experience. The 6,000 sq. ft. facility offers a gathering area capable of accommodating up to 120 individuals. MVAEC features four interactive learning labs, providing opportunities for classroom and hands-on education.

Norman L. Christensen – Bio and Research: Christensen's research focuses on the effects of disturbance on structure and function of populations, communities and ecosystems. Ongoing studies include an analysis of patterns of forest development following cropland abandonment as these are affected by environment, stand history and plant demographic patterns. He and his students are pursuing comparative studies of ecosystem responses to varying fire regimes across temperate North America. He is conducting research on the utilization of remote sensing systems such as synthetic aperture radar to evaluate long-term changes in forest ecosystems. In addition to these interests in basic ecological science, Christensen has written widely on the importance of natural disturbance in the management of forests, shrublands, and wetlands. He is interested in the application of basic ecological theory and models to management, and has collaborated with others in the development of the concept of ecosystem management.

CFE Committee Priorities

(as of February 2014)

Air and Energy Resources Committee

(May Becker, David Neal, Gary Saunders, and Jan Sassaman)

1. Recommend a variety of strategies to the BOCC that would encourage energy efficiency in new construction and existing buildings, and recommend requirements for preserving Renewable Energy sites on new land development.
2. Create a countywide composting initiative that would help reduce the disposal of organic material in landfill.
3. Examine solid waste issues and collaborate with the Solid Waste Advisory Board (SWAB) on charting a course for the future with a focus on conservation and energy reduction.
4. Research and recommend appropriate use of biofuels and look into UNC's planned use of wood to replace coal at its cogeneration plant.
5. Assist in evaluating the County's carbon footprint as follow-up to the 2005 GHG inventory.
6. Help implement the County's goal of Environmental Responsibility in County Government.
7. Monitor upcoming statewide air quality standards (O₃ 75 ppb in 8-hour period; Hg 85%-90% control; PM < 2.5 µm), which could require additional controls on emissions from private and public sources.

Water Resources Committee

(Peter Cada, Donna Lee Jones, and Rebecca Ray)

1. Develop and implement a monitoring plan and associated Quality Assurance Protection Plan (QAPP) for more frequent monitoring at existing State sampling locations; identify and initiate monitoring at other locations to support State water quality objectives under the Clean Water Act. Collaborate with other entities that may support these efforts (e.g., Eno River Association).
2. Explore and pursue funding sources to increase funding for the County's groundwater observation well network program (Orange Well Net).
3. Initiate efforts to create a detailed Water Budget for Orange County.

Land Resources Committee

(Loren Hintz, Steve Niezgod, Jeanette O'Connor, Lydia Wegman, and David Welch)

1. Revitalize effort to eliminate use of herbicides to manage vegetation in utility right of ways.
2. Help implement the development of a comprehensive conservation plan.
3. Educate the public about ways to promote biodiversity.

**ORANGE COUNTY
COMMISSION FOR THE ENVIRONMENT**

MEMORANDUM

To: Board of County Commissioners

From: David Neal, Chair, Orange County Commission for the Environment

Date: January 22, 2013

Re: Proposal for a Renewable Energy and Efficiency Work Group Convened by the CFE

Goal #1 of the 2030 Orange County Comprehensive Plan, Natural and Cultural Resources Element: *Energy conservation, sustainable use of non-polluting renewable energy resources, efficient use of non-renewable energy resources, and clean air* (Page 6-9).

The BOCC requested that the Orange County Commission for the Environment (CFE) propose a response to the August 8, 2012 letter from Jim Warren of NC WARN. The CFE recommends convening a standing work group that would support energy efficiency, renewable energy, and related sustainable development strategies in Orange County. This Renewable Energy and Efficiency Work Group (RENEW Group) would be charged with bringing public and private stakeholders together to develop policies and initiatives that promote sustainable economic development, energy efficiency, and renewable energy in Orange County. The CFE would, in turn, bring vetted proposals from the RENEW Group to the BOCC for consideration.

As it presently operates, the CFE has an Air and Energy Committee. The present committee would act as a host and liaison with the CFE for the work group and would convene meetings, workshops, and other activities of the RENEW Group. The work group would consist of CFE members, representatives of municipal and county planning boards and staff, municipal and county sustainability staff or committee members, and any BOCC who might wish to participate. The RENEW Group would host individual public workshops and forums with emphasis on specific topics such as:

- Reducing energy use in existing buildings and new construction
- Maximizing the production and use of renewable and clean energy
- Reducing carbon emissions in transportation
- Promoting strategies for offsetting carbon emissions
- Eliminating or altering existing policies or code provisions that hinder any of the above at the county level

Reducing our collective carbon emissions should be a high priority for Orange County. Global climate change is accelerating at a rate exceeding scientific projections, exacerbating drought, storms, and flooding with devastating effects. Climate scientists agree that society must make dramatic changes in the way we source and use energy in the next several years. The consequences of inaction threaten to be drastic.

The RENEW Group would provide an opportunity for Orange County to promote forward-thinking local policies with the cooperation of local government representatives, private businesses, and environmental groups. With collaboration and input from a variety of experts, municipal and county staff, elected officials, and other stakeholders, we can find creative ways to lower our carbon footprint while also giving a boost to our local economy. By coming together at a central point to share information and coordinating action, we can avoid the pitfalls of working in isolation. Finally, the RENEW Group would enhance information sharing and communication with the deployment of an Orange County Green webpage.

