



September 30, 2015

The Honorable Pat McCrory
Governor of the State of North Carolina
NC State Capitol
1 East Edenton Street
Raleigh, NC 27601

Dear Governor McCrory:

On behalf of MountainTrue's thousands of members and supporters throughout Western North Carolina and the state, we write to urge you to veto H765, the Regulatory Reform Act of 2015. We have also signed on to a collective letter from the larger environmental community, but we want to highlight some provisions of H765 that would be particularly damaging here in the mountains.

Environmental Self-Audit Privilege, §4.1. This provision would shield companies that violate environmental laws from penalties if they self-report. More seriously, it would hide evidence from injured neighbors seeking a remedy in court. Here in Asheville, we are dealing with the legacy of terrible pollution at the CTS site – pollution that has harmed hundreds of people who drank contaminated well water and children who played in contaminated streams. This self-audit provision would allow another company to dump its industrial waste, self-report it, and get off scot free while neighbors are left to drink and play in contaminated water. Likewise, the Blue Ridge Paper plant in Canton, which has permit provisions designed to prevent huge spikes in color (caused by a toxic soup of paper processing byproducts) in the Pigeon River, could self-report large spikes in color with no consequences - no fine, no changes in operations, nothing. And because the information would be hidden, those of us who have driven improvements in the plant's operations over the years would have no way to know anything had happened or that any new problems needed to be addressed.

This provision exists for one purpose only: to protect industry from the consequences of their actions – either intentional or unintentional – at the expense of people and the environment. This provision ignores the very real damage that industry can inflict on communities, wildlife, and shared natural resources like our air and water. There is perhaps no better example of protecting private interests over those of the public. This should not be your legacy.

Stream and Wetland Impacts, §4.31 and §4.18. H765 eliminates any state requirement to offset damage to intermittent streams and raises the threshold for mitigating impacts to isolated wetlands under 1/3 of an acre. Having been involved in several administrative appeals regarding mitigation requirements for stream impacts, we can assure you that projects will be much more impactful than necessary as a result of this law. In other words, we will lose many more miles of critical linkages in our stream networks than we do now. And many of our rare mountain wetlands are at risk of unmitigated destruction.

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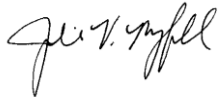
WATERKEEPER ALLIANCE MEMBER

Mitigation requirements drive better development and better projects and help to protect the environmental services these streams and mitigation measures provide. The ability to destroy streams and wetlands aids and abets lazy developers, while good, responsible developers will seek to protect what they can both for the environmental and human benefits. We should not be catering to the lazy developers.

Air Monitors, §4.25. This provision would eliminate air quality monitors in at least four mountain counties. As our region continues to grow with people and vehicles, reducing the available data regarding air quality is the wrong way to go. There can be no justification to hiding from public view, information that is essential to public health. You may remember that North Carolina's greatest clean air achievement, the 2002 Clean Smokestacks Act, originated here in the mountains, and our air quality monitors were critical in helping us take action. We should not reduce our ability to know whether our air is clean and clear, especially given how important the outdoor tourism industry is to this region's economy.

There are many, many other terrible provisions in this bill that will do nothing to help North Carolina and could instead prove to be quite harmful. You are a public servant, elected by the people to lead and protect the state, and we ask you to embrace that role by exercising the veto authority vested in you by North Carolina's Constitution to reject H765 and its prioritization of private interests over public ones.

Sincerely,



Julie V. Mayfield
Co-Director



Bob Wagner
Co-Director