

**NC Delegation of the Roanoke River Basin Bi State Commission (RRBBC)
Perry Memorial Library, Henderson, NC**

Summary of Minutes from December 18, 2014 Meeting

RRBBC members present:

Larry Yarborough (chair),
Chuck Peoples,
Senator Joyce Krawiec,
Senator Frank Ruff,
Delegate Tommy Wright,
Haywood Hamlet, and
Tim Pace

North Carolina Department of Environment and Natural Resources (NCDENR) – Division of Water Resources (DWR) Staff present:

Harold Brady, Tom Fransen, Linwood Peele, Kim Nimmer, and Sherri Knight.

Virginia Department of Environmental Quality (DEQ) staff present:

Scott Kudlas, Tammy Stephenson, Brian McGurk, and Curt Thomas

Other attendees:

Gene Adesso, Al Zimmerman, Read Charlton, Bob Jean, Christopher Blakeman,
William Lindenmuth, Jerry Lovelace, Andrew Lester and the Roanoke River Basin
Association;

Chairman Yarborough called the meeting to order. He welcomed the group to the meeting and called for introductions around the room. Chairman Yarborough then provided a summary of the delegation meeting from earlier that day. This included an update on the Duke Energy coal ash spill, a discussion of the interbasin transfer proposal with the Army Corps of Engineers, and a brief on the Section 216 Study of the Kerr Dam and Reservoir. Mr. Pace, chairman of the Virginia delegation, then provided a similar summary of the VA Committee meeting from earlier that day. The discussion included a VRRBAC letter advocating the Army Corps of Engineers to finish the Section 216 study as well as a DEQ presentation on the Virginia State Water Resources Plan and the cumulative impact analysis of the Roanoke River Basin.

Tom Fransen provided an update on the Dan River coal ash incident as well as plans for other coal ash basins around North Carolina. The current list of all known electric power plant related coal ash basins was presented and discussed as it relates to the recent Session Law 2014-122. Following this recent legislation it is estimated that approximately 800 groundwater monitoring wells will need to be established to assess any potential groundwater contamination issues from the coal ash ponds around North Carolina.

Recent surface water (chemical and biological), groundwater, and sediment sampling efforts have found conditions in the Dan River to not be in violation of current water quality or toxicity standards. Mr. Fransen noted that current groundwater monitoring at the Dan River site involves four wells within 0.5 mile of the facility. In addition, recent surface water sampling in the Dan River has noted improved biological conditions as compared to previous years.

Several members asked about the timeframe for removal of all ash from the storage basins at the Dan River site and how long the associated surface and groundwater monitoring will continue. Mr. Fransen responded that according to information he has received, Duke Energy will commence with removal activities to lined landfills within 12 months following the issuance of required permits. Mr. Adesso asked if the current monitoring reports are available to the public. NCDENR staff confirmed that some, if not all, of the current monitoring reports are available at the NCDENR website (www.denr.gov).

Sherri Knight, from the NCDENR Winston-Salem Regional office, responded to a question regarding any natural sources of Aluminum, Iron, and Magnesium in the soils of the Dan River basin. She noted that high levels of these elements were identified during surface water quality testing conducted in the river basin prior to the coal ash incident. Mr. Adesso remarked that sediment sampling was needed to determine the long-term impact coal ash constituents, such as Selenium, might have on the aquatic ecosystem of the Dan River.

Another question was raised by the membership as to why the lined landfill in Jietersburg, VA was selected for the disposal of the existing coal ash at the Duke Energy Dan River site. It was unknown specifically why the site was selected; however, several of the attendees presumed it was due to many factors including proximity to railroad, landfill size, and conditions of landfill. This led into a discussion of the current litigation involving Duke Energy, NCDENR, and EPA. Mr. Adesso explained that several environmental/advocacy organizations had jointly filed an injunction in the case and the judge ruled that the organizations could be a party to the suit. Currently, the case is in the “discovery phase” with no specific deadline as to when the next phase of the lawsuit will commence.

The meeting then proceeded to a discussion of the proposed Kerr Lake Regional Water System (KLRWS) Interbasin Transfer (IBT) request. Harold Brady provided a synopsis on the proposal, including background on what constitutes an IBT, the current proposal by KLRWS, and the approval process. KLRWS currently has a grandfathered IBT of 10 million gallons per day (mgd), based on a maximum daily volume, and has proposed to increase that to 14.2 mgd, based on an average daily volume calculated over a maximum month. This request necessitates approval of an IBT Certificate from the Environmental Management Commission (EMC) following a full assessment of the effects of such a request.

Several members asked if the Environmental Assessment (EA) document includes hydrologic modeling results of the impact to downstream flows and uses. NCDENR staff indicated that the document fully evaluates the current and projected downstream flows at all nodes in the model. Additionally, the model provides projected impacts to Kerr Lake and other downstream lake levels.

Questions regarding the extent of the KLRWS service area and the associated requested transfer were raised. Significant discussions and clarifications were deliberated related to the IBT. Another question was raised regarding the current interbasin transfer volumes conducted by KLRWS. After reviewing the EA document, Tom Fransen was able to respond that in 2013 the average daily volumes transferred were approximately 6 to 7 mgd. This led to a short discussion of need. NCDENR staff noted that demand projections are included in the EA documentation. This led to the question of whether the existing water loss and efficiency of the water system is considered by the EMC when approving an increase in IBT volumes. NCDENR staff noted that this information is in the EA document.

A schedule of the IBT process was presented, which KLRWS will be required to follow. Based on this schedule, the EA document should be available for public review sometime in January, followed by a public hearing in March or April, and the final determination by the EMC during their May meeting. Harold Brady then stressed that all comments should follow the factors identified in the “findings of fact” part of the statute, which assists the EMC in fully considering all effects, both positive and negative, of the proposed transfer. Mr. Pace proposed that the determination of the IBT proposal should be discussed at the next meeting.

On the request of Gene Adesso, the Commission then took up an additional agenda item regarding information related to the restoration response to the coal ash incident, and efforts to improve conditions on the Roanoke River itself. These projects will be funded by Duke Energy through their recently announced grant funding program of 10 million dollars for projects within the basin and across North Carolina. The proposals will involve a litany of stakeholders and partners.

To conclude, the Commission discussed that Mr. Yarborough has served his term at chair and that Rep. Tommy Wright would be succeeding him as chair of the Roanoke River Basin Bi-State Commission. The decision of when the next meeting would occur was not determined; however, an early spring time frame was discussed. A location for that meeting would be determined at that time.

As there was no further business to discuss, the meeting was adjourned.