

**NC Delegation of the Roanoke River Basin Bi-State Commission (RRBBC)
New College Institute
191 Fayette Street
Martinsville, VA
Room 102**

DRAFT Summary from October 14, 2015 Meeting

NC delegation of the RRBBC members present:

Sen. Angela Bryant (chair),
Rep. Susan Martin,
Sen. Joyce Krawiec,
Rep. Larry Yarborough, and
Chuck Peoples

North Carolina Department of Environmental Quality (NCDEQ) – Division of Water Resources (DWR) Staff present:

Harold Brady, Tom Fransen, and Linwood Peele.

Other attendees:

Greg Godard and Mike Pucci (Roanoke River Basin Association (RRBA)), and
Christy Lipscomb (City of Henderson)

Sen. Bryant called the meeting to order. She welcomed the group to the meeting and called for introductions around the room. Harold Brady provided a synopsis of the schedule for the day.

Tom Fransen provided updated information regarding the Duke Energy Dan River coal ash spill, including water quality information from Corey Basinger. NCDEQ has continued to monitor the water quality conditions of the Dan River on a monthly basis since the incident. Additionally, fish tissue sampling and benthic macro-invertebrate sampling has been conducted approximately every six months since the incident. Water quality monitoring is expected to move to an every other month schedule sometime around December. The start of this schedule change is flexible and will begin once the next round of fish tissue and benthic samples have been conducted. It should be noted that Duke Energy is fully abiding by the recently enacted Coal Ash Management Act (CAMA). Chuck Peoples raised concerns that the CAMA potentially only deals with liquefied storage of coal ash, which may not fully address the threat. Mike Pucci, with the RRBA, then provided information regarding the current status of the litigation with Duke Energy. He explained that the Southern Environmental Law Center (SELC), who is representing many environmental advocacy groups across North Carolina, including RRBA, is close to a settlement with Duke Energy regarding the coal ash matter.

Following this information, Mr. Fransen demonstrated the recently DWR produced GIS-based groundwater sampling tool that is expected to be available on the DWR webpage soon. This tool allows access to groundwater sampling data from both public and private wells near the various Duke Energy coal ash ponds spread across the state. This will provide more up-to-date water quality data to interested and invested parties and assist citizens of the state potentially affected by potential toxins released into the groundwater by coal ash ponds owned by Duke Energy. The online tool provides information regarding whether the sample testing results exceed water quality standards for four different standards; federal, state 2L, state drinking water, and state Department of Health and Human Services. This was included in the online tool because of all the questions and confusion regarding which standard to follow.

Harold Brady then provided a presentation on the requested Interbasin Transfer (IBT) Certificate by the Kerr Lake Regional Water System (KLRWS). The importance of this topic was emphasized due to the anticipated decision by the Environmental Management Commission (EMC) on the requested certificate planned to occur on Thursday, November 5 following an anticipated decision by the Water Allocation Committee (WAC) to move it forward to the full Commission on Wednesday, November 4. Details of the request by KLRWS generated considerable discussion regarding how a water system transfers water across basin boundaries, project purpose and need, the size of the KLRWS service area, and condition of the water system. It was also mentioned that the water system is waiting until they receive the IBT Certificate before breaking ground on the long-planned and authorized upgraded Water Treatment Plant (WTP).

Following the IBT discussion, Linwood Peele provided a presentation on the current drought conditions and lake water levels within the Roanoke River Basin. It was noted that because of recent large scale storms the lake levels are near guide curve and there are no drought conditions reported in the state. Mr. Peele then provided information regarding the El Nino climate pattern which is anticipated to directly affect North America this coming winter and spring. The strong El Nino event is expected to deliver colder and wetter climate conditions than normal across North Carolina.

Mr. Pucci, with the Roanoke River Basin Association (RRBA), then provided updated information regarding the proposed Uranium mine in Virginia. According to Mr. Pucci, the state of Virginia has opposed the mining operation and is currently in litigation with the mining company. RRBA attempted to intervene in the case, but the judge ruled intervening was unnecessary, as the state holds a similar position to RRBA, opposing the proposed Uranium mine. A schedule for finalizing the litigation is unknown at this time. Mr. Pucci, showed a computer model demonstration developed by the City of Virginia Beach, which depicted the projected downstream water quality conditions following a breach of a Uranium

mine tailings pond. The model was dramatic and showed the direct effects expected in North Carolina waters should an incident of that nature occur.

Following Mr. Pucci's presentation, copies of the current by-laws of the delegation as well as the state statute forming the Commission were then distributed to the membership. This was requested during the September meeting since much of the membership is relatively new. This led into a discussion regarding the possible reformation of an Advisory Committee, similar to that of the VA delegation, that was statutorily ended several years prior. It was noted that the NC Delegation website for the Roanoke Bi-State Commission still refers to "Advisory Commission". Mr. Brady agreed to make the website change and distribute the link (below) to the website in upcoming correspondence.

A brief discussion of the agenda items at the upcoming full Bi-State Commission meeting was taken. Afterward, several agendas items were requested to be presented at the next delegation meeting including, summation of all allocations from Kerr Lake, schedule for completion of the Roanoke Basin Plan, legal update on the Uranium mining issue, and the potential need to recreate an Advisory Committee to the delegation and the relevant historical information and governmental actions. Mr. Brady agreed to continue working with his counterparts in Virginia DEQ to determine dates for the next meeting, hosted by North Carolina. He also agreed to ensure that the Army Corps of Engineers is invited to the meeting.

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

NC Delegation Roanoke Bi-State Commission website,
(<http://www.ncwater.org/?page=186>)