

Issues with Omission of Toxins from Duke Energy's Marshall Steam Station SOP

I live on the west side shore of Lake Norman, downstream from the Marshall Steam Station. My wife and I are members of the Catawba Riverkeeper Foundation and are members of the Westport Community Homeowners Association. We obtain our drinking water from Lincoln County's Little Creek Cove water intake on Lake Norman.

We first became aware of the hazards of coal ash discharges with the TVA dam breach in eastern Tennessee. Our Riverkeeper at that time, was one of the early arrivals and she described the volume of fish kills, the blistering on the fish and the destruction of the river channel. Next I learned about the Dan River discharge culvert that the Duke predecessor had been warned was not stable and we all know what happened. Our current Riverkeeper, on a tour of the Allan steam Station coal ash pits, noticed a pipe that the Duke personnel accompanying him did not recognize, and was discharging liquids that could not be located on their discharge permit documentation. My conclusion from all of this is that in spite of all the assurances by Duke Energy that they have control over discharges into our lakes, I have no confidence Duke really knows where all the discharges reside. Further, if you read the transcripts from previous public hearings held in Lincolnton regarding the Riverbend plant, where a former employee testified about supervisors giving instructions to dump PCB's and other toxic waste into the coal ash pit, you should understand my concern for the current or potential threat to our water.

Duke has been aware of these issues for a long time and not enough has been accomplished at Marshall regarding seepage / discharges into Lake Norman. Duke is now requesting, in their newest draft of the discharge permit and SOC, to delay compliance with improved regulations from 2021 to 2023. In the SOC they want only testing for iron and copper. Other dangerous chemicals, as noted below, are also important to exclude from basin discharges into the Lake.

I am concerned about injuries that my family and others in my community may incur as the result of our use of and proximity to the Lake. I am concerned about potential negative health effects of exposure to high levels of **toxins such as arsenic, selenium, bromides and lead** that I don't believe are in the SOC. Other pollutants that have also been overlooked that may be found in coal ash, but not required to test and control in discharges are **hexavalent chromium, vanadium, cobalt, boron, manganese and other elements**. These should be included in the final document, tested for and enforced.

Finally, should there be a large accidental discharge from the Marshall coal ash ponds into the Lake, containing the chemicals documented above, it is likely that property values could significantly decline, thereby harming owners' equity and also hurting county property tax assessed values.

Thank you for letting me offer my concerns.

Michael P. Jones
3244 Lake Shore Rd. S.
Denver, NC 28037

Jessica Albright

For many years, Duke Energy has reaped the benefits of dumping garbage, known as coal ash, into the ground, contaminating groundwater which families and children rely on. Targeting the environments of low-income and communities of color, Duke Energy's 33 leaking coal ash impoundments have contaminated the homes and water sources of hundreds of North Carolinians. ~~However~~, my comment will only be addressing the NPDES permit for the Marshall Steam Station and its lack of accountability in regards to Duke's compliance date for the ELG.

^{ELGs} The ~~Effluent Limitation Guidelines~~ were put in place to protect us against the most toxic pollutants from coal-fired plants. They protect clean water and communities from pollutants like arsenic, mercury, selenium, and others contaminants, and the rules remain in place today as federal law. However, in the Marshall NPDES permit, Duke does not have to comply with these rules until 2023. ^{Effluent Lim. Guidelines}

I am asking DEQ to require Duke Energy to comply with the applicability date of the ELG requirements that were previously set forth in 2016. In the prior version of the Marshall permit, Duke Energy admitted that it could set in place the protections set out by the ELG Rules by 2021, and in the prior permit, DEQ established 2021 as the compliance date. However, in the NPDES permit draft I am speaking on today, the compliance date is set for 2023: ~~two~~ ³ years after the initial date with few explanations as to why.

Comparing this timeline with the timeline set forth in the SOC is alarming. The provisions set by the SOC will expedite the process for decanting—which is the necessary first step in coal-ash clean-up. According to the SOC, Duke Energy must complete decanting at Marshall Steam Station by 2020. However, according to the permit, Duke is not required to even begin dewatering—which is the next step after decanting—until three years later. This means that the Marshall Steam Station will have half of its closure complete in 2020, but will have to wait idly for three more years until Duke is required to complete its closure.

