ATTACHMENT VI

Email Public Comments
Dear Public Hearing Officer:

I support DEQ creating a strong North Carolina coal ash rule that includes the strongest parts of the existing state rules and the federal CCR Rule.

I oppose a DEQ permitting program for the federal CCR Rule.

Today, citizens and DEQ can go straight to federal court to enforce the requirements of the federal CCR Rule against Duke Energy’s coal ash pollution. A DEQ permitting program for the federal CCR Rule would force citizens and DEQ to go through an expensive and time consuming process that will make it more difficult for citizens to enforce the federal law against Duke Energy

There are many other concerns with the new draft rules, for example the draft rules:

• weaken the trigger for corrective measures for groundwater pollution; • weaken the remediation requirement and adds exemptions that aren’t in the federal rule; • are unclear on when remediation has to be done; and • don’t cover common, serious coal ash contaminants such as boron, hexavalent chromium, and vanadium.

North Carolina’s communities and clean water will have the most protection if DEQ adopts strong rules for its state permitting program with clear and strict groundwater standards for all coal ash contaminants, not just indicator contaminants.

In addition, the coal ash rules for North Carolina’s state program should make it clear that Duke Energy cannot leave its coal ash sitting in groundwater and in impoundments. This kind of coal ash disposal has polluted North Carolina’s groundwater, rivers, lakes, and drinking water supplies and risks another catastrophe like the Dan River spill.

Sincerely,

Mr. James Davidson
136 Charlie Thompson Rd
Vilas, NC 28692
8282621220
Dear Public Hearing Officer:

While I support the Department of Environmental Quality creating a strong set of standards for future coal ash landfills, DEQ’s first priority should be to require the full cleanup of every coal ash pond in North Carolina.

The people of North Carolina rely on healthy rivers for drinking water, tourism, recreation, and fishing. You can require Duke Energy to end their practice of storing coal ash in unlined, open ponds without these rules. Cap-in-place will not solve the problem and will only put the burden on taxpayers in the future.

During the devastation of Hurricane Florence, coal ash ponds overtopped and spilled ash into our rivers. This storm proved climate change is bringing upon us more extreme and frequent natural disasters. What are known as “100-year floods” are becoming more common and scientists predict an increase in the number of intense storms in the future. This requires us to think beyond the limits of the standards that have protected us in the past.

We must plan for the reality of tomorrow and examine locations based on a larger floodplain mapping standard. The end of storing ash in open pits beside our rivers must be now!

The coal ash rules for North Carolina’s state program should make it clear that Duke Energy cannot leave its coal ash sitting in groundwater, where contaminants can continue to move away from the source and into our drinking water. This kind of coal ash disposal has polluted North Carolina’s groundwater, rivers, lakes, and drinking water supplies.

I support rules that:

• Do not allow Duke to Cap-In-Place
• Keep the coal ash on Duke-owned property, and not dumped on other communities
• Support storing ash in a dry, lined system.
• Do not interfere with citizens’ rights to hold Duke legally accountable for its coal ash pollution.

These new rules are strong and the residents of North Carolina appreciate all of your hard work and dedication in writing them, but your first priority should be protecting the people over protecting Duke Energy. The legacy of contamination belongs to Duke, so should the burden of long term responsibility for maintaining and monitoring of the ash on their own properties.

I call on you, DEQ, to prioritize the health and safety of N.C. citizens and put an end to Duke’s harmful coal ash practices.

Sincerely,

Mr. Adrian Smith
PO Box 265 (110 Jones St)
110 Jones St
Moncure, NC 27559
9195423807
Hello, I am a resident of Raleigh. Coal Ash is a huge issue. Clean water is a right. Our residents pay taxes and our taxes first and foremost should go toward ensuring fresh water for our families.

I have read that Duke has proposed a timeline of 30 years to clean up the coal ash. That is too long. We need it gone, not capped. Please hold them accountable for us.

-Ashton Burnette

Sent from my iPhone
To Whom It May Concern:

I am writing in regards to preventing potential changes of the CCR Rules.

