

**North Carolina Department of Environmental Quality
Division of Waste Management**

Re:	Piedmont Natural Gas Liquefied)	Administrative Order in Lieu of
	Natural Gas Storage Facility)	Post-Closure Permit
	11001 McCoy Road)	
	Huntersville, NC 28078)	
	EPA ID No. NCR 000 147 280)	
)	Docket Number 2022-012
Owner:	Piedmont Natural Gas Company, Inc.)	
	4720 Piedmont Row Drive)	
	Charlotte, NC 28210)	
)	
Operator:	Piedmont Natural Gas Company, Inc.)	
	4720 Piedmont Row Drive)	
	Charlotte, NC 28210)	

ADMINISTRATIVE ORDER IN LIEU OF POST-CLOSURE PERMIT

TABLE OF CONTENTS

I.	Statement of Purpose	1
II.	Jurisdiction	2
III.	Stipulations of Fact	3
IV.	Conclusions of Law and Determinations	7
V.	Scope of Work	10
VI.	Data Quality Assurance and Quality Control	17
VII.	Property Access and Sampling Access	18
VIII.	Data Collection, Document Availability and Reporting Requirements	19
IX.	Inspection and Training Requirements	22
X.	Cost Estimate, Financial Assurance, and Adjustments	23
XI.	Public Participation	25
XII.	Delay in Performance	26
XIII.	Dispute Resolution	27
XIV.	Satisfaction of Order	28
XV.	Change of Ownership or Operational Control	29
XVI.	Decisions/Notifications	30
XVII.	Notice of Non-Liability of State	31
XVIII.	Reservation of Rights	32
XIX.	Other Claims	34
XX.	Indemnification of State	35
XXI.	Additional Provisions	36

Schedule of Compliance	38
Figures	39

Piedmont Natural Gas Liquefied Natural Gas Storage Facility (PNG) and the North Carolina Department of Environmental Quality, Division of Waste Management (Division), acting through its Hazardous Waste Section (Section) (collectively the parties) enter into this Administrative Order in Lieu of Post-Closure Permit (Order) for the facility identified and further described herein.

I. Statement of Purpose

- A. This Order concerns the application to the facility of the North Carolina Solid Waste Management Act (the Act) contained in Chapter 130A of the North Carolina General Statutes and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code (the State Hazardous Waste Rules), and the federal Resource Conservation Recovery Act (RCRA), 42 U.S.C. 6901 et seq., to the facility. The purpose of this Order is to provide an enforceable Order in lieu of a post-closure permit, including corrective actions to be taken, for the facility located at 11001 McCoy Road, Huntersville, North Carolina 28078 in the county of Mecklenburg (the facility) in a manner that is consistent with state and federal laws and rules.
- B. The parties stipulate that the objectives for completion of the work required by this Order are to:
 - 1) identify all releases of hazardous waste, hazardous constituents, and petroleum constituents;
 - 2) remove imminent threats to human health and the environment through source removal or treatment;
 - 3) characterize the facility's geologic and hydrogeologic conditions and determine the extent of contamination;
 - 4) perform corrective action at the facility, and beyond the facility boundaries as necessary, to include, at a minimum, establishing remediation goals for the facility and conducting remediation to meet those goals;
 - 5) implement and maintain a comprehensive monitoring program until remediation is complete;
 - 6) provide opportunities for public participation; and
 - 7) provide financial assurance for assessment and remediation.
- C. This document constitutes an Order of the Secretary of the Department of Environmental Quality for the purposes of N.C.G.S. § 130A-18(a).
- D. Therefore, to further the public interest the parties enter into this Order.

II. Jurisdiction

- A. The Division has authority pursuant to N.C.G.S. § 130-290, et seq., to require corrective action by owners and operators with respect to facilities at which hazardous wastes were generated and treatment, storage, or disposal has occurred.

- B. Although this Order requires corrective action mandated by 40 CFR 264.101 and 265.121, incorporated by reference in 15A NCAC 13A .0109(g) and .0110(g), PNG stipulates to issuance of this Order without a hearing and compliance with the terms of the Order. PNG further stipulates that it, will not contest the Section’s jurisdiction to issue the Order, to require compliance with the Order, to compel compliance with the Order in any subsequent enforcement proceeding, either administrative or judicial, or to impose sanctions for any violation of the Order.

III. Stipulations of Fact

A. Authority of the Hazardous Waste Section

1. The United States Environmental Protection Agency (EPA) has authorized North Carolina to operate the state RCRA Hazardous Waste Program in accordance with the Act and the Rules.
2. The North Carolina Department of Environmental Quality (the Department or DEQ) is authorized and required to enforce the laws and rules governing the management of solid waste, including hazardous waste. The Secretary has delegated this authority and responsibility to the Director of the Division. The Director has issued a sub-delegation of this authority and responsibility to the Chief of the Hazardous Waste Section.

B. Piedmont Natural Gas Company, Incorporated Corporate Information

1. Piedmont Natural Gas Company Inc. is a wholly owned subsidiary of Duke Energy. PNG is a corporation organized under the laws of North Carolina and authorized to do business in this state.
2. PNG has been an active business corporation in the state of North Carolina since December 14, 1993. PNG was acquired by Duke Energy in 2016. Since inception, the facility has stored natural gas to provide supply during peak usage. During that time, PNG has performed certain corrective actions, described more fully herein, to address groundwater contamination discovered at the facility.

C. Facility Information (Physical)

1. The PNG facility is located at 11001 McCoy Road, Huntersville in Mecklenburg County, North Carolina. It is comprised of 337 acres including a one billion cubic foot aboveground storage tank, office, operations buildings, several out buildings, wooded areas and a fire suppression system storage pond. Approximately 67 acres are developed for site-related activities. The facility is bounded on the east by McCoy Road and then rural and wooded areas; on the south by woods and rural areas; on the west and north by woods, rural and residential areas.

The site is located within the Charlotte Belt of the Piedmont physiographic province. Gar Creek is located approximately 2,000 feet south of the facility boundary (4,000 feet from the developed portion of the site). Groundwater flow trends south to southwest in the overburden and upper bedrock.

D. Facility Information

1. Since inception, PNG has been a storage location for liquefied natural gas for use during peak supply demand.

2. PNG used filter media to remove carbon dioxide and other compounds from the influent natural gas to prevent freezing. Beginning in 1994, the spent filter media was deposited on site in a wooded area south of the operational area. In 2008, The Filter Media Burial Area (FMBA) was discovered, and elevated levels of trichloroethene (TCE) were detected in an on-site water supply well. TCE concentrations exceeded the USEPA Maximum Contaminant Level. The Former FMBA solid waste management unit (SWMU) is approximately 0.54 acres.
3. PNG evaluated the extent of the FMBA SWMU and determined that soil was contaminated with several volatile organic compounds (VOCs) including benzene and TCE. PNG excavated the filter media and impacted soil during two phases. A total of 800 tons of filter media and impacted soil were removed during Phase I, followed by the removal of 5,570 tons of impacted soil during Phase II. Confirmatory soil samples indicated that post excavation soil was below the NC Hazardous Waste Soil Screen Levels. The excavation was backfilled with clean fill. The soil removal satisfied the requirements of the Immediate Action Notice of Violation (IANOV), Docket Number 2008-87 issued in June 2008 as noted in the Administrative Order on Consent (Docket # 2009-059), Stipulations and Findings of Fact, Item 21. This solid waste management unit is confirmed no further action (NFA) for soil.
4. During the investigation of the FMBA, an additional SWMU was discovered where mercaptan containers and drums were stored (Mercaptan Excavation Area). Approximately five tons of impacted soil and 61 tons of debris were removed from the Mercaptan Excavation Area SWMU. Confirmatory soil samples were collected indicating that impacts no longer remained. The Former Mercaptan Excavation Area is approximately 80 feet by 30 feet. As noted in the Administrative Order on Consent (Docket # 2009-059), Stipulations and Findings of Fact, Item 21, this SWMU unit is confirmed NFA for soil.
5. No further SWMUs or Areas of Concern have been identified at the site.
6. Fifteen groundwater monitoring wells (MWs) were installed - three at FMBA source area; three upgradient of the source area; five downgradient of the source area; and, four on the perimeter. Wells are sampled semiannually for VOCs. The constituents of potential concern (COPCs) include 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, p-isopropyltoluene, trichloroethene (TCE) and 1,1,1-trichloroethane.
7. Based on groundwater sampling to date, a TCE plume is present south of the FMBA in both the overburden and bedrock aquifers.

