



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

June 17, 2014

Duke Energy
Attn: Mr. Tim Russell
P.O. Box 1551
Raleigh, NC 27601

Duke Energy Corporation
Attn: Mr. John Elnitsky, Vice-President
Project Management and Construction
P.O. Box 1007, Mail Code ST-28U
Charlotte, NC 28201-1007

RE: Sutton Steam Plant 1984 Ash Pond Dam, NEWHA-005
Sutton Steam Plant 1971 Ash Pond Dam, NEWHA-004
Video provided of April 10 and 11 outfall pipe inspection

Dear Mr. Russell, and Mr. Elnitsky:

The Dam Safety Law of 1967, 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 insure the maintenance of stream flows.

This office has reviewed video taken on April 10 and 11, 2014, in the barrel structures of the dams located off US 421 North of Wilmington, of New Hanover County. Only one, the 1984 Ash Pond dam is currently on the State's Dam Safety Inventory; the other, the 1971 Ash Pond Dam is exempted by H.B. 119 in 2011, but both were inspected in order to ascertain the overall status of the Sutton Plant Ash Pond dams. No corrugated metal pipe was observed in the outfall structure of either dam, but appeared to be constructed of reinforced concrete pipe (RCP).

The video, taken in darkness, relied on the camera rover's spotlight to illuminate the reinforced concrete pipe and given the moisture of the barrel structure, the light's glare reflected glistening moisture that might have obscured slight leaks, but apparently there are no major leaks along either of the outfall pipes of these dams. It should be noted that there was a horizontal fracture visible along the RCP near the riser structure, but that fracture showed no signs of leakage.

Division of Energy, Mineral, and Land Resources
Land Quality Section - Wilmington Regional Office
127 Cardinal Drive Ext., Wilmington, NC 28405 • Phone – (910) 796-7215
Internet: <http://www.dlr.enr.state.nc.us/pages/landqualitysection.html>
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In order to ensure the safety of the dams, you are directed to retain the services of a registered professional engineer competent in the area of dam safety to review the internal video and provide a professional assessment of the decant structure with regard to overall structural integrity and recommendations for any needed repair. **It is requested that the engineer's assessment be provided to this Division within thirty (30) dates of this Notice.**

Please be advised any plans and specification for repair 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 any excavations in the dam or major repair work to the inventoried dam must be approved by this Division before any work is done. Additionally, please note that this dam may not be breached, meaning the dam may not be drained by cutting a notch in the dam, without prior engineered breach plans being submitted to and approved by this Division.

Please notify this Office in writing if you wish to assert that you have no ownership or are otherwise not responsible for maintenance or repairs to the subject dams. If you have an emergency situation during non-office hours, you should notify 911 and the State Emergency Operations Center at 1-800-858-0368. They will notify the appropriate personnel in this Division of the situation.

Your cooperation and consideration in maintaining a safe dam is appreciated. Should you have questions concerning our inspection, please contact me at (910) 796-7215.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel Sams', with a stylized flourish at the end.

Daniel Sams, PE
Wilmington Regional Engineer
Land Quality Section

cc: Kent Tyndall, Safety, Sr. Environmental Spec., LV Sutton Energy Complex
State Dam Safety Engineer
Wilmington Regional Office File