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COUNTY MANAGER: Charlie Horne

May 7, 2015

Solid Waste Section Permitting Branch  
NCDENR/Division of Waste Management  
1646 Mail Service Center  
Raleigh, NC 27699-1646

Subject: Permit #1910-STRUCT-2015 (Brickhaven Mine) Comments.

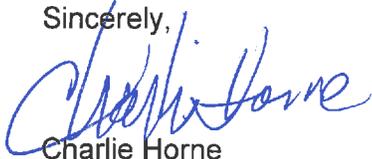
Chatham County submits the following comments to the draft Permit to Construct and Operate: 1910-STRUC-2015, BRICKHAVEN NO. 2 MINE TRACT "A" MINE STRUCTURAL FILL in conjunction with NCDENR DEMLR MINE PERMIT 19-25.

1. In order to ensure proper identification of the site, proper current and future usage and operation and maintenance of the cap system, leachate collection system, and any other components of the containment system or the groundwater monitoring system as specified in NCGS 130A-309.222(b)(3) through NCGS 130A-309.222(b)(5). Please make the following revisions:
  - (a) Revise the Reclamation Conditions in the Approved Reclamation Plan in Mining Permit 19-25 to include provisions for land-use restrictions in accordance with NCGS 143B-279.9 in addition to the recordation requirements set forth in NCGS 130A- 309.223
  - (b) Revise General Condition No. 3 and General Condition No. 4 of Attachment 1 General Permit Conditions/Information of Permit No. 1910-STRUC-2015 to include provisions for land-use restrictions in accordance with NCGS 143B-279.9.
  - (c) Revise Attachment 4—*Conditions of Permit for Closure and Post-Closure* of Permit No. 1910-STRUC-2015 to include provisions for land-use restrictions in accordance with NCGS 143B-279.9.
2. Section 5.0 Proposed Project Development in the Sanford and Brickhaven Mines IP Text and Narrative notes that following an initial start-up period, 50,000-55,000 tons of coal ash per month will be transported by truck from the Riverbend Steam Station in Gaston County to the Brickhaven Mine in Chatham County. This will require 120-142 truckloads per day. This operation clearly entails a major risk of pollution from the coal ash from dusting or accidents. The number of trucks will also create noise and additional pollution in the form of emissions from the trucks' engines. Additionally, this increase in truck traffic will increase the potential for vehicle accidents. The use of rail only transportation would mitigate these pollution and safety risks. It is noted that Duke and Charah have committed to transporting all coal ash to the Sanford Mine by rail. The same should apply to the Brickhaven Mine. Please modify the second sentence of Paragraph 11 of Attachment 3 *Conditions of Operations* of the Permit to read: "Coal combustion products shall be moisture conditioned, as necessary, and transported by rail only with adequate measures to prevent dusting.

1. It is noted in the Post-Closure Monitoring and Maintenance section of the Sanford and Brickhaven Mines IP Text and Narrative that post-closure monitoring and maintenance will continue at the site for 30 years after closure. Main concerns relate to appropriate disposal of leachate and possible contamination of groundwater by metals in the coal ash resulting from a breach in the liner. If, after 30 years, leachate continues to be produced, there would be sufficient moisture in the coal ash to represent a risk of groundwater contamination from a breach in the liner. The Conditions for Operations in Attachment 3 of the draft permit require that Monitoring and Reporting shall be in accordance with the approved Operations Plan. The Operations Plan should be modified to require groundwater monitoring and reporting for 30 years, or as long as leachate is being produced, whichever is longer.

Chatham County respectfully offers these comments for consideration in determining the final permit.

Sincerely,



Charlie Horne

Chatham County Manager