E. Summary of Early Regulatory Action

1. On January 30, 2008, Mecklenburg County Groundwater & Wastewater Services sampled the onsite drinking water well. TCE concentrations were found exceeding both the EPA Maximum Contaminant Level and North Carolina 2L groundwater standard.

2. On March 19, 2008, Mecklenburg County Groundwater & Wastewater Services advised that PNG was required to connect to the municipal water supply or install a treatment system for the contaminated drinking water well. PNG elected to connect to the municipal water supply. They also installed a treatment system in order to continue to use the well water for fire suppression activities.
3. On May 22, 2008, DEQ (formerly the North Carolina Department of Environment and Natural Resources) conducted a site visit prompted by an anonymous complaint regarding improper onsite disposal of waste.
4. On June 2, 2008, the facility was issued an IANOV, Docket Number 2008-87. The IANOV required PNG to assess the site for potential contamination.
5. On April 11, 2012, PNG and DEQ Hazardous Waste Section entered into an Administrative Order on Consent (Docket # 2009-059). The Order required PNG to complete the following activities:
 - a. Pay an administrative penalty.
 - b. Pay hazardous waste management fees for the fifteen-year period that it operated as a disposal facility.
 - c. Pay DEQ inspection and investigative costs related to the assessment of the civil penalty.
 - d. Submit a Site Assessment Plan (SAP) to determine the lateral and vertical extent of groundwater contamination.
 - e. Submit a remedial strategy for developing and evaluating remedies for impacted groundwater.
 - f. Submit a Site-wide Monitoring Program for groundwater and surface water monitoring.
 - g. Submit a Remediation Program based on the approved remedial strategy.

Additionally, if within five years of the effective date of the Order DEQ determined that longer term remediation was required, DEQ would issue an additional Administrative Order on Consent in Lieu of a Post-Closure Permit. Groundwater analyte concentrations continue to exceed the North Carolina regulatory standards. Therefore, this AOC is issued to address ongoing remedial activities at the site.

6. The parties' understanding of current site conditions is based on the following documents:

Site Assessment Plan, Piedmont Natural Gas Company, AMEC Environment & Infrastructure, Inc., May 2012

Administrative Order on Consent, Docket # 2009-059, April 2012

Site Assessment Report, Piedmont Natural Gas Company, AMEC Environment & Infrastructure, Inc., October 2013

Groundwater Remedial Strategy and Monitoring Plan, Piedmont Natural Gas Company, July 2014

Memorandum, Transfer Oversight of Piedmont Natural Gas – Huntersville Facility (NCR000147280) from Compliance Branch to Facility Management Branch, DEQ, July 2017

Application for Administrative Order on Consent in Lieu of Post-Closure Care Permit, Revision 1, Piedmont Natural Gas Company, Inc., EPA ID No. NCR00147280, December 2020

Sampling and Analysis Plan for Site-wide Corrective Action Groundwater Monitoring, Arcadis, December 2020

Site Investigation Workplan, Arcadis, December 2020

Post-Closure Care Plan, Former Filter Media Burial Area, Arcadis, December 2020

IV. Conclusions of Law and Determinations

Based upon the foregoing stipulations of fact and all other information available on the effective date of this Order, the Section concludes and determines that:

A. Definitions

1. “Hazardous wastes” shall mean those hazardous wastes defined in N.C.G.S. § 130A-290(a)(8) and 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(a) through .0106(e).
2. “Hazardous constituents” shall mean those constituents listed in Appendix VIII to 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(e), or any constituent identified in Appendix IX to 40 CFR Part 264, adopted by reference in 15A NCAC 13A .0109(a), or under N.C.G.S. § 130A-294.
3. “Landfill” shall have the meaning given in N.C.G.S. § 130A-290(a)(16).
4. The term “facility” shall have the meaning given in 40 CFR 260.10, adopted by reference in 15A NCAC .0102(b).
5. The terms “disposal” and “treatment” shall have the meanings given in N.C.G.S. § 130A-290(a)(6) and (a)(42), respectively.
6. The term “facility boundary” as used in this Order is the furthestmost extent of the property owned by Piedmont Natural Gas Company, Incorporated from 1993 to present and located at 11001 McCoy Road, Huntersville, NC 28078.
7. The term “active portion” shall have the meaning given in 40 CFR 260.10, adopted by reference in 15A NCAC .0102(b).
8. The term “corrective action” shall mean all activities, including activities conducted beyond the facility boundary, that are proposed or implemented to facilitate assessment, monitoring, and active or passive remediation of releases of hazardous waste or hazardous constituents to soil, groundwater, surface water, or the atmosphere associated with Hazardous Waste Management Units (HWMUs), Solid Waste Management Units, and/or Areas of Concern located at the facility.

B. Status of Piedmont Natural Gas

1. PNG is a person as defined in N.C.G.S. § 130A-290(a)(22).
2. PNG is an owner and operator as defined in N.C.G.S. § 130A-290(a)(21).
3. PNG is listed on the most recent RCRA Part A as the property owner and, therefore, is an owner as defined in N.C.G.S. § 130A-290(a)(21).

C. Application of RCRA Standards

In June 2008, PNG was issued an Administrative Order on Consent, Docket # 2009-059, and found in violation of the following:

1. Pursuant to 40 CFR Part 261.24, incorporated by reference in 15A NCAC 13A .0106(c), waste TCE and benzene are listed hazardous wastes assigned the EPA waste codes of D040 and D018, respectively.
2. 40 CFR 262.11, adopted by reference in 15A NCAC .0107: Failure to make a waste determination prior to land disposal of the spent filter media material in the FMBA. PNG tested using the Toxicity Characteristic Leaching Procedure (TCLP) in 1989, 1997 and 2002 prior to onsite land disposal; however, PNG only tested for TCLP inorganic compounds. PNG did not test for TCLP organic compounds.
3. 15A NCAC 13A .0109(a): Failure to comply with the requirements set forth in 15A NCAC 13A .0109(a) prohibiting the treatment, storage and disposal of hazardous waste except as set forth in this section. PNG disposed of unknown quantities of TCE- and benzene-contaminated spent filter media.
4. 40 CFR 270.10(a): Failure to seek a permit to dispose of hazardous waste at the site, and to complete and submit a permit application to the Hazardous Waste Section as described in Section 270.10 and Sections 270.70 through 270.73.
5. 40 CFR 270.10(a), adopted by reference in 15A NCAC 13A .0113(b): PNG was required to have a permit and complete, sign and submit an application to the Hazardous Waste Section which met the requirements of 270.10 and 270.20 through 270.73. 40 CFR 270.1(d), adopted by reference in 15A NCAC 13A .0113(a), provides, in pertinent part, that RCRA requires a permit for the treatment, storage, and disposal of any hazardous waste as identified or listed in 40 CFR part 261.

D. Integration of Order

1. PNG agrees to complete all of the activities required in the documents listed **Paragraph III.E.6** and the Scope of Work found in Section V. Unless specifically superseded by the terms of this Order, the requirements specified in the approved PNG documents and any current Division approved work orders remain in effect. With these specified, limited exceptions, this Order supersedes any other agreement, verbal or written, between the Parties that may have been entered into prior to the date of execution of this Order.
 2. If any conflict exists between the specified methods of completing work pursuant to the documents referenced in **Paragraph III.E.6** and this Order, the terms of this Order shall control.
 3. PNG shall continue the groundwater and post-closure activities outlined in the documents referenced in **Paragraph III.E.6**, until one or more of the following conditions are obtained:
-

- 1) The Section determines that such activities are no longer necessary for the effective remediation of the facility;
- 2) The Section determines that new interim measures are required for the facility as provided in **Paragraphs V.K.1–V.K.6**; or
- 3) A new remedial program is implemented pursuant to **Paragraph V.M.5**.

E. Acceptance of Previous Work

1. The Section acknowledges that PNG may have completed some of the tasks required by this Order and that some of the information and data required by this Order may be available. This previous work may be used to meet the requirements of this Order.
2. Activities conducted to date, will be recognized by the Section as appropriate, but not necessarily sufficient, in the development and implementation of any further activities under this Order.

