



PAT McCrory
Governor

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Secretary

May 27, 2016

Mr. Harry K. Sideris
Senior Vice President
Environmental, Health, & Safety
Duke Energy
526 South Church Street
Mail Code EC3XP
Charlotte, NC 28202

Subject: NPDES Stormwater Permit Application
Cape Fear Steam Electric Plant
Permit Number **NCS000574**
Chatham County

Dear Mr. Sideris:

In response to your application for coverage under an NPDES stormwater permit, the Division of Energy, Mineral, and Land Resources (Division or DEMLR) is forwarding herewith the subject state - NPDES permit, NCS000574. This permit is issued pursuant to the requirements of both North Carolina General Statute 143-215 .1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

Staff in the Stormwater Permitting Program have reviewed the comments received and have developed responses to their concerns. The changes included are minor in nature, and the final permit maintains requirements that are in line with those taken to public notice. Comments and raised during the public notice process and responses are summarized in the Hearing Officers Report which can be viewed at: <http://deq.nc.gov/news/hot-topics/coal-ash-nc/npdes-permits>.

In addition to the items noted in the Hearing Officers Report, during the review of the permit and comments staff also noted a few needed changes in the permit to address areas where language needed to be clarified and to make the permit requirements consistent with current permit language for other facilities.

This final permit includes the following changes from the draft permit:

- Part II on Page 6 of 13: The analytical monitoring requirements were modified to read semi-annual (quarterly, during coal or ash transport only).
- Part II on Page 7 of 13, the reference to Outfall 008 was removed. Outfall 008 will be considered as a wastewater outfall in the DWR permit as requested in your comments.
- Part II on Page 7 of 13, the following language was added, "Similarly, sampling is not required outside of the facility's normal operating hours."



- Part II on Page 7 of 13, the following language was added, “Proposed NPDES Wastewater Permit NC0003433 requires the facility to conduct **fish tissue monitoring** once during that permit term for arsenic (As), selenium (Se), and mercury (Hg) in accordance with a Sampling Plan approved by the Division of Water Resources. The permittee shall submit a copy of fish tissue monitoring results to the DEMLR Stormwater Permitting Program (Central Office) within 30 days of receiving results and indicate the location of sampling in relation to stormwater discharge outfalls. This reporting timeframe differs from the NPDES Wastewater Permit, which directs that fish tissue analysis results be submitted with the wastewater discharge permit renewal application.”
- Part II on Page 11 of 13, corrected the reference to the Table Number from 2 to Table 5.
- Under Tier One, Page 10 of 13, the following language was added, “Immediately institute monthly monitoring and reporting for all parameters. The permittee shall conduct monthly monitoring at every outfall where a sampling result exceeded the benchmark value. Monthly (analytical and qualitative) monitoring shall continue until three consecutive sample results are below the benchmark values or within benchmark range.
- Under Tier One, Page 10 of 13, the following language was modified “Immediately institute monthly monitoring and reporting for all parameters” to read “Continue monthly monitoring and reporting for all parameters.”

If any parts, measurement frequencies or sampling requirements contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611-7447. Unless such demand is made, this decision shall be final and binding.

Please take notice this permit is not transferable. Part III, B.2. addresses the requirements to be followed in case of change in ownership or control of this discharge. This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Energy, Mineral, and Land Resources, or permits required by the Division of Water Resources, any other federal or local governmental permit that may be required.

If you have any questions or comments concerning this permit, contact Mike Randall at (919) 807-6374 or at mike.randall@ncdenr.gov.

Sincerely,

Original Signed by Tracy Davis

Tracy E. Davis, P.E., CPM, Director
Division of Energy, Mineral and Land Resources

cc: Raleigh Regional Office, DEMLR Land Quality Section
Sam Sampath, Ph.D., EPA Region IV, 61 Forsyth Street, Atlanta, GA 30303
Stormwater Permitting Program
Central Files