The CFE unanimously approved this proposal and requests the BOCC's consideration and endorsement of CFE's convening a Renewable Energy and Efficiency Work Group.

Solar farm means more tax revenue

Chapel Hill firm will sell to Duke Energy

By Jim Wise
jwise@newsobserver.com

DURHAM A Chapel Hill solar-energy company got a stamp of approval last week for building a high-power "solar farm" in rural Durham county.

Strata Solar won the Board of Adjustment's unanimous OK for a megawatt sun-power plant on Bacon Road, west of Rougemont near the Orange County line.

"It (will produce) a lot of electricity," said Lance Williams, Strata Solar's development manager. "It produces enough ... to (power) 700 houses on average. Which means on a summer day, it's probably producing enough electricity for more like 1,500 houses." "Solar farm" is an array of photovoltaic cells that collects sunlight and

converts it to electricity that may be dedicated to a particular building or development, or sold to the local electrical utility. The 43-acre Bacon Road farm's power will be sold to Duke Energy Progress, said Strata Vice President Blair Schooff.

Strata Solar, which the trade journal Solar Power World (bit.ly/1bCIROS) ranked as the nation's sixth-largest solar contractor, already has plants in Orange, Person, Chatham and Wake counties in the Triangle area. According to city-county planners, Bacon Road is the largest commercial solar-power project so far proposed in Durham County.

"I'm excited to see that happen; I think it's terrific," said Tobin Fried, Durham city-county sustainability manager.

"This is a good use for this piece of property," Williams told the Board of Adjustment when making the company's case for a special-use per-

'I'm excited to see that (solar farm) happen; I think it's terrific.'

TOBIN FRIED

DURHAM CITY-COUNTY SUSTAINABILITY MANAGER

mit that is required because the solar farm is going into a rural residential area.

Strata is leasing the land, providing income for the W.R. Harris family and raising the property's tax value to Durham County, he said.

"We're taking part of the property out of agricultural use, which is not generating much tax revenue, and putting in excess of \$10 million worth of solar panels down on it. And we will provide a tax base that averages (providing) the county around \$30,000 a year," Williams said.

According to Durham County tax records, the property currently pro-

duces about \$1,200 a year in property tax. And, Williams said, the solar farm won't need any county services: "It won't be putting anyone into the schools."

There was no opposition to Strata's permit. But because the solar farm is to be enclosed with a 10-foot fence and locked gate, neighboring landowner Doug Toth said some of his chickens, guinea fowl, turkeys or ducks could easily fly over the fence and wanted to know how he could get them back.

"We'll give you a phone number," said Strata engineer Brent Niemann.

Wise: 919-641-5895

DECEMBER 9, 2013

Iran Nukes / The Can-Do Senator / Phones on Planes?

TIME

AMERICA'S PEST PROBLEM

Why the rules of hunting are about to change

BY DAVID VON DREHLE



#BXBDTLX *****CAR-RT LOT**C-001
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After nearly wiping out many wildlife species 50 years ago, Americans are once again living close—sometimes uncomfortably so—to all kinds of feral creatures. Why wildlife in the U.S. needs stronger management

Time to Cull The Herd

By David Von Drehle

Timber

A tranquilized black bear falls out of a tree onto a tarp in Steamboat Springs, Colo.



Janesville, Wis. A startled white-tailed deer raids a motel room



Anchorage A cow moose on the move in an apartment complex

FACED WITH AN OUTBREAK OF LYME disease and rising deer-related car accidents, the city council of Durham, N.C., authorized bow hunting inside city limits in November. Authorities in San Jose, Calif., in the heart of Silicon Valley, voted to allow hunting wild pigs within that city in October. Rock Island, Ill., one of the five Quad Cities on the Mississippi River, recently approved bow hunting in town, provided that it occurs in green spaces—golf courses, parks, cemeteries—or on private land. In Maine, new rules doubled the number of birds that wild-turkey hunters can take home this year and gave them an extra 30 minutes before sunrise and another 30 minutes after sunset to bag them. Ohio granted its deer hunters a similar overtime, stretching the hunting day into darkness.

And in New Jersey, despite protests and a spirited lawsuit, the fourth annual black-bear hunt will start bright and early on Monday, Dec. 9. A small army of hunters, their names chosen by lottery, will begin combing the forests between Philadelphia and New York City in a six-day season designed to cope with what

has become a bear boom of unsustainable proportions.

Across the country, hunting is poised for a comeback, and not just because the folks on *Duck Dynasty* make it look like so much fun. We have too many wild animals—from swine to swans. Thirty million strong and growing, the population of white-tailed deer in the U.S. is larger today than it was when Columbus sailed the ocean blue, according to National Wildlife Research Center scientist Kurt VerCauteren. They gobble up crops and vegetable gardens, add to traffic and spread tick-borne diseases. Then there are the wild hogs. From a little herd imported to feed explorer Hernando de Soto's 16th century expedition, some 5 million feral pigs are rooting through city parks and private lawns in 48 of the 50 states. "There are but two kinds of landowners in Texas," wildlife expert Billy Higginbotham of Texas A&M likes to say, "those with wild pigs and those who are about to have wild pigs."