F. Responsibility Issues

1. PNG accepts full responsibility for satisfactory completion of all required tasks and activities in accordance with the terms and conditions of this Order and accepts further direction of the Section to achieve satisfactory completion of the corrective action required by this Order.

V. Scope of Work

Within fifteen (15) calendar days of signing this Order, PNG must submit an updated Part A application meeting the requirements of 40 CFR 270.28, incorporated by reference in 15A NCAC 13A .0113(b), including signature(s) by the appropriate corporate officer(s).

- A. PNG shall complete the characterization activities, monitoring, and corrective action measures at the facility as described herein. In conducting any such work, PNG shall prepare appropriate workplans and reports for Section approval.
 - B. All actions required pursuant to this Order shall be in accordance with applicable local, state, and federal laws and regulations. PNG shall undertake corrective action activities in accordance with the Act, the State Hazardous Waste Rules, and EPA and Department guidelines as appropriate and applicable at the time the work is undertaken.
 - C. If documents submitted to the Section include any work that would constitute the practice of engineering as defined by N.C.G.S. Chapter 89C, the signature and seal of a professional engineer is required. If documents submitted include any work that would constitute the practice of geology as defined by N.C.G.S. Chapter 89E, the signature and seal of a licensed geologist is required. If any work is to be done on a well that would constitute well contractor activities as defined in N.C.G.S. Chapter 87, a certified well contractor shall be employed to perform the work.
 - D. Any standard, requirement, criteria, or limitation under an environmental law or facility siting law promulgated by North Carolina that is more stringent than any federal standard, requirement, criteria, or limitation with respect to any hazardous waste or constituent is applicable to the work to be done at this facility; e.g., the groundwater standards promulgated at title 15A North Carolina Administrative Code Subchapter 2L, shall apply to releases at the facility and beyond the facility boundary.
 - E. Facility Conceptual Site Model (CSM)
 - 1. The facility has provided a preliminary discussion of the Conceptual Site Model in the Site Investigation Workplan dated December 2020. A facility CSM is required, and it shall include, at a minimum, the following:
 - a. the geologic and hydrogeologic conditions at the facility;
 - b. the sources, types, and distribution of contaminants and any breakdown products;
 - c. a holistic overview of the sources of contamination, including known or potential pathways of migration, and known or potential receptors;
 - d. the actual extent of migration beyond the facility boundary;
 - e. possible environmental and human health risks.
-

The CSM may include maps, cross-sections, flownets, narrative, data tables, groundwater flow models, contaminant transport models, and any other information needed to gain a full understanding of the facility.

2. PNG shall submit an updated CSM within ninety (90) calendar days of a written request from the Section. PNG shall also submit a modified or updated CSM when either determines there is a need for a new CSM. Submissions of updated CSMs shall occur pursuant to this paragraph until the Section determines (a) that corrective action at the facility is completed or (b) that further updates of the CSM are no longer necessary. After review of the updated CSM, the Section shall notify PNG in writing that the CSM has been approved or that there are material deficiencies in the CSM. After receiving written notification from the Section of any material deficiencies in the CSM, PNG shall submit to the Section, within a mutually-agreed-to time period, information or material sufficient to correct such deficiencies.
3. The CSM shall be an adaptable model of the facility that is used to develop hypotheses regarding the location and movement of contamination at the facility and the potential impacts that may occur to human health and the environment. PNG shall use EPA and Division guidance documents appropriate and applicable at the time the work is undertaken in developing any updated CSM.
4. Using the CSM as a guide, PNG shall conduct additional facility investigations and assessments deemed necessary for the development and implementation of a facility-wide corrective measures program. The CSM shall guide corrective actions taken pursuant to this Order.
5. Additional facility investigations required by this Order may include further investigation and characterization of the sources, nature, extent, direction, rate, movement, and concentration of hazardous waste or hazardous constituents that have been or are likely to be released into the environment from the facility, and the collection and analysis of relevant facility hydrogeologic and chemical data.

F. Additional Facility Characterization to be Performed

Although a significant amount of work has been performed at the facility, PNG shall complete the groundwater, vapor intrusion, soil and/or other investigations as the Section deems necessary including, but not limited to:

1. Complete all tasks described in the Site Investigation Work Plan dated December 2020;
2. Submit an updated Conceptual Site Model Report based on the data collected during the Site Investigation.

3. Respond to any comments provided by the Section upon completion of its review of the Conceptual Site Model Report.
4. Submit a RCRA Facility Assessment Report (RFA) or Division-approved assessment report.

G. Facility Characterization Workplans & Quarterly Progress Reports

1. Within ninety (90) calendar days of the effective date of this Order PNG shall submit a Facility Characterization Workplan based upon the CSM outlining the activities that shall be undertaken to address the items in **Paragraphs V.F-V.J**. The workplan shall include a schedule of implementation. The schedule of implementation shall include the submission of quarterly progress reports to the Section in accordance with **Paragraph V.H.4**.
2. The Section will either accept or provide comments on the proposed Facility Characterization Workplan. Within thirty (30) calendar days of receiving notice from the Section of any deficiency in the Facility Characterization Workplan, PNG shall submit to the Section information or material sufficient to correct such deficiency. PNG shall implement the workplan within thirty (30) calendar days of receiving concurrence from the Section.
3. If PNG determines that additional work is required to complete the facility characterization after the completion of the work outlined in the workplan, then PNG shall perform those additional tasks according to a schedule mutually agreed upon by the Parties. Such work shall also conform to the requirements of this Order.
4. PNG shall submit quarterly reports on the progress of the facility characterization. These reports shall include:
 - a. A description of the portion of the facility characterization completed;
 - b. Summary of findings;
 - c. Summary of any deviations from the approved Facility Characterization Workplan(s) during the reporting period;
 - d. Summary of any significant contacts with local community public interest groups or state government;
 - e. Summary of any problems or potential problems encountered during the reporting period;
 - f. Actions taken to rectify problems;
 - g. Changes to relevant personnel;
 - h. Projected work for the next reporting period; and
 - i. Copies of laboratory and monitoring data including QA/QC data.

H. Facility Characterization Reports

1. PNG shall prepare and submit to the Section Draft and Final Facility Characterization Reports for the investigations conducted pursuant to the workplans and the work performed as part of the facility investigation. PNG shall submit Draft Facility Characterization Reports to the Section for review in accordance with the schedule in the approved Facility Characterization Workplan(s). PNG shall submit the Final Facility Characterization Report to the Section according to the schedule set out in the Section's comments on the Draft Facility Characterization Report. Any Draft and Final Facility Characterization Reports shall include an analysis and summary of all required investigations of the HWMU, SWMUs and AOCs and investigation results. The summary shall describe the type and extent of contamination at the facility, including sources and migration pathways, and a description of actual or potential receptors. The reports shall also describe the extent of contamination in relation to background levels indicative of the area.
2. The Section shall review the Final Facility Characterization Report and notify PNG of the need for further investigative action and/or the need for a remediation program in accordance with 40 CFR 264.101, incorporated by reference in 15A NCAC 13A .0109(g). PNG shall prepare and implement any further investigative action required by the Section according to a schedule approved by the Section. Remediation shall be conducted using the procedures specified in this Order.

I. Facility-Wide Monitoring Program

1. PNG shall continue to implement the existing program to monitor contamination in and around the facility as described in the Sampling and Analysis Plan for Site-wide Corrective Action Groundwater Monitoring, or shall implement a modified monitoring program, until such time as the Section determines remediation is complete. Any request to modify the existing monitoring program shall be made, approved, and implemented pursuant to **Paragraphs V.I.2 through V.J.4**.
2. Additional facility characterization may require modifications to the existing monitoring program. If the Section determines the monitoring program or any aspect of the monitoring program is inadequate to monitor conditions at the facility, then the Section shall notify PNG in writing. Within thirty (30) calendar days of receiving written notification from the Section, PNG shall develop and submit an amended monitoring program for the facility.
3. If PNG seeks to modify the existing monitoring program, then PNG shall submit to the Section a written explanation of the proposed modification. The proposed modification shall include an updated CSM.
4. The Section will approve, disapprove, or provide comments on any proposed modification to the monitoring program. Within thirty (30) calendar days of receiving notice from the Section of any deficiency in a proposed modification to the monitoring program, PNG shall submit to the Section information or material sufficient to correct such deficiency. PNG shall implement the modified monitoring program within thirty (30) calendar days of receiving approval from the Section.

