



PAT MCCRORY

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DONALD R. VAN DER VAART

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S. JAY ZIMMERMAN

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February 11, 2016

TO: DENR-DWR-Wetlands-Public Listserv

FROM: Karen Higgins, 401 & Buffer Permitting Branch

RE: Individual Isolated and Other Non-404 Jurisdictional Wetlands and Waters Permit for Duke Energy Progress – L. V. Sutton Steam Plant On-site Landfill

PUBLIC NOTICE

The following is a notice of public comment period and hearing on draft wetlands and solid waste permits at the L.V. Sutton Energy Complex in Wilmington.

N.C. DIVISION OF WATER RESOURCES

Notice of public comment period and hearing on draft Individual Isolated and Other Non-404 Jurisdictional Wetlands and Waters Permit #IWP000004 (DWR project #2015-0998) to permanently impact 6.57 acres of non-404 jurisdictional (isolated) wetlands for the construction of an on-site, coal combustion residual landfill at the Duke Energy Progress Inc., L. V. Sutton Energy Complex, 801 Sutton Steam Plant Rd., Wilmington, New Hanover County, pursuant to Title 15A NCAC 02H .1300 and G. S. 130A-309.203 Coal Ash Management Act of 2014 is hereby given. The N.C. Division of Water Resources must take final action on the permit prior to May 14, 2016.

Written comments may be submitted at any time before or after the hearing provided they are received no later than 5 p.m. April 15, 2016. Written comments should be mailed to: 401 & Buffer Permitting, 1617 Mail Service Center, Raleigh, NC 27699-1617. Written comments may also be submitted by email to: jennifer.burdette@ncdenr.gov. Please be sure to include "Sutton Permit" in the email's subject line.

The application and draft permit are available online at:

<http://edocs.deq.nc.gov/WaterResources/0/fo/310763/Row1.aspx>. The application and draft permit may also be reviewed at the DWR Central Office, 512 North Salisbury St., Raleigh, N.C., 27604. To schedule an appointment, contact Jennifer Burdette at jennifer.burdette@ncdenr.gov or 919-807-6364.

N.C. DIVISION OF WASTE MANAGEMENT

Notice of public comment period on draft Permit Number 6512-INDUS-2016, for the construction and operation of an industrial landfill at the Duke Energy, L.V. Sutton Energy Complex pursuant to North Carolina Administrative Code 15A NCAC 13B .0503 through .0505 is hereby given.

North Carolina General Statute (NCGS) 130A-309.203 Coal Ash Management Act of 2014 requires that the public be given a 60-day period to comment on this draft permit. The comment period will begin Feb. 11, 2016 and end at 5 p.m. April 15, 2016. Persons wishing to comment on either this permit or the proposed permit conditions should submit their comments in writing to Mr. Edward Mussler, III, P.E., the Division of Waste Management's (Division) contact at N.C. DEQ Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh, N.C. 27699-1646. You may also submit your comments by email to publiccomments@ncdenr.gov. Please insert the permit number (6512-INDUS-2016) and the permit name (Duke Energy, L.V. Sutton Energy Complex) in the subject line.

The application and draft permit are available for review by appointment from 9 a.m. to 4 p.m., Monday through Friday, at the N.C. Department of Environmental Quality, 217 West Jones Street, Raleigh, NC 27603. The administrative record including the application, fact sheet, and draft permit can be found online under the "Solid Waste Permit" heading at:

<http://portal.ncdenr.org/web/guest/sutton-power-station>.

Duke Energy Progress, LLC owns and operates the L.V. Sutton Energy Complex (Facility), electrical power generating facility, located (911 address) at 801 Sutton Steam Plant Road in Wilmington, N.C. and includes a total area of approximately 2,245 acres.

Industrial landfill permit number 6512-INDUS-2016 is a new landfill permit that once completed will receive industrial solid wastes from Duke Energy's L.V. Sutton Energy Complex, including; coal combustion residuals (CCRs) (including fly and bottom ash, pyrites and coal mill rejects, and boiler slag); wastewater treatment sludge (WWTS); petroleum contaminated site soils; plant decommissioning-related materials, including construction and demolition (C&D) waste and land clearing and inert debris (LCID); and vacuum truck waste. The industrial landfill covers approximately 101 acres and will be permitted to include three (3) phases made up of eleven (11) cells with a total disposal capacity of approximately 11.9 million cubic yards.

Duke Energy submitted a new permit application on Aug. 7, 2015. The application requested a permit to construct for Phases 1 through 3 and permit to operate for Phases 1 through 3, as each unit is completed and approved by the Solid Waste Section. The division has determined that the application satisfied the requirements of North Carolina Administrative Code 15A NCAC 13B .0503 through .0505. A draft permit has been prepared for public review.

PUBLIC HEARING

The N.C. Division of Water Resources and the N.C. Division of Waste Management will hold a public hearing to accept comments on the draft permits at 6 p.m. Tuesday, March 15, 2016 at Cape Fear Community College's Union Station Auditorium, 502 North Front St., Wilmington, N.C. Speaker registration and sign-in begins at 5 p.m.

cc: DWR Wetland Regional Contacts
Jay Zimmerman
Jeff Poupart