



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

**NOTICE OF RESPONSE**

June 26, 2014

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Duke Energy Corporation  
Attention: Mr. John Toepfer, PE  
410 S. Wilmington St./NC14  
Raleigh, North Carolina 27601

Duke Energy Corporation  
Attention: Mr. John Elnitsky, Vice President  
Project Management and Construction  
Post Office Box 1006  
Charlotte, North Carolina 28201

RE: 1956 Ash Pond Dam  
CHATH-075 – High Hazard Potential  
Cape Fear River Basin  
Chatham County

Dear Mr. Toepfer and Mr. Elnitsky:

As you know, the Dam Safety Law of 1967 (Law), 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 ensure the maintenance of stream flows.

On May 1, 2014, the Raleigh Regional Office (RRO) received a digital copy of an internal inspection of the spillway system for the referenced dam. This submittal was in response to an information request issued by our Division on March 5, 2014, where we requested that Duke Energy camera inspect all such facilities. This dam has a spillway structure with reinforced concrete pipe (RCP) components. The outlet pipe has been abandoned by filling.

We have reviewed the camera inspection video, and although it does not appear to document any defects causing immediate distress, it does document some cracking with infiltration staining as well as root intrusion. The outlet pipe is buried in sediment from past filling. Although activation

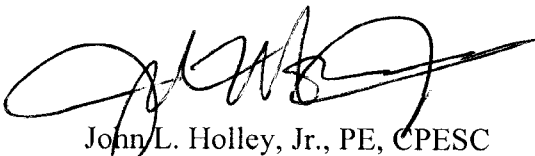
Division of Energy, Mineral, and Land Resources  
Land Quality Section - Raleigh Regional Office

1628 Mail Service Center, Raleigh, North Carolina 27699-1628 • 919-791-4200/ FAX: 919-571-4718  
Equal Opportunity \ Affirmative Action Employer – 50% Recycled \ 10% Post Consumer Paper

of this spillway system is not likely, its condition needs to be considered as you develop plans for decommissioning/closure. It is requested that you provide for an appropriate engineering review of the video, evaluating overall structural integrity, and including recommendations for any necessary repairs or accelerated decommissioning of the structure. Please submit the report sealed by an appropriate professional engineer within thirty (30) days following your receipt of this Notice. Plans and specifications addressing any necessary repairs or decommissioning must be filed with the Division of Energy, Mineral and Land Resources for approval pursuant to the North Carolina Administrative Code, Title 15A, Subchapter 2D – Dam Safety (15A NCAC 2K). Please note that any excavations in the dam or repair work must be approved by this Division before any work is done.

It is recommended that you direct questions related to repair applications or the dam plan review process to our central office 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 (919) 791-4200. Your cooperation and consideration in maintaining a safe dam is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. L. Holley, Jr.', with a stylized flourish extending from the end.

John L. Holley, Jr., PE, CPESC  
Regional Engineer  
Land Quality Section

cc: Steven M. McEvoy, PE, State Dam Safety Engineer  
Water Quality Regional Operations Supervisor