



PAT MCCRORY

*Governor*

DONALD R. VAN DER VAART

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LINDA CULPEPPER

*Director*

December 3, 2015

Mrs. Kimberlee Hutchinson, Environmental Services  
Duke Energy Corporation  
3195 Pine Hall Road  
Belews Creek, North Carolina 27009

Subject: Permit to Construct/Permit Operate Ten (10) Year Renewal Application  
Determination of Completeness and Technical Review  
Permit No. 1812-INDUS-2008, Duke Energy Marshall Steam Station  
Catawba County, DIN 25113

Dear Mrs. Hutchinson:

Permit No. 1812-INDUS-2008 for the Duke Energy Marshall Steam Station is subject to the provisions of the Coal Ash Management Act of 2014 (Act), North Carolina General Statute (NCGS) 130A-309.203(b), because the landfill is or maybe accepting coal combustion residuals from impoundments subject to the cleanup provisions of the Act.

On September 8, 2015 the Division of Waste Management, Solid Waste Section (Section) received Duke Energy's Permit to Construct/Operate Ten (10) Year Renewal Application for the Permit No. 1812-INDUS-2008, located in Catawba County. The application is entitled:

*Industrial Landfill Permit Renewal, Permit No.: 1812-INDUS, Marshall Steam Station, Catawba County, Terrell, North Carolina 28682. Prepared for Duke Energy Carolinas. Prepared by S&ME. September 2015. DIN 24964.*

The Section has performed a review of the application for a determination of completeness and determined the application is complete in accordance NCGS 130A-309.203(b). A determination of completeness means that the application includes all required components in accordance with North Carolina Administrative Code 15A NCAC 13B .0500. The Section has also completed its technical review of the application and has determined the application to be technically complete.

In accordance with NCGS 130A-309.203(b), the Section is in the process of developing a draft *Permit to Construct* for the construction of Phase 1, Cells 3 and 4 and *Permit to Operate* for the continued operation of Phase 1, Cells 1 and 2. Once the draft permit has been completed the Section will hold a public hearing and accept written comment on the draft permit decision for a period of no less than 30 days or more than 60 days



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Also, note that the prioritization of coal combustion residuals surface impoundments in accordance with NCGS 130A-309.213 has not been finalized. The ultimate prioritization of the nearby surface impoundment may influence the future of this landfill. Therefore, the current permitting process for this landfill is in no way a guarantee nor does it assure Duke Energy's continued ability to operate the permitted landfill in the future.

It is the Section's understanding that Phase 1, Cells 1, 2 and 3 of the landfill are not situated over the retired ash basin and only a small area of Cell 4 may be situated over the ash basin. Should Duke Energy wish to modify the *Permit to Construct* application to avoid construction over the retired ash basin, please contact the Section for direction and assistance. The Section will work with Duke Energy to expedite the approval process of a redesign, if requested.

Should you have any questions regarding this matter contact Larry Frost at (828) 296-4704, larry.frost@ncdenr.gov or Elizabeth Werner (919) 707-8253, elizabeth.werner@ncdenr.gov.

Sincerely,

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

ec: Linda Culpepper – DWM/RCO  
Cathy Akroyd – DWM/RCO  
Ellen Lorscheider – SWS/RCO  
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