

NCDEQ Coal Ash Impoundment Closure Plan Decision

Attachment 2: Public Comments

April 29, 2020



From: [Jennifer Doucette](#)
To: [Mayocomments](#)
Cc: [Nick Torrey](#); [Holman, Sheila](#); [Lane, Bill F](#)
Subject: [External] Coal Ash Pond Closure Plan for Mayo Power Station - SELC Public Comments
Date: Monday, March 2, 2020 1:42:20 PM
Attachments: [2020.03.02 - Comment Letter - Mayo.pdf](#)

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Good afternoon Ms. Hughes,

Please find attached Southern Environmental Law Center's comments on the draft coal ash pond closure plan for Mayo Power Station.

Sincerely,

Jennifer Doucette
Legal Administrative Assistant
North Carolina State Bar Certified Paralegal | [Southern Environmental Law Center](#)
601 West Rosemary Street, Suite 220 | Chapel Hill, NC 27516-2356
T: 919-967-1450 | F: 919-929-9421 | Email: jdoucette@selcnc.org

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

601 WEST ROSEMARY STREET, SUITE 220
CHAPEL HILL, NC 27516-2356

Facsimile 919-929-9421

March 2, 2020

VIA EMAIL AND U.S. MAIL

N.C. Department of Environmental Quality
Louise Hughes
1601 Mail Service Center
Raleigh, NC 27699-1601
mayocomments@ncdenr.gov

Re: Comments on Closure Plan – Mayo Steam Station

Dear Ms. Hughes:

We support Duke Energy's plan to fully excavate the unlined coal ash basin at the Mayo Steam Station in Person County.

This result is required by the North Carolina Coal Ash Management Act. As the Department set out in its April 1, 2019 Closure Determination, the risks associated with leaving millions of tons of coal ash saturated in groundwater are too great, and full excavation is the right solution to ensure that groundwater and downstream surface waters are protected.

The closure plan removes all the coal ash—over 6.6 million tons—from the leaking, unlined lagoon at Mayo and disposes of it onsite in lined, dry storage. This solution also restores flow to the headwaters of Crutchfield Branch, a stream that has been buried under the coal ash basin for decades. Once Duke Energy digs up all the coal ash at Mayo, the stream will run freely, without contamination from the coal ash lagoon flowing downstream into Mayo Creek, the Hyco River, or Kerr Lake. Cleaning up this site also protects wildlife habitat and the Sappony tribe's homeland downstream. It stops Duke Energy's coal ash pollutants from flowing through our waterways and over the state line into Virginia, and it moves the coal ash into onsite, dry, lined storage further from Mayo Lake.

Duke Energy's current proposal would dispose of the ash in a lined landfill partially within the footprint of the ash basin, but another disposal option would be for Duke Energy to expand its existing lined coal ash monofill to receive the ash from the basin. We encourage DEQ to evaluate which onsite landfill location would be most environmentally protective and least costly.

Each of Duke Energy's coal ash sites contain millions of tons that are saturated in groundwater, and DEQ must ensure Duke Energy removes all of this ash. Appendix E of the closure plan states that if Duke encounters ash saturated in groundwater, "[a] plan will be

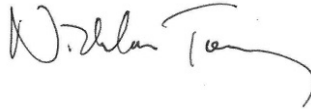
submitted to NC DEQ by Duke Energy pertaining to the removal of ash if these conditions or other restricting factors occur.” Closure Plan, Appendix E, Section 4.3. Because we already know that millions of tons of ash are saturated in groundwater at every one of these sites, DEQ should require Duke Energy to submit its plan for fully removing saturated ash now, to ensure the plan is adequate and all saturated ash will be removed.

In addition, DEQ must continue to protect North Carolinians by ensuring the safety of the workers who are cleaning up the coal ash. DEQ should require Duke Energy to protect its workers *and* contractors by creating a safe work environment with protective equipment.

We are grateful to Secretary Regan and the whole Department of Environmental Quality for your work to implement CAMA and ensure these sites will be cleaned up once and for all. We fully support this closure plan.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas S. Torrey", with a stylized flourish at the end.

Nicholas S. Torrey
Senior Attorney

cc: Sheila Holman, Assistant Secretary for the Environment
Bill Lane, General Counsel

From: [Jade Dell](#)
To: [Mayocomments](#)
Subject: [External] comment from North Carolina citizen
Date: Saturday, February 29, 2020 7:27:40 AM

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As a North Carolina citizen and someone worried about our beautiful land, I want to comment on the Coal Ash plan for Mayo Lake in Roxboro. I am grateful that the DEQ has listened to communities affected by coal ash. But since the coal ash will still be located near Mayo Lake, please do extensive testing of materials used to line the storage site so that we don't have problems in 20 years.

Please let people know what happens to the Leachate that comes from the coal ash pits. That is dangerous also.

Thank you.

Jade Dell
927 W Morgan St, #159
Raleigh, NC 27603

From: [Maple O](#)
To: [Mayocomments](#)
Subject: [External] Mayo coal ash comment
Date: Friday, February 28, 2020 9:43:13 AM

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Hello Louise Hughes and Laura Leonard,

Thank you, DEQ, for listening to communities and for making sure all the coal ash is cleaned up and put into safe, dry lined storage.

Now please make sure Duke E. does correct extensive testing of the materials used, plus special construction quality measures such as electrical leak location.

Finally, we need to know what they do with the "leachate"; and recycling into bricks is not good by consensus thus far.

Sincerely,
Mary Ann Osterbrink
500 Cobb St
Durham NC

From: [Emmy Grace](#)
To: [Mayocomments](#)
Subject: [External] Thank you
Date: Saturday, February 1, 2020 12:40:54 PM

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Dear DEQ,

Thank you for listening to communities and for making sure all the coal ash is cleaned up and put into safe, dry lined storage on site.

To do so, I urge you to ensure that ash handling protocols are of the highest measure and are enforced to make sure that workers are safe.

Extensive testing of the materials used should also be done to ensure no contaminations of and near Mayo Lake. Also, no matter how good the lining is, it can be weakened with bad installation so special construction quality measures should be enforced.

Lastly, I am concerned about leaching. Please put in place the necessary measures to prevent leaching and a protocol of the highest standards for what will be done with the leachate.

Thank you again.

Sincerely,
Emmy Grace
Durham, NC 27701

Emmy Grace
emmy.a.grace@gmail.com
847.975.4985

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March 2, 2020

RECEIVED
3/11/20

[Handwritten signature]

VIA EMAIL AND U.S. MAIL

N.C. Department of Environmental Quality
Louise Hughes
1601 Mail Service Center
Raleigh, NC 27699-1601
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Re: **Comments on Closure Plan – Mayo Power Station**

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Sincerely,

Jennifer Doucette

Jennifer Doucette
Legal Administrative Assistant
Southern Environmental Law Center

Enclosure

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Senior Attorney

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Bill Lane, General Counsel