If this was not frustrating enough, Duke chose to wait three years, and DEQ is allowing it! According to the letter sent by the EPA to the Governor in Virginia in 2017, the ELG rules must be applied “on a date determined by the permitting authority that is as soon as possible beginning Nov. 2018, but no later than Dec. 2023”. According to this letter, Duke has between 2018 and 2023 to begin dewatering; however, choose its compliance date, not only three years after it initially stated it would comply, but Duke chose the last day possible to comply by the FEDERAL ELG requirements.

The modifications to the Marshall NPDES permit is a crucial first step in addressing key issues related to environmental justice necessary in the relief of vulnerable communities surrounding the Marshall Steam Station. The NPDES permit should be amended in order to set the compliance for dewatering date to 2021. Duke has demonstrated time and time again that, if not mandated by law, it will always chose money and power over protecting our communities and environment. I am asking DEQ to stop Duke Energy's relentless disruption of North Carolina

communities and water sources by mandating Duke Energy to comply with the ELG rules by 2021.

Hi, I'm Katie Hicks with Clean Water for North Carolina, a statewide organization focused on water and environmental justice issues. We appreciate this opportunity to provide comments regarding the proposed SOC for three Duke Energy facilities.

First, we are pleased that the Division has recognized that the uncontrolled seeps from the coal ash basins at Marshall, Allen, and Rogers Energy Complex are and need to be addressed urgently to protect water quality. We have long believed that these seeps should be subject to full enforcement of the Clean Water Act, not treated as an exception, or worse, as a legal discharge. In May 2015, when the Division first incorporated the seeps as authorized discharges under the Marshall and Allen NPDES permits, our organization submitted comments that doing so fails to uphold the requirements of the Clean Water Act, allowing Duke Energy to continue to pollute without penalty rather than being subject to strict enforcement for years of violations. We made similar comments in 2016 on the permit for the Rogers Energy Complex.

This SOC takes a step in the right direction by promising to remove the seeps from treatment as legal discharges under the facilities' respective NPDES permits, and instead force expedited action to drain water from the ash basins in order to substantially reduce or eliminate the seeps. However, more frequent monitoring should be conducted at each seep throughout the process, with enforceable limits for harmful metals. My colleague Xavier (will speak / has spoken) about our concerns with making sure the expedited decanting of ash basin water is done safely and without harm to water quality in the receiving waterways.

We are concerned about the Division's decision to allow engineered seeps to continue as permitted discharges under the facilities' NPDES permits. Since Duke Energy constructed these outfalls illegally, it is particularly important to hold them accountable for breaking the law, and not reward them by permitting these seeps to continue leaking pollution into the nearby area.

Finally, the communities living near these sites remain concerned about what will come after the draining of these ash basins. Clean Water for North Carolina believes that cap in place is not a solution for coal ash pollution, and that alternatives need to be considered for these sites. For instance, at the Rogers facility, there is an adjacent landfill on Duke Energy's property that could be used to store excavated ash, instead of bringing ash from other sites all the way to the facility by truck.

Thank you for your time!

Hello I am Xavier Boatright with Clean Water for NC. My colleague has spoken about the SOC's new provisions for the engineered and non-engineered seeps at the Marshall, Cliffside, and Allen coal ash basins. Before I share our comments on the expedited dewatering, I would like to reiterate that we are very pleased with DEQ's decision to help speed up the progress towards closure at these sites. This SOC has authorized the accelerated decanting and dewatering of the coal ash basins at the Marshall, Cliffside, and Allen.

