



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Dexter R. Matthews

Director

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Governor

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Secretary

SOLID WASTE SECTION

September 27, 2011

Mr. Ed Sullivan, P.E.  
Duke Energy Carolinas, LLC  
EC13K/Post Office Box 1006  
Charlotte, North Carolina 28201-1006

Subject: Permit to Operate, Amendment, Five (5) Year Renewal  
Completeness Determination and Technical Review  
Marshall Steam Station Flue Gas Desulfurization (FGD) Residue Landfill, Permit No. 1809  
Catawba County, DIN 15221

Dear Mr. Sullivan:

On August 22, 2011 the Division of Waste Management (Division) received your application for a Permit to Operate, Amendment – Five (5) year renewal, for the Marshall Steam Station Flue Gas Desulfurization (FGD) Residue Landfill, Permit No. 1809, located in Catawba County. The application is entitled;

*Permit Amendment, Marshall Steam Station, Flue Gas Desulfurization (FGD) Residue Landfill, Phase 1, Cell 1, Permit Number 18-09, Duke Energy Carolinas, LLC, August 19, 2011. Prepared for Duke Energy Carolinas, LLC. Prepared by Altamont Environmental, Inc. August 2011. DIN 14913.*

The Division has performed a review of your 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 processing of the application;

1. The **Landfill Operation Plan, Section 2.1.8.1 – Asbestos Material** states; *At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, asbestos waste material that has been deposited in the Marshall FGD Landfill during the operating day or previous 24-hour period will be covered with at least 6-inches of non-asbestos-containing material, placed, and compacted by a dozer.* North Carolina Administrative Code 15A NCAC 13B .0505 (11)(d) requires that asbestos be covered immediately. Change the Plan to reflect the requirement for immediate coverage of asbestos waste.
2. The **Landfill Operation Plan, Section 2.1.8.1 – Asbestos Material** states; *At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, asbestos waste material that has been deposited in the Marshall FGD Landfill during the operating day or previous 24-hour period will be covered with at least 6-inches of non-asbestos-containing material, placed, and compacted by a dozer.* North Carolina Administrative Code 15A NCAC 13B .0505 (11)(d) requires that



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asbestos be covered with soil. In the past the Section as allowed the use of soil, ash and/or gypsum, and the Section will continue to allow the use of all three materials. Change the Plan to reflect that asbestos will be covered specifically with soil, ash and/or gypsum, rather than *non-asbestos containing material*.

3. The **Landfill Operations Plan, Section 6.0 – Required Regulatory Submittals** portion, regarding the submittal of the 10-year Waste Management Plan, includes the requirement in North Carolina General Statute NCGS 130A-309.09D to submit updated plan every 3 years. The requirements of the statute include not only the plan to be updated every 3 years, it also includes that the generator file a report on implementation of the plan each year of the 10 year plan. Update this section to include the annual implementation report.
4. On September 20, 2011, Ms. Shawn McKee Division Compliance Officer, sent a letter to Ms. Donna Burrell of Duke Energy Carolinas regarding required compliance review information for the facility. The information requested in the letter must be received by the Division prior to issuance of the permit.
5. This letter approves the financial cost estimates presented by Duke Energy, in the amount of nine million, three hundred and ninety thousand, two hundred and six dollars (\$9,390,206). It is the responsibility of Duke Energy to contact Ms. Shawn McKee, Division Compliance Officer at (919) 508-8512 or [shawn.mckee@ncdenr.gov](mailto:shawn.mckee@ncdenr.gov), regarding the establishment of a financial mechanism in the amount approved.

Closure	Post-Closure Care	Potential Assessment and Corrective Action	Total
\$4,883,660	\$1,506,546	\$3,000,000	\$9,390,206

Note: The Groundwater Sampling and Analysis Plan, which was included in the permit application, has been forwarded to Ms. Elizabeth Werner Division Hydrogeologist for technical review. You may expect a written review of the Plan under separate cover. Should you have any questions regarding the Plan you may contact Ms. Werner at (919) 508-8496 or [elizabeth.werner@ncdenr.gov](mailto:elizabeth.werner@ncdenr.gov).

Should you have any questions regarding these matters you may contact me at (828) 296-4704 or at [larry.frost@ncdenr.gov](mailto:larry.frost@ncdenr.gov).

Sincerely,

Larry Frost  
Environmental Engineer

cc: Donna Burrell – Duke Energy  
Chris Ussery – Duke Energy  
Bill Miller – Altamont Environmental  
Deb Aja – DWM/ARO  
Shawn McKee – DWM/RCO  
Elizabeth Werner – DWM/RCO