J. Interim Measures

1. If, prior to implementation of a final remedy, the Section determines that there is a need to modify the existing interim remedial measures or to implement additional interim remedial measures, in order to minimize or prevent the further migration of contaminants and to limit human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and implemented as necessary, then PNG shall prepare an Interim Measures Workplan (IM Workplan) and take any other appropriate measures as authorized and directed by the Section.
2. The IM Workplan shall ensure that the proposed interim measures are designed to mitigate any current or potential threats to human health or the environment and to be consistent with and integrated into any long-term corrective measures program at the facility. The IM Workplan shall include a discussion of: (a) the objectives of the interim measures program; (b) the required facility procedures for the implementation of any modification to the existing interim remedial measure or additional interim measures (including any designs, plans, or specifications); and (c) the schedule for the implementation of the modification to or addition of interim measures.
3. The IM Workplan shall be approved by the Section in writing prior to its implementation. If the Section disapproves the IM Workplan, the Section shall either (a) notify PNG in writing of the IM Workplan's deficiencies and specify a due date for the submission of a revised IM Workplan; (b) revise the IM Workplan and notify PNG of the revisions and the start date of the schedule within the approved IM Workplan; or (c) conditionally approve the IM Workplan and notify PNG of the conditions upon which interim measures shall be implemented. PNG shall implement any required modification to or addition of interim measures in accordance with the Section's directions.
4. PNG shall give notice to the Section as soon as possible of any proposed changes to the IM Workplan. Such modifications shall be implemented only with the Section's approval and shall conform to the requirements of this Order.
5. If the time required for the completion of any modification to or addition of an interim measure is more than one (1) year, PNG shall provide the Section with progress reports at intervals specified in the approved IM Workplan. The progress reports shall contain the following information at a minimum: (a) a description of the portion of the interim measures completed; (b) summaries of any deviations from the IM Workplan during the reporting period; (c) summaries of any problems or potential problems encountered during the interim period; (d) projected work for the next reporting period; and (e) copies of all laboratory and monitoring data generated during the reporting period.
6. PNG shall prepare and submit a final Interim Measures Report (IM Report) to the Section within ninety (90) calendar days of the completion of any interim measure. The IM Report shall contain the following information at a minimum: (a) a description of the interim

measures that were implemented; (b) summaries of the results of such interim measures; (c) summaries of any problems encountered; (d) summaries of the accomplishments and effectiveness of interim measures; and (e) copies of all relevant laboratory and monitoring data.

K. Remedial Strategy

1. PNG shall at all times provide a remedial strategy that sets out a plan for developing and evaluating remedies for the impacted areas at the facility and beyond the facility boundary after considering: (a) the CSM; (b) contaminants of concern; (c) the nature and extent of contamination; (d) the rate of contaminant movement; (e) the amount of time required to remediate the facility; (f) media and receptors impacted; and (g) other relevant information gathered during facility characterization activities. The level of detail and specificity related to the remedial technologies being considered for the facility shall increase as PNG obtain more information on facility characterization.
2. PNG shall also update an existing remedial strategy upon written request from the Section and at any other time PNG deem appropriate. Within thirty (30) calendar days of receiving written notice from the Section of any deficiency in a proposed remedial strategy, PNG shall submit to the Section information or material sufficient to correct such deficiency. When the Section determines that a remedial strategy has been amended appropriately, then the Section shall notify PNG in writing of its approval.
3. A remedial strategy shall at all times be consistent with appropriate and applicable EPA guidance. A remedial strategy shall be designed to meet the remedial goals for the facility. The Section's remedial goals for the facility include protection of all receptors as well as unrestricted use for the soil and groundwater, as required by the standards in 15A NCAC Subchapter 2L. If PNG determine that alternate cleanup levels would be protective of human health and the environment, then such alternate levels shall be submitted to the Section for evaluation after facility characterization is complete.
4. The Section expects PNG to consider and develop the remedial strategy in conjunction with the facility characterization process; therefore, PNG shall submit the final remedial strategy at the same time that it submits the final facility characterization report.

L. Remediation Program

1. As of the date of this Order, groundwater monitoring is currently being implemented at the facility as described in the Groundwater Remedial Strategy and Monitoring Plan dated July 2014. PNG shall continue groundwater monitoring as approved in the Sampling and Analysis Plan for Site-wide Corrective Action Groundwater Monitoring dated December 2020 until an updated remediation program is approved and implemented.
2. PNG shall submit a proposed final remediation program based upon the CSM and RFA/Site Investigation. The final remediation program shall include a summary of remedial options

considered, an implementation schedule, a method of evaluating the effectiveness of the remediation program, a method of determining when remediation is complete, and an estimate of the required duration of the remediation program to meet the remedial goals.

3. Thirty (30) calendar days after the Section’s determination that the facility characterization described in **Paragraphs V.E** through **V.H** is complete; PNG shall submit to the Section a description of the remediation program designed to achieve the remedial goals. The description of the remediation program shall be based upon the information developed in the remedial strategy. The remediation program shall at all times be technically consistent with appropriate and applicable EPA and Division guidance on the development and use of remediation technologies.
4. Within thirty (30) calendar days of receiving the Section’s concurrence on the proposed final remediation program, PNG shall provide the Section with all information necessary for the Section to commence the public participation process as specified in **Paragraphs XI.A-XI.B**. Upon completion of the public participation process, the Section shall approve, approve with modification, or disapprove the remediation program.
5. Within sixty (60) calendar days after approval of the final remediation program, PNG shall submit to the Section the specifications for the remediation program and shall begin implementation of the remediation program. The remediation shall not be deemed complete pursuant to **Paragraphs XIV.A** through **XIV.C** of this Order until the remedial goals have been met.
6. If the approved final remedy for the facility includes institutional controls or other land use restrictions, PNG agrees and hereby binds all persons who, subsequent to the effective date of this Order, obtain any interest in the property to record such land use restrictions as shall be required by the Section. Any person who obtains an interest in any portion of the real property subject to this Order shall be given notice of this agreement, and the information contained in this paragraph shall be included in the deed or other instrument creating rights in the real property, which document shall be promptly recorded in the Mecklenburg County Courthouse.

VI. Data Quality Assurance and Quality Control

- A. Workplans shall contain quality assurance, quality control (QA/QC) and chain-of-custody procedures for all sampling, monitoring, and analytical activities. PNG shall document in the applicable report any deviations from the QA/QC and chain-of-custody procedures in approved workplans, including reasons for the deviations.

- B. To ensure that data of known and appropriate quality are obtained and are sufficient to support the intended use, PNG shall submit workplans and reports to the Section that include data quality objectives for each collection activity.

VII. Property Access and Sampling Access

- A. PNG shall assure that the Section and its representatives, including contractors, have access at all reasonable times to the facility and to any other property where access is necessary to ensure performance of the activities required by this Order.
- B. To assure access to property beyond the facility boundary, PNG shall use their best efforts to obtain access agreements and easements from current owners of property impacted by contamination from the facility as required by the act and the state hazardous waste rules, which agreements shall be legally sufficient to run with the land if the property is sold; shall be recorded with the Mecklenburg County Register of Deeds office; and shall be indexed with the State of North Carolina as the Grantee.
- C. In the event that the access agreements and easements required by **Paragraph VII.B** cannot be obtained by PNG’s best efforts, PNG shall notify the Section and provide documentation regarding its efforts to obtain such agreements. If necessary, the Section may exercise its legal authority to assist PNG in obtaining access to properties beyond the facility boundary.
- D. The Section or its representatives may take split or duplicate samples of any samples collected by PNG, or any authorized representative of PNG, pursuant to this Order. PNG or its authorized representatives shall notify the Section no less than ten (10) working days in advance of any field activities. PNG may give verbal notification to the Section in this instance.
- E. PNG shall allow the Section or its representatives to enter the facility at reasonable times, upon notice to PNG, to review the progress of activities required by this Order, to conduct such tests as the Section deems necessary in connection with this Order, and to otherwise assess PNG’s compliance with this Order.
- F. All persons with access to the facility pursuant to this Order shall comply with facility-specific health and safety plans and any applicable facility security procedures.
- G. PNG shall comply with the security requirements specified in 40 CFR 264.14, incorporated by reference in 15A NCAC 13A .0109(c), and consequently prevent or minimize the unknown or unauthorized entry of people, pets, or livestock onto the active portions of the facility.
- H. Nothing in this Order shall limit any access rights the Section may have pursuant to law.

