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## **MEMORANDUM**

May 13, 2016

To: Secretary Donald R. van der Vaart

From: Zahid S. Khan  
Division of Energy, Mineral, and Land Resources  
MRO Regional Office

Subject: Meeting Officer's Report  
Coal Ash Impoundment Classification(s)  
Duke Energy Carolinas LLC's Roger Energy Complex (formerly Cliffside Steam Station)

On March 14, 2016 I served as a meeting officer for a public meeting held at Boiling Springs Town Hall, 114 East College Ave., Boiling Springs, N.C. The Roger Energy Complex is located in both Cleveland and Rutherford counties. The Rutherford County hearing officer was G. Landon Davidson. The public meeting for Rutherford County was also held on March 14, 2016 at Isothermal Community College Auditorium, 286 ICC Loop Rd., Spindale, N.C. The purpose of both public meetings was to allow the public to comment on proposed risk classifications for coal combustion residuals impoundments at the Roger Energy Complex. This report summarizes all of the public comments related to the proposed risk classification for the Roger Energy Complex.

This report has been prepared using the following outline:

- I. History/Background
- II. March 14, 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 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.

## **II. March 14, 2016 Public Meeting and Oral Comments Summary**

Approximately 118 people attended the public meeting at Boiling Springs Town Hall, including DEQ staff members and the meeting officer. Approximately 88 people attended the public hearing at Spindale, including DEQ staff members and the meeting officer. A total of 111 individuals completed sign-in forms at the Boiling Springs meeting (Attachment I). A total of 80 individuals completed sign-in forms at the Spindale meeting (Attachment II). As meeting officer of Boiling Springs, I provided opening comments and Shane Cook, dam safety engineer from the Central Office of Division of Energy, Mineral and Land Resources, provided a brief presentation on the proposed risk classification for the Roger Energy Complex. As meeting officer of Spindale, G. Landon Davidson provided opening comments and Steven Lanter, Hydrologist from the Central Office of Division of Water Resources, provided a brief presentation on the proposed risk classification for the Roger Energy Complex.

Before the meeting commenced at Boiling Springs, 21 individuals registered to present oral comments. Fifteen speakers presented their oral comments and six did not show up after their names were called. An additional four people spoke from the floor following the initial speakers. One attorney spoke on behalf of his client. Three of the speakers were allowed to speak twice. Before the meeting commenced at Spindale, 19 individuals registered to present to oral

comments. Speakers were given five minutes for initial presentations and additional time was provided after everyone that registered to speak had finished. The list of speakers for Boiling Springs is included as Attachment III. The list of speakers for Spindale is included as Attachment IV. The following is a summary of oral comments received at the public meeting summarized by topic (in no particular order):

- **Environmental:** There were concerns about quality/pollution of ground and surface water and having available drinking water for the long-term, rather than having to rely on bottled water from Duke Energy. The accuracy of the groundwater assessment was also questioned and additional comments claimed that additional groundwater modeling is needed. There were also comments regarding air pollution. Comments were made alleging that wildlife and pets have been adversely affected. Hydraulic fracturing was mentioned as being an unacceptable practice and that increased use of alternative, clean energy should be pursued.
- **Property Values:** There were concerns about loss of property value and that the risk caused by this coal ash issue is preventing developers from coming to Cleveland and Rutherford Counties.
- **Health Issues:** There were comments regarding toxic materials relating to health issues including but not limited to cardiovascular illness, cancer, Parkinson's disease and asthma. It was also stated that people (not just groundwater) need to be tested to determine if they had been affected by the presence of coal ash.
- **Criticism of the Administration and General Assembly:** There were comments critical of the Administration and General Assembly for a perceived inappropriate relationship with Duke Energy that would result in the State not taking the appropriate measures for its citizens. Comments were also made regarding the alleged hiding or withholding information about coal ash hazards.
- **Changing Reports and Classifications:** There were comments critical of reports regarding changing risk classifications and over whether the well water that was tested is safe to drink. It was urged that all of the coal ash sites be changed to high priority.
- **Environmental Justice:** Comments were made regarding Title 6 and protection of communities from discrimination.
- **Dam Safety:** Comments were made about seismic activity from hydraulic fracturing potentially damaging the Rogers facility dams and that the dam is in need of repair.
- **Installation of New Water Systems:** Several comments were made requesting the installation of city water hook-ups instead of water wells paid by Duke Energy.
- **Risk Classification:** Comments were made supporting only risk classifications of Intermediate or High. It was mentioned that cap-in-place is unacceptable. There were comments addressing solid encapsulation of coal ash instead of landfilling. Comments also suggested following South Carolina's lead in how to perform ash clean-up. A Duke Energy representative commented that the company is evaluating all closure solutions taking science, continued safety, costs, people and the community into account.

