

# **NCDEQ Coal Ash Impoundment Closure Plan Decision**

## **Attachment 2: Public Comments**

**April 29, 2020**



**From:** [Jennifer Doucette](#)  
**To:** [cliffsidecomments](#)  
**Cc:** [Nick Torrey](#); [Holman, Sheila](#); [Lane, Bill F](#)  
**Subject:** [External] SELC Comments - Cliffside/Rogers Power Station Closure Plans  
**Date:** Tuesday, March 17, 2020 2:00:08 PM  
**Attachments:** [2020-03-17 Comment Letter - Cliffside.pdf](#)

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Good afternoon Ms. Hughes,

Please find attached comments on the Cliffside/Rogers Power Station closure plans, on behalf of MountainTrue.

Sincerely,

Jennifer Doucette  
Legal Administrative Assistant  
North Carolina State Bar Certified Paralegal | [Southern Environmental Law Center \[southernenvironment.org\]](http://Southern Environmental Law Center [southernenvironment.org])  
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March 17, 2020

## VIA EMAIL

N.C. Department of Environmental Quality  
Louise Hughes  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
*cliffsidecomments@ncdenr.gov*

### **Re: Comments on Closure Plan – Cliffside/Rogers Power Plant**

Dear Ms. Hughes:

On behalf of MountainTrue, we support Duke Energy's plan to fully excavate the unlined coal ash basins at its Cliffside power plant.

This result is required by the North Carolina Coal Ash Management Act. As the Department set out in its April 1, 2019 Closure Determination, the ongoing contamination and the risks associated with leaving millions of tons of coal ash saturated in groundwater are too great, and full excavation is the right solution to ensure that groundwater and downstream surface waters are protected.

The closure plan removes approximately 7.6 million tons of coal ash from the leaking, unlined ash basins at Cliffside, and disposes of it onsite in lined, dry storage. This cleanup protects Suck Creek and the Broad River from further coal ash contamination and represents an enormous victory for the community and these waterways.

We have two requests for the Department:

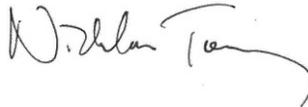
Each of Duke Energy's coal ash sites contain millions of tons that are saturated in groundwater, and DEQ must ensure Duke Energy removes all of this ash. Appendix E of the closure plan states that if Duke encounters ash saturated in groundwater, "[a] plan will be submitted to NC DEQ by Duke Energy pertaining to the removal of ash if these conditions or other restricting factors occur." Closure Plan, Appendix E, Section 4.3. Because we already know that millions of tons of ash are saturated in groundwater at every one of these sites, DEQ should require Duke Energy to submit its plan for fully removing saturated ash now, to ensure the plan is adequate and all saturated ash will be removed.

In addition, DEQ must continue to protect North Carolinians by ensuring the safety of the workers who are cleaning up the coal ash. DEQ should require Duke Energy to protect its workers *and* contractors by creating a safe work environment with protective equipment.

We are grateful to Secretary Regan and the whole Department of Environmental Quality for your work to implement CAMA and ensure these sites will be cleaned up once and for all. We fully support this closure plan.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas S. Torrey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nicholas S. Torrey  
Senior Attorney

cc: Sheila Holman, Assistant Secretary for the Environment  
Bill Lane, General Counsel