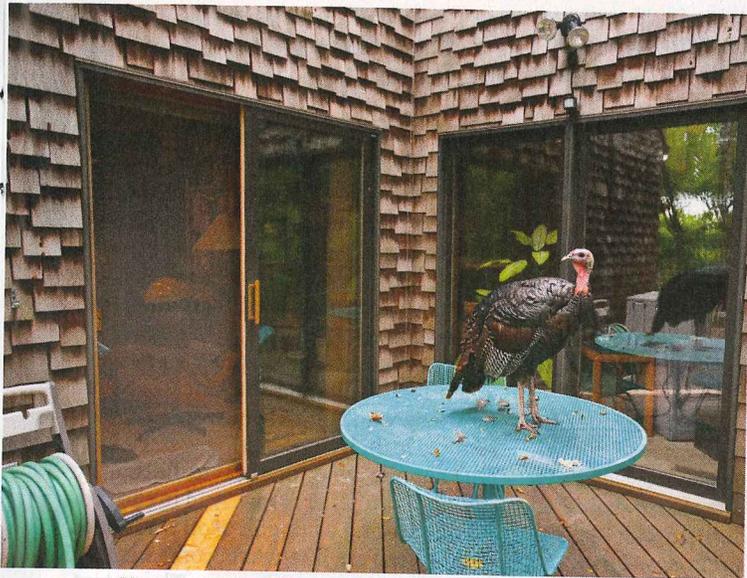
And beavers. Nearly wiped out in the 19th century, they're back with a vengeance. In the Seattle suburb of Redmond, beavers are felling ornamental trees not far from Microsoft headquarters to build dams in the drainage culverts. Bald eagles are back too; one has been feasting on pet dogs near Saginaw, Mich. Raccoons bedevil the tony North Shore suburbs of Chicago. The world's largest Burmese pythons are no longer

found in Burma; they are flourishing in South Florida. Wild turkeys swagger through Staten Island, N.Y. The yip of coyotes competes with the blare of taxi horns in New York City and Washington, while a fox has lately been in residence on the White House grounds. At least one mountain lion has had its photo snapped while hanging out in the Hollywood Hills. On Nov. 20, a conservation officer shot a wildcat hiding in a concrete tunnel under a corncrib in northwestern Illinois, far from the nearest established breeding population, in South Dakota.

Whether you're a Walmart employee in Florida wondering what to do with the alligator at your door, a New Yorker with a hawk nesting on your high-rise or an Ohio golfer scattering a flock of Canada geese, you now live, work and play in closer proximity to untamed fauna than any other generation of Americans in more than a century. Even as the human population climbs toward 320 million in the U.S., plenty of other creatures are flourishing too.

This was no sure thing. A child born around 1930 stood a pretty good chance of outliving the last white-tailed deer in the U.S. Abundant when the first European settlers arrived, the brown-eyed beauties had been hunted nearly to extinction. A sense of loss, even doom, hung over the U.S. publication of Felix Salten's novel *Bambi*, translated from German in 1928 by a left-wing

PREVIOUS PAGE: STEAMBOAT PILOT & TOWAY/AP; DEER: BILL OLIVSTER—THE JANESVILLE GAZETTE/AP; MOOSE: ALASKA STOCK IMAGES/NATIONAL GEOGRAPHIC; CREATIVE: TURNER; DANITA DELMONTE—NEWSCOM; ALLIGATOR: WHITEHOTRY/ZUMA PRESS



Mendota Heights, Minn. A wild turkey settles in the suburbs



Westchase, Fla. An 11-ft. alligator rests in the doorway of a home

intellectual named Whittaker Chambers. But Walt Disney, among others, imagined a different ending. As Chambers morphed into a conservative and the child of 1930 approached her teen years, Disney's studio made *Bambi* into the animated masterpiece credited with helping turn a nation in love with Buffalo Bill into the conservation-minded America of today.

The psychic shift symbolized by *Bambi* reshaped the population of American fauna so dramatically that one Saturday morning early this year, a child born around 1930—Dorothy Pantely, 83, of the Pittsburgh suburbs—witnessed not the extinction of the deer but rather the sudden arrival of two whitetails in the hallway outside her bedroom. Thinking quickly, Pantely activated her emergency medical alert. When police showed up, they found the picture window smashed, the carpet damaged, the adult deer escaped—and a frightened yearling left behind. “It was just the worst thing ever,” Pantely said afterward.

Too many deer, wild pigs, raccoons and beavers can be almost as bad for the animals as too few. This is why communities across the country find themselves forced to grapple with a conundrum. The same environmental sensitivity that brought *Bambi* back from the brink now makes it painfully controversial to do what experts say must be done: a bunch of these critters need to be killed.

FROM PESTS TO PROTECTED

NOWHERE HAS THIS STIRRED MORE EMOTION than in New Jersey, America's most densely populated—by humans, that is—state. Weeks before the start of the annual bear hunt, protesters were preparing for another year of heartbreak. From a low of about 50 bears around 1970, the number of black bears in New Jersey jumped seventyfold, to an estimated 3,500, by 2009. Complaints about bruins raiding trash cans, mauling pets—even breaking into houses—led state officials to institute the bear hunt in 2010. Since then, hunters have harvested (that's the preferred term in wildlife-management circles) nearly 1,350 black bears, bringing the species' population in New Jersey down by about 20%.

For people who had started to worry about letting their pets and small children

out in the yard, that's a big improvement, and state officials would like to reduce the number of bears further. For people like child psychologist William Crain, however, the slaughter has been appalling. Crain, a professor at City College of New York, has turned out to protest the bear hunt each of the past three years; his protest last December ended when he was bundled into a state-police car while wearing a hand-lettered sign that read MOTHER NATURE IS CRYING.

