



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

August 26, 2014

**CERTIFIED MAIL 7010 0780 0001 7057 4580**  
**RETURN RECEIPT REQUESTED**

Allan A. Clare  
Duke Energy Progress, Inc.  
L.V. Sutton Energy Complex  
801 Sutton Steam Plant Rd.  
Wilmington, NC 28401

Subject: NOTICE OF VIOLATION AND NOTICE OF INTENT TO ENFORCE  
NOV-2014-LV-0402  
15A NCAC 02L Classifications and Water Quality Standards  
Applicable to the Groundwaters of North Carolina  
L.V. Sutton Electric Plant  
Permit No. NC0001422  
New Hanover County

Dear. Mr. Clare:

Chapter 143 of the North Carolina General Statutes authorizes and directs the Environmental Management Commission of the Department of Environment and Natural Resources to protect and preserve the water and air resources of the State. The Division of Water Resources (DWR) has the delegated authority to enforce adopted pollution control rules. This Notice of Violations (Notice) is a standard notification intended to advise you of the legal requirements under North Carolina law, and is being issued for violations of Title 15A of the North Carolina Administrative Code (NCAC) Subchapter 02L .0202 Groundwater Quality Standards.

This Notice is for constituents reported to the DWR that exceed the standards for CLASS GA waters, established in 15A NCAC 2L .0202 in monitoring wells located at or beyond the compliance boundary. By exceeding the standards for the reported constituents, Duke Energy Progress is considered to be in violation of 15A NCAC 02L .0202 at the subject facility. Please note that pursuant to 15A NCAC 2L .0103(d), no person shall conduct or cause to be conducted, any activity which causes the concentration of any substance to exceed the values specified in 15A NCAC 2L .0202.

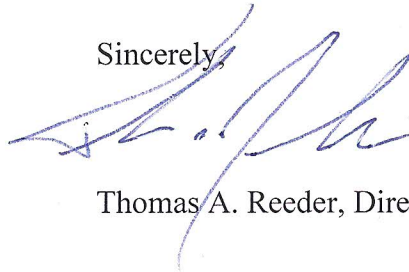
As a result of the violations, our office is considering a recommendation for the assessment of a civil penalty. If you wish to present an explanation for the violations, or if you believe there are

other factors which should be considered, please send such information in writing within fifteen (15) days following receipt of this letter. Your explanation will be reviewed, and, if an enforcement action is still deemed appropriate, your explanation will be forwarded to the Director with the enforcement package for their consideration.

Fines may be imposed under NCGS 143-215.6A(a)(1) of not more than \$25,000 per violation of any classification, standard, limitation or management practice established pursuant to G.S. 143-214.1.

We appreciate your attention and prompt response in this matter. If you have any questions, please feel free to contact S. Jay Zimmerman, Water Quality Regional Operations Section Chief, at (919) 807-6351.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Reeder', is written over the word 'Sincerely,'.

Thomas A. Reeder, Director

Attachment

cc: WIRO – WQROS  
New Hanover County Health Department  
WQPS - NPDES  
File Copy - WQROS