

NC Seeks Public Input on Plans to Accelerate Draining of Coal Ash Basins:

Tell the NC Division of Water Resources to Hold Duke Energy Accountable for Coal Ash Pollution at its Marshall, Allen, and Cliffside Power Plants!

Public Hearing: Feb. 13, 6 p.m., Warren Citizens Center, 115 W. Main St. in Lincolnton

Send written comments by Feb. 14 to: Bob Sledge, NC Division of Water Resources, 1617 Mail Service Center, Raleigh, NC 27699-1617, or to publiccomments@ncdenr.gov.

Background: Special Orders by Consent ("SOCs") are agreements made between DWR and facilities that have been consistently unable to comply with their wastewater discharge permits. SOCs can be useful when they require polluters to address problems more quickly, but not if they're used to give polluters a free pass.

In this case, Duke Energy agrees to speed up the timeline for draining water from coal ash basins at three of its power plants – Marshall, Allen, and Cliffside. Removing the water from the ponds is a necessary step to close them and should stop some of the ongoing leaking problems. Duke will pay a one-time penalty of \$84,000 for illegal “seeps” (leaks of coal ash contaminated wastewater). In exchange, DEQ agrees not to prosecute Duke for violations of pollution-control laws related to seeps.

“Talking Points” to use in preparing your comments:

Seeps are not legal discharges & shouldn't be permitted:

- The SOC addresses un-engineered seeps, but DWR plans to include engineered seeps (those that are intentionally built) in facilities' NPDES permits. Previously, the state recognized engineered seeps as illegal discharges. DWR should not permit them now – it should continue to hold Duke accountable.
- In 2015, Duke Energy paid \$102 million in fines for environmental crimes *involving these same seeps*.

Fines too low:

- A penalty of \$84,000 (\$4,000 per seep for 21 seeps) is not adequate for the harms that have been caused to water quality near these coal ash basins.
- As long as Duke's in compliance with the SOC, they wouldn't be fined for un-engineered seeps discovered in the future – this is unacceptable!

Dewatering without treatment threatens surface water:

- The SOC does not impose any additional requirements for physical or chemical treatment of coal ash basin water before it's dumped in nearby water bodies; in fact, it relaxes some water quality standards applicable to discharges. DEQ should require tighter limits in the SOC, not more lenient.

Communities need a long-term solution to coal ash:

- While dewatering ash basins is a needed step, the real solution to fixing seeps is removing saturated coal ash from leaking ponds and putting it in dry, lined storage away from waterways.

Wastewater Discharge Permit for Marshall Steam Station Would Set a Bad Precedent—Comment by Feb. 13!

Send written comments to: Sergei Chernikov, NC Division of Water Resources, 1617 Mail Service Center, Raleigh, NC 27699-1617, or to publiccomments@ncdenr.gov (include “Marshall NPDES” in the subject line).

The SOC would authorize Duke to expedite the closure of coal ash basins at Marshall, Allen, and Cliffside. A draft modification of the Marshall NPDES permit unjustifiably delays a requirement to install new pollution controls and eliminates a requirement for the large volumes of wastewater to undergo physical/chemical treatment before discharge.

Future NPDES permit adjustments of a similar nature are expected for Cliffside and Allen, so this is a precedent-setting action with statewide implications! More detailed talking points are on the back of this factsheet.

Talking Points on the Draft NPDES Permit Modification for the Marshall Steam Station

Background: The terms of the SOC authorize Duke to expedite the closure of coal ash basins at Marshall, Allen, and Cliffside. Dewatering and decanting are critical components of coal ash basin closure. Decanting removes the water sitting up to three feet above the coal ash in the basin. Dewatering removes the water in the pond sitting closer to and intermixed with the ash that is often highly contaminated. But DEQ only requires Duke to monitor a handful of constituents when dewatering. Critically, the modified Marshall permit also seeks to give Duke an unjustified two year delay to start using new pollution control technologies – even though Duke admits they can install the technology on time! **The Marshall NPDES permit is the first permit under review by DEQ for a site that is covered by the Special Order by Consent described above. Future NPDES permit adjustments of a similar nature are expected for Cliffside and Allen, so this is a precedent-setting action with statewide implications!**

Significant changes in the modified permit:

- DEQ eliminated a requirement for “physical and chemical treatment” of wastewater to meet the accelerated closure requirements of the SOC. DEQ should add the requirement back to safeguard the Catawba River.
- We support removing seep outfalls from the permit. Seeps should not be permitted as authorized discharges.
- Permits construction of a new lined retention basin to replace the existing ash basin. This will include many of the waste streams generated at the plant, such as coal pile runoff, landfill leachate, wet scrubber waste, metal cleaning waste, storm water runoff, ash transport water, water treatment waste, oily waste, boiler blow down, plant wash down water, and heat exchanger water.



Marshall Steam Station, Catawba County, NC

Monitoring Requirements

- Decanting (First stage of basin closure) –DEQ should add additional monitoring requirements to ensure Duke Energy is not negatively impacting water quality.
- Dewatering (Second stage of basin closure) – At this stage of ash basin closure the water is much closer to the coal ash that sits at the bottom of the basin and this water tends to have higher concentrations of coal ash contaminants. The permit includes a requirement to monitor arsenic concentrations during dewatering but more should be required of the nation’s largest utility. DEQ should add monitoring terms for additional heavy metals associated with coal ash.
- There are discharge limits for iron and copper during both the decanting and dewatering phases, but these limits only apply if chemical metal cleaning wastewaters are discharged during either stage of basin closure. Duke should have to monitor those constituents all of the time.

Links and More Information:

This factsheet was compiled by Clean Water for North Carolina. Please contact Xavier Boatright, Xavier@cwfn.org, 828-251-1291 with any questions.

To view the Marshall Permit visit: bit.ly/marshallnpdes. To view the SOC visit: bit.ly/coalashsoc.