



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: Shawn McKee
Division of Waste Management
Raleigh Central Office

Subject: Meeting Officer's Report
Coal Ash Impoundment Classification(s)
Weatherspoon Plant

On March 10, 2016, I served as meeting officer for a public meeting held at Robeson Community College in Lumberton, 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 Weatherspoon Plant. This report summarizes all of the public comments related to the proposed risk classification for the Weatherspoon Plant.

This report has been prepared using the following outline:

- I. History/Background
- II. March 10, 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 of March 16, 2016 Meeting). DEQ will consider all public comments received and issue its final classification for each impoundment by May 18, 2016.

II. March 10, 2016 Public Meeting and Oral Comments Summary

Approximately 80 people attended the public hearing, including staff members of the DEQ and the meeting officer (Attachment II - Public Meeting Sign-in Forms). A total of 9 individuals requested to speak during the meeting; one individual signed up to speak but declined when called (Attachment III- Public Meeting Speaker List). As meeting officer, I provided opening comments and provided a brief presentation on the proposed risk classification for the Weatherspoon Plant.

Nine individuals registered before the meeting to make comments; ten individuals actually made comments during the meeting. Speakers were given five minutes for initial presentations and additional time was provided after everyone that registered to speak was finished. The list of speakers and summary of comments is included as Attachment VII. The following is a summary of oral comments received at the public meeting summarized by topic (in no particular order):

- **Dam Safety** – There was a concern of a huge impact on the Lumber River if the dam were to fail. Speakers commented on the current structural integrity of the dam. Speakers noted that the dam has previously leaked and that it currently has unpermitted seeps.
- **Excavation** – Speakers requested that full excavation occur as quickly as possible.
- **Groundwater Assessments** – The speakers expressed concern over extensive groundwater contamination in the area. One residential well has received a do-not-drink order. Concerns were expressed about possible data gaps in groundwater data.
- **Health Issues** – Speakers expressed concerns about their own personal health issues and/or health issues of others in the area.
- **Farmland and Livestock** – Citizens expressed concern about impacts to adjacent farmland and impacts to the health of livestock. Concern was expressed that farmland has been made “toxic” by overflowing cooling pond and flooding. A speaker expressed concerns that the health of his cattle has been adversely affected, and that yield has been hurt by ash blowing over fields and backed up waterways.
- **Risk Classification** – Comments supported the removal of the ash from the site. Some speakers supported the high-risk classification for the site and some requested that the classification be changed to high-risk.
- **Surface Water** – Multiple speakers commented on the importance of the Lumber River to the community as a cultural and natural resource. Speakers expressed concern that the river has been significantly impacted by coal ash from the Weatherspoon Plant. Concerns about fish health and impacts to land adjacent to the river from flooding were also expressed.
- **Other** – A Duke representative spoke about the current status of clean-up at the Weatherspoon Plant. Duke Energy plans to remove the coal ash from the Weatherspoon Plant and move it to a structural fill storage facility.

III. Written Public Comment Summary

In addition to the public meeting, DEQ received written comments during the public comment period. DEQ received 2 comments that were hand-submitted during the public meeting and one letter from a speaker was sent later via United States Postal Service mail. There were 223 comments received via email. The following is a summary of the written comments received during the comment period (in no particular order):

- **Dam Safety** – Because of the 2001 structural breach of the dam resulting in an unauthorized release of wastewater into the Lumber River, commenters were concerned about future dam breaches. Concerns were expressed about impacts on the Lumber River if the dam were to fail.
- **Ash recycling and reuse**- Several commenters requested that efforts be made to recycle the ash in cement products.
- **Beneficial Reuse Areas** – 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.
- **Costs** – Requests were made that Duke not pass on their cost to the consumers.
- **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 quickly 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** – Citizens encouraged Duke to avoid trucking the ash to landfills in other communities and want Duke to store the ash on Duke's property or away from other communities. Suggestions were also made that Duke should continue to research alternative storage options that will provide a permanent solution for coal ash storage which fully encapsulates it with a more permanent barrier than a synthetic liner.

- **Private Well Issues** – It was stated that no one should have to question the safety of their drinking water.
- **Risk Classification** – Many citizen comments supported the intermediate-risk classification for the site but would prefer a high-risk designation. 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** – Many comments were concerned about seeps and leaks from the site flowing into the Lumber River which commenters consider to be a vital community resource. Additionally, comments noted that “about 138,000 people” are downstream from the Weatherspoon Plant.
- **American Indian Input (Lumbee Tribe)** – A professor from NC State University was concerned about the date of the public hearing corresponding with “the quarterly meeting of the NC Commission of Indian Affairs (NC Department of Administration), which is held concurrently with the Unity Conference”. The comment stated that NCDEQ should reach out to the Lumbee Tribe’s leadership for input.

Note: The majority of the emails received appear to have been electronically generated with most messages being one of 2 form letters repeated.

IV. Attachments

- I. Public Notice of March 10, 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.