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# The Charlotte Observer

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## Leaks persist at ash ponds

Duke reported seeps at 14 plants in N.C., apparently releasing near rivers, lakes

BY BRUCE HENDERSON  
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A year after a spectacular spill into the Dan River, Duke Energy's North Carolina ash ponds are apparently still leaking more than

3 million gallons a day near rivers and lakes.

In filings to state regulators in December, Duke reported 200 seeps at its 14 coal-fired power plants. Duke says it's not clear whether all of them come from ash ponds.

Seeps at two power plants, Asheville and Lee in Wayne County,

each leak nearly 1 million gallons a day, the reports show. Some release toxic elements at levels far higher than state standards view as safe.

The seeps are illegal, the state has said - but not for long.

Legislation that became law last September gives Duke two options. One is to stop the leaks. The

second - which Duke and the Department of Environment and Natural Resources plan to choose - is to include the seeps in wastewater discharge permits.

The seeps will be incorporated into new or modified permits for each of the 14 plants this year, said DENR water-quality permitting chief Jeff Poupart. Duke is sup-

posed to report new seeps as they're found.

The Southern Environmental Law Center, which has sued Duke over ash pollution, says it will challenge the legality of such permits.

"Duke has been openly leaking for years. Now they're asking

SEE LEAKS, 12A

### Black History Month



T. ORTEGA GAINES  
ogaines@charlotteobserver.com

"Christ walked the streets with all the people. ... Everybody deserves the same love," Corine Mack says.

## NAACP leader seeks coalition

She welcomes Latinos, gays in fight for rights

BY MARK PRICE  
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When North Carolina banned same-sex marriage in 2012, polls showed a majority of African-Americans backed the move.

So newly elected Charlotte NAACP President Corine Mack may not have an easy time achieving her goal to more closely align the local branch with LGBT causes.

She also intends to take bolder stands on one of the nation's other hot button issues: immigrant rights. And that could be just as tough, given a belief by some segments of black communities that they are competing with Latino immigrants for jobs and housing.

"Not everybody is going to like it, but they haven't said anything. They may be talking about it behind my back," said Mack, a nondenominational minister who replaced the Rev. Kojo Nantambu in January as NAACP president.

SEE NAACP, 12A

## 'Coming out of the wolf'

Busted with cocaine at 19, Erik Ortega helps others with criminal records rebuild their lives.



JEFF SINER - jsiner@charlotteobserver.com

Erik Ortega works with people returning to the community from prison. Nearly every two weeks, he starts a new job readiness class. "My first career advice is simple," he tells students. "We suck as criminals. We got caught. If we're not good at it, we should give it up."

BY PAM KELLEY  
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If Erik Ortega were doing stand-up, this would be what you'd call a tough room - a class full of jobless people with criminal records. Many feel beaten down by rejections and ashamed of revealing their convictions, even during mock interviews.

Still, when Ortega speaks, the students in his employment readiness class at Charlotte's Center for Community Transitions tuck phones in pockets and sit up straighter. At 5-foot-8 and partial to sweater vests, Ortega isn't an imposing man. So maybe it's his booming Bronx-inflected voice that gets attention. Or maybe it's his message. "You're greater than your records," he tells them.

Each week, more than 100 people who've completed jail or prison sentences end up in Mecklenburg County. Often, they leave incarceration lacking basics such as transportation and clothing. If they're lucky, they find housing with family or friends. If they're not, they land in homeless shelters.

Some also discover Charlotte's Center for Community Transitions, which has been helping ex-offenders return to society for 40 years, even before the war on drugs sent the

nation's prison population skyrocketing. Ortega directs re-entry programs; the employment readiness class is his brainchild.

Its curriculum, a combination of practical skills and motivational exercises, aims to change how students view and conduct themselves - not as ex-convicts, but as people with marketable skills. When these graduates succeed, everybody wins, including taxpayers. In North Carolina, an ex-offender who stays out

SEE TRANSITION, 10A

### The challenge of re-entry

More than 60 million Americans have criminal records. For many, finding a job and rebuilding their lives is a tough challenge.

#### 2 OUT OF 3

U.S. ex-offenders re-arrested within three years of release.