VIII. Data Collection, Document Availability and Reporting Requirements

- A. PNG shall, upon request, furnish the Section with copies of records required by this Order, including copies of daily reports, inspection reports, laboratory and monitoring data.
- B. All data, factual information, and documents submitted by PNG pursuant to this Order shall be subject to public inspection. PNG shall not assert any confidentiality or privilege claim concerning any data gathered during any investigations or other actions required by this Order, including any hydrogeological or chemical data, any data submitted in support of a remedial proposal, or any other scientific or engineering data especially as regards an interim or final remedy. Except as specifically prohibited by this paragraph, PNG may assert a claim of confidentiality as to any process, method, technique, or any description thereof that PNG claim constitutes proprietary or trade secret information developed by PNG or developed by their contractors. Except as specifically prohibited by this paragraph, PNG may assert business confidentiality claims, if applicable, at the time information is submitted for information provided in connection with this Order in accordance with 40 CFR 2.203(b), adopted by reference in 15A NCAC 13A .0104(c), Chapter 132 of the North Carolina General Statutes, N.C.G.S. § 130A-304, or any other applicable state law. Any claim for confidentiality submitted pursuant to this paragraph shall be subject to North Carolina's confidentiality determination procedures and, if determined to be confidential, afforded protection by the Section as provided by North Carolina law.
- C. Documents that are asserted to be attorney work product or subject to privilege under law shall not be subject to inspection or copying under this Order. PNG shall provide the Section with (1) an identification of the date, title and subject matter of each document for which a privilege is asserted; and (2) an explanation as to why the privilege is applicable to the document or portions thereof. Notwithstanding the foregoing provision, the Section may seek disclosure of such documents through a court of competent jurisdiction.
- D. PNG shall notify the Section in writing as soon as possible, and no later than fifteen (15) working days after PNG obtains knowledge, of any planned physical alterations or additions which may impact the HWMU, SWMUs, AOCs, or areas contaminated by releases from these units.
- E. PNG shall report to the Section any situations that may endanger human health or the environment. These reports shall be communicated orally within twenty-four (24) hours and submitted in writing within five (5) working days of when PNG becomes aware that the situation exists. Depending upon the circumstances, the Section may waive the five-day requirement and allow PNG to submit the written report within fifteen (15) working days.
- F. PNG shall submit a biennial report to the Section by March 1 of each even numbered year as required by 40 CFR 264.75, incorporated by reference in 15A NCAC 13A .0109(f). The biennial report shall be submitted on EPA form 8700-13 A/B. The report shall cover activities required by this Order during the previous calendar year. The certification submitted with the biennial report shall be signed by an authorized corporate officer of PNG.

- G. PNG shall preserve, for at least three (3) years after the termination of this Order, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys that relate in any way to this Order. For any hazardous waste generated, PNG shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least five (5) years from the date the last waste was treated, stored, or disposed (either at the facility or beyond the facility) or until the Section determines corrective action is completed, whichever date is later.
- H. Notification and data collection and assessment requirements for newly identified SWMUs and AOCs.
1. PNG shall notify the Section in writing, within fifteen (15) calendar days of discovery, of any newly identified SWMU or AOC. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release).
 2. PNG shall prepare and submit to the Section, within ninety (90) calendar days of notification, a SWMU Assessment Report (SAR) for each newly identified SWMU or AOC. At a minimum, the SAR shall provide the following information:
 - a. Location of unit on a topographic map of appropriate scale such as required under 40 CFR 270.14(b)(19), incorporated by reference in 15A NCAC 13A .0113(b).
 - b. Designation of type and function of unit.
 - c. General dimensions, capacities and structural description of unit (including any available plans and drawings).
 - d. Dates that the unit operated.
 - e. Specification of all wastes that have been managed at or in the unit to the extent available, including any available data on hazardous constituents in the waste.
 - f. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit (to include ground water data, soil analyses, air, and/or surface water data).
 3. Based on the data in the SAR, the Section shall determine the need for further investigations at the newly identified SWMU or AOC. If the Section determines that further investigations are needed, the Section shall require PNG to develop a plan for such investigations and to obtain Section approval before implementing the plan.
- I. Notification requirements and data collection and assessment for newly discovered releases at previously identified SWMUs and AOCs.
1. PNG shall notify the Section in writing of any newly discovered releases of hazardous waste or hazardous constituents identified during the course of groundwater monitoring, field investigations, environmental audits of previously known SWMUs or AOCs, or by other means, within fifteen (15) calendar days of discovery. This requirement also applies

to newly discovered releases at known SWMUs and AOCs for which additional investigation was not previously required.

2. If the Section determines that further investigation of the SWMUs or AOCs is needed, the Section shall require PNG to develop a plan for such investigation and to obtain Section approval before implementing the plan.
- J. PNG shall furnish the Section with any relevant information that may be used to determine whether cause exists to terminate or revise this Order.

IX. Inspection and Training Requirements

- A. Within sixty (60) calendar days of the effective date of this Order, PNG shall submit for Section approval a general inspection and maintenance schedule for the environmental monitoring and remedial action systems currently in use at the facility. This plan shall be consistent with 40 CFR 264.15, incorporated by reference in 15A NCAC 13A .0109(c), and shall be updated as necessary to include additional or modified monitoring and remedial action systems required by this Order.

- B. Within sixty (60) calendar days of the effective date of this Order, PNG shall submit for Section approval a personnel training plan for employees and contractors involved with environmental monitoring and the remedial action system. The plan shall be consistent with 40 CFR 264.16, incorporated by reference in 15A NCAC 13A .0109(c). Training shall include instruction for emergency response, sampling, and operation and maintenance procedures. The personnel training plan shall be updated as necessary to incorporate additional or modified monitoring and remedial action systems required by this Order. PNG shall maintain copies of training documents and records according to the requirements of **Paragraph VIII.G** of this Order.

X. Cost Estimate, Financial Assurance, and Adjustments

- A. In accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g), PNG shall comply with the requirements listed in 40 CFR 264.100 and 264.101, incorporated by reference in 15A NCAC 13A .0109(g), for facility corrective action as defined in **Paragraph IV.A.8**.
- B. Within one hundred eighty (180) calendar days of issuance of this Order, PNG shall submit for Section review and approval a written cost estimate as described in 40 CFR 264.144, incorporated by reference in 15A NCAC 13A .0109(i), for the actions required by this Order. This estimate shall be based on the Remedial Strategy described in **Paragraph V.L.2** and the facility's proposed corrective action.
- C. Subsequent cost estimates shall be prepared as described in 40 CFR 264.144(a), incorporated by reference in 15A NCAC 13A .0109(i), and shall be based on the most recently approved Remedial Strategy or Remediation Program. Additionally, the following requirements shall apply to the cost estimate.
1. PNG shall, as described in 40 CFR 264.144(c), incorporated by reference in 15A NCAC 13A .0109(i), submit cost adjustments for modifications to the Remedial Strategy described in **Section V.K.** or the Remediation Program described in **Section V.L.** within thirty (30) calendar days after receiving approval of the modification if the change increases the cost of corrective action.
 2. At each five-year interval after this Order is issued, the Facility Name shall submit an updated cost estimate for completion of corrective action. The updated cost estimate shall be submitted sixty (60) days prior to the anniversary date of the establishment of the financial assurance instrument unless using a financial test or corporate guarantee, in which case the estimate shall be updated thirty (30) days after the close of the firm's fiscal year.
- D. PNG shall maintain at the facility a copy of the latest cost estimate as described in 40 CFR 264.144(d), incorporated by reference in 15A NCAC 13A .0109(h).
- E. Within sixty (60) days of the approval of the estimate provided in **Paragraph X.B**, PNG shall establish financial assurance for corrective action by use of one or more of the instruments described in 40 CFR 264.145, incorporated by reference in 15A NCAC 13A .0109(i). The amount of financial assurance to be established for corrective action shall at least be equal to the amount of the written cost estimate as provided in **Paragraphs X.B** and **X.C** of this Order or for an amount agreed upon by the Department. Financial assurance established pursuant to this paragraph can be used solely for the purpose of conducting the activities required by this Order.
- F. The wording of the instrument described in 40 CFR 264.151 as adopted in 15A NCAC 13A .0109 used to demonstrate financial assurance for post-closure care may be modified in order to provide financial assurance for both post-closure care and corrective action. Modifications to the wording of an instrument shall be subject to approval of the Department.
-

