NCDENR
North Carolina Department of Environment and Natural Resources
Division of Waste Management
Dexter R. Matthews
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

SOLID WASTE SECTION
January 21, 2009

Mr. Ed Sullivan, Corporate EHS
Duke Energy Corporation
EC13K / PO Box 1006
Charlotte, North Carolina 28201-1006

Subject: Permit to Construct (PTC) – Application – Technical Review
Duke Energy – Marshall Steam Station
Industrial Landfill #1
Permit No. 18-12
Catawba County, DIN 9348

Dear Mr. Sullivan:

On December 4, 2009 the Division of Waste Management, Solid Waste Section (Section) received your Application for a Permit to Construct at Duke Energy's Marshall Steam Station in Catawba County, entitled;

Permit to Construct Application – Industrial Landfill No. 1, Electronic Version, Duke Energy – Marshall Steam Station, Terrell, North Carolina. Prepared for Duke Energy. Prepared by S&ME. S&ME Project No. 1356-08-122. November 25, 2009. DIN 8968.

The Section has performed a review of you application for a determination of completeness and determined the application is complete in accordance North Carolina General Statute NCGS 130A-295.8(e). A determination of completeness means the application contains the required components in accordance with North Carolina Administrative Code 15A NCAC 13B .0500. In addition to the determination of completeness the Division has completed the technical review of the application and requests that you respond to the following items in order to expedite the PTC application;

1. The site of the proposed landfill is within 200 feet of Island Point Road (NCSR 1838), 15A NCAC 13B .0503 (2)(b) states "A site shall not allow uncontrolled public access so as to expose the public to potential health and safety hazards at the disposal site;", provide a plan that addresses control of access to the landfill, security.
2. The Operations Plan – Section 3.2 indicates that all leachate will be treated and discharged in accordance with the plant's existing NPDES permit. Please include a copy of the current NPDES permit for this facility.

3. Due to issues experienced across the State with the blockage of leachate collection systems (LCS) from fouling caused by fine materials, primarily soils, infiltration, the Division is requesting the Operation Plan include, at a minimum, a requirement with procedures to clean the LCS lines and sumps at least once a year and remote camera inspection once every five (5) years. The Division will consider reduction in frequency or removal of these cleaning and inspection requirements upon written request from the Facility, after the first five years pending the results of the remote camera inspection and the Facility's ability to maintain the LCS.
4. Include in the plans and specifications for LCS and Leak Detection System (LDS) sump/pump systems that the controls be equipped with high level alarms, both visual and audible, with test functions.
5. The Operation Plan – Section 3.2.1 states" Appropriate corrective measures shall be taken when equipment is not operating properly", the Plan should include regular inspections to determine whether the equipment is operating properly. At a minimum these inspection should include, weekly visual inspection of LCS and LDS pump systems for leachate leaks, proper operations, and test of alarm functions.

Should you have any questions regarding this matter you may contact me at (828) 296-4704 or at Larry.Frost@ncdenr.gov.

Sincerely,

Larry Frost
Regional Engineer

cc: Steve McEvoy – Dam Safety/CO
CT Gerstell – SWS/MRO
Dean Snyder – Duke Energy
Ken Daly – S&ME