#### MORE THAN 100

People completing sentences who end up in Mecklenburg County each week.

#### \$29,160

Average annual cost of incarcerating an inmate in North Carolina.

#### NEARLY 3,000

People who have graduated from the Center for Community Transitions job readiness course since 2008.

#### 63

Percentage of 2011-12 job readiness graduates with no new arrests after 2 years.

### » NATION & WORLD

#### Ebola is now ebbing in Africa

After the deadliest Ebola outbreak in history, the focus in Liberia, Sierra Leone and Guinea is now turning from death to life. The epidemic has claimed the lives of nearly 9,000. The disease appears to be extinguishing itself. **2A**

#### 2.1 million vehicles recalled

Toyota, Chrysler and Honda recall vehicles with air bags that might deploy even if the vehicle is not in a crash. **3A**

### » CAROLINA LIVING



DIEDRA LAIRD - dlaird@charlotteobserver.com

#### Time shadows Charlotte musician

Scott Whitesell, who has been battling AIDS and cancer and is fighting for time, hopes his music can be an inspiration for others. **1C**

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Today's forecast: Cloudy with a 20 percent chance of rain. **16B**

### » BUSINESS

#### Selling the state

N.C.'s new pitchman is a mix of salesman and marketer. He'll tout the state's benefits to companies looking to relocate. **1D**

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## NAACP

[from LA]

"If someone wants to challenge me on this, well ... the bottom line: I'm going to fight injustice anywhere, even if goes beyond being African-American."

A first step could be unveiled in February: A joint effort with immigrant groups and nonprofits to promote a proposed voluntary Charlotte citizen ID card, which would be accepted by police and sheriff's deputies in cases where someone is an undocumented immigrant.

It's among the more controversial recommendations being made by a city task force assigned to find ways Charlotte can be welcoming of immigrant families, immigrant workers, and immigrant-run businesses.

Critics of her ideas likely will find her resolve formidable. Mack has been a minister in the prison system, has counseled former inmates, and also has worked for years as a train operator for the New York Transit System.

She's said it's tough to surprise her and even tougher to intimidate her.

### Time to build bridges

If Mack is looking to make a mark on civil rights struggles in Charlotte, her timing is excellent.

Same-sex marriage may have just been legalized, but gay advocates say they have other battles still to be won. This includes changing the fact that North Carolina is one of about 30 states where someone can still be fired for no other reason than being gay.

Chad Severeance, president of the LGBT-founded Charlotte Business Guild, is leading local business organizations in a push to change state laws, and he said Mack's role as NAACP president could move mountains.

"The NAACP is a very influential organization that is able to reach many that the LGBT community may not," he said. "With their help ... we could bridge the gap with area African-American congregations ... to ensure understanding of our community and its issues."

Immigration issues could prove even more fertile for Mack's progressive approach because of Charlotte's role as one of the nation's "new immigrant gateway cities." The number of Hispanics in Mecklenburg County grew by nearly 11 percent to 125,000 residents between 2010 and 2013 - twice as fast as the white population.

Mecklenburg County's immigration population has grown so fast in the past decade that the City Council recently convened an Immigrant Integration Task Force to find ways Charlotte can reap more economic benefits from the influx.

The task force's final report, to be presented Feb. 23, will include such controversial proposals as ending the Charlotte-Mecklenburg Police Department's role in the 287(g) deportation program. The program allows police and sheriff's deputies to start the deportation process on immigrants for offenses big and small, including traffic violations.



DIEDRA LAIRD - dlaird@charlotteobserver.com

Corine Mack, here at a "Put the Middle Class First" rally in October, says she wants to join forces with gays and Latinos to protect civil rights for everyone. "I'm going to fight injustice anywhere," she says.