- G. Instrument(s) used to demonstrate financial assurance for post-closure care and corrective action shall be subject to approval by the Department prior to implementation to assure that such instrument(s) are consistent with the requirements of this Order and with applicable regulations and guidance.
- H. PNG may propose a different instrument(s) by submitting a new financial instrument(s) to the Department for approval. Facility Name must submit this documentation no later than sixty (60) days prior to the effective date of the proposed change. The existing financial instrument(s) shall remain in force until the change is approved.
- I. PNG's failure to demonstrate its financial ability to complete the facility characterization and remediation shall not excuse the company's independent obligation to perform the activities required by this Order.
- J. Review Period. This AOC shall be reviewed by the Secretary of the Department of Environmental Quality or his designee (hereafter referred to as Department) five (5) years after the date of issuance and modified as necessary.

XI. Public Participation

A. The Section shall publish public notices and hold public hearings at the following times in accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g):

1. Prior to the issuance of this Order;
2. Upon development of the proposed remediation program, regarding the proposed preferred remedy and the assumptions upon which the remedy is based, in particular those related to land use and site characterization; and
3. Upon completion of corrective action at the facility or a portion of the facility, but prior to the Section issuing a No Further Action determination for a portion of the facility or an Acknowledgement of Termination pursuant to **Paragraph XIV.C** of this Order.

When deemed necessary by the Section, additional public meetings will be held to address the public's concerns.

B. Consistent with the intent of N.C.G.S. Chapter 150B, at any hearing required by **Paragraph XI.A** of this Order, the Section shall receive oral and written comments from the public and shall also receive written comments submitted by PNG in response to the public comments. The Section shall consider all these comments in making its decisions regarding continuing characterization of the facility, remedy selection, and completion of corrective action for the facility or a portion of the facility.

XII. Delay in Performance

As soon as PNG is aware of the potential for delay in achieving the requirements of this Order, the company shall submit to the Section written documentation stating the reasons for the delay and the efforts made by PNG to avoid the delay, as well as a time by which such work can be completed. The Section shall review the documentation and shall approve the new schedule if PNG shows good cause for the potential delay. Good cause shall include, but is not limited to, extraordinary weather, natural disasters, and national emergencies. The burden of demonstrating that there is good cause for the proposed delay rests solely with PNG.

XIII. Dispute Resolution

If PNG disputes any decision of the Section made pursuant to this Order, and the matter cannot be resolved through less formal negotiations, PNG shall submit to the Section a written statement of the grounds for dispute within fourteen (14) days of being notified of such decision. Within a reasonable period following receipt of PNG's statement of dispute, the Section shall issue a written decision on the disputed matter.

Within fourteen (14) days of receiving the Section's written decision on the dispute, PNG shall provide a written statement as to whether it shall abide by the decision. If the Section does not receive from PNG a statement to abide by the Section's decision, or the statement is to the effect that PNG shall not abide by the Section's decision on the disputed matter, the Section shall have the right to deem the Order dissolved.

In the event that the Order is dissolved pursuant to the Dispute Resolution provision, the Section shall retain all its applicable enforcement rights against PNG, including calling for submittal of a RCRA application and financial assurance for a Post-Closure Permit and corrective action for the facility. PNG shall retain any applicable defenses.

PNG's invocation of the Dispute Resolution provision shall not alone excuse noncompliance with this Order or any requirement established pursuant thereto.

XIV. Satisfaction of Order

- A. When PNG determines all requirements of this Order have been completed, it shall (1) give written notice to the Section indicating the work required by the Order has been completed; and (2) file a petition to terminate the Order. PNG may also petition the Section to issue a no further action determination for a portion of the facility. After completion of the public participation process required by **Paragraphs XI.A.-XI.B** of this Order, the Section shall either agree or disagree with PNG's termination petition or no further action petition for a portion of the facility.

- B. If the Section determines that the work required by this Order has not been completed, the Section shall notify PNG in writing of activities that must be undertaken to complete the work, including a schedule for the performance of such activities. Once these additional activities are completed, PNG may file another petition pursuant to **Paragraph XIV.A**.

- C. If, after completion of the Public Participation process required by **Paragraphs XI.A.-XI.B**, the Section concludes that the work required by this Order has been satisfactorily performed, the Section shall memorialize its decision in a no further action determination for a portion of the facility or an acknowledgment of termination and agreement on record preservation and reservation of rights. Except as specified below, all of PNG's obligations under this Order shall be deemed satisfied and terminated upon PNG's execution of the acknowledgement issued by the Section. This notice shall not terminate PNG's obligation to comply with any continuing requirements hereunder, including but not limited to record preservation, reservation of rights, other claims, and indemnification of the state. PNG's execution of the acknowledgement will affirm their continuing obligation, including the maintenance of institutional controls or other long-term measures that are an integral part of the final remedy.

XV. Change of Ownership or Operational Control

- A. PNG shall notify the Section in writing ninety (90) calendar days prior to the date of any change in ownership or operational control of the property on which the facility is located or any proposed change of ownership or operational control of the monitoring and remediation system.
- B. This Order cannot be transferred to a new owner or operator. PNG shall notify the proposed new owner or operator about this Order, the termination of the Order upon ownership change, and the new owner or operator's responsibility to file a RCRA Part A permit application. PNG shall provide evidence to the Section of the notification to the proposed new owner or operator pursuant to this paragraph. This evidence shall describe how PNG has assured that, despite the transfer in ownership or operation, all institutional controls required for the facility, now or in the future, will be implemented and maintained. Additionally, PNG shall (1) assure the instrument effecting the conveyance or transfer of real or personal property interest contains a copy of this Order; and (2) use its best efforts to obtain access agreements to meet the requirements of **Paragraph VII.A** from the party obtaining control of the real or personal property.
- C. In the event of change in ownership of the facility, whether or not pursuant to a Brownfields Agreement, the Section shall retain all its applicable enforcement rights against PNG, including calling for submission of a RCRA permit application and financial assurance for a post-closure permit and corrective action.
- D. No change in corporate ownership or corporate status will alter PNG's obligations under this Order or excuse PNG's noncompliance with this Order or any requirement established pursuant thereto.
- E. No conveyance of title, easement, or other interest in the facility, or a portion of the facility, or the monitoring or remediation system will affect PNG's obligations under this Order. This paragraph will not apply if the Parties agree pursuant to **Paragraph XIV.C** that this Order has terminated as to the facility. This paragraph will not apply to any portion of the facility for which the Section has issued a no further action determination (e.g., clean-closed area).

XVI. Decisions and Notifications

A. All approvals by, and decisions of, the Section shall be communicated in writing to PNG by the Chief of the Hazardous Waste Section or designee. No informal advice, guidance, suggestions, or comments by the Section regarding reports, plans, specifications, schedules or any other matter will relieve PNG of its obligation to obtain formal approvals as required by this Order.

B. All documents and notices required to be submitted by PNG to the Section pursuant to this Order shall be sent to:

Adam Ulishney, Chief
Hazardous Waste Section
Division of Waste Management
North Carolina Department of Environmental Quality
1646 Mail Service Center
Raleigh, NC 27699-1646

C. Unless otherwise agreed to by PNG, the Section shall direct all correspondence related to this Order to:

Stephen Barrick, P.G.
Lead Environmental Specialist
Duke Energy
526 South Church Street
Mail Code EC13K
Charlotte, NC 28202

XVII. Notice of Non-Liability of State

- A. The state, its agencies, employees and other representatives shall not be deemed a party to any contract involving PNG and relating to activities at the facility and shall not be liable for any claim or cause of action arising from or on account of any act or omission of PNG, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives in carrying out the activities required by this Order.