I am an advocate for coal ash, specifically related to my home community of Belew Creek. However I stand united with all fourteen locations in North Carolina who house coal ash, including the site of coal ash landfills in Lee and Chatham Counties. Belew Creek is the home of 20 million tons of coal ash. Over eight million tons are in a capped-in-place mountain that has already been proven to have failed and created a large arsenic plume off of Old Plantation Road. We know that capping-in-place does not work. It should not be considered by DEQ as a solution that serves anyone other than Duke Energy.

After Florence, we all see the future for coal ash in landfills in our state. Three different types of landfills failed. At Sutton, we witnessed the failure of a new lined landfill. At Lee, we saw the failure of a classic, unlined landfill awaiting closure. And at Brickhaven, we saw the failure of a mine reclamation landfill. None of these solutions are viable as we face climate change and can expect more frequent storms with greater strength. Yet we know that in South Carolina, the state was able to clean up all of the sites under budget and under timeframes. The groundwater immediately improved.

Therefore, I am asking for the following:

• Do not allow Duke to Cap-In-Place
• Keep the coal ash on Duke-owned property, and not dumped on other communities
• Support storing ash in a dry, lined system that can be reused in encapsulated products to rebuild our failing infrastructure
• Do not interfere with citizens’ rights to hold Duke legally accountable for its coal ash pollution.

Through the work of NC A&T State University, we have technology available to that will encapsulate the coal ash in a solid form so that we no longer have to worry about getting the ash into our bodies through the air and water. We need to use these storms as reason to push forward on this strategy. By reconsidering the coal ash as a valuable raw material instead of a waste that DEQ and Duke continues to ignore, we can use the encapsulated coal ash for rebuilding our much needed infrastructure.

https://theliliesproject.org/aandt-project/

The UN’s report on Climate Change presents a dire urgency to actually address this issues and move beyond the political pressure of Duke and focusing on their bottom line. All of our lives are at stake. North Carolina has the opportunity to holistically solve this problem that plagues not only our state, but the entire country.

By using a crop like hemp, we can plant in impacted areas that will draw the heavy metals out of the ground. That plant can then be used to create the polymer binding agent for encapsulation. Therefore the remains of the plants containing the heavy metals will be encapsulated in with the loose ash. It provides a new crop for local farmers and additional jobs
for coal ash impacted communities. While the ash needs to be dried, it does not need to be reburned with a lower discharge than the STAR system by SEFA. This technology is much more environmentally sound than solutions currently being put forth.

Instead of denying claims of coal ash failure at every storm, let’s imagine a near future where these sites are cleaned up and technology surpassed expectations. In the end, Duke will continue to profit off of this solution as well. But it requires having DEQ demand that they choose a different way. The current landfill options fail and will continue to fail time and time again. Why would you professionally subject yourselves to ongoing pressure? Now is the time to clean it up and ensure a better tomorrow by upholding our CCR Rules to the highest of standards that can serve as a model throughout the country.

Thank you.

Sincerely,

Caroline Armijo
The Lilies Project - theliliesproject.org Addressing Coal Ash Through Arts + Parks
1119 Hill Street
Greensboro, NC 27408-7420
919-358-5057
My comments regarding Coal Ash Landfill Construction, Management, Closure

Due to rapid climate change affecting weather events, many of the current notions of frequency and severity of such events are irrelevant for planning purposes, and must be re-examined.

Side note: it is a shame that in general people have an infinite capacity to ignore evidence when it disrupts their accustomed way of living their lives. As a species, we need to reactivate our imaginations to be able to entertain both glorious and devastating possibilities.

Reconsidering the possibility of much more frequent flooding, high wind events and seismic activity, the regulations regarding coal ash disposal must meet the following:

All locations for disposal must be scrutinized as if they might be flooded on any given year, as if they may be subject to seismic activity at any given time, as if groundwater levels might rise seasonally, as if the existing geological composition is porous;
All locations for disposal must be evaluated prior to selection with an eye to cultural resources as well as to the resident population’s income and minority status. In other words, to ensure the location is not chosen because the folks living there have been screwed before so ‘let’s just screw them again.”

Regarding existing coal ash storage sites:

These were in some cases poorly located and poorly designed, as far as the health and safety of people and natural systems are concerned. For those locations, monitoring of the sites much continue until the coal ash there is removed and placed in safer facilities.