### Corine Mack at a glance

- She's a divorced mother of three, with five grandchildren and one great-grandson.
- She first visited Charlotte in 2007 to cook Thanksgiving dinner for her youngest child, a daughter. Mack said she fell in love with the city's slower pace and moved here three months later. Since then, she has served as a volunteer for a series of nonprofits, including Crisis Assistance Ministry.
- She was born and raised in New York City. Her father was a longshoreman, her mother a nurse. Both died a few months apart when she was 15, prompting Mack to move in with an older sister.
- Her résumé includes 17 years working for the New York Transit System, where she was the first female shop steward and one of the first women to operate a train. In the Transport Workers Union 100, she was the first vice president of Rapid Transit Operations. She retired in 2001 after a car accident left her with multiple herniated discs.
- She has ministered to hundreds of inmates in the New York prison system and taught Bible studies at the Nassau Correctional Facility.
- She's a passionate believer in unions: "Unions fought for women to have the right to work and blacks to have the right to work. And unions are fighting now for women to have equal pay."

The group also intends to ask city leaders to lobby state lawmakers to give driver's licenses to all North Carolina residents, whether or not they're immigrants with valid papers to live and work in the United States.

Mack said she can easily understand the worries of Charlotte's Hispanic population, having been raised adjacent to New York City's Spanish Harlem community. "Many of my friends were Latino, and many were Jewish," she said.

The challenge for her in Charlotte will be long-held tensions between some elements of the Hispanic and African-American communities. Some neighborhoods in Charlotte that were once African-American are now large-

ly Latino. The same goes for low-income housing and many low-wage jobs, especially in factories and construction.

On the other side, Latinos have long complained of being targeted by African-American criminals because many undocumented immigrants fear deportation if they make contact with police, even to report crimes.

Still, Hector Vaca of the immigrant advocacy group Action NC said it makes sense that the NAACP would take a stand on immigrant issues because those issues often boil down to racism.

"Corine's constituency has faced similar racism, and immigrants can benefit from that agency's long history in that struggle," said Vaca, noting Mack is already known among

immigrant advocates.

"She's a strong leader who, when she sees injustice, will jump up and fight to correct it. She isn't soft-spoken. She's strong-willed and hits it head-on."

### Seeds of activism

Mack is a retiree who doesn't like to give her age, so don't ask. She was born and raised in New York City, and that's where she got her first taste of racism, at age 12.

She said she was a scholarship student at the time, attending a prestigious school, where all but five of the students were white. One day, someone pasted a rendering of Cro-Magnon man on the girls' bathroom door with her name on it.

"Part ape, part man, not standing up straight: Yes, I was angry. I understood perfectly what they were saying about me," she said.

Mack said she heeded her mother's advice to "always be an example of how blacks are, showing them you are a person of dignity and respect."

But more importantly, she said her parents set an example of community service that planted the seeds for her activism. Her father often would bring home crates of food from his job as a longshoreman and feed multiple families on their block. And her mother, a nurse, would give money to heroin addicts she suspected were waiting outside a local store to rob people.

"She'd tell them not to hurt anybody today," recalled Mack, who has spent much of her time in Charlotte volunteering for nonprofits. "That was back in the '50s and '60s, when everyone took care of everyone else in their neighborhood. If your neighbor

didn't have something, you shared it."

Her parents were deeply religious, too, which Mack said broadened her belief in sharing the civil rights struggles of all people, including those of different races. It also explains why she eventually became a nondenominational minister.

"I didn't see in the word of God where God made the denominations. Man did that," Mack said.

"Christ walked the streets with all the people and he blessed everyone. Everybody deserves the same love."

### 'We should stand up'

The North Carolina NAACP campaigned against the state constitutional amendment banning gay marriage, but what happens at a state level is far different from what happens locally.

Polls of African-Americans showed 55 percent were in favor of the amendment with 35 percent opposed, with conservative religious leaders in black communities claiming homosexuality was a lifestyle, not a civil rights issue. (Among whites who voted, 58 percent were in favor of Amendment One, with 38 percent opposed, according to the Democratic-leaning group Public Policy Polling.) That stance appears to be softening, with more recent polls showing 47 percent in support of gay marriage and 48 percent opposed.

However, that doesn't mean Mack will have an easy time of it, said Dr. Michael Bitzer, a professor of political science at Catawba College. It's the younger members of the group who likely will embrace her message because they see same-sex marriage as an equal opportunity issue versus a religious issue, he said.

As for her stand on immigrant issues, he said Mack could be setting a national example for other local leaders.

