



## N.C. Department of Environment and Natural Resources

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### One year later, Dan River continues successful recovery

**RALEIGH** –North Carolina’s leading environmental agency has devoted significant resources to address coal ash in the two years since Governor Pat McCrory took office, an effort that intensified greatly in response to the ash spill at a Duke Energy facility in Eden one year ago.

Donald van der Vaart, the agency’s secretary, and Assistant Secretary for the Environment Tom Reeder joined state Division of Water Resources’ staff today to take water quality samples in the Dan River. The coming year promises to be just as busy as the N.C. Department of Environment and Natural Resources continues its work to close coal ash facilities, according to van der Vaart.

“From cleaning up the spill to overseeing the development of closure plans for these storage ponds, DENR staff have been active in all facets of coal ash,” van der Vaart said. “We will continue to commit significant resources to ensure all coal ash storage ponds are closed in a manner that best protects public health and the environment, as was directed by Governor McCrory’s executive order and the Coal Ash Management Act.”

DENR filed four lawsuits in 2013 alleging violations of state law regarding unlawful discharges and groundwater contamination at all 14 Duke Energy facilities. In 2014, structural issues came to the fore when an estimated 39,000 tons of coal ash spilled into the Dan River in Eden after a stormwater pipe beneath an ash pond at Duke Energy’s Dan River Steam Station ruptured Feb. 2. The pipe was sealed later in the month.

In the months following the spill, tests revealed that the quality of the water in the Dan River had returned to its status prior to the spill, and state health officials removed a water advisory last summer after tests showed that contaminants associated with the spill were at levels appropriate to allow recreational use of the river. Then in the fall, DENR’s testing revealed that aquatic insect communities in an area downstream from the coal ash spill were thriving. Because different kinds of insects have different tolerances for pollution, a study of insect populations is a recognized indicator of overall health of a waterway.

Underscoring that good news, all downstream municipalities with intakes on the Dan River have reported throughout the aftermath of the spill that their water has been safe for drinking using normal treatment processes.

“With what we know so far, it looks like the Dan River may have dodged a bullet,” said Reeder. “We will continue to perform testing on the Dan and its aquatic life, but we are cautiously optimistic that it has returned to where it was before the spill.”

DENR officials continue to conduct water quality sampling every month to ensure the water remains safe, and will continue to conduct fish tissue sampling as well.

### Addressing coal ash at facilities across North Carolina

A major thrust of DENR’s work has been gathering comprehensive data about coal ash facilities statewide. The information is essential as DENR prioritizes closure plans for all 14 facilities with coal ash storage ponds.

Duke Energy is required to provide state officials with a series of environmental assessments during the coming months as

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part of [Governor McCrory's Executive Order 62](#) on coal ash and the [Coal Ash Management Act](#). As such, Duke Energy is providing the state with information about any impacts coal ash may be having on the environment surrounding the 32 coal ash impoundments and the structural integrity of all dams, piping systems and other infrastructure at each facility.

As part of this effort, public and private drinking water wells within 1,000 feet of each facility are being tested for numerous constituents that could indicate the presence of any contamination associated with coal ash. Results of the testing are expected in the coming months. The state Department of Health and Human Services will conduct health risk evaluations, which will be sent by DENR staff to residents whose private wells may have been impacted.

Also, Duke Energy is scheduled during the coming weeks and months to provide the state with reports that characterize the amount, type and extent of groundwater and surface water contamination at coal ash facilities. The reports will include the utility's plans for cleaning up any contamination. DENR will review the reports.

DENR is also evaluating the utility's existing wastewater discharge permits, as well as reviewing wastewater permit renewals and stormwater permit applications for the coal ash facilities. The wastewater discharge permits will be modified by the state as it evaluates permitted and unpermitted discharges and more accurately captures surface water impacts. The stormwater and wastewater permits will be subject to public comment periods that will include public hearings.

In addition, staff with the department's dam safety program inspected all 32 coal ash impoundments and reviewed video of the piping systems at each facility. The state program identified 63 areas of concern at 30 coal ash impoundments and directed Duke to provide repair plans. The department received all 63 plans and has reviewed and approved nearly half of them. Repairs are set to begin at those facilities with approved plans.

### **Closing the coal ash impoundments**

The Coal Ash Management Act, which was enacted into law after the last legislative session, puts Duke Energy on a timetable to close all its coal ash ponds. The law requires Duke Energy to close all the ponds using a risk-based schedule that will be developed by DENR and approved by the Coal Ash Management Commission, the state board created by the law. The site-specific plans, which represent the preferred method of closure by DENR and the EPA, will be prioritized based on risk assessment data from the comprehensive environmental assessments of all 14 coal-fired facilities. The risk-based schedule will require commission approval by the end of 2015.

Activity started in the fall to reuse coal ash now stored at several Duke Energy plants. DENR staff members are reviewing [permit applications](#) received in November to reuse some of the coal ash stored at Duke Energy's Riverbend (Charlotte area) and Sutton (Wilmington) facilities as structural fill in open-pit clay mines in Lee and Chatham counties. The applications request permission to create engineered structures such as berms, channels, haul roads, leachate collection systems, groundwater monitoring systems, and lined containment areas to handle coal ash.

The public will have an opportunity to provide feedback on the drafts of the modified mining permits and structural fill permits once DENR has finalized the drafts. The state agency is expected to finalize its drafts by March.

The utility has also announced plans to reuse some coal ash at its Asheville Power Plant at an existing lined structural fill project at the Asheville Regional Airport and to transport some of the coal ash from the Dan River facility to an existing lined landfill in Jetersville, Va.

### **Restoring natural resources impacted by the Dan River spill**

In June, DENR and other natural resource trustees entered into a cooperative Natural Resource Damage Assessment and Restoration process with Duke Energy, the party responsible for the spill. The trustees are assessing the impacts of the coal ash pond release in Eden on natural resources, focusing on injuries to habitat, surface water and sediment, aquatic species, migratory birds, and human uses of those resources. The process aims to restore natural resources and the services they provide. To meet this goal, the trustees recover funds via restoration projects. DENR and the other trustees are preparing a summary of responses with feedback and restoration proposals received from the public on a restoration scoping document the trustees completed in October.

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**Enforcement actions**

DENR announced in March a partnership with the EPA in which both agencies are working together on an enforcement action for environmental violations associated with the Dan River spill and to resolve violations of the Clean Water Act at all Duke Energy's coal-fired facilities.

DENR also continues to pursue lawsuits the agency filed against Duke Energy in 2013 before the spill. The lawsuits were filed based on Clean Water Act violations at all the utility's plants with coal ash storage facilities.

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