Is it not a shame that this was allowed to continue as long as it did? How short sighted we all are. Let us ponder the fact that capitalism is a system in which profits are the bottom line and trump all other factors. Perhaps we need to look at another model of economics for the United States.
"The world is too dangerous for anything but truth and too small for anything but love."
~ Rev. William Sloan Coffin

“Our ability to perceive quality in nature begins, as in art, with the pretty. It expands through successive stages of the beautiful to values as yet uncaptured by language.”
~ Aldo Leopold, A Sand County Almanac
Regulation of coal ash needs to be strengthened.
- "Cap in place" is never an acceptable permanent solution for coal ash storage.
- As recent weather events have shown us, all coal combustion residuals storage must be above ground and at least 10 feet above the highest recorded groundwater level.
- We need more rigorous standards for determining when communities of people of color are disproportionately impacted by coal ash pollution.

Thank you,
Jennifer Murphy
Asheville, NC

Sent from my iPhone
Division of Waste Management, N.C. Dept. Of Environmental Quality
Attn: Ellen Lorscheider, 1646 Mail Service Center,
Raleigh, NC 27699-1646.

Re: CCR Rules

Dear Ms. Lorscheider:

I urge the Division of Waste Management and everyone in DEQ that works in issues relating to the protection
of surface waters, ground water, air quality, and environmental justice to use the current disasters related to coal
ash as opportunity for re-evaluating and strengthening the CCR rules. The widespread contamination of North
Carolina’s groundwater and surface waters from the impoundments, ponds, ash dumps, and inadequate and
flawed lined landfills at the Asheville airport and at Brickhaven have shown that the current rules have failed to
protect the citizens of this state.

In your re-evaluation of the CCR rules, please consider the following three approaches as a framework for
improving the regulations:

• The focus of all handling of coal ash should be on the long-term protection of water and of citizen health. The
goal needs to be real protections for multiple generations, not short-term cheap fixes.
• Hurricanes, floods, storms, and wide fluctuations in rain and water levels must be central to all consideration of
how coal ash is handled. Past considerations of storm frequency or severity are clearly inadequate to our
current climate and changing conditions.
• Disproportionate impacts on communities of color and environmental justice issues need to be taken seriously
and made a central and critical component in all CCR rule revisions.

If these guidelines are used, it is clear that cap-in-place is not a solution. It is time that DEQ and North Carolina
take long-term analyses of environmental impacts seriously. Cap-in-place may be a cost saving for Duke
Energy, but it can never adequately protect groundwater or soil contamination over time. While some
temporary reduction in the flow of heavy metals into groundwater may be achieved, the cap will erode, barriers
will break down, and storm water will get through or under the cap and groundwater contamination becomes
inevitable.

Re-burning coal ash and continuing to contaminate the air in communities most affected by coal-fired power
plants is not a solution. STAR plants represent a false “solution” that perpetuate environmental injustice.
Making Duke Energy’s coal ash into a material for the production of concrete will make a problem into a profit
for Duke, but it forces the communities that have suffered the greatest harms to their health to continue to be
exposed to decades of air contamination from heavy metals.
Duke Energy has profited from the burning of coal and the cheap dumping of coal ash in unlined dumps. As improved CCR rules are developed, DEQ should direct the state Utilities Commission and other state agencies have Duke provide the funds for the majority of the work.

Finally, CCR Rules that do not address Duke Energy’s continued production of coal ash will never move this state out of the current coal ash crises. NC cannot move towards a valid CCR solution while allowing Duke Energy to perpetuate the burning of coal in their sluggish and disingenuous transition to fossil-free sustainable energy.

Please use this period of re-consideration of the CCR Rules as an opportunity to strengthen every aspect of the handling and safe disposal of coal ash. Communities and North Carolina’s waters have suffered for far too long due to inadequate regulation of coal ash. Use this as a time to push for a rapid halt to all new production of coal ash, and to work towards instituting solid, long-term solutions that will protect the state’s waters and our communities.

Thank you,
John Wagner
Chatham County, NC
Division of Waste Management, N.C. Dept. Of Environmental Quality  
Attn: Ellen Lorscheider, 1646 Mail Service Center,  
Raleigh, NC 27699-1646.

