



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

August 6, 2014

**NOTICE OF DEFICIENCY**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7014 0150 0000 7802 4720

Duke Energy Progress, Inc.  
ATTN: Mr. John Elnitsky, Vice President  
550 South Tryon Street  
Charlotte, North Carolina 28201-1007

RE: H. F. Lee Ash Pond  
WAYNE-022  
Wayne County  
Neuse River Basin

Dear Sir:

The "Dam Safety Law of 1967" 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 insure the maintenance of stream flows. Our records indicate Duke Energy Progress, Inc. is the owner of the referenced high hazard dam. This dam is listed in the "High Hazard" category because sudden failure of the dam could result in serious property damage, and possible loss of life.

On August 1, 2014, this office received a copy of the July 25, 2014 engineering report and recommendations prepared by AMEC Environment and Infrastructure, Inc. for the riser and outlet pipe for the referenced structure. This report was requested in a Notice of Inspection dated June 26, 2014. The report concluded that the pipe was in reasonably good condition. However, there was some minor corrosion in portions of the steel pipe and some exposed gaskets and "slightly misaligned joints large enough for tree roots to penetrate" within the concrete pipes. It was their recommendation that the riser and outlet pipe be lined with appropriate lining materials.

It is requested that by October 13, 2014 you prepare a repair plan for this facility that addresses the recommendations provided by your consultant and submit two copies of the plan to the Land Quality Section Central Office. The repair plans at minimum must include: (A.) Construction drawings depicting plan layout, profile and necessary construction details in

Division of Energy, Mineral, and Land Resources . Land Quality Section  
Washington Regional Office

943 Washington Square Mall, Washington, North Carolina 27889 • Phone: 252-946-6481/ FAX: 252-975-3716

Internet: <http://portal.ncdenr.org/web/1r/land-quality>

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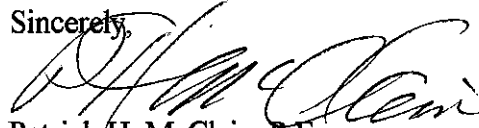
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accordance with 15A NCAC 2K .0201 (b) (2); (B.) Construction specifications in accordance with 15A NCAC 2K .0201 (e) (4), (5), and (6); and, (C.) An Engineer's Report addressing any calculations necessary to support the repair design in general compliance with 15A NCAC 2K .0201.

Please advise this office of your intended action in this matter. If positive action is not taken on or before October 13, 2014, your case will be referred for appropriate enforcement action. Enforcement could include a civil penalty of up to \$500.00 per day of violation, and/or issuance of a Dam Safety Order requiring the repair or removal of this dam, and/or injunctive relief to gain compliance.

Should you have any questions, please contact me at 252-946-6481.

Sincerely,



Patrick H. McClain, P.E.

Regional Supervisor

:pm

cc: David May, PG, Water Resources Regional Supervisor  
Mr. Steve McEvoy, PE, State Dam Safety Engineer  
LQ Files