



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

August 17, 2020

Paul Draovitch
Senior Vice President
Environmental, Health & Safety
Duke Energy
526 South Church Street
Mail Code EC3XP
Charlotte, North Carolina 28202

Subject: Coal Ash Impoundment Closure Plan – Determination of Compliance with General Statute 130A-309.214(a)(4) of Session Law 2016-95 of the Coal Ash Management Act – Roxboro Steam Electric Plant

Dear Mr. Draovitch:

On December 31, 2019, the North Carolina Department of Environmental Quality (NCDEQ) received the proposed Coal Ash Impoundment Closure Plan for East and West Ash Basins at the Roxboro Steam Electric Plant (Closure Plan); the deadline required under General Statute 130A-309.214(a)(3) of Session Law 2016-95 of the Coal Ash Management Act referred to hereafter as CAMA. Duke Energy submitted an amendment to the Closure Plan and a Corrective Action Plan (CAP) Update on February 10, 2020. Finally, on April 17, 2020, Duke Energy submitted a modeling demonstration showing compliance with the groundwater standards could be achieved by December 31, 2029 at Roxboro Steam Electric Plant.

Closure Plan and Updated CAP Review

Per 130A-309.214(b), NCDEQ has reviewed the proposed Closure Plan to determine compliance with the requirements of 130A-309.214(a)(4) and otherwise complies with the requirements of CAMA.

The following item was noted during the review of the proposed Closure Plan and will require the submittal of additional information from Duke Energy:

The Division of Waste Management (DWM) requests an Excavation Plan to be submitted for review and approval and to include, but not limited to the following: 1) site plan with annual phased excavation, 2) transportation plan for routes to off-site landfills, 3) dust control plan, 4) management of non-recyclable coal ash disposal both on-site and off-site, 5) all necessary permits 6) plan for stockpiling coal ash, and 7) health and safety plan for dewatering ash. The Division's



expectation is that the Excavation Plan will be updated annually. If excavation is to be implemented within the 2020 calendar year, the Excavation Plan shall be submitted to the DWM 90 days from receipt of this letter. Otherwise, the Excavation Plan shall be submitted 90 days prior to the commencement of excavation.

NCDEQ has also conducted a review of the CAP Update and the February 10, 2020 amended Closure Plan and has concluded that it is sufficient to provide compliance with the applicable requirements under 130A-309.214(a)(4). NCDEQ will provide more detailed comments regarding the CAP in a separate correspondence. Therefore, this letter shall not serve as an official approval of the CAP Update for the requirements under 15A NCAC 02L .0106.

Determination of Compliance with 130A-309.214(a)(4)

With the exception of the items listed above, NCDEQ has determined that the proposed Closure Plan otherwise complies with the requirements of CAMA. Specifically, DEQ has found that:

- The proposed Closure Plan complies with the requirements of 130A-309.214(a)(4).
- The updated CAP is sufficient to provide compliance with the applicable requirements under 130A-309.214(a)(4).
- A review of the public comments provided under the requirement of 130A-309.214(b) yielded no additional information that suggests the proposed Closure Plan or the CAP Update is in non-compliance with the requirements of 130A-309.214(a)(4).
- The items noted during the review of the Closure Plan will require additional follow-up from Duke Energy; however, NCDEQ believes that the Closure Plan is adequate for Duke Energy to proceed with its implementation.

Implementation and Modification of the Proposed Closure Plan

Unless otherwise indicated in this letter, the additional items that require follow-up from Duke Energy shall be provided in an addendum to the Closure Plan within 30 days of the date of this letter. Per 130A-309.214(e), as soon as practicable, but no later than 60 days from the date of this letter, Duke Energy shall begin implementation of the proposed Closure Plan. Modifications, both major and minor, to this Closure Plan shall be in conformance with 130A-309.214(e).

If you have any questions, please contact me at (919) 707-8619.

Sincerely,



Sheila C. Holman
Assistant Secretary for Environment

CC: DWM – Ed Mussler
DWR – Rick Bolich
DEMLR – George Eller
RRO WQROS