Re: CCR Rules

Dear Ms. Lorscheider:

As we know bitterly here in Moncure, the creating of landfills to dispose of coal ash is not a solution. It means spreading the pollution around. The Brickhaven coal ash landfill was forced upon us, as our Chatham County Commissioners voted against it, and then learned they had no power to stop it. They ended up taking money from Duke. $19 million in exchange for twelve million tons of dirty coal ash, not only dumped in a so-called mine reclamation--actually a landfill--as designated by EPA, but with all the evidence given in the open hearings already that it was a bad idea: Landfills always leak; the liners could be torn during construction, twelve kinds of bacteria eat them.. We got coal ash poison in the air and in the groundwater in the neighborhood of Brickhaven and along all the transport routes by truck down Moncure-Pittsboro Rd, Old U.S. #1, and Corinth Road and Moncure-Flatwoods Road and by train.

Then we had Hurricane Florence in mid-September drop many inches of rain on the Brickhaven’s landfill, and that caused slump faults (like sink holes), which our Chatham citizen supporter caught in his drone photos, with coal ash showing through in places. Charah is apparently shutting down its operation at Brickhaven at the end of 2018, at about seven million tons. No explanation, but we wonder if it’s because they know they’ve messed it up. And what are they leaving us to deal with for years into the future?

Landfills don’t work, and they do pollute the air, the water, and the groundwater. They are not a solution, so why is the DEQ calling them a solution? It must be because you would rather sacrifice a few poor and/or black, Hispanic, Indian lives in order not to offend Duke, the big polluter. Let Duke store its coal ash on its own property.

I also don’t understand why you’re putting in polluting Star facilities to re-burn the coal ash near the very places where we’ve already suffered too much pollution. These plants pollute the air every time they are turned on or off. The scientists at NC A&T in Greensboro have discovered a way to make materials which could be used in building and without having to reburn the coal ash. Why not let them set up processing plants?

You should never have called Brickhaven’s coal ash dump a mine reclamation. Nothing is reclaimed; it’s ruined. Nothing could be built on top of such a mess. How about a little honesty in government? When I met...
you and others at the DEQ building last year, I liked you, and I was hopeful that you would listen to those of us trying to take care of our communities. But apparently that was just talk and meant nothing. We thought, if we had Cooper for governor and got rid of McCrory, that the DEQ would actually look after environmental quality. No such luck. You have disillusioned us, as you press toward the very worst solutions to a problem that only gets worse with time. It’s time you took a close look at Brickhaven, and instead of defending McCrory’s bad decisions in court, began investigating the groundwater contamination there since the beginning. The monitoring wells should have been closer together with intersecting zones of capture. Before you do more landfills, you’d best learn exactly what happens to the ones you have, e.g., also the new one in Wilmington, which Hurricane Florence ruined very quickly. Due to climate change, we expect more and more big hurricanes, and N.C. is in a vulnerable geographic location.

Sincerely,

Judy Hogan, Chair, Chatham Citizens Against Coal Ash Dump
PO Box 253, Moncure, NC 27559-0253. 919-545-9932
judyhogan@mindspring.com

cc: Chatham County Commissioners; CCACAD members
Howdy!

A few comments about the CCR Rule!

- Do NOT allow Duke Energy to Cap-In-Place. Hurricane Florence flooding proved that in heartbreaking, eye-opening ways through photos and videos posted.
- Keep the coal ash on Duke-owned property, and not dumped on other communities!
- All coal combustion residuals storage must be above ground and at least 10 feet above the highest recorded groundwater level, NOT on watersheds and near flood zones!
- Do not interfere with citizens’ rights to hold Duke Energy legally accountable for its coal ash pollution!
- More rigorous standards must be applied for determining if people of color communities will be disproportionately impacted!

Thank you! Peace and love for our beautiful Earth, Karen
DEQ is supposed to protect public health and the environment. Placing coal ash in a landfill or in a mine reclamation is inappropriate.

Local governments should have the right to approve/disapprove the location of coal ash facilities. Easing regulations of energy production, consumption and waste undermines communities’ efforts to respond to disasters.