Crain's sign points directly to the heart of the crisis. For the fact that New Jersey is teeming with bears (and all other manner of urban and suburban wildlife) has relatively little to do with Mother Nature and far more to do with you and me. In the state of nature, a burgeoning bear population would be handled efficiently and un sentimentally by a dry-eyed tyranny of starvation and disease. After the Italian explorer Giovanni da Verrazano arrived in the area in the mid-16th century, however, the state of nature—“red in tooth and claw,” as the poet Tennyson put it—began its gradual transition into New Jersey, and the story got more complicated.

The first three centuries of European immigration were bad news for the bears. People cut down forest habitats for timber, charcoal and farmland, and when bears raided pigpens or smokehouses or berry patches, the humans killed them as pests. By the middle of the 20th century,

‘THERE ARE BUT TWO KINDS OF LANDOWNERS IN TEXAS: THOSE WITH WILD PIGS AND THOSE WHO ARE ABOUT TO HAVE WILD PIGS.’

—BILLY HIGGINBOTHAM, TEXAS A&M

so few bears remained that the state took action to protect them.

And so as with the deer, just when the bears were on the brink of extinction, humans brought them back. How? Partly it was a triumph of the conservation movement. Killing black bears was outlawed, and patches of forest were linked and converted into preserves. Partly too it was a matter of changing economics. People no longer warmed their homes and powered their machines by burning wood. Small-plot farming became a hobby of the few, rather than the livelihood of the masses. The destruction of the forests slowed, then stopped: according to the New Jersey forestry service, while the human population of the Garden State has more than quadrupled since 1900, the amount of the state that is forested—42%—has remained the same, and the quality of many of these forests has improved, as they teem with grasses and blueberries. The revival has been even more pronounced elsewhere in the eastern U.S. “Today the northeastern United States is almost 75% forested,” according to Ellen Stroud, an environmental historian at Bryn Mawr College. The same pattern holds true across the Great Lakes, parts of the Midwest, the South and the slopes of the Rockies.

Even better for the bears and other wildlife, humans built suburbs next to the forests and threaded them with green space and nature trails, then stocked their neighborhoods with vegetable gardens and fruit trees and big plastic cans full of yummy garbage. At random intervals, they installed even bigger metal dumpsters overflowing with pungent delectables, not to mention pet bowls heaped with kibble and backyard barbecue grills caked with succulent grease. Adult black bears require as much as 20,000 calories a day in autumn to prepare for their long winter naps. That’s a lot of bugs, berries and carrion—so much that scientists have determined that Mother Nature’s ideal bear population is only about 2½ animals per square mile of forest, depending on the region. The

same amount of land, strewn with high-calorie human-supplied treats, can sustain many more bears. And that’s where the trouble comes.

As goes New Jersey, so goes America. Already this academic year, suburban grade schools in New Mexico, Colorado, Virginia, Idaho and Florida have ordered lockdowns in response to black bears prowling near the premises. Bears are growing fat on human hospitality from the outskirts of Los Angeles to the Beltway of Washington.

In his book *Nature Wars: The Incredible Story of How Wildlife Comebacks Turned Backyards Into Battlegrounds*, journalist Jim Sterba documented the superfauna revival and our ambivalent feelings about having them walk among us. “We create all these food sources,” he explained in a radio interview. “We put out birdseed. We put out garbage. We grow this beautiful grass and gardens that are full of wonderful, luscious things for wild creatures to eat. Not only that, if an animal shows up that shouldn’t be there, we tend to treat it as sort of an outdoor pet. I know people who, when a bear turns up in their garbage, say, ‘Oh, get a doughnut.’”

But does that mean the poor bears must be killed? Antihunting activists advocate taking reasonable steps to eliminate the suburban banquet halls in which bears and other fauna now nosh and prosper. We should bear-proof garbage cans, hide pet food and birdseed, lock sheds and garages. All these techniques would help

control the population of bears and other wildlife, they argue.

But suppose that all these steps were taken tomorrow and the black bears of New Jersey and elsewhere were instantly restored to their paleo diet. Slow starvation is no happier a way for a bear to die than by a hunter’s bullet or arrow. And in the process of starving, animals cut off from their human feed are likely to become increasingly desperate and brazen. They start eating pets instead of pet food. Incidents like this one could become more common: in May, a woman in Altadena, Calif.—a suburb of Los Angeles, near Pasadena—entered her kitchen to find a bear already there, munching on peaches she had left on the counter. When she screamed, the bear reluctantly left the kitchen, ambling outside and flopping on the pool deck for a postprandial snooze.

Other nonlethal strategies tend to be either ineffective or expensive or both. What’s known as aversion training works on the idea that animals can be scared away from human habitats by loud noises, nipping dogs, strobe lights or blasts of rubber buckshot. But an experiment in New Jersey found that the lure of the dumpster quickly overwhelms a bear’s memory of such traumas. Contraception is another popular idea, but when it has been tried on deer, the most effective birth control technique—medicated darts—works only on captive populations. Without an enclosure, unmedicated deer mingle easily with the medicated ones, and the result is more fawns.

