



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

MICHAEL SCOTT  
*Director*

June 17, 2016

Ms. Tyler Hardin, Environmental Services  
Duke Energy Corporation  
526 Church Street, Mail Code EC13K  
Charlotte, North Carolina 28202

Subject: Permit to Permit Operate Renewal Application  
Determination of Completeness and Technical Review  
Permit No. 1809-INDUS-, Duke Power/Marshall Steam Plt FGD  
Catawba County, DIN 26267

Dear Ms. Hardin:

The Division of Waste Management, Solid Waste Section (Section) has determined Permit No. 1809-INDUS-, for the Duke Energy Marshall Steam Station may be 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 has accepted coal combustion residuals from impoundments subject to the cleanup provisions of the Act.

On May 20, 2016 the Section received Duke Energy's Permit to Operate Renewal Application for Permit No. 1809-INDUS-, located in Catawba County. The application is entitled:

*FGD Landfill Permit Renewal, Permit No.: 1809-INDUS-, Marshall Steam Station, Catawba County, Terrell, North Carolina 28682. Prepared for Duke Energy Carolinas. Prepared by Amec Foster Wheeler. May 2016. DIN 26120.*

The Section has performed a review of the application for a determination of completeness and determined the application has met the requirements of NCGS 130A-309.203(b), however additional tasks have been placed upon the Section since passage of the Act. The additional tasks include;

- The Department of Environmental Quality has determined that an environmental justice review may be required prior to issuance of permits at the Marshall Steam Station, therefore the Section has requested this process proceed and awaits results.
- Recent legislation NCGS 130A-294(a2) requires a Life-of-Site permit be issued for all sanitary landfills and by definition Permit No. 1809-INDUS is considered a sanitary landfill. The rule making process is nearing completion and the required rules are currently being finalized.

Because both of these issues must be resolved prior to issuance of the permit the Section has determined the application is not complete. Once the Section has received the required information and an evaluation of the information is completed, Duke Energy will be notified, in

accordance with the Act, as to whether the application will be determined to be incomplete or complete, and whether additional information will be required.

The Section has completed a technical review of the submitted application and requests the following revision;

- Water Quality Monitoring Plan – The following constituents need to be added to Table 2-Sample Parameters and Analytical Methods: Antimony, Beryllium, Thallium and Vanadium. The revised Water Quality Monitoring Plan references rule 15A NCAC 13B .1617(b)(5), which in turn references .1623(b). Rule 15A NCAC 13B .1623(b)(3)(A) states a Water Quality Monitoring Plan shall fulfill the requirements of Rules .1630 through .1637. Rule 15A NCAC 13B .1633(a) states that the detection monitoring program shall include monitoring for constituents listed in Appendix I of 40 CFR Part 258.

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: Michael Scott – DWM/RCO  
Ellen Lorscheider – SWS/RCO  
Larry Frost – SWS/ARO  
Elizabeth Werner – SWS/RCO  
Shawn McKee – SWS/RCO  
Shannon Aufman – SWS/RCO