Recent survival rates from the workers at TVA confirm the toxicity of Coal Ash. “in the decade since they cleaned up 5 million cubic yards of coal ash at the Roane County site, more than 30 workers have died and more than 200 are dying.” “Acting as an expert witness, Paul Terry, an epidemiologist at the University of Tennessee, submitted testimony that the toxins in coal ash can cause the cancers, breathing problems, heart disease and other conditions from which the workers died or are suffering.” 1 Workers at the Brickhaven site in Chatham county, owned by Charah/via Duke Energy still don’t wear protective gear.

Duke University has published many reports showing that coal ash is more radioactive than previously understood.

Coal ash should be entombed on Utility Property away from waterways, watersheds and isolated from residents.

The increased vulnerability, inequitable exposure, greater cost of disasters – all underscore the need for viewing environmental regulation as a key component of disaster risk reduction.

Dumping coal ash into Solid Waste Landfills is unsuitable for the disposal of CCR. Monitoring wells at Brickhaven have failed. They should have been better designed, now it’s too late. There will be more hurricanes due to climate change, Florence is not the last. Slumps in Brickhaven are all due to Florence.

Think outside of the box, encapsulate & confine coal ash


Keely Wood
Lee county resident
919-708-5221
Dear Public Hearing Officer:

Ash Pond Closures:
There are several ways one can close the ash ponds that benefits society, rate payers and the utility companies. Taking a short cut approach or finding a fast solution will lead to repenting later. Collection ash in ponds is a prime example of such decision. Quick solution may not benefit anybody in the long term. Cap-in-place is an option in an arid atmosphere but not the ash ponds in NC, they are near streams and rivers. Water comes in contact with ash and cause leaching of hazardous minerals ground water not all communities have the privilege of drinking city water. Capping ash ponds is like creating a time bomb, we don’t when it will explode! Look at the alternatives; our concrete producers are begging for the fly ash (30% fly ash can double the durability of concrete, which is very well known) but utilities are telling that they don’t have ash while they are sitting on millions of tons pond ash and continuously leaching hazardous minerals. There are companies they can process and made available to concrete industries. There are published works demonstrating that ash is a resource and can be used wisely to produce products that are much more valuable than concrete. These options must be considered and evaluated before deciding on Cap-In-Place.

Sincerely,

Mr. Kunigal Shivakumar
5124 Hedrick Dr
Greensboro, NC 27410
336-392-5582
Assuming public safety is attended to in these rules, **Definitions** that are problematic for these rules:

100 year flood

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**Inadequate level of protection for all aspects of landfill design and construction**, given climate change is already happening. Until the 100 year flood can be credibly redefined, under current climate conditions, it is simply illogical to assume the 1% chance of occurrence in any given year! We've just had two such storms in a space of six weeks. Another example:

"Coal combustion residuals surface impoundment" means a topographic depression, excavation, or diked area that is: primarily formed from earthen materials; without a base liner. Such impoundments must **not be allowed**. All residuals must be stored above the ground surface, in dry landfills, away from 500 year flood plain and separated by at least 10 feet from highest recorded groundwater level.

**All** of the “factors of safety” listed in these regulations, in regard to construction standards, dam safety and resistance to leaching must be re-evaluated to be more protective of human health, safety and the environment.

Lib Hutchby
Chapel Hill, NC
I am a volunteer organizer with EnvironmentaLEE.org in Sanford, NC.
I felt I needed to share our story with you of our fight 'not' to get coal ash dumped on our community. Hopefully I can show you a few reasons why the coal rules & regulations needs to strengthened.

We are a very small group fighting big environmental threats to our little Lee county, N.C. Lee County already has a long history of under regulated industrial pollution sitting around now. We don't need any more dumped on us, especially on purpose.

We have been fighting for years against fracking from coming to NC, which we will be the 1st to be fracked if it were to come.

Then in Nov 2014 another big threat was added to our burden, Duke Energy came to our Lee County BOC meeting and announced they were planning on dumping 8 million tons of coal ash in our county.

Let me say 1st, "Lee county has NO Coal Ash & Duke Energy wants to dump their toxic dumping on our largest watershed."

In their very 1st presentation on the first paragraph they lied, they called it a 'mine reclamation' to the clay pits at a retired brickyard. But around 75% of the clay where they intend to bury these lined coal ash pits here in Colon have never been mined. This has been a highly populated poor & black community living around the Colon/Osgood community.