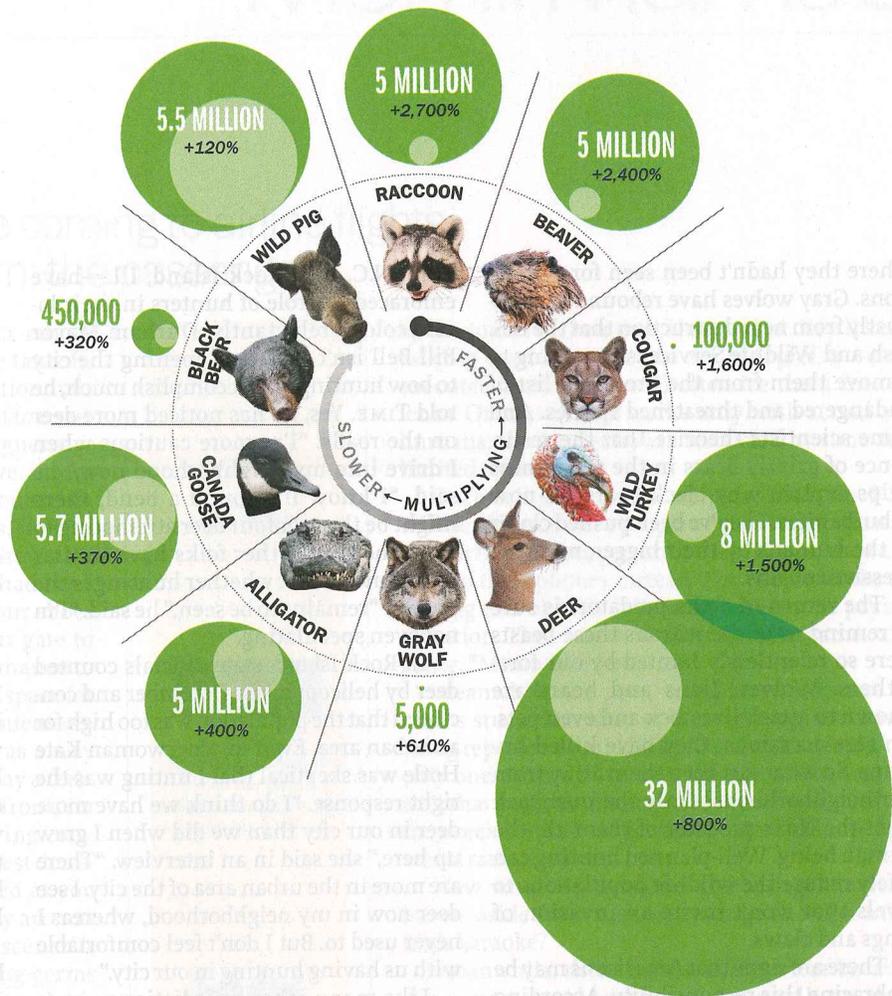
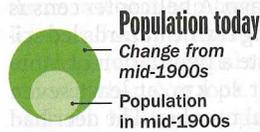
Meanwhile, the damage done by booming wildlife populations is substantial. Some 200 Americans die each year in more than 1.2 million vehicle collisions with wandering deer—wrecks that cause damage resulting in more than \$4 billion in repairs, according to the Insurance Information Institute. One recent Tuesday morning in western Michigan, a motorcyclist named Theobald “Buzz” Metzger, 55, struck a deer in the suburbs of Kalamazoo. The force of the collision sent him flying from his bike. Moments later, 78-year-old motorist Edmund Janke

‘THERE MAY NOW BE MORE MOUNTAIN LIONS IN THE WEST THAN THERE WERE BEFORE EUROPEAN SETTLEMENT.’

—MAURICE HORNOCKER,
VETERAN WILDLIFE BIOLOGIST

Beasts on the Rise

In less than a human lifetime, dozens of wildlife species have rebounded from the brink of extinction—and are establishing their territory in suburbs. Here are 10 animals that have made a roaring comeback.



Note: Mid-1900s data range from 1940 to 1970. Deer, bear, raccoon, wild-pig, alligator, beaver and wild-turkey figures reflect populations in the U.S.; wolf in the continental U.S.; Canada goose in North America; cougar in the U.S. (1940s) and North America (today)

TIME graphic by Emily Maltby and Lon Tweeten

happened on the scene. Startled by the sight of a body in the road, he swerved, lost control of his car and died after he was thrown from the vehicle. One deer, two people dead.

The U.S. Department of Agriculture estimates that some 5 million feral pigs do \$1.5 billion worth of damage each year. The hogs are digging through garbage in the suburbs of Atlanta, rooting for acorns in the city parks of Houston and plowing up golf courses from the Oklahoma Panhandle to the heart of Indiana. Worried about the threat of disease spreading from wild pigs to their domesticated cousins, the USDA is preparing a nationwide effort to encourage hunting. The bad news: feral pigs are notoriously difficult to shoot.

THE HUMAN SOLUTION

AN OVERABUNDANCE OF WILDLIFE IS A wonderful problem to have. I'm dazzled by the variety of beasts and fowl my kids have met in their own backyard. Though

they live in an inner-ring suburb of Kansas City, Mo., they've seen foxes trotting across the street; bunnies, opossums and raccoons in the yard; and hawks diving on prey. A migrating swan spent a couple of days in the neighborhood creek last winter, and a mature barred owl spent an hour the other day just outside our kitchen window, perched on a tree branch and rotating its head to give us a lordly look when we tapped quietly on the glass.

