



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

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Acting Director

MEMORANDUM

April 28, 2016

To: Secretary Donald R. van der Vaart

From: Elizabeth S. Werner
Division of Waste Management
Raleigh Central Office

Subject: Meeting Officer's Report
Coal Ash Impoundment Classification(s)
Mayo Steam Electric Plant

On March 16, 2016, I served as the meeting officer for a public meeting held in the auditorium of the Person County Office Building in Roxboro, NC. The purpose of the public meeting was to allow the public to comment on the proposed risk classification for coal combustion residuals impoundments at the Mayo Steam Electric Plant. This report summarizes all of the public comments related to the proposed risk classification for the Mayo Steam Electric Plant.

This report has been prepared using the following outline:

- I. History/Background
- II. March 16, 2016 Public Meeting and Oral Comments Summary
- III. Written Public Comments Summary
- IV. Attachments

I. History/Background

Under the historic Coal Ash Management Act (CAMA) of 2014, all coal ash impoundments in North Carolina are required to be closed. The deadlines for closure depend on the classification of each impoundment as low, intermediate, or high. CAMA required the Department of Environmental Quality, or DEQ, to make available to the public the initial draft proposed classifications no later than Dec. 31, 2015. These draft proposed classifications were based on the information available to the department as of December 2015.

It is also important to note that these were not the final proposed classifications. After the release of the draft proposed classifications, CAMA requires the following process:

- DEQ must make available a written declaration that provides the documentation to support the draft proposed classifications within 30 days, which will be made available on the DEQ website. The written declaration will provide the technical and scientific background data and analyses and describe in detail how each impoundment was evaluated.
- DEQ will publish a summary of the declaration weekly for three consecutive weeks in a newspaper in each county where a coal ash facility is located.
- The declaration will be provided to each local health director and made available in a library in each county where a coal ash facility is located.
- The summary of the declaration will be provided to each person who makes a request.
- A public meeting will be held in each county where a coal ash facility is located.
- Following completion of the public meetings and the submission of comments, the department will consider the comments and develop final proposed classifications.

Subsequent to the issuance of DEQ's initial draft proposed classifications, fourteen public meetings were held across the state to receive oral comments from the public in addition to the open public comment period that ended on April 18, 2016. Meetings were held in each County in which a site is located (Attachment I-Public Notice). DEQ will consider all public comments received and issue its final classification for each impoundment by May 18, 2016.

II. March 16, 2016 Public Meeting and Oral Comments Summary

Approximately 207 people attended the public hearing, including staff members of the DEQ and the meeting officer (Attachment II-Attendance Forms). A total of 33 individuals requested to speak during the meeting (Attachment III-Speakers Form). As meeting officer, I provided opening comments and a brief presentation on the proposed risk classification for the Mayo Steam Electric Plant.

Twenty-six (26) individuals registered before the meeting to make comments; thirty-three (33) individuals actually made comments during the meeting. Speakers were given three minutes for initial presentations and additional time was provided after everyone that registered to speak was finished. A copy of the audio recording of the speakers is provided in Attachment IV. The following is a summary of oral comments received at the public meeting summarized by topic (in no particular order):

- **Excavation** – Speakers requested that full excavation occur as quickly as possible. One speaker stated the only acceptable solution would be moving all coal ash to the onsite lined landfill where there would be no need to haul the ash long distances.
- **Groundwater Assessments** – The speakers expressed concern over extensive groundwater contamination in the area. Some speakers mentioned the data gaps in the assessment reports and requested Duke to fill in the gaps. A few speakers mentioned how there were no creditable reports to support the groundwater contamination.
- **Well Testing** - Speakers requested that wells be tested outside of the 1500-ft compliance boundary until no contamination was detected. Speakers were frustrated Duke wouldn't test there wells if they were located outside the 1500-ft boundary.
- **Health Issues** – One speaker expressed concern about the health issues of a particular person in the area.
- **Environmental Justice** – One speaker mentioned the Charlotte, Asheville and Wilmington sites being ranked high, while the poor rural areas are being ranked low.
- **Risk Classification** – Speakers requested DEQ to change the low ranking to a high ranking. Speakers expressed concern and questioned why the ash basin was initially ranked high on November 30, 2015, but then changed to low in the December 31, 2015 draft risk classification report. A few speakers agreed with the low ranking and wanted it to stay the same stating Duke had been a great neighbor for decades.
- **Capping in Place** – A few speakers were in agreement with capping in place. One speaker mentioned how moving such large quantities of coal ash would create its own environmental impacts.
- **Beneficial Reuse** – Two speakers mentioned how the beneficial reuse of coal ash is increasing. One of these speakers mentioned how fly ash can be used to make concrete that will last for 100s of years. It can be used to build better bridges and roadways while lowering taxes in the process.

- **Other** – A regional manager for Duke who lives in Person County spoke about the closure plans at the Mayo Plant. Duke agrees that closing the pond is important. Duke will close the pond in ways that are safe and protect human health and the environment while managing costs. The manager mentioned there was no indication that coal ash was impacting peoples' wells, verified in independent assessment reports.

III. **Written Public Comment Summary**

In addition to the public meeting, DEQ received written comments during the public comment period. DEQ received eight (8) comments that were hand-submitted during the public meeting. There were 643 comments received via email. The following is a summary of the written comments received during the comment period (in no particular order):

- **Beneficial Reuse** – A member of the National Ash Management Advisory Board presented information that suggests that the aggressive closure schedules preclude the pursuit of beneficial reuse opportunities.
- **Health Concerns** – A commenter was concerned how coal ash played a role in all the cancer cases in Person County.
- **Environmental Justice** – A research assistant at Duke University submitted their report on the impact of the coal ash ponds on low-income and communities of color, as well as cumulative impacts from nearby emitting facilities.
- **Excavation** – The National Ash Management Advisory Board suggested other alternatives to excavation such as capping-in-place, monitored natural attenuation, slurry cutoff walls, in-place stabilization/fixation, pumping wells, permeable reactive barriers and volume reduction of impounded ash through escalation of beneficial use. They also suggested that the additional risk imposed by excavating and transporting ash from one location to another can exceed the potential risk posed by leaving the ash in place. Other commenters requested that full excavation occur as soon as possible.
- **Groundwater Assessments** – Comments pointed out the fact that harmful pollutants have been detected in groundwater wells around the coal ash ponds. The National Ash Management Advisory Board stated that licensed engineers and geologists, with support from health and environmental risk assessors, have determined that there is no imminent hazard and that those same professionals have determined that existing conditions at these sites do not present a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment will occur.
- **Landfills** – Commenters requested to move all of the coal ash to dry lined storage away from waterways.
- **Risk Classification** – Commenters requested the low ranking be changed to a high ranking. The National Ash Management Advisory Board stated that it may be appropriate for legislation to define the initiation of closure activities, but it should not stipulate a prescriptive approach with specific completion dates.

- **Surface Water** – Commenters were concerned about the water quality of Mayo Lake stating more than 287,000 people rely on drinking water intakes downstream from Mayo.

Note: The majority of the emails received appear to have been electronically generated with most messages being one of four (4) form letters repeated.

IV. Attachments

- I. Public Notice of March 16, 2016 Meeting
- II. Public Meeting Sign-in Forms
- III. Public Meeting Speaker List
- IV. Audio File of Public Meeting
- V. Written Public Comments Received
- VI. Supporting documentation received during public hearing
- VII. Meeting Notes
- VIII. Public Comment Summary Spreadsheet
- IX. File of Public Meeting

Note: The email record is available from OITS.