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MEMORANDUM

May 13, 2016

To: Secretary Donald R. van der Vaart

From: John L. Holley, Jr., PE, CPESC, Regional Engineer, RRO
Division of Energy, Mineral, and Land Resources

Subject: Meeting Officer's Report
Coal Ash Impoundment Classification(s)
Cape Fear Steam Electric Plant

On March 10, 2016, I served as meeting officer for a public meeting held at the Central Carolina Community College campus in Pittsboro, 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 Cape Fear Steam Electric Plant. This report summarizes all of the public comments related to the proposed risk classification for the Cape Fear Steam Electric Plant.

This report has been prepared using the following outline:

- I. History/Background
- II. March 10, 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 risk 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 10, 2016 Public Meeting and Oral Comments Summary

Approximately 74 people attended the public meeting, including staff members of the DEQ and the meeting officer. A total of 71 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 classifications for the Cape Fear Steam Electric Plant.

Before the meeting commenced, 25 individuals registered to present oral comments. One of the registered speakers decided to provide their comments in writing during the official comment period. Speakers were given five minutes to comment. 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 clean drinking water for the long term. The documented presence of metals and chemical toxins in the waters around the site were mentioned frequently.

- **Health Issues:** There were comments regarding toxic materials relating to health issues, including cancer. It was also noted that long-term monitoring data should be made public associated with any disposal sites.
- **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. It was frequently noted that DEQ and Duke Energy had lost the public trust. Many mentioned that Duke Energy should be held fully accountable for the clean-up and disposal costs.
- **Changing Reports and Classifications:** There were comments critical of reports regarding changing risk classifications. The risk classification being considered lower than the Dam Safety Hazard Classification was mentioned frequently. The changes in water quality standards associated with coal ash sites (weakening) were also mentioned.
- **Dam Safety:** Comments were made that the condition of the dams has been rated as poor by the EPA and that DEQ has required a number of repairs. Until all of those issues are addressed, the risk should be considered high.
- **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. A Duke Energy representative 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 seven comments that were submitted during the public meeting. There were 344 emails received by DEQ.

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

- **Environmental:** There were comments related to protecting all sources of drinking water and that there were over 500,000 people relying on water intakes downstream of the Cape Fear facility. Contamination of waters by toxins associated with coal ash was highlighted.
- **Health Issues:** There were comments regarding toxic materials relating to health issues being traced back to the Cape Fear Coal Ash Basins. Those health issues include cancer.
- **Criticism of the Administration and General Assembly:** Comments alleged poor management of coal ash by Duke Energy, as well as insufficient action by DEQ to protect the public.

- **Dam Safety:** There were comments regarding stability of the dams at the Cape Fear Plant and concerns that they have not all been repaired. There were also concerns that dam failure would be catastrophic because of the materials stored in the coal ash impoundments.
- **Risk Classification:** There were comments that the Cape Fear Plant 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 method, which will not protect the community. Comments also requested that alternative methods of disposal be used including solid encapsulation, recycling and reuse.
- **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 10, 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