Compared with my children, I grew up in a veritable wilderness: a Denver subdivision where suburbia quickly gave way to farmland and open range. And yet that open landscape was zoologically dead. A pair of muskrats had their den in a nearby irrigation canal, and an occasional jack-rabbit tore through the tall grass. But mostly it was quiet, because humanity had killed just about everything off.

Today wild-bird strikes bedevil American airports. Lyme disease, spread by deer-borne ticks, haunts hikers and gardeners

and kids in backyards. Rabies passes easily among raccoons, beavers, foxes and skunks, while wild hogs carry swine brucellosis. Humans caused the near collapse of American wildlife, and now that the critters are back, it is our job to help maintain the delicate balance of the ecosystems we have designed and built.

If we don't do it, who will? The unprecedented numbers of large mammals now roaming the U.S. are sending a powerful natural summons to an unwelcome alternative: the resurgent apex predators that occupy the top of the food chain. The wolf, the cougar and the brown and grizzly bears ranged across most of the North American continent before humans nearly wiped them out. Now they too are rapidly returning. According to veteran wildlife biologist Maurice Hornocker, "there may now be more mountain lions in the West than there were before European settlement," and cougars have been spotted in recent years in Eastern states

where they hadn't been seen for generations. Gray wolves have rebounded so robustly from near destruction that the U.S. Fish and Wildlife Service is proposing to remove them from the protected list of endangered and threatened species. And some scientists theorize that the resurgence of grizzly bears in the wilderness helps explain why black bears are now suburbanites. They've been pushed closer to the humans by their bigger, more aggressive cousins.

The return of alpha predators is sure to remind us of the reasons these beasts were so relentlessly hunted by our forefathers. Wolves, lions and bears are known to attack livestock and even pets. On rare occasions, they have killed humans. So what can keep them away from our neighborhoods? Only the pushback from the No. 1 predator of them all: the human being. Well-planned hunting can safely reduce the wildlife populations to levels that won't invite an invasion of fangs and claws.

There are signs that Americans may be embracing this responsibility. According to the Fish and Wildlife Service, hunting gained in popularity from 2006 to 2011—the most recent available data. That was the first uptick in decades, and it included a record 1.8 million hunters ages 6 to 15. The enthusiasm isn't universal: in South Dakota, 21% of the population hunts; in Massachusetts, it's only 1%.

But whether we hoist the gun or draw the bowstring—or simply acknowledge the facts of nature that require these things to be done—it's time to shake off sentimentality and see responsible hunting through 21st century eyes. The legacy of indiscriminate 19th century slaughter is not a burden for today's hunters to carry. Instead, they are an important part of the ecosystem America has successfully nursed back from the brink. By shouldering the role of careful, conservation-minded predators, hunters make the coexistence of humans and wildlife sustainable.

The communities I mentioned at the start of this article—places like Dur-

ham, N.C., and Rock Island, Ill.—have embraced the role of hunters in their local ecology reluctantly. Durham Mayor Bill Bell isn't sure that opening the city to bow hunting will accomplish much, he told TIME. Yes, he has noticed more deer on the roads. "I'm more cautious when I drive into my neighborhood now," he said. "I know if I round a bend, there might be three or four deer attempting to cross the road. Other folks have similar experiences." But whether hunting is the answer "remains to be seen," he said. "I'm not even speculating."

In Rock Island, state officials counted deer by helicopter last December and concluded that the population was too high for an urban area. Even so, alderwoman Kate Hotle was skeptical that hunting was the right response. "I do think we have more deer in our city than we did when I grew up here," she said in an interview. "There are more in the urban area of the city. I see deer now in my neighborhood, whereas I never used to. But I don't feel comfortable with us having hunting in our city."

Like many other jurisdictions across the country coming to grips with their fecund fauna, Durham and Rock Island have taken every precaution. They favor bow hunters rather than rifle hunters within city limits: stray arrows aren't a threat to pierce the siding of a house and kill a napping child, as a bullet might conceivably do. The cities restrict bow hunters to shooting from elevated blinds or into ravines, so that the arrow's trajectory is downward. Hunting is limited to golf courses, parks and private land. Still,

SO WHAT CAN KEEP THESE ANIMALS AWAY? ONLY THE NO. 1 PREDATOR OF THEM ALL: THE HUMAN BEING

Deer stand

A new municipal law permits archers like this Durham, N.C., bow hunter to take deer inside city limits

Hotle remains unconvinced. "There's only a certain number of spaces that are, in my mind, safe enough" for hunting, she told TIME. "It seems an inefficient way to do it."

She might feel better if she paid a visit to Hidden Valley Lake, Ind., near Cincinnati. The little tree-sheltered community found itself overrun with white-tailed deer a few years ago. A helicopter census of the tick-bearing traffic hazards led scientists to estimate a population of more than 50 deer per sq km, at least seven times the optimal number. The deer had chewed through the understory of the Hidden Valley woodlands, devastating habitat for other wildlife, and their feces were raising bacteria levels in the town lake. Meanwhile, road crews were busy clearing deer carcasses from local roadways. Authorities weighed expensive alternatives like traps and contraceptives before choosing to authorize an urban hunt in 2010.

Two years later, after about 300 deer had been killed by skilled archers—permits were issued only to hunters who had passed a test—the deer population remained slightly higher than the ideal for biodiversity. In other words, Hidden Valley still had plenty of deer. But the number of animals killed in traffic accidents fell significantly, while area food banks were well stocked with donated venison. A sort of balance had been restored, in which there is room not just for hungry deer and their human neighbors but also for the plant and animal species that the deer were driving out.

