



PAT McCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

TRACY DAVIS  
*Director*

## **MEMORANDUM**

May 13, 2016

To: Secretary Donald R. van der Vaart

From: Brad Cole, PE, Chief of Regional Operations  
Division of Energy, Mineral, and Land Resources

Subject: Meeting Officer's Report  
Coal Ash Impoundment Classification(s)  
Asheville Steam Station

On March 1, 2016, I served as meeting officer for a public meeting held at the Asheville-Buncombe Technical Community College at 340 Victoria Rd. in Asheville, N.C. The purpose of the public meeting was to allow the public to comment on the proposed risk classification for coal combustion residuals impoundments at the Asheville Steam Station. This report summarizes all of the public comments related to the proposed risk classification for the Asheville Steam Station.

This report has been prepared using the following outline:

- I. History/Background
- II. March 1, 2016 Public Meeting and Oral Comments Summary
- III. Written Public Comments Summary
- IV. Attachments

## I. History/Background

Under the historic Coal Ash Management Act (CAMA) of 2014, all coal ash impoundments in North Carolina are required to be closed. The deadlines for closure depend on the classification of each impoundment as low, intermediate, or high. CAMA required the Department of Environmental Quality, or DEQ, to make available to the public the initial draft proposed classifications no later than Dec. 31, 2015. These draft proposed classifications were based on the information available to the department as of December 2015. It is important to note that these were not the final proposed classifications. After the release of the draft proposed classifications, CAMA requires the following process:

- DEQ must make available a written declaration that provides the documentation to support the draft proposed classifications within 30 days, which will be made available on the DEQ website. The written declaration will provide the technical and scientific background data and analyses and describe in detail how each impoundment was evaluated.
- DEQ will publish a summary of the declaration weekly for three consecutive weeks in a newspaper in each county where a coal ash facility is located.
- The declaration will be provided to each local health director and made available in a library in each county where a coal ash facility is located.
- The summary of the declaration will be provided to each person who makes a request.
- A public meeting will be held in each county where a coal ash facility is located.
- Following completion of the public meetings and the submission of comments, the department will consider the comments and develop final proposed classifications.

## II. March 1, 2016 Public Meeting and Oral Comments Summary

Approximately 58 people attended the public meeting, including staff members of the DEQ and the meeting officer. A total of 51 individuals completed sign-in forms at the meeting (Attachment I). As meeting officer, I provided opening comments and provided a brief presentation on the proposed risk classification for the Asheville Steam Station.

Before the meeting commenced, 10 individuals registered to present oral comments. Speakers were given five minutes for initial presentations and additional time was provided after everyone that registered to speak had finished. An additional six people spoke from the floor following the initial speakers. The list of speakers is included as Attachment II. The following is a summary of oral comments received at the public meeting summarized by topic (in no particular order):

- **Environmental:** There were concerns about quality/pollution of ground and surface water and having available drinking water for the long term. Long-term environmental monitoring and result to be made publically for Duke Energy sites were urged. Chromium 6, lead, and arsenic were specifically mentioned as contaminants of concern. The transportation of coal ash is a concern due to long distance traveled and risk of accidents and impact to communities that coal ash is transported to. Longevity and monitoring of the membranes that contain coal ash were a concern. Coal ash should be

disposed of on Duke Energy property to avoid additional contamination to other communities. There were concerns mentioned regarding alleged illegal discharges continuing on Duke Energy sites.