- B. The state, its agencies, employees and other representatives shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of PNG, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives caused by implementation of this Order or otherwise.

XVIII. Reservation of Rights

- A. The Section hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including any which may pertain to PNG’s failure to comply with any of the requirements of this Order. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, powers and/or authorities, civil or criminal, which the Section has under RCRA or any other statutory, regulatory, or common law authority.
- B. PNG’s compliance with the terms of this Order shall not relieve PNG of any obligation to comply with any other applicable local, state, or federal laws and regulations. Similarly, this Order does not relieve PNG of any obligation to obtain and comply with any applicable local, state, or federal permit or approval.
- C. The issuance of this Order and PNG’s stipulation to comply shall not limit or otherwise preclude the Section from taking additional enforcement action pursuant to RCRA, the North Carolina General Statutes, or any other authority should the Section determine that such action is warranted.
- D. The Section expressly reserves all rights and defenses that it may have, including the right to disapprove of work performed by PNG pursuant to this Order, to require that PNG correct any work performed despite disapproval by the Section, and to require that PNG perform tasks in addition to those specifically stated in this Order.
- E. Notwithstanding compliance with the terms of this Order, PNG is not released from liability, if any, for the costs of any response actions taken by the Section. The Section reserves the right to seek reimbursement from PNG for costs incurred by the Section in connection with any response action the Section undertakes or any costs incurred by the Section in overseeing implementation of this Order, including enforcement costs.
- F. PNG stipulates that pursuant to N.C.G.S. § 130A-18, and irrespective of all other remedies at law, the Section may file an action for injunctive relief in the Superior Court of Mecklenburg County to enjoin any threatened or continuing violation of the requirements of this Order or the statutes or rules cited therein, including but not limited to the requirements for corrective action, or to impose any emergency response measures deemed necessary to protect human health and the environment.
- G. The Section may impose an administrative penalty on PNG for violating the requirements of this Order or the statutes or rules cited therein. The assessment of an administrative penalty pursuant to N.C.G.S. § 130A-22 will confer on PNG all rights under Chapter 150B of the North Carolina General Statutes to contest the Section’s decision to impose an administrative penalty, but not to contest the validity or enforceability of this Order, in so far as PNG has stipulated to the Section’s jurisdiction and has waived its rights to contest the Section’s enforcement of the Order pursuant to **Paragraph II.B.**

- H. The Chief of the Hazardous Waste Section may determine that acts or circumstances, whether or not directly related to this Order, may endanger human health, welfare, or the environment and may order PNG to stop further implementation of this Order, either temporarily or permanently, until the endangerment is abated. The state may also, for any other reason permitted by law, order PNG to cease activities at the facility.

- I. Nothing in this Order shall be construed as limiting the Section in performing its duty to protect the public health and the environment of the state as required by law. The state may order or independently initiate any response action it deems necessary to protect public health, welfare, or the environment.

XIX. Other Claims

- A. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, corporation, or other entity for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous wastes or hazardous constituents found at, taken to, or taken from the facility.

- B. Nothing herein shall constitute a satisfaction of, or release from, liability for any claim arising as a result of operation, ownership or use of the facility by PNG, their agents, contractors, lessees, successors, or assigns.

XX. Indemnification of State

PNG stipulates that it will indemnify, save and hold harmless the state, its agencies, departments, agents, and employees, from all claims or causes of action arising from or on account of acts or omissions of PNG or its officers, employees, agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this Order. This indemnification will not affect or limit the rights or obligations of PNG or the state under their various contracts. This indemnification will not create any obligation on the part of PNG to indemnify the state from claims arising from the acts or omissions of the state.

XXI. Additional Provisions

- A. This Order may only be modified in writing. The existing Order shall remain in effect as written until such time as the Parties have executed a written amendment to the Order or until such time as the Section deems the Order satisfied pursuant to the provisions of **Paragraph XIV.C.**
- B. The signatory for each party certifies that they are fully authorized to execute, and legally bind such party to, this document.
- C. The annual activity fee specified in N.C.G.S. § 130A-294.1 shall be paid to the Division by PNG.
- D. If any judicial authority holds any provision of this Order to be invalid, the remaining provisions shall remain in force and shall not be affected.
- E. Except as otherwise provided in this Order, the parties shall bear their own costs and attorneys' fees.
- F. A table summarizing the work required by this Order can be found in the Schedule of Compliance.
- G. This Order is effective on the date that the Section signs the Order.

FOR THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Adam Ulishney, Chief
Hazardous Waste Section
Division of Waste Management

Date Signed

FOR PIEDMONT NATURAL GAS

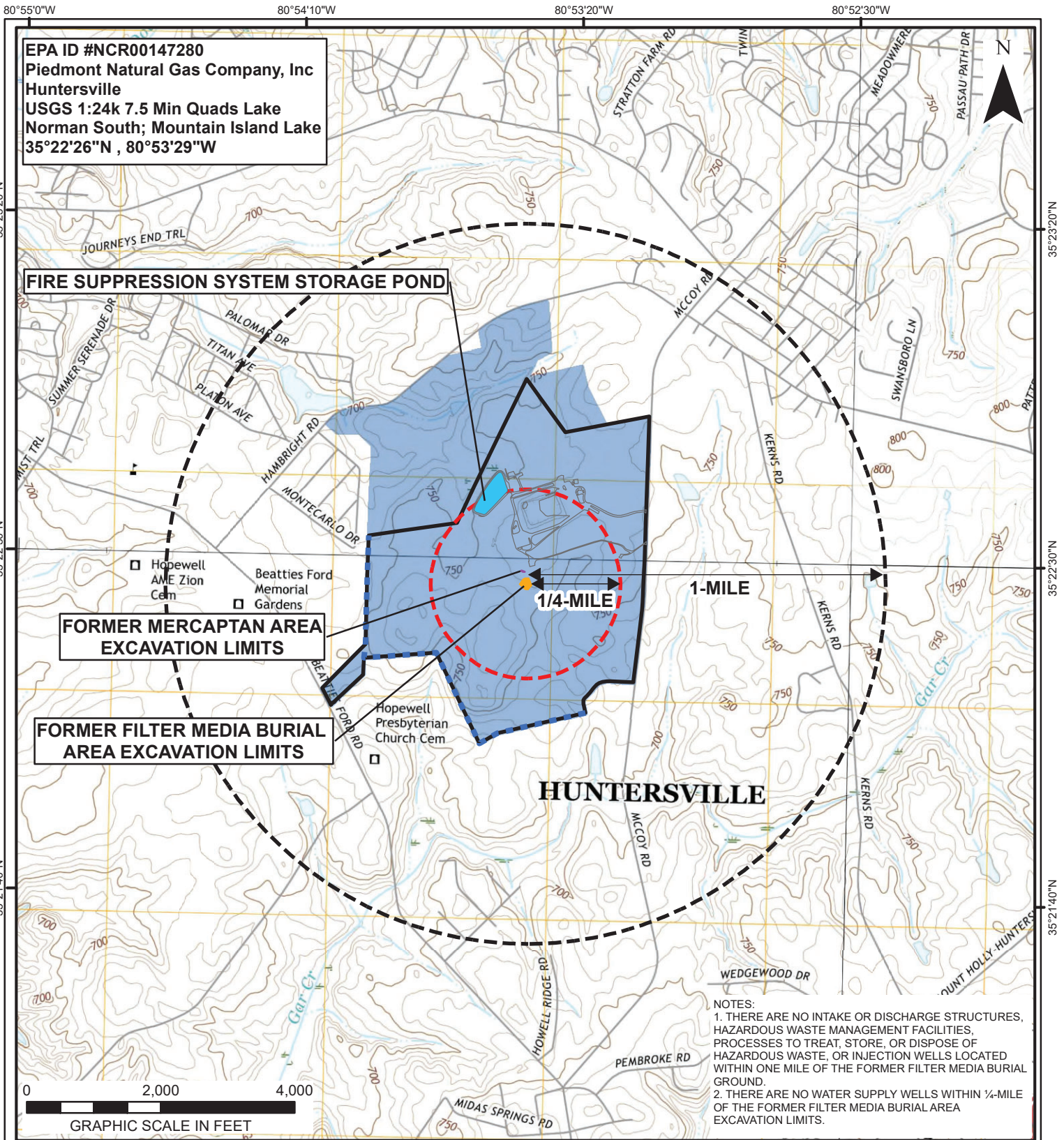
Name
Title
PNG

Date Signed

Schedule of Compliance

Schedule of Compliance	Due Date
Updated Part A Application	Fifteen (15) days after date of Order
Facility Site Conceptual Model (V.E)	One hundred twenty (120) days after date of Order
Facility Characterization Report (V.H) including Remedial Strategy (V.K)	
RCRA Facility Assessment Workplan	
RCRA Facility Assessment Report (V.F.4)	
Quarterly Report (V.G.4)	Start within sixty days of date of Order
Interim Measures Report (V.J)	If needed
Subsequent Documents	To be determined, if needed

