



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

December 9, 2014

Harry Sideris
Senior Vice President, Environmental, Health, and Safety
526 S Church St-EC IJJ
Charlotte, NC 28202

Subject: Essential Maintenance Dam Repair Activities
Duke Energy Marshall Steam Station NC0004987

Dear Mr. Sideris:

The Division of Water Resources (DWR) has conferred with the Division of Energy, Mineral, and Land Resources (DEMLR) in regards to proposed dam repair activities at the Marshall Steam Station permit NC0004987. The specific activities in question are described in CATAW-054 Scope #1, Project Specifications received by DEMLR on October 15, 2014.

As you are aware, the determination of whether a permit modification is necessary requires a case-by-case analysis. DENR, after reviewing your submittal for the repair activities at the Marshall station, and after further consultation with EPA Region IV staff, have determined that the activities are authorized under the bypass for essential maintenance provision of the Standard Conditions of Marshall's permit excerpted below:

Section C Operation and Maintenance of Pollution Controls

4. Bypassing of Treatment Facilities

a. Bypass not exceeding limitations [40 CFR 122.41(m)(2)]

The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs b. and c. of this section.

We hereby authorize the lowering of the ash pond to effect dam repairs as described in the submitted project description. I wish to caution you that as stated a Bypass of Treatment Facilities does not allow limits listed in the permit to be exceeded at any time. Also, you should be reminded that Section D. of the Standard Conditions concerning Monitoring and Records (excerpted below) specifically requires representative sampling of the permitted discharge.

Section D. Monitoring and Records

1. Representative Sampling

Samples collected and measurements taken, as required herein, shall be representative of the permitted discharge. Samples collected at a frequency less than daily shall be taken on a day and time that is representative of the discharge for the period the sample represents. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority [40 CFR 122.41(j)].

Though notification of activities or approval is not explicitly required by regulation, DWR may review other submitted dam repair projects to convey to Duke Energy a better understanding of our interpretation of essential maintenance activities. If you have any questions, please feel free to contact me at (919) 807-6309, or via e-mail at jeff.poupart@ncdenr.gov.

Sincerely,



Jeff Poupart
Water Quality Permitting Section Chief

cc: Steve McEvoy, DEMLR
Central Files
Mooresville Regional Office