

Clean Water for North Carolina
1070 Tunnel Road, Building 4, Suite 1
Asheville, NC 28805

May 31, 2008

Bob Sledge

Division of Water Quality

North Carolina Division of Water Quality

1617 Mail Service Center

Raleigh, North Carolina, 27699-1617

publiccomments@ncdenr.gov

Re: Written comments on Special Order of Consent WQ S18-004, for the Belews Creek Steam Station and Buck Steam Station.

Mr. Sledge:

I am writing on behalf of Clean Water for North Carolina regarding this draft Special Order by Consent's (SOC) provisions for illegal seeps and accelerated discharges at the Buck Steam Station and Belews Creek coal ash basins (WQ S18-004, issued April 20, 2018). We are pleased with DEQ's decision to help speed up the progress towards closure at these sites, but more must be done to ensure that all coal ash in the state be removed from the unlined pits to prevent further groundwater contamination. Clean Water for NC is a non-profit environmental justice organization that works with communities to solve and prevent environmental problems that impact the health and quality of life of downstream and downwind communities with

members in both Rowan and Stokes counties. We respectfully request a formal public hearing be held with at least a 30 day notice to the public in order to address concerns with this draft SOC, the facility in general, and to allow the public an additional opportunity to communicate concerns. DEQ's recent trends of planning and hosting public meetings/hearings has been completely inadequate and discouraging to the many impacted community members of various issues across the state. It is extremely difficult for working families and impacted neighbors to have their voices heard when public meetings are scheduled with short notice during the 5-6PM rush hour. Furthermore, the Division should compose two separate SOC's for these facilities as the sites differ greatly by coal ash inventory size and characteristics.

Seeps are not legal discharges and should never be permitted. This draft SOC addresses un-engineered seeps, but DWR plans to include engineered seeps (those that are intentionally built) in the facilities' NPDES permits. Previously, the state recognized engineered seeps as illegal discharges at the Asheville, Lee, and Riverbend coal ash sites. DWR should not permit these engineered seeps! Instead, DWR should continue to hold Duke Energy accountable. In 2015, Duke Energy paid \$102 million in fines for environmental crimes involving these same seeps.

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 Buck 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 Belews Creek NPDES permit. DEQ has now added the qualifier that physical-chemical treatment is required only "**if necessary**, to ensure state Water Quality Standards are not contravened in the receiving stream." Along with the 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, treated wastewater from bathrooms at the plants, 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 Buck NPDES permit do not ensure that harmful quantities of contaminants are not reaching the Yadkin River! 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.

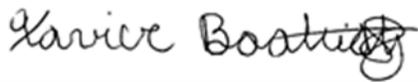
Many heavy metals in coal ash can bioaccumulate in aquatic and terrestrial organisms (including humans). The Buck NPDES permit modifications do not require Duke Energy to construct a

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 Buck and Belews Creek coal ash plants rely on and enjoy the recreational aspects of the Yadkin River Basin. It is important that downstream communities are notified when there are contamination spikes associated with the accelerated decanting and dewatering provisions in this SOC.

Duke Energy must be required to perform aquatic toxicity test following each historic 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 draft SOC as it is currently written. The new draft permit should be written in a way that forbids the excessive pollution of nearby waterbodies as the ash ponds are decanted and dewatered, to fully protect downstream environments and communities in the Yadkin River Basin.

Thanks for your kind consideration,

A handwritten signature in black ink that reads "Xavier Boatright". The signature is written in a cursive style with a large, stylized initial 'X'.

Xavier Boatright, Environmental Justice Researcher

Clean Water for North Carolina