

From: Betty Wilcox <Betty.Wilcox@ncmail.net>
Sent: Wednesday, January 7, 2009 5:10 PM
To: susan massengale <susan.massengale@ncmail.net>
Cc: Debra Watts <debra.watts@ncmail.net>; Jeff Poupart <Jeff.Poupart@ncmail.net>
Subject: Re: [Fwd: coal combustion waste questions and answers]

Susan,

Additional comments to Debra's are included in red below.

Betty

Debra Watts wrote:

Susan,

Jamie talked to me and I gave him so general information, but it seems alot of our conversation was misunderstood. I'll give you the jest of what we talked about (below in **bold**), but I'll let you forward the final language

1. Does North Carolina permit these ponds?

1. The ponds are regulated through a national pollutant discharge elimination system, or NPDES, permit, which is issued by the N.C. Division of Water Quality. The permitting program requires all point sources discharging pollutants into waters of the state to obtain a */permit/**.*

Impoundments of The fly ash itself is regulated through the N.C. Division of Waste Management.

2. What does it require in terms of lining, groundwater monitoring, leachate collection, inspection?

The permit does not require that the ponds be lined. **Each individual permit is different based on the reviewing staff's determination whether or not it is required.-- NPDES would have to address which ones are lined.**

But under state rules, the N.C. Division of Water Quality monitors the surface water in a perimeter around the pond. **I think he's talking about the Compliance Boundary around the ash pond, where groundwater monitoring would be done. (15A NCAC 2L .0107). I know surface water monitoring is done, but NPDES would have to state where.** If the state finds that pollutants exceed North Carolina surface **should be groundwater** water standards 250 feet beyond the collection pond and suspects that pollution from the pond is the cause, the Division of Water Quality **has the right to require monitoring wells to determine if this is the case.** will alert the permit holder. It is up to the permit holder to assess the site to determine the cause of the pollutants exceeding the state standards.

If it is determined that the pond is the culprit for the pollution exceeding state standards, the state can order **require the permittee to assess the site** the permitted group to take action to reduce the pollution levels to meet state standards.

In addition to the state's monitoring, several utility companies also conduct voluntary monitoring.

A few years ago, the Environmental Protection Agency's was considering making rules regarding the monitoring of the ponds more stringent.

However, several utility companies volunteered to monitor groundwater wells around the fly ash ponds for any environmental impacts. The utility companies' response came about a few years ago when

Betty, can you check the next several statements and give input to Susan? In North Carolina, Progress Energy's Sutton Steam Electric Plant in New Hanover County has monitoring wells required by permit as well as other wells that are part of the voluntary program. *In North Carolina, Progress Energy's Sutton Steam Electric Plant in New Hanover County has monitoring wells required by permit as well as other wells that were installed as part of the voluntary program. The voluntary wells were added to the permit in 2007. Progress Energy monitors additional parameters from all the wells as part of the voluntary monitoring program.*

Duke Energy does voluntary monitoring at the Dan River Steam Station in Rockingham County, the Buck Steam Station in Rowan County, the Allen Steam Station in Gaston County, the Marshall Steam Station in Catawba County and the Belews Creek Steam Station in Stokes County.

Progress Energy has voluntary monitoring wells at the following stations: Asheville Steam Electric Power Plant in Buncombe County, Lee Steam Electric Plant in Wayne County, Cape Fear Steam Electric Plant in Chatham County and the Weatherspoon Steam Electric Plant in Robeson County.

To learn more about the voluntary monitoring program, check out the Utilities Solid Waste Activities Group.

3. If you have state regulations, when did them come online? Did they apply to older facilities or were those facilities grandfathered?

The state regulations regarding monitoring around permitted facilities went into effect Aug. 1, 1989. **The August date is the effective date for the Compliance Boundary, regulated under 15A NCAC 2L 0107**

When monitoring older facilities, the state allows a larger compliance boundary (**same regulation as above**)

(500 feet from the pond) for older facilities.

--
 Jamie Kritzer
 public information officer
 N.C. Department of Environment and Natural Resources
 (919) 715-7357

--
 Debra J. Watts, Supervisor
 Groundwater Protection Unit
 Aquifer Protection Section
 919-715-6699

Subject: coal combustion waste questions and answers
 From: Jamie Kritzer <Jamie.Kritzer@ncmail.net>
 Date: Wed, 07 Jan 2009 14:41:19 -0500
 To: Susan Massengale <susan.massengale@ncmail.net>, Debra Watts <Debra.Watts@ncmail.net>
 To: Susan Massengale <susan.massengale@ncmail.net>, Debra Watts <Debra.Watts@ncmail.net>
 CC: Diana Kees <diana.kees@ncmail.net>

Debra and Susan,
 I haven't spoken to Sergei Chernokov yet but planned to after his meeting to get more information on the ponds themselves. But here's what I put together for the reporter. As it turns out, she's seeking

information about the ponds, not the landfills that Waste Management regulates.

Can you look through this and make any corrections, changes or additions.

Thanks,

Jamie

1. Does North Carolina permit these ponds?

1. The ponds are regulated through a national pollutant discharge elimination system, or NPDES, permit, which is issued by the N.C. Division of Water Quality. The permitting program requires all point sources discharging pollutants into waters of the state to obtain a /permit/*.*

The fly ash itself is regulated through the N.C. Division of Waste Management.

2. What does it require in terms of lining, groundwater monitoring, leachate collection, inspection?

The permit does not require that the ponds be lined.

But under state rules, the N.C. Division of Water Quality monitors the surface water in a perimeter around the pond. If the state finds that pollutants exceed North Carolina surface water standards 250 feet beyond the collection pond and suspects that pollution from the pond is the cause, the Division of Water Quality will alert the permit holder. It is up to the permit holder to assess the site to determine the cause of the pollutants exceeding the state standards.

If it is determined that the pond is the culprit for the pollution exceeding state standards, the state can order the permitted group to take action to reduce the pollution levels to meet state standards.

In addition to the state's monitoring, several utility companies also conduct voluntary monitoring.

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Progress Energy has voluntary monitoring wells at the following stations: Asheville Steam Electric Power Plant in Buncombe County, Lee Steam Electric Plant in Wayne County, Cape Fear Steam Electric Plant in Chatham County and the Weatherspoon Steam Electric Plant in Robeson County.

To learn more about the voluntary monitoring program, check out the Utilities Solid Waste Activities Group.

3. If you have state regulations, when did them come online? Did they apply to older facilities or were those facilities grandfathered?

The state regulations regarding monitoring around permitted facilities went into effect Aug. 1, 1989.

When monitoring older facilities, the state allows a larger compliance boundary (500 feet from the pond) for older facilities.