This is nature's way: an equilibrium of prey and predator, life and death. There is no getting around the fact that humans now dominate the environment. We were wrong to disrupt the balance by killing too often during the heedless years of the 19th and early 20th centuries. Now it is wise to correct the more recent mistake of killing too rarely.

—WITH REPORTING BY MILES ULMER GRAHAM, CAROLINE FARRAND KELLEY AND NICOLE GREENSTEIN/WASHINGTON AND NATE RAWLINGS/NEW YORK



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Ash Spill Shows How Watchdog Was Defanged

By TRIP GABRIEL February 28, 2014

RALEIGH, N.C. — Last June, state employees in charge of stopping water pollution were given updated marching orders on behalf of North Carolina’s new Republican governor and conservative lawmakers.

“The General Assembly doesn’t like you,” an official in the Department of Environment and Natural Resources told supervisors called to a drab meeting room here. “They cut your budget, but you didn’t get the message. And they cut your budget again, and you still didn’t get the message.”

From now on, regulators were told, they must focus on customer service, meaning issuing environmental permits for businesses as quickly as possible. Big changes are coming, the official said, according to three people in the meeting, two of whom took notes. “If you don’t like change, you’ll be gone.”

But when the nation’s largest utility, Duke Energy, spilled 39,000 tons of coal ash into the Dan River in early February, those big changes were suddenly playing out in a different light. Federal prosecutors have begun a criminal investigation into the spill and the relations between Duke and regulators at the environmental agency.

The spill, which coated the river bottom 70 miles downstream and threatened drinking water and aquatic life, drew attention to a deal that the environmental department’s new leadership reached with Duke last year over pollution from coal ash ponds. It included a minimal fine but no order that Duke remove the ash — the waste from burning coal to generate electricity — from its leaky, unlined ponds. Environmental groups said the arrangement protected a powerful utility rather than the environment or the public.



The New York Times

Facing increasing scrutiny and criticism, the department said late Friday that the company would be cited for two formal notices of violating environmental standards in connection with the spill. It is not clear what fines or other penalties could result.

"These are violations of state and federal law, and we are holding the utility accountable," said the state environmental secretary, John E. Skvarla III.

Asked for comment, a spokeswoman said Duke will respond to the state.

Current and former state regulators said the watchdog agency, once among the most aggressive in the Southeast, has been transformed under Gov. Pat McCrory into a weak sentry that plays down science, has abandoned its regulatory role and suffers from politicized decision-making.

The episode is a huge embarrassment for Mr. McCrory, who worked at Duke Energy for 28 years and is a former mayor of Charlotte, where the company is based. And it has become another point of contention in North Carolina, where Republicans who took control of the General Assembly in 2011 and the governor's mansion last year have passed sweeping laws in line with conservative principles. They have affected voting rights and unemployment benefits, as well as what Republicans called "job-killing" environmental regulations, which have received less notice.

Critics say the accident, the third-largest coal ash spill on record, is inextricably linked to the state's new environmental politics and reflects an enforcement agency led by a secretary who suggested that oil was a renewable resource and an assistant secretary who, as a state lawmaker, drew a bull's-eye on a window in his office framing the environmental agency's headquarters.

"They're terrified," said John Dorney, a retired supervisor who keeps in touch with many current employees. "Now these people have to take a deep breath and say, 'I know what the rules require, but what does the political process want me to do?'"

Duke has apologized for the spill and says it is now committed to cleaning up some of its 32 coal ash ponds across the state. The company has also been subpoenaed in the federal investigation.

A spokesman for Mr. McCrory said the governor had no role in the state's proposed settlement with Duke. On Tuesday, amid continuing concerns about the threat of future spills, he took a tougher stance than in the past, writing to Duke's chief executive that he wanted the waste ponds, some sprawling over many acres, to be moved away from the state's waterways.

The environmental agency's embattled secretary, Mr. Skvarla, a McCrory appointee, pushed back last week on criticism of last year's deal, under which the \$50 billion company was fined only \$99,111 for leaks from ponds at two power plants. The accusation that his department "and Duke Energy got together and made some smoky back-room deal with a nominal fine is simply not true," Mr. Skvarla told reporters.

The fine was determined by a formula in the law, he said. The agency reached a settlement that allowed Duke to study its coal ash ponds, rather than immediately remove the slurry of ash and water, because it

The New York Times

wanted to avoid being tied up in court for years, he said. “Our goal is to clean up coal ash,” Mr. Skvarla added. “Our goal is to protect the environment.”



But current and former agency employees said the treatment of Duke was typical of the pro-industry bias now in place under Governor McCrory, Mr. Skvarla and the General Assembly.

Last year, the environment agency’s budget for water pollution programs was cut by 10.2 percent, a bipartisan commission that approves regulations was reorganized to include only Republican appointees, and the governor vastly expanded the number of agency employees exempt from civil service protections, to 179 from 24.

The effect, said midlevel supervisors who now serve at the pleasure of the governor, is that they are hesitant to crack down on polluters who might complain to Mr. Skvarla or a lawmaker, at the risk of their jobs. Several spoke anonymously out of fear of being fired.

“They want to have a hammer to come down on anybody who hinders developers by enforcing regulations,” said a supervisor whose department is supposed to regulate businesses under laws devised to protect water quality. “We’re scared to death to say no to anyone anymore.”