### III. Written Public Comment Summary

In addition to the public meeting, DEQ received written comments during the public comment period. DEQ received 70 comments that were hand-submitted at the public meetings (65 at the Spindale meeting and five at the Boiling Springs meeting). Two letters were received via U.S. Postal Service mail and 705 comments were received via email.

The following is a summary of written comments received at the public meeting, via email and by mail summarized by topic (in no particular order):

- **Environmental:** There were comments claiming that DEQ's groundwater assessment was inadequate and that there are existing issues with impacted groundwater where contamination exceeds the State's public health safety standard and federal limits. There were also comments related to protecting all sources of drinking water and that Broad River that is drinking water source for not only North Carolina, but South Carolina too. Over 369,000 people rely on water intakes downstream of these coal ash ponds on the Broad River. These coal ash ponds pollute the groundwater and surface water. Comments also expressed concern over having to have bottled water provided by Duke Energy but that it should continue to be provided until a replacement source is secured.
- **Health Issues:** There were comments regarding toxic materials relating to health issues being traced back to these coal ash basins. Comments stated that harmful pollutants have been detected in Duke Energy's own monitoring wells at levels that far exceed health-based standards. Health issues of concern include but are not limited to cardiovascular illness, cancer, gastro-intestinal problems and asthma.
- **Criticism of the Administration and General Assembly:** Comments were provided that stated knowingly legislated allowance of any contamination was unacceptable. Other comments included that DEQ cannot separate risk classification from the prescriptive CAMA, which does not allow for consideration of broader immediate and life cycle impacts to communities and the environment, nor does it pursue the beneficial use opportunities or other engineered methods of protection besides the dig and haul approach. Comments stated that legislation should define the initiation of closure activities, but that legislation should not stipulate a prescriptive approach with completion deadlines when other appropriate methods are available.
- **Environmental Justice-** Comments were made regarding Title 6 and protection of communities from discrimination.
- **Dam Safety-** Comments were received regarding stability of the dams at the Roger Energy Complex and concerns that they have not been repaired. DEQ rated the dams as low priority despite the fact these coal ash ponds received five notices of deficiency. There were also concerns that dam failure would be catastrophic because the coal ash impoundment currently stores 12 million tons of coal ash.

- **Installation of New Water Systems:** Several comments were made for installation of city water hookup instead of water wells paid by Duke Energy. A petition with 25 signatures was filed from the people of the Whelchel Rd. and Prospect Church Rd. community known as “The Loop,” requesting installation of water lines and hook-up to all residents.
- **Risk Classification:** There were comments that the Rogers Energy Complex should be an intermediate or high risk facility and that all coal ash should be removed to lined landfills instead of allowing cap-in-place, which will not protect the community. Comments also addressed suggestion of following South Carolina’s lead in how to perform the ash clean-up as seen at the Catawba-Wateree River site. Comments also requested that alternative methods of disposal be used including solid encapsulation, recycling and reuse. It was urged that all of the coal ash sites should be changed to high priority.
- **Landfills:** Comments were provided which claim the existing onsite landfill has not been adequately assessed for contributing toward groundwater contamination. Other comments included the recommendation to avoid trucking ash material to other communities, but rather landfill it on Duke Energy’s property.
- **Costs:** There were comments requesting that Duke Energy shareholders—not ratepayers—pay for the cost of the clean-up.
- **Closure:** Comments were received requesting public access to all closure plans, as well as giving locally impacted communities input on the final plans for permanent storage of coal ash.
- **Other:** Some comments state that no community should be low priority. It is illogical to rate these dams as low after repairs are made. A Southern Environmental Law Center representative commented that the Rogers Complex impoundments should be classified as high risk due to the threat they pose to the community.

#### IV. Attachments

- I. Public Notice of March 14, 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