- **Environmental Justice:** Comments were made regarding the need for protection of communities from discrimination.
- **Health Issues:** There were comments regarding toxic materials related to health issues, including cancer. It was stated that the State should continue to protect those that have contaminated water wells.
- **Criticism of the Administration and General Assembly:** There were comments critical of the Administration and General Assembly for pushing too quickly and requests that the Coal Ash Commission and General Assembly slow down and take a better look at the work taking place. There were concerns that citizens will be paying for clean-up of contaminants rather than the polluters. Comments urged all to investigate reuse. Comments were received regarding a perceived inappropriate relationship with Duke Energy that would result in the State not taking the appropriate measures for its citizens. It was alleged that deals had been made behind closed doors between Duke Energy and state government. Comments were also made regarding the hiding of the hazards of coal ash.
- **Reuse of Coal Ash:** There were comments urging Duke Energy and the State to use coal ash in other beneficial products rather than wasting the material. Some of the products mentioned for reuse were concrete, wall board, brick, and use in road paving projects. After coal ash is reprocessed can be used in crayons or paint. It reduces the mining of virgin materials and reduces CO2 emissions. Concerns about the leaching of contaminants into the environment were mentioned in other presentations.
- **Mining:** It was illegal for the State to allow coal ash on mining sites that had never been mined. The process was manipulated.
- **Risk Classification:** Comments were made supporting the high risk classification at the Asheville Steam Station. Comments urged the state to classify all ash ponds as intermediate or high. It was mentioned that cap-in-place is a long-term concern. Comments also suggested the State should follow South Carolina's lead in how to perform the ash clean-up. A representative of Duke Energy commented that it is evaluating all closure solutions taking science, continued safety, costs, people and community into account.

### III. Written Public Comment Summary

In addition to the public meeting, DEQ received written comments during the public comment period. DEQ received four comments that were submitted during the public meeting. There were one letter received via the U.S. Postal Service and 684 comments received by email.

The following is a summary of written comments received at the public meeting, via email and by mail summarized by topic (in no particular order):

- **Environmental:** Capping and leaving these ponds in place will lead to ongoing contamination to groundwater and surface water.
- **Health Issues:** Coal ash endangers life.
- **Criticism of the Administration and General Assembly:** Duke Energy was prepared to remove coal ash from facilities and DEQ weakened the requirement. The Governor might let Duke Energy off the hook for clean-up. DEQ is not looking out for the people, but instead is looking out for large corporations who have done a poor job.
- **Environmental Justice:** Comments were made regarding Title 6 and protection of communities from discrimination.
- **Dam Safety:** Asheville's 1964 dam was the only coal ash dam in the country to receive a poor rating in 2009.
- **Risk Classification:** Speakers applauded plans to have the Asheville facility rated as high risk and ash be moved away from French Broad River. Others are concerned that the science behind the classification factors is inadequate. Earthquake risks, especially with the introduction of hydraulic fracturing within the State, will be on the rise. No coal ash impoundment should be considered low risk. Many are ranked intermediate-low, which does not exist in the statute. Dispose of coal ash in a salt stone disposal facility. Comments also addressed a suggestion of following South Carolina's lead in how to perform the ash clean-up as seen at the Catawba-Wateree River site. Comments also requested that alternative methods of disposal be used including solid encapsulation, recycling and reuse.
- **Landfills:** Comments were provided which claim that the existing onsite landfill has not been adequately assessed for contributing toward groundwater contamination. Landfills are not adequate for coal ash storage. Other comments included the recommendations to avoid trucking ash material to other communities, but rather landfill it on Duke Energy's property.
- **Costs:** There were comments requesting that Duke Energy shareholders—not ratepayers—pay for the cost of the clean-up.
- **Closure:** Capping in place is not a clean-up plan. Duke Energy should be required to remove all ash and place in sealed above ground containment.
- **Other:** One comment made the claim that petitions are a waste of time and to just remove the coal ash from the environment. Request that Duke to find a way to generate power without so many side effects.
- **Duke Comments:** Duke Energy supplied written comments at the public meeting indicating that it is evaluating all closure solutions taking science, continued safety, costs, people and community into account and will remain open to communication with its neighbors.

#### **IV. Attachments**

- I. Public Notice of March 1, 2016 Meeting
- II. Public Meeting Sign-in Forms
- III. Public Meeting Speaker List
- IV. Audio File of Public Meeting
- V. Written Public Comments Received
- VI. Supporting Documentation Received During Public Hearing