



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

July 2, 2015

Mr. John Toepfer
Lead Engineer
Duke Energy
410 South Wilmington Street/NC 14
Raleigh, North Carolina 27601

Re: Notification of Site Suitability
Duke Energy Progress, Inc. – L.V. Sutton Energy Complex
Coal Combustion Residuals Landfill
New Hanover County
Doc ID 24659

Dear Mr. Toepfer:

The North Carolina Solid Waste Section (Section) has completed its review of the site study, entitled;

Site Suitability Report – Volume I – Site Application (DIN 24287) and Site Suitability Report – Volume II – Hydrogeological Report (DIN 24288) - Prepared for: Duke Energy Progress, Inc. Prepared by: Geosyntec Consultants, Charlotte, NC. May 7, 2015

The above referenced applications have met the requirements outlined in 15A NCAC 13B .0503(1) and .0504(1). In addition, the response letter from the North Carolina Wildlife Resources Commission and letter from the New Hanover County Planning Department were received on June 25, 2015 (DIN 24634). The Section hereby notifies Duke Energy Progress, Inc. (owner) that the approximate 150 acre area at the L.V. Sutton Energy Complex, located in New Hanover County, is suitable for development as a solid waste management facility. Duke Energy Progress, Inc. (Duke) is authorized to prepare an application for a Permit to Construct.

The Permit to Construct application shall be prepared in accordance with 15A NCAC 13B .0503, .0504, and .0505, which includes a facility plan, an engineering plan, a construction quality assurance plan, an operations plan, a closure and post-closure plan (including financial assurance), monitoring plans for groundwater and surface water and shall address the first five (5) year phase of the landfill development. The Permit to Construct Application should be in general accordance with the conceptual plan shown in the Site Suitability Study approved documents referenced above. The Section will approve a specific disposal area only after reviewing the Permit to Construct application's facility plan as required by the rules.

Solid Waste Management Rule .0201 requires the Section to issue a solid waste permit in two (2) parts. The first part is the Permit to Construct and the second part is a Permit to Operate. This letter is not a permit. This letter only informs the applicant that they may proceed with their permit application. The final action that the Section may take on a permit application is the issuance or denial of a permit.

The Section understands there are six potential wetland areas totaling 6.57 acres within the footprint of the proposed landfill. Duke will have to obtain jurisdictional determination from the United States Army Corps of Engineers and handle any mitigations if required by the ACE. The final jurisdictional determination must be presented to the Section.

If you have any questions or concerns, please contact Mrs. Elizabeth Werner via email elizabeth.werner@ncdenr.gov or phone (919) 707-8253.

Sincerely,

Edward F. Mussler, III, P.E., Supervisor
Permitting Branch, Solid Waste Section
Division of Waste Management, NCDENR

cc: Victor Damasceno, Ph.D., P.E. – Geosyntec
Donald Gibbs, P.E. – Duke Energy

ec: Larry Frost – SWS, Permitting Engineer
Shannon Aufman – SWS, Permitting Engineer
John Murray – SWS, Permitting Engineer
Shawn McKee – SWS, Environmental Specialist
Elizabeth Werner, SWS, Permitting Hydrogeologist