



Feb. 13, 2018

Mr. Bob Sledge  
N.C. Division of Water Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617.  
[publiccomments@ncdenr.gov](mailto:publiccomments@ncdenr.gov)

Dear Mr. Sledge,

I am submitting comments on behalf of the Broad River Alliance, a Waterkeeper Affiliate, concerning the draft Special Order of Consent (SOC). These comments are specifically with regard to the Duke Cliffside facility and the Broad River.

We appreciate that DEQ has recognized the continuing seeps around the coal ash basin to be illegal discharges, and a threat to the water quality of the Broad River. We also appreciate the timeline that is set in the SOC for dewatering the ash ponds in an effort to minimize future contaminated discharges into our water.

However, we feel that the SOC does not go far enough to ensure that the seeps are permanently eliminated, and that discharges of contaminants into our waters are both monitored and minimized during the dewatering process. The key points that we wish to convey are as follows:

\* If the seeps continue to leak water from the ash ponds after dewatering, Duke is required to merely submit a corrective action plan. The SOC should go further in specifying the actions that Duke should take to eliminate any further illegal discharge of contaminants into the Broad River. Complete excavation of the coal ash ponds should be one of these actions.

\* The interim action levels put forth in the SOC draft seem inadequate to monitor and evaluate the extent to which dewatering will affect water quality. The instream monitoring sites are of course important to this analysis. However, the Broad is a big river and dilution of contaminants may hide the levels of dangerous contaminants being introduced into our water.

The "representative seep" locations are not well chosen. Seep 7, below the active basin, from p.45 of the CSA, appears to be a naturally occurring spring, not affected by the ash pond. A much better selection would be the seep related to the engineered toe drain of the active basin, which by design allows a discharge directly from the basin, and so would be a good indicator of any increased contamination caused by disturbance of the ash during dewatering.

Similarly, Seep 2, near the inactive basin, is in a wetland area, and so receives an abundance of both ground and surface waters which will dilute any contamination. A better choice would be a seep closer to the toe of the inactive basin.

Ideally, all of the seeps, both engineered and not, would be monitored during and after dewatering, to give a clear picture of what is happening.

\* The draft NPDES permit for Cliffside calls for water discharged during decanting and dewatering to be physically or chemically treated. This SOC should clearly specify treatment methods for the 306 million gallons of water that will be released into the Broad River during dewatering.

We appreciate DEQ's good intentions and attention to these matters of cleaning up the coal ash mess in Cliffside, and to the improvement of water quality in the Broad River.

Sincerely,  
David Caldwell  
Coordinator, Broad River Alliance  
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