Dewatering/decanting is a critical component of coal ash basin closure. Decanting removes the water sitting above the coal ash in the basin. Dewatering is the actual removal of the coal ash slurry following the decanting process. The water associated with the dewatering phase has been submerged in a coal ash slurry mix and is prone to even higher metal concentrations than the water removed during the decanting phase that sits atop the coal ash in the wet basin. The draft Marshall NPDES permit modifications are related to separate document from the SOC, but the NPDES permit is still relevant as it could set a precedent for future modifications in the Cliffside and Allen NPDES permits. Apart from actual threats posed by the contaminants in the coal ash at the bottom of the basin, it is also important to highlight that the coal ash basins also receive many waste streams associated with various power plant operations including coal pile runoff, limestone and gypsum runoff, chemical and metal cleaning wastes, ~~landfill leachate, blowdown from the cooling towers, and ash transport water.~~ landfill leachate, blowdown from the cooling towers, and ash transport water. Given the mix of waste streams feeding into the ash basin and the volumes of water allowed to be discharged in this SOC, the monitoring requirements and effluent limitations within the Marshall NPDES permit do not ensure that harmful quantities of contaminants are not reaching Lake Norman! These NPDES modifications have direct impacts on the expedited dewatering and decanted authorized in this SOC. In addition, we ask that interim action levels be established for all of the toxic metals associated with coal ash like hexavalent chromium, cobalt and many more that have been found in nearby residential and monitoring wells at coal ash sites across the state.

Many heavy metals in coal ash can bioaccumulate in aquatic and terrestrial organisms (including humans). The Marshall NPDES permit modifications do not require Duke Energy to construct a physical/chemical treatment system during dewatering and decanting of the ash basins and we understand this requirement may be removed from other facilities' discharge permits, as well. Duke Energy must have a defined physical/chemical wastewater treatment system, capable of removing the toxic constituents of coal ash to levels that are safe for the aquatic and terrestrial species neighboring the sites. Many people who live downstream from the Cliffside, Allen, and Marshall coal ash plants rely on and enjoy the recreational aspects of the Broad and Catawba River Basins. It is important that downstream communities are notified when there are contamination spikes associated with the decanting and dewatering provisions in this SOC.

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Duke Energy must be required to perform aquatic toxicity test following each decanting/dewatering event to ensure the safety of aquatic species and neighboring/downstream communities.

There is not enough regulatory, independent, and local community oversight for the requirements in this SOC as it is currently written. The new draft ~~permit~~ it should be written in a way that forbids the

SOC

excessive pollution of nearby waterbodies as the ash ponds are decanted and dewatered, to fully protect downstream environments and communities. I would like the North Carolina Department of Environmental Quality hosting this opportunity for the public to provide comments on this Special Order by Consent.

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your time and for



Wed 2/14/2018 9:50 AM

Debora Thompson <Seascope@aol.com>

[External] Public Hearing at James W. Warren Citizens Center

To: SVC_DENR.publiccomments

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Attention: Mr. Bob Sledge
NC Division of Water Resources
1617 Mail Service Center
Raleigh, NC. 27699

From: Debora Thompson

Date: February 14, 2018

RE: Rogers Steam Station in Rutherford County

What Duke Energy is doing to the people of Cliffside, Mooresboro, NC is a shame and disgrace to humanity. This small community has endured the extreme of this corporate irresponsibility for polluting the air, water, and ground.

Duke Energy has polluted the drinking and bathing water for these North Carolina citizens. With their continued plans to dump more pollution into our rivers from the coal ash ponds, they are not responsible for the damage they are doing to this small community.

The Duke Energy executives receive money like most of us never see in an entire life time. They live in protected areas and have the money to purify every drop of water entering their home places. Yet the people of this small community are treated as if their life and homes are valueless and expendable.

The dump truck traffic that is not restricted for the amount of emissions put into the air is an extreme health and wellness issue for the people. These emissions harm the ground water, air quality, and ground for planting food.

The trucks are bumper to bumper on highway 120 and unsafe for the local residents to travel when the trucks are delivering coal ash, dirt, and rock into the

project site. They speed up and down the road without any concern for the locals trying to survive and have some semblance of normalcy in every day life.

We have experienced numerous deaths of human life and animal life. The police do not appear to be placing these deaths on the NC register for reporting cause of death correctly to the public.

We are surrounded by the gas line piping. Home places are valueless because of the pollution of emissions gases and fear.

