



North Carolina Department of Environment and Natural Resources
Division of Energy, Mineral, and Land Resources

Tracy E. Davis, PE, CPM
Director

Pat McCrory, Governor
John E. Skvarla, III, Secretary

February 28, 2014

CERTIFIED MAIL # 7010 1870 0001 3321 1766
RETURN RECEIPT REQUESTED

Mr. John Velte
Environmental Manager
Duke Energy
526 South Church Street
Charlotte, NC 28202

Subject: NOTICE OF VIOLATION
Duke Energy – Sutton Steam Electric Plant
New Hanover County

Dear Mr. Velte:

This letter transmits a notice of violation against Duke Energy for violations at the Sutton Steam Electric Plant. Your facility is classified as a steam electric power generating facility and is subject to federal NPDES stormwater discharge permitting requirements found at 40CFR 122.26(b)(14)(vii). These regulations are adopted by reference in 15A NCAC 2H .0126 and require that regulated facilities have Stormwater NPDES permit coverage for stormwater outfalls that drain areas with industrial activities.

Our review has revealed that Duke Energy has neither applied for nor obtained coverage under an NPDES Stormwater Permit for stormwater discharges from the site. An NPDES permit is required to discharge stormwater from steam electric power generating facilities to waters of the state in accordance with NC General Statute (hereby known as G.S.) 143-215.1(a) and Title 15A North Carolina Administrative Code (hereby known as NCAC) 02H .0126.

Accordingly, Duke Energy is in violation of the above statutes and rules by failing to obtain coverage under an NPDES Stormwater Permit for this site.

Required Response

You are directed to respond in writing within 30 calendar days of receipt of this Notice. Your response should be sent to this office at the address noted below and include the following:

1. You are required to file an application and obtain a permit for the ongoing activities as described above at your site.
2. You are encouraged to secure a consultant to assist you with your plan development and obtaining any required permit, certificate of coverage, or authorization necessary to achieve compliance.
3. Please clearly explain why an appropriate stormwater permit was not secured or is not needed for this site.
4. Submit a complete permit application (attached to this letter) along with the appropriate processing fee (\$860) to:

DEMLR Stormwater Permitting Program
1612 Mail Service Center
Raleigh, NC 27699-1612

Please be advised that further enforcement action may be pursued for the above violation at this site. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation. Your above-mentioned response to this Notice, the degree and extent of harm to the environment and the duration and gravity of the violation(s) will be considered in any civil penalty assessment process that may occur.

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Thank you for your cooperation in this matter. Should you have any questions regarding these matters, please contact Bradley Bennett at (919) 807-6378 or me at (919) 707-9200.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy E. Davis', with a stylized flourish at the end.

Tracy E. Davis, PE, CPM

/td

Attachment: Stormwater Individual Permit Application Forms

Cc: Mr. Toby Vinson, PE, CFM, Acting Chief/Chief Engineer, Land Quality Section
Mr. Bradley Bennett, Stormwater Program Manager, Land Quality Section
Central Files