"She may be in the vanguard with her recognition that the country itself is fundamentally changing," Bitzer said. "She's getting out in front of this shift with Latino and Hispanic issues."

Mack joined the NAACP 25 years ago and became active with the local branch in 2009, three years after moving to the city to be closer to her youngest child, a daughter, who lives and works here as an accountant.

Yet her history with the civil rights movement dates back more than 50 years, to the famous 1963 March on Washington. She was among the younger attendees, so young that she listened to Martin Luther King Jr.'s "I Have A Dream" speech atop her big brother's shoulders. Mack said she was 8 or 9 years old at the time.

The depth of King's words didn't fully resonate at that age, but Mack now believes a challenge was issued that day. And she's fulfilling it as the new president of the Charlotte NAACP.

"We should stand up for what we believe and even die for what we believe in. That's what I picked up watching Dr. King on my brother's shoulders that day."

Price: 704-358-5245

## LEAKS

[from LA]

DENR to give them amnesty," said senior attorney Frank Holleman. "Can you imagine us allowing any municipality or county in the state to permit a wastewater treatment plant that leaks in multiple ways?"

### Already permitted

State officials say the seeps are insignificant compared with the tens of millions of gallons a day that permits already allow Duke to discharge from its ash ponds.

Power plants sluice ash and water into the ponds, where the ash settles to the bottom and water drains to rivers or lakes.

The ash pond at Duke's Allen power plant on Lake Wylie releases 18.6 million gallons of water a day. Seeps add an additional 15,100 gallons daily, Duke reported.

But seeps at the Asheville plant account for nearly 20 percent of the 4.6 million gallons a day it discharges. The February 2014 spill into the Dan River dumped an estimated 27 million gallons of water.

"Our objective is to include seeps in the permits so we can follow the appropriate monitoring

protocol or next steps regulators prescribe," Duke spokeswoman Erin Culbert said.

### 'Reasonable potential' for harm

Arsenic, which at high concentrations can cause cancer, appeared in seeps at six power plants at levels up to 140 times the state safety standard. Elevated levels of selenium, an element that can kill or deform fish and birds, showed up in seeps at two plants.

Regulators assess power plant discharges, and will evaluate the seeps, by their "reasonable potential" to contaminate rivers or lakes. Discharge permits set limits on contaminants that might become problems.

Combined, the Duke seeps are "large, but when you compare them to the amount the plant is discharging, it wouldn't trip any reasonable-potential analysis," Poupart said.

DENR will apply special standards for four pollutants that pose potential risks: arsenic, mercury, selenium and nitrate. Duke would have to stop or capture the seepage that breaks those standards.

None of the seeps at the first three power plants analyzed - Riverbend, Allen or Marshall on

Lake Norman - broke the limits, said state engineer Sergei Chernikov.

DENR consulted with the Environmental Protection Agency on the seeps, officials said. EPA asked the state to include a safety benchmark intended to flag high pollution levels.

Culbert said state analyses of Duke's ash pond discharges have typically found minimal impacts to the rivers and lakes they flow into.

Holleman, the environmental lawyer, said that argument ignores the cumulative effects over time of low levels of pollutants.

Duke University scientists have found that arsenic from the Riverbend power plant sank into the sediment of Mountain Island Lake, Charlotte's main water supply. But in some conditions, they learned, the toxic metal can be stirred back into the water.

Holleman said DENR and legislators are granting Duke a favor that other businesses don't get.

"We don't allow anybody else to get away with polluting our rivers because they say the rivers are so big it will just go away," he said.

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Catawba Riverkeeper Sam Perkins, second from left, Mary Anne Hitt of the Sierra Club, and Robert F. Kennedy Jr. came to the site of coal ash pond seepage on Mountain Island Lake in 2013 to emphasize dangerous chemicals such as mercury, arsenic and selenium leaching into the lake. The seepage from the Riverbend plant's ash pond can be noted by the orange-colored water.

'We don't allow anybody else to get away with polluting our rivers because they say the rivers are so big it will just go away.'

SENIOR ATTORNEY FRANK HOLLEMAN  
THE SOUTHERN ENVIRONMENTAL LAW CENTER