



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

**NOTICE OF DEFICIENCY**

August 6, 2014

**CERTIFIED MAIL – 7010 1870 0003 0875 1844**  
**RETURN RECEIPT REQUESTED**

**CERTIFIED MAIL – 7009 1680 0000 7515 4407**  
**RETURN RECEIPT REQUESTED**

Duke Energy Corporation  
Attention: Mr. Sean DeNeale, Engineer II  
Environmental Services  
Post Office Box 1006  
Mail Code EC 13K  
Charlotte, North Carolina 28201-1006

Duke Energy Corporation  
Attention: Mr. John Elnitsky, Vice President  
Project Management and Construction  
Post Office Box 1321, DEC 22C  
Mail Code ST-28U  
Charlotte, North Carolina 28201-1007

RE: Asheville Steam Electric Plant; 1982 Ash Pond  
BUNCO-089 – High Hazard Potential  
French Broad River Basin  
Buncombe County

Dear Mr. DeNeale and Mr. Elnitsky:

The “Dam Safety Law of 1967,” as amended, provides for the certification and inspection of dams in the interest of public health, safety, and welfare, in order to reduce the risk of failure of such dams; to prevent injuries to persons, damage to property; and to insure the maintenance of stream flows.

Our records indicate that you are the owner/and or responsible for the referenced dam, which is located at the Asheville Steam Electric Plant in Buncombe County. On July 31, 2014, this Office received the Duke Energy Pipe System Assessment Report and the AMEC Environmental & Infrastructure, Inc. ABSAT Pipe Video Assessment for the CCTV video of the riser structure and outlet pipe for the subject dam. This submittal was in response to a request issued by this Division on June 16, 2014, in which this Division requested that Duke Energy have a registered professional engineer with competence in the area of dam safety review the previously submitted CCTV pipe

Division of Energy, Mineral, and Land Resources - Land Quality Section  
Asheville Regional Office, 2090 US Highway 70, Swannanoa, North Carolina, 28778-8211  
Telephone 828-296-4500 Fax 828-299-7043  
<http://portal.ncdenr.org/group/ir/land-quality>

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video, and provide a professional assessment of the decant structure and associated piping with regard to overall structural integrity. The assessment identified the following deficiencies:

- Riser (RCP) – Damage to the top of the riser pipe, a saw cut hole, missing grout at the pipe joint located around 4 feet below the top of the riser, a small crack, and indication of surface erosion.
- Riser Outlet Pipe (RCP) – Longitudinal cracking, seepage, possible efflorescence, and indications of surface erosion.

It is requested that you prepare a repair plan for this facility that addresses the recommendations provided by your consultant and submit two copies of the plan to the Land Quality Section Central Office no later than October 13, 2014. Repair plans at minimum must include: (A.) Construction drawings depicting plan layout, profile and necessary construction details in accordance with 15A NCAC 2K .0201 (b)(2); (B.) Construction specifications in accordance with 15A NCAC 2K .0201 (e) (4), (5), and (6); and (C.) An Engineer's Report addressing any calculations necessary to support the repair design in general compliance with 15A NCAC 2K .0201. Please note any excavations in the dam or major repair work to this dam must be approved by this Division before any work is done. Additionally, please note that this dam may not be breached, meaning the dam may not be drained by cutting a notch in the dam, without prior engineered breach plans being submitted to and approved by this Division.

**Please submit a written response as quickly as possible, but no later than ten (10) days following receipt of this Notice to advise us of your intended actions in this matter. This response must include a schedule for repair plan development and implementation. If we do not receive the requested repair plan by October 13, 2014, we shall present the case information for appropriate enforcement action in accordance with North Carolina General Statute 143-215.36. Enforcement action could include a civil penalty of up to \$500.00 per day of violation, and/or issuance of a Dam Safety Order requiring the repair or removal of this dam, and/or injunctive relief to gain compliance.**

Please notify this Office in writing if you wish to assert that you have no ownership or are otherwise not responsible for maintenance or repairs to the subject dam. If you have an emergency situation during non-office hours, you should notify 911 and the State Emergency Operations center at 1-(800) 858-0368. They will notify the appropriate personnel in this office of the situation.

Duke Energy Corporation

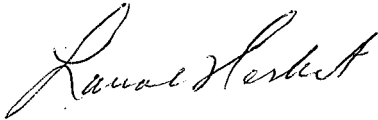
BUNCO-089

August 6, 2014

Page 3 of 3

It is recommended that you or your engineer direct questions related to repair applications or the dam plan review process to our dam safety staff at (919) 707-9220. All plans, specifications design data, and calculations must be submitted to the State Dam Safety Engineer. If you have any questions regarding this letter, please contact me at (828)296-4500. Your cooperation and consideration in maintaining a safe dam is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Herbert".

Laura Herbert, PE  
Regional Engineer

EC: Steven M. McEvoy, PE, State Dam Safety Engineer  
Water Quality Regional Operations Section