



State of North Carolina

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February 20, 2014

Honorable Paul Ridgeway
Superior Court Judge
10th Judicial District
Wake County Courthouse
Post Office Box 351
Raleigh, North Carolina 27602

Re: State of North Carolina ex rel. N.C. Department of Environment and Natural Resources, Division of Water Quality, Plaintiff, Sierra Club, Waterkeeper Alliance and Western North Carolina Alliance, Plaintiff-Intervenors v. Duke Energy Progress, Inc., Defendant (Wake County, 13 CVS 4061)

State of North Carolina ex rel. N.C. Department of Environment and Natural Resources, Division of Water Quality, Plaintiff, Catawba Riverkeeper Foundation, Inc., Plaintiff-Intervenor v. Duke Energy Carolinas, LLC, Defendant (Mecklenburg County, 13 CVS 935)

DENR's Update 2/10/2014 Request Concerning Consent Order

Dear Judge Ridgeway:

This letter provides an update of our client's February 10, 2014 request that you hold in abeyance further consideration of the Proposed Consent Order in the above referenced matters. DENR has asked that we share the following information with you and all counsel:

Although the currently proposed Consent Order addresses only the Asheville and Riverbend Steam Stations, DENR believes it is prudent to review the proposed Consent Order in light of the February 2, 2014 ash spill at the Dan River Station.

As part of DENR's response to the Dan River ash spill, the Department has assembled a task force consisting of DENR staff from the Divisions of Water Resources, Waste Management, and Energy, Mining and Land Resources. While DENR's investigation, assessment, and enforcement of the Dan River ash spill is ongoing, one of the goals of the task force is to reevaluate the adequacy of the

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terms of the currently proposed Consent Order and make recommendations on what, if any, modifications might be appropriate based on knowledge gained from the Dan River ash spill. Recommendations might include, but are not limited to, maintaining the Consent Order as proposed, recommending the inclusion of additional provisions, or expanding the overall scope of the Consent Order to include additional facilities. This task force, which will meet regularly, met for the first time on February 14, 2014 to begin gathering the information necessary to make its recommendations. DENR believes it is critical to continue to its enforcement of Duke's violations of the Clean Water Act and therefore the Department will make its recommendation on the proposed Consent Order by March 21, 2014.

We will be available at the Status Conference tomorrow to answer any questions about the Consent Order when it is considered on our agenda.

Sincerely,



Kathryn Jones Cooper
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Anita LeVeaux
Special Deputy Attorney General
Donald W. Laton
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Enclosure

cc: Counsel for Defendants
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