



NCDEQ Coal Ash Impoundment Closure Plan Decision

W.H. Weatherspoon Power Plant

Attachment 1: Hearing Officer's Report and Public Comments

August 14, 2020



Hearing Officer’s Report – Proposed Closure Plan for the Coal Ash Impoundment at W.H. Weatherspoon Power Plant

Date: August 14, 2020

Facility: W. H. Weatherspoon Power Plant
County: Robeson
Owner & Operator: Duke Energy Progress, LLC

Purpose

The purpose of this document is to provide an administrative record of the public input process on the proposed Closure Plan for the subject facility as required by G.S. 130A-309.214(b) of Session Law 2016-95 House Bill 630 (referred to as the Coal Ash Management Act or CAMA).

Regulatory Background Summary

CAMA, enacted in August 2014 required that the North Carolina Department of Environmental Quality (NCDEQ) develop proposed classifications for all coal combustion residuals (CCR) surface impoundments, including active and retired sites, for the purpose of closure and remediation based on these sites' risks to public health and the environment.

Duke Energy (Duke Energy Progress, LLC) agreed to excavating the impoundment at Weatherspoon as part of a settlement agreement in September of 2015. Further, Duke Energy announced in August of 2017 that the coal ash located in the impoundment at Weatherspoon would be recycled into cement products and the ash would be taken by truck to two cement kilns located in South Carolina.

In April 2019, NCDEQ established submittal dates for an updated Comprehensive Site Assessment (CSA) and updated Corrective Action Plan (CAP) for CCR surface impoundments and other primary and secondary sources. Consistent with this direction, Duke Energy submitted to NCDEQ the updated CSA for Weatherspoon on August 3, 2020, and will submit the updated CAP by July 1, 2021.

On December 30, 2019, NCDEQ received the proposed Closure Plan for the W. H. Weatherspoon Power Plant per the CAMA deadline. Staff from the NCDEQ’s Division of Waste Management; Division of Energy, Mineral, and Land Resources; and Division of Water Resources have reviewed the Closure Plan for completeness and the requirements of 130A-309.214(a)(4). NCDEQ also received the proposed Corrective Action Plan for groundwater remediation for the W. H. Weatherspoon Power Plant.

Site History/Background Summary

The W. H. Weatherspoon Power Plant is owned and operated by Duke Energy in Robeson County at 491 Power Plant Road, Lumberton, North Carolina. The station formerly operated three coal-fired units and four combustion turbine units. The coal-fired units operated from 1949 until electricity generation from the coal-fired units ceased in 2012. The combustion turbine units

continue to operate. There are no coal-fired units currently in operation at the W. H. Weatherspoon Power Plant and CCR disposal operations ceased in 2012.

Closure Plan Summary

The closure plan indicates all the coal ash will be excavated. CCR are already being excavated for off-site beneficiation. Excavated CCR is being transported by truck to two cement kilns in Holly Hill and Harleyville, South Carolina. Pursuant to CAMA, the CCR impoundment is required to be excavated by April 4, 2028.

Public Input Summary

In accordance with the requirements of 130A-309.214(b)(1), the Closure Plan was made available to the public for review and input on January 14, 2020. A copy of the proposed closure plan was available to be reviewed at the Robeson County Health Department, Robeson County Public Library, and at the NCDEQ Fayetteville Regional Office. The Closure Plan was also made available online at:

<https://edocs.NCDEQ.nc.gov/WasteManagement/Browse.aspx?id=1388604&dbid=0&repo=WasteManagement&cr=1>

Per 130A-309.214(b)(2)(a), a notice and summary of the proposed Closure Plan was published in the Robesonian newspaper for three consecutive weeks beginning on January 15, 2020. Copies of the Notice were provided as required by 130A-309.214(b)(2)(b) and (c). Per 130A-309.214(b)(4), the 60-day comment period began on January 13, 2020 and ended on March 5, 2020. Comments could be sent to the NCDEQ via email, mail, and oral and/or written comments submitted during the public hearing.

Public Hearing and Oral Comments Summary

In accordance with the requirements of 130A-309.214(b)(3), a Public Hearing was held on February 13, 2020 at 6:00 pm in the South Robeson Intermediate School located at 3268 South Robeson Road, Rowland, North Carolina. The purpose of the public hearing was to allow the public to comment on the W. H. Weatherspoon Power Plant Closure Plan. Interested parties were able to submit oral or written statements regarding the proposed Closure Plan. Persons wishing to speak registered at the hearing. Speaking times were allotted per speaker as time allowed.

No one from the public or outside interest groups attended the public hearing other than 15 staff members from the Division of Waste Management; Division of Energy, Mineral, and Land Resources; Division of Water Resources, and Division of Air Quality, as well as Public Information Officers and the Hearing Officer. A total of 15 individuals signed the attendance sign in sheets at the hearing. The Hearing Officer opened the public hearing at 6:00 pm with no one other than staff present. Without any public attendees arriving the public hearing was closed at 6:15 pm. There were no public comments received by NCDEQ.

Hearing Officer Recommendations

Based on my review of the record and in consultation with subject matter experts in NCDEQ, I recommend approval of the submitted Closure Plan for the coal ash impoundment at Duke Energy's W.H. Weatherspoon Power Plant located in Robeson County. I conclude that the Closure

Plan is protective of public health, safety and welfare, the environment and natural resources and otherwise complies with the requirements of CAMA.

Drew Hammonds, Hearing Officer

August 17, 2020

Date