



N.C. Department of Environment and Natural Resources

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Contact: Drew Elliot
Phone: 919-707-8626

State continues pursuit of coal ash contamination issues at Asheville Plant

RALEIGH – The N.C. Department of Environment and Natural Resources today sent Duke Energy a notice of violation and intent to enforce for groundwater contamination from coal ash ponds at the utility’s Asheville Plant.

The notice of violation is the first step toward issuing the utility a fine for violations of the state’s groundwater contamination laws. DENR issued a similar notice of violation in August for groundwater violations at the utility’s L.V. Sutton Electric Plant in New Hanover County.

“This notice is the next step in DENR’s comprehensive strategy to address the long-ignored problem of coal ash in North Carolina,” said Donald R. van der Vaart, secretary of the N.C. Department of Environment and Natural Resources. “Just months into the McCrory administration, DENR went to court to force Duke Energy to stop unlawfully polluting our public resources. Duke has denied every substantive allegation we made in our lawsuits, but thankfully we have more tools now to expedite the cleanup. In addition to the lawsuits, we now have the Coal Ash Management Act, which became law in September, and the U.S. Environmental Protection Agency’s regulations on coal ash, released in December.”

Wednesday’s notice of violation is for violations of state groundwater standards caused by the coal ash ponds at the Asheville Plant. State regulators found that Duke has violated standards for pH, nitrate, chloride, sulfate, arsenic, boron, chromium, iron, manganese, thallium, selenium and total dissolved solids.

In addition to any penalties for violating state groundwater standards, penalties for violations of the utility’s federal Clean Water Act permit will be addressed through an enforcement agreement DENR has established with the EPA.

The agency has given Duke Energy 30 days to respond to the notice of violation. Any response from the utility will be included in the package sent to the N.C. Division of Water Resources for a determination of fines.

Any continuous failure to act may result in penalties of up to \$25,000 per day per violation, according to a violation notice sent Wednesday from the N.C. Division of Water Resources to Duke Energy.

The notice of violation is posted to the Division of Water Resources’ website at:

http://portal.ncdenr.org/web/wq/coal_ash_groundwater_enforcement.

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Jamie Kritzer, Public Information Officer
Phone: (919) 707-8602

<http://www.facebook.com/ncdenr>

1601 Mail Service Center, Raleigh, NC 27699-1601
[RSS](#)

Jamie.Kritzer@ncdenr.gov
Facebook:

RSS feed: <http://portal.ncdenr.org/web/opa/news-releases-rss>

Twitter: <http://twitter.com/NCDENR>