



NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

October 28, 2020

Paul Draovitch  
Senior Vice President  
Environmental, Health & Safety  
Duke Energy  
526 South Church Street  
Mail Code EC3XP  
Charlotte, North Carolina 28202

Subject: Coal Ash Impoundment Closure Plan – Determination of Compliance with General Statute 130A-309.214(a)(4) of Session Law 2016-95 of the Coal Ash Management Act – Allen Steam Station

Dear Mr. Draovitch:

The North Carolina Department of Environmental Quality (NCDEQ) received from Duke Energy the proposed Coal Ash Impoundment Closure Plan for the Allen Steam Station (Closure Plan) on December 31, 2019, the deadline required under General Statute 130A-309.214(a)(3) of Session Law 2016-95 of the Coal Ash Management Act referred to hereafter as CAMA. Duke Energy submitted an amendment to the Allen closure plan on January 30, 2020. Duke Energy also submitted a Corrective Action Plan (CAP) Update with the Closure Plan.

#### Closure Plan and Updated CAP Review

Per 130A-309.214(b), NCDEQ has reviewed the proposed Closure Plan to determine if it meets the requirements of 130A-309.214(a)(4) and otherwise complies with the requirements of CAMA.

The following item was noted during the review of the proposed Closure Plan and will require the submittal of additional information from Duke Energy:

The Division of Waste Management (DWM) requests an Excavation Plan to be submitted for review and approval and to include, but not limited to the following: 1) site plan with annual phased excavation, 2) transportation plan for routes to on-site and off-site landfills (if applicable), 3) dust control plan, 4) management of non-recyclable coal ash disposal, 5) all necessary permits 6) plan for stockpiling coal ash, and 7) health and safety plan for dewatering ash. The Division's expectation is that the Excavation Plan will be updated annually. The Excavation Plan shall be submitted 90 days prior to the commencement of excavation.



Duke Energy informed the DWM of the change to construct three onsite landfills instead of the original two outlined in the amended January 30, 2020 Closure Plan during a meeting on March 19, 2020 to discuss the details of construction and operation of the onsite landfills. NCDEQ received a conceptual drawing of the three new proposed landfills on March 27, 2020. Duke Energy submitted an updated Closure Plan to reflect the new proposed landfills on August 5, 2020.

NCDEQ has also conducted a review of the CAP Update and the January 30, 2020 and August 5, 2020 amended Closure Plan and has concluded that it is sufficient to provide compliance with the applicable requirements under 130A-309.214(a)(4). NCDEQ will provide more detailed comments regarding the CAP in a separate correspondence. Therefore, this letter shall not serve as an official approval of the CAP Update for the requirements under 15A NCAC 02L .0106.

#### Determination of Compliance with 130A-309.214(a)(4)

With the exception of the items listed above, NCDEQ has determined that the proposed Closure Plan otherwise complies with the requirements of CAMA. Specifically, DEQ has found that:

- The proposed Closure Plan complies with the requirements of 130A-309.214(a)(4).
- The updated CAP is sufficient to provide compliance with the applicable requirements under 130A-309.214(a)(4).
- A review of the public comments provided under the requirement of 130A-309.214(b) yielded no additional information that suggests the proposed Closure Plan or the CAP Update is in non-compliance with the requirements of 130A-309.214(a)(4).
- The item noted during the review of the Closure Plan will require additional follow-up from Duke Energy; however, NCDEQ believes that the Closure Plan is sufficient for Duke Energy to proceed with its implementation.

#### Implementation and Modification of the Proposed Closure Plan

Unless otherwise indicated in this letter, the additional item that requires follow-up from Duke Energy shall be provided in an addendum to the Closure Plan within 30 days of the date of this letter. Per 130A-309.214(e), as soon as practicable, but no later than 60 days from the date of this letter, Duke Energy shall begin implementation of the proposed Closure Plan. Modifications, both major and minor, to this Closure Plan shall be in conformance with 130A-309.214(e).

If you have any questions, please contact me at (919) 707-8619.

Sincerely,



Sheila C. Holman  
Assistant Secretary for Environment

CC: DWM – Ed Mussler  
DWR – Rick Bolich  
DEMLR – George Eller



MRO WQROS



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