A second supervisor, also speaking on the condition of anonymity, said: “A lot of us never considered ourselves political creatures. What’s happened here has really blown us out of the water. People speak in hushed tones in the hallway to each other. We go offsite to talk. It’s totally changed the culture of this organization.”

Mr. Skvarla said in an interview that he was “speechless” to hear such a sentiment, adding, “I think we have taken politics out of this agency.”

He added: “When I was hired by Governor McCrory, he said, ‘I want you to do two things: I want you to protect the environment, and I want you to help us grow this economy. We have to help people through the regulatory maze.’ ”

The New York Times

Susan Wilson, an environmental engineer who inspected storm-water runoff at factories and subdivisions, quit last year after her duties were transferred to another department with little expertise in the subject. She said the bureaucratic shuffle was meant to satisfy developers.

“Business is important, but there should be a balance between the regulated community and the environment,” Ms. Wilson said. “It’s all out of balance here.”

Despite deep cuts from the state budget, the agency’s new leadership turned back \$582,000 in grants from the federal Environmental Protection Agency to monitor wetlands and study the impact of hydraulic fracturing for natural gas on waterways.

Amy Adams, a former supervisor who left the agency last year, said that the mantra of the current leadership was about “customer service,” but that did not include citizens who might live downstream from a polluter.

She and others said they were told to stop writing Notices of Violation to polluters, which can prompt fines, and instead to issue a Notice of Deficiency, which she likened to a state trooper giving a warning instead of a speeding ticket.

“I was asked directly by members of my staff, ‘Do we even do enforcements anymore?’ ” said Ms. Adams, who wrote an opinion column about the agency’s “soul-crushing takeover” for The News & Observer of Raleigh after she resigned.

Ms. Adams, who now works for Appalachian Voices, an environmental group in Boone, N.C., said that since the Dan River spill, the state agency has engaged in “revisionist history” about its regulation of Duke Energy.

The agency took action against Duke only after environmental groups filed notice that they intended to sue the utility to clean up the ash waste at power plants near Asheville and Mount Holly, N.C. The longtime practice of dumping ash waste in ponds became a major concern after a catastrophic failure of one in Tennessee in 2008, which is costing \$1.2 billion to clean up.

Under the federal Clean Water Act, citizen groups may sue polluters if state regulators do not do their job. But the law also allows states to intervene and take over the lawsuits, which is what the Department of Environment and Natural Resources did last year. Environmentalists say the state offered a favorable deal to Duke and blocked their lawsuits, which could have forced Duke to relocate the ash to lined pits away from drinking water.

“They did a behind-closed-doors settlement with the lawbreaker, and it requires no cleanup of one ounce of pollution or movement of one ounce of ash,” said Frank Holleman, a senior lawyer with the Southern Environmental Law Center, which sued on behalf of environmental groups. “The state has been a barrier at every turn.”

Mr. Skvarla, the agency secretary, said the deal the state reached with Duke in July was a more practical fix to the leaky ash ponds than what environmentalists sought. “Their only acceptable remedy was, dig

The New York Times

'em up, move them to lined landfills and cover them," he said. "We're talking 14 facilities and 32 coal ash ponds. I can assure you it's not that simple."

The size of the Feb. 2 spill has been revised down from early estimates. As the federal Fish and Wildlife Service monitors the river water for long-term harm to fish and mollusks, attention is turning to a federal court in Raleigh, where employees of Duke and the environmental agency are to appear before a grand jury on March 18.

Meanwhile, the agency has reversed its earlier positions on Duke and coal ash cleanup. On Feb. 10, eight days after the spill, the agency withdrew its deal with Duke. This week, it said it might order the remaining ash at the Dan River site, in Eden, N.C., to be moved and stored in a lined landfill — what environmentalists had sought all along.

A version of this article appears in print on March 1, 2014, on page A1 of the New York edition with the headline: Ash Spill Shows How Watchdog Was Defanged.

Climate change a fact of life, McCrory says

News + Observer Feb 17, 2014

On Sunday talk shows, he says he wants focus on air, water cleanup

Associated Press

RALEIGH North Carolina Gov. Pat McCrory went on two national talk shows Sunday to talk about climate change and the winter storms that have iced the state over during the past two weeks.

On both "Face the Nation" and "This Week with George Stephanopoulos," McCrory was asked about his comments while running for governor in 2008, when he said he doesn't get caught up in the global warming debate because he thinks it's in God's hands.

McCrory said Sunday he thinks there has always been climate change.

"I think the big debate is how much of it is man-made and how much will just naturally happen, as the Earth evolves. And the question then is what do we do about it," the governor said on "This Week."

Instead of focusing on global warming, McCrory said people should concentrate on keeping the air and water clean.

"My main argument is let's clean up the environment. As a mayor and now as a governor I'm spending my time cleaning our air, cleaning our water and cleaning the ground," the governor said on "Face the Nation."

But environmental protection must also strike a delicate balance with economic development, McCrory told host Bob Schieffer.

"As a governor, we're walking that fine line of keeping our environment clean but also continuing the economic recovery and making sure things like power are affordable for the consumer," McCrory said.

Both shows also spoke to the governor about the two winter storms that battered North Carolina over the past two weeks. McCrory pointed out the beautiful North Carolina sun was out and the weather was going to warm this week. He also thanked public employees who worked hard to keep people safe.

"It about depleted our budget. It's also going to have an impact on our economy in North Carolina because people were stuck inside and not spending money," McCrory said of the storms on "Face the Nation."