



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 17 2014

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Office of the Secretary

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Department of Environment
and Natural Resources

Mr. John E. Skvarla, III
Secretary
North Carolina Department of Environment
and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Dear Mr. Skvarla:

Thank you for your correspondence of March 14, 2014, to the United States Environmental Protection Agency. EPA agrees with North Carolina Department of Environment and Natural Resources that a joint approach to an enforceable resolution of the Clean Water Act (CWA) violations associated with the Dan River spill is a desirable way to proceed for both of our agencies. We also suggest a joint approach to crafting an over-all solution to outstanding CWA concerns at Duke Energy facilities. The EPA and delegated States have often joined together to pursue and effectively resolve complex and nationally significant enforcement matters.

My staff and I have been aware of NC DENR's actions against Duke Energy as well as its response to the February 2014 release to the Dan River. We are knowledgeable of the approach NC DENR has taken in these matters. We also appreciate DENR's continuing flow of information to EPA and the public on the release, which has allowed the EPA to maintain an understanding of the scope and direction of the State's efforts.

In addition to exploring CWA authorities for which our two agencies share joint regulatory authority, EPA understands that NC DENR is also undertaking efforts to address environmental problems associated with coal ash storage at all Duke Energy facilities in North Carolina using state regulatory programs. We recognize that in complex legal and technical matters such as those associated with coal ash, site-specific factors need to be considered in proceeding at each location. We look forward to working collaboratively with your staff to craft appropriate environmental solutions to the problems at Duke Energy utilizing our collective and individual respective regulatory authorities.

We look forward to beginning work immediately with NC DENR on a timely and effective resolution of these concerns that will benefit the environment as well as the citizens and communities of North Carolina. I have asked Scott Gordon to serve as our primary contact. He can be reached at (404) 562-9741.

Sincerely,

Heather McTeer Toney
Regional Administrator