Figures



EPA ID #NCR00147280
 Piedmont Natural Gas Company, Inc
 Huntersville
 USGS 1:24k 7.5 Min Quads Lake
 Norman South; Mountain Island Lake
 35°22'26\"N , 80°53'29\"W

FIRE SUPPRESSION SYSTEM STORAGE POND

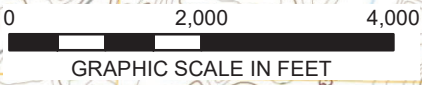
FORMER MERCAPTAN AREA EXCAVATION LIMITS

FORMER FILTER MEDIA BURIAL AREA EXCAVATION LIMITS

1/4-MILE 1-MILE

HUNTERSVILLE

NOTES:
 1. THERE ARE NO INTAKE OR DISCHARGE STRUCTURES, HAZARDOUS WASTE MANAGEMENT FACILITIES, PROCESSES TO TREAT, STORE, OR DISPOSE OF HAZARDOUS WASTE, OR INJECTION WELLS LOCATED WITHIN ONE MILE OF THE FORMER FILTER MEDIA BURIAL GROUND.
 2. THERE ARE NO WATER SUPPLY WELLS WITHIN 1/4-MILE OF THE FORMER FILTER MEDIA BURIAL AREA EXCAVATION LIMITS.



LEGEND	
	PROPERTY OWNED BY PNG
	PNG LNG STORAGE FACILITY
	POINT OF COMPLIANCE
	FORMER FILTER MEDIA BURIAL AREA EXCAVATION LIMITS
	FORMER MERCAPTAN AREA EXCAVATION LIMITS
	1/4-MILE BUFFER OF FORMER FILTER MEDIA BURIAL AREA EXCAVATION LIMITS
	1-MILE BUFFER OF FORMER FILTER MEDIA BURIAL AREA EXCAVATION LIMITS
	SITE BOUNDARY

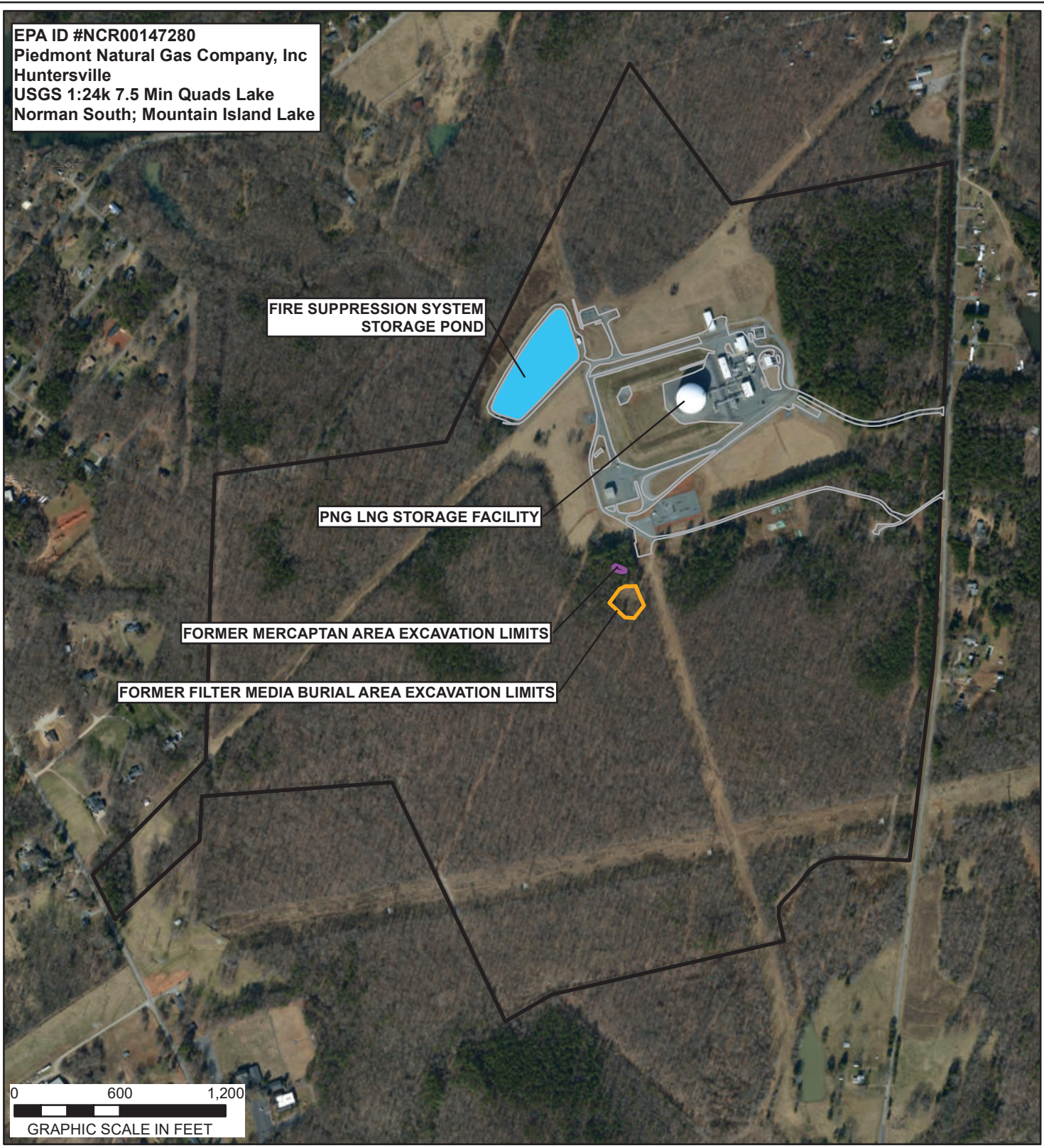
PIEDMONT NATURAL GAS COMPANY, INC
 11001 MCCOY ROAD
 HUNTERSVILLE, NORTH CAROLINA, 28078





SITE TOPOGRAPHIC MAP

	Design & Consultancy for natural and built assets	ITEM
		8

User: Idrum Location: WVD Path: T:\ENVPNG_Huntersville\NCR00147280\Permit_app\PartA_Item8_TopoGraphicMap.mxd 10/22/2020

EPA ID #NCR00147280
 Piedmont Natural Gas Company, Inc
 Huntersville
 USGS 1:24k 7.5 Min Quads Lake
 Norman South; Mountain Island Lake



- LEGEND**
-  PNG - PIEDMONT NATURAL GAS COMPANY, INC.
 -  FORMER FILTER MEDIA BURIAL AREA EXCAVATION LIMITS
 -  FORMER MERCAPTAN AREA EXCAVATION LIMITS
 -  SITE BOUNDARY

NOTE: THERE ARE NO EXISTING OR PLANNED FUTURE STORAGE, TREATMENT, OR DISPOSAL OPERATIONS AT THE SITE.

PIEDMONT NATURAL GAS COMPANY, INC
 11001 MCCOY ROAD
 HUNTERSVILLE, NORTH CAROLINA, 28078

**FACILITY DRAWING (ITEM 9) AND
 PHOTOGRAPHIC LOG (ITEM 10)**



ITEMS
9 & 10

AERIAL IMAGE SOURCE: ESRI WORLD IMAGERY BASEMAP; IMAGE DATED 02/01/2019.

User: Idrum Location: WVD Path: T:\ENWPNG_Huntersville\NCR00147280\Permit_app\PartA_Item9_10_Facility.mxd 10/22/2020