



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

April 29, 2020

Paul Draovitch
Senior Vice President
Environmental, Health & Safety
Duke Energy
526 South Church Street
Mail Code EC3XP
Charlotte, North Carolina 28202

Subject: Coal Ash Impoundment Closure Plan – Determination of Compliance with General Statute 130A-309.214(a)(4) of Session Law 2016-95 of the Coal Ash Management Act - James E. Rogers Energy Complex (Formerly Cliffside Steam Station)

Dear Mr. Draovitch:

On December 31, 2019, the North Carolina Department of Environmental Quality (NCDEQ) received the proposed Coal Ash Impoundment Closure Plan for the James E. Rogers Energy Complex (Closure Plan); the deadline required under General Statute 130A-309.214(a)(3) of Session Law 2016-95 of the Coal Ash Management Act referred to hereafter as CAMA. Duke Energy also submitted an Updated Corrective Plan (CAP) with the Closure Plan.

Closure Plan and Updated CAP Review

Per 130A-309.214(b), NCDEQ has reviewed the proposed Closure Plan to determine compliance with the requirements of 130A-309.214(a)(4) and otherwise complies with the requirements of CAMA.

The following items were noted during the review of the proposed Closure Plan and will require additional follow-up from Duke Energy:

The Division of Waste Management requests an Excavation Plan to be submitted for review and approval and to include, but not limited to the following: 1) site plan with annual phased excavation, 2) transportation plan for routes to on-site and off-site landfills, 3) dust control plan, 4) management of non-recyclable coal ash disposal both on-site and off-site, 5) all necessary permits 6) plan for stockpiling coal ash, and 7) health and safety plan for dewatering ash. The Division's expectation is that the Excavation Plan will be updated annually.



NCDEQ has also conducted a review of the updated CAP and has concluded that it is sufficient to provide compliance with the applicable requirements under 130A-309.214(a)(4). NCDEQ will provide more detailed comments regarding the CAP in a separate correspondence. Therefore, this letter shall not serve as an official approval of the updated CAP for the requirements under 15A NCAC 02L .0106.

Determination of Compliance with 130A-309.214(a)(4)

With the exception of the items listed above, NCDEQ has determined that the proposed Closure Plan otherwise complies with the requirements of CAMA. Specifically, NCDEQ has found that:

- The proposed Closure Plan complies with the requirements of 130A-309.214(a)(4).
- The updated CAP is sufficient to provide compliance with the applicable requirements under 130A-309.214(a)(4).
- A review of the public comments provided under the requirement of 130A-309.214(b) yielded no additional information that suggests the proposed Closure Plan is in non-compliance with the requirements of 130A-309.214(a)(4).
- The items noted during the review of the Closure Plan will require additional follow-up from Duke Energy; however, NCDEQ believes that the Closure Plan is adequate for Duke Energy to proceed with its implementation.

Implementation and Modification of the Proposed Closure Plan

The additional items that require follow-up from Duke Energy shall be provided in an addendum to the Closure Plan within 30 days of the date of this letter. Per 130A-309.214(e), as soon as practicable, but no later than 60 days from the date of this letter, Duke Energy shall begin implementation of the proposed Closure Plan. Modifications, both major and minor, to this Closure Plan shall be in conformance with 130A-309.214(e).

If you have any questions, please contact me at (919) 707-8619.

Sincerely,



Sheila C. Holman
Assistant Secretary for the Environment

cc: DWM – Ed Mussler
DWR – Rick Bolich
DEMLR – George Eller
ARO WQROS