All Liners leak by the way and sometimes they overflow.

Also on Charah's presentation we found the word 'graves' and after doing a lot of research ourselves we found out there was a whole family (7 or more) buried there of WWI African American soldier McKinley Johnson.

see more here https://www.environmentalee.org/apps/blog/

So you can see by this why people are sending you these rule tips
1) This is close to the example Charah shows us the coal ash Dump would look like here in Colon. “cap in place” is never an acceptable permanent solution for coal ash storage, Florence flooding proved this.
2) All coal combustion residuals storage must be above ground and at least 10 feet above the highest recorded groundwater level, NOT on watersheds and near flood zones.

3) more rigorous standards must be applied for determining when people of color communities will be disproportionately impacted! We are Real people here
Thanks for reading this,
Terica Luxton, Sanford, NC

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Proud member of EnvironmentaLEE.org
https://www.facebook.com/EnvironmentaLEE
twitter https://twitter.com/EnvironmentaLEE

“To sin by silence when they should protest makes cowards out of men.”
Dear Public Hearing Officer:

As Hurricane Florence made abundantly clear, there is no such thing as a "safe" storage method for coal ash that is anywhere near a waterway. I support the DEQ adopting much stronger rules governing the disposal and storage of coal ash.

All coal ash MUST be stored in lined pits, well away from and above the 500yr flood level. Honestly, we should probably be keeping things out of the 1000 year flood level too as the effects of climate change are only going to increase and it is already apparent that the "500 yr floods" are happening much more frequently than every 500 years now.

I support DEQ creating a strong North Carolina coal ash rule that includes the strongest parts of the existing state rules and the federal CCR Rule, but it needs to go farther than that.

I oppose a DEQ permitting program for the federal CCR Rule.

Today, citizens and DEQ can go straight to federal court to enforce the requirements of the federal CCR Rule against Duke Energy’s coal ash pollution. A DEQ permitting program for the federal CCR Rule would force citizens and DEQ to go through an expensive and time consuming process that will make it more difficult for citizens to enforce the federal law against Duke Energy

There are many other concerns with the new draft rules, for example the draft rules:

• weaken the trigger for corrective measures for groundwater pollution; • weaken the remediation requirement and adds exemptions that aren’t in the federal rule; • are unclear on when remediation has to be done; and • don’t cover common, serious coal ash contaminants such as boron, hexavalent chromium, and vanadium.

North Carolina’s communities and clean water will have the most protection if DEQ adopts strong rules for its state permitting program with clear and strict groundwater standards for all coal ash contaminants, not just indicator contaminants.

In addition, the coal ash rules for North Carolina’s state program should make it clear that Duke Energy cannot leave its coal ash sitting in groundwater and in impoundments. This kind of coal ash disposal has polluted North Carolina’s groundwater, rivers, lakes, and drinking water supplies and risks another catastrophe like the Dan River spill.

Sincerely,

Dr. Dane Kuppinger
4795 Sherborne Dr
Pfafftown, NC 27040
336-813-3636
Dear NC Department of Environmental Quality,

I am disgusted that you would attempt to weaken the protections we have now from the very toxic and dangerous coal ash stored in ponds and land fills. It is essential that we are protected from these toxic substances lest our children and their children suffer.

I have to ask: "What Is Wrong With You That You Would Even Consider Backing Off??" Do you for forget who you serve? Have you become a political organization or a puppet for the rich and powerful instead of the scientific based organization that you should be?

This whole issue makes even less sense because the coal ash was produced by regulated utilities, and it should be within the regulated system that this matter is dealt with to a high standard with, the SUPPOSED proper toxic safety leadership from DEQ. What has happened to that leadership?? Who are your keepers?? Who are you serving??

Again, and let me clearly state that I say this as a scientist and licensed engineer as well as a citizen of NC, I am DISGUSTED that you would seek to weaken the coal ash rules and add risk to our citizens. It is clearly an unnecessary action meant to only serve someone other than the citizens of NC.

Sincerely,

Mr. Rick Clemenzi
PO Box 18757
Asheville, NC 28814
828-712-6786