The irresponsible treatment of children at the elementary school is the most saddening of Duke Energy using our community as there construction site. The entire community is affected and health disparities are worsening. Elders are experiencing higher incidence of respiratory, digestive, and heart disease. More of the children affected by heavy carbon monoxide and other chemicals in the water and air, are experiencing asthma, autism, digestive and other health conditions.

Duke Energy should not be allowed to dump anything into the river to make the future uninhabitable for people to Age in Place in their homes. The trucks should be required to practice emissions control and restrictions should be placed on the kind of trucks allowed through our community.

We do not have any Department of Transportation, Highway Patrol, Signage, flashing lights – anything to warn the people of the dangers Duke Energy has created in our community.

July 2017, a man was run off the road by these massive trucks parading in both directions on the road. The local police claimed the man was asleep when his car crashed into a tree and fell into the creek bed. I ask you, How was this local police able to determine the man was asleep when he was run off the road? Why is the death not on the internet with investigation reporting for the death statistics on this road? Why are the people of Cliffside and Mooresboro not being honored by the truth about how dangerous the road has become? Why will strangers who travel this road not be informed about how dangerous this road is for traveling to and from highway 74? Why are people not being warned about the toxins in their water? I would not have purchased a farm in this community if any of this information was available.

We cannot take a deep breath around the community or drink the water from our faucets and be healthy in this community.

Duke Energy will continue the unrestricted vehicles to pass through this community where children are being reared and where they play. They will continue to ignore the safety and mobility of our elders. They will continue polluting our water if they are not ordered to stop and if they are not fined for the damages and crimes they have committed.

The DOT executives arrogantly explain that they are not responsible for the unrestricted vehicle emissions. They will determine that we do not deserve signage, flashing lights, or protections from these over loaded, wide axels, extremely weighted and polluting vehicles.

The DOT will exclude themselves from any responsibility for the safety and mobility issues and not provide the citizens of NC safety and mobility.

How is our government and corporate executives who are making millions allowing so many people to suffer with this big picture of pollution and dumping coal ash sludge into the river?

We beg for the DEQ to call for emissions restrictions, strengthen the proposed consent order with a clean up and no more dumping, and to stop abusing the people of Cliffside, Mooresboro, and surrounding communities.

How do I speak this message kind enough, to you as a woman being responsible to my elders and children? How do I act professional in my Health Communications and State Honorary in Gerontology? When I talk statistics to you about the people affected by what our government and Duke Energy is doing to us? How do I talk to you about nature, the river, water and air causing positive actions that will stop this evil that is placing another community in deep poverty and despair? How do I not express this fear for the people in this community in my efforts to be a responsible steward?

We all deserve to love the land where we play and attend elementary school. We all deserve to be able to exit our home places and return safely. We all deserve an opportunity to grow healthy food and feel safe drinking and bathing with the

water coming into our home places. We all need to know what it is like to be able to drive our loved ones to the family physician safely without a dump truck running us off the road or emitted enough gas to kill a flock of elephants.

I wrote to Lynn Good, CEO of Duke Energy: If I were CEO of such a company, I would be employing every professional for figuring out how to deliver sustainable energy to home places, without digging holes, hauling filthy ash from here to there, and figuring out how not to pollute the air, the water, and the earths dirt. We all as responsible people should figure out how not to deliver any polluted toxins into river water which becomes the aquifer that the people dig into for well water. Lynn Good has never responded to us.

NC was a beautiful place to be before Duke Energy began ripping up the entire mountain region and polluting our rivers. The environment of NC does not need to be a place where only the privileged millionaires are in and around their millionaire places. We are The People abused too long by these money lords.

We live in Cliffside and Mooresboro. Many are poor, health despaired, and unable to speak. Please help me in my attempt to help these people.

We deserve to have police protection, road signs, legal ramifications when people are harmed by these arrogant actions.

We want to work together for economic prosperity in our small community. We want to believe that we have protection by the DEQ.

We want our children to be safe where they play and attend school.

Thank you,

Debora Thompson