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MEMORANDUM

May 13, 2016

To: Secretary Donald R. van der Vaart

From: William E. Toby Vinson, Jr., PE, CPM, Chief of Program Operations
Division of Energy, Mineral, and Land Resources

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

On March 24, 2016, I served as meeting officer for a public meeting held at the Stokes County Courthouse at 1012 N. Main Street in Danbury, 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 Belews Creek Steam Station. This report summarizes all of the public comments related to the proposed risk classification for the Belews Creek Steam Station.

This report has been prepared using the following outline:

- I. History/Background
- II. March 24, 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 24, 2016 Public Meeting and Oral Comments Summary

Approximately 136 people attended the public meeting, including staff members of the DEQ and the meeting officer. A total of 127 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 Belews Creek Steam Station.

Before the meeting commenced, 31 individuals registered to present oral comments. Speakers were given three minutes for initial presentations and additional time was provided after everyone that registered to speak had finished. An additional four people spoke from the floor following the initial speakers. One of the original 31 speakers that signed up to present oral comments left the meeting before speaking. 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, rather than having to rely on bottled water from Duke. The accuracy of the groundwater assessment was also questioned and additional comments claimed that additional groundwater modeling is needed. There were also comments regarding air pollution. Comments were made

alleging that wildlife and pets have been adversely affected. Hydraulic fracturing was mentioned as being an unacceptable practice and that increased use of alternative, clean energy should be pursued.

- **Property Values:** There were concerns about loss of property value and that the risk caused by this coal ash issue is preventing developers from coming to Stokes County.
- **Health Issues:** There were comments regarding toxic materials relating to health issues including but not limited to cancer, Parkinson's disease and asthma. It was also stated that people (not just groundwater) need to be tested to determine any adverse health impacts.
- **Criticism of the Administration and General Assembly:** There were comments critical of the Administration and General Assembly for a perceived inappropriate relationship with Duke Energy that would result in the State not taking the appropriate measures for its citizens. Comments were also made regarding the hiding of the hazards of coal ash.
- **Changing Reports and Classifications:** There were comments critical of reports regarding changing risk classifications, as well as comments questioning whether well water that was tested is safe to drink.
- **Environmental Justice:** Comments were made regarding Title 6 and protection of communities from discrimination.
- **Dam Safety:** Comments were made that seismic activity from hydraulic fracturing could damage the dams and that the dam is in need of repair.
- **Risk Classification:** Comments were made supporting only risk classifications of intermediate or high. It was also mentioned that cap-in-place is unacceptable. There were comments addressing solid encapsulation of coal ash instead of landfilling. Comments also suggested following South Carolina's lead in how to perform the ash clean-up. 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 three comments that were submitted during the public meeting. There were 840 written comments submitted via United States Postal Service and email. (782 emails and 58 US Mail)

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:** There were comments claiming that DEQ's groundwater assessment was inadequate and that there are existing issues with impacted groundwater where contamination exceeds federal limits. There were comments related to protecting all sources of drinking water and that 360,000 people are relying on water intakes

downstream of the Belews Creek facility. Comments also expressed concern over having to have bottled water provided by Duke Energy, but that it should continue to be provided until a replacement source is secured.

- **Health Issues:** There were comments regarding toxic materials relating to health issues being traced back to the Belews Creek coal ash basin. Those health issues include but were not limited to cancer, gastro-intestinal problems and asthma.
- **Criticism of the Administration and General Assembly:** Comments were provided which stated that legislated allowance of any contamination was unacceptable. Other comments included that DEQ cannot separate risk classifications from the prescriptive Coal Ash Management Act, which does not allow for consideration of impacts to communities and the environment, nor does it pursue beneficial use opportunities or other engineered methods of protection that do not include dig and haul. These comments included requests that legislation should define the initiation of closure activities but that legislation should not stipulate a prescriptive approach with completion deadlines when other appropriate methods are available.
- **Environmental Justice:** Comments were made regarding Title 6 and protection of communities from discrimination.
- **Dam Safety:** There were comments regarding stability of the dams at Belews Creek and that they have not been repaired. There were also concerns that dam failure would be catastrophic because the coal ash impoundment currently stores 12 million tons of coal ash.
- **Risk Classification:** There were comments that Belews Creek should be an intermediate or high risk facility and that all coal ash should be removed to lined landfills instead of allowing cap-in-place which will not protect the community. Comments suggested 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. It should be noted that many comments provided appear to use the words priority and hazard in place of risk.
- **Landfills:** Comments were provided which claim the existing onsite landfill has not been adequately assessed for contributing toward groundwater contamination. Other comments included the recommendation 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:** Comments were received requesting public access to all closure plans, as well as giving the locally impacted communities input on the final plans for permanent storage of coal ash.
- **Other:** One comment made the claim that the well water in the area hasn't changed and that people complaining are just trying to get a payday out of the issues raised.

IV. Attachments

- I. Public Notice of March 24, 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