



N.C. Department of Environment and Natural Resources

Release: Immediate
Date: Feb. 25, 2014

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State environmental agency considers requiring Duke Energy to move coal ash from Dan River site

RALEIGH – State environmental regulators plan to modify a permit that could require Duke Energy to move coal ash from the basins at the Dan River power plant to a lined landfill.

The N.C. Department of Environment and Natural Resources plans to reopen and consider changes to a permit that currently allows Duke Energy to discharge specified amounts of wastewater into the Dan River from a pipe downstream of the 48-inch stormwater pipe that ruptured and resulted in the coal ash spill discovered Feb. 2. The 48-inch stormwater pipe and a 36-inch stormwater pipe – both of which are upstream of the wastewater pipe – are no longer discharging any waste to the Dan River.

“We are taking swift and appropriate action to address a catastrophic failure at the Dan River power plant,” said Tom Reeder, director of the N.C. Division of Water Resources. “Now that the two unpermitted discharges have been stopped, and the assessment and cleanup has started, our focus has turned to what steps we can take to protect the Dan River. Based on our investigation of this spill, one option under consideration right now is to eliminate all coal ash waste discharges coming from this facility and require that Duke Energy move the coal ash waste stored onsite to a lined landfill away from any waterways.”

DENR notified Duke Energy Monday afternoon by letter of the state agency’s intention to reopen the existing wastewater discharge permit to consider modifications. Duke Energy’s National Pollutant Discharge Elimination System, or NPDES, permit currently allows the utility to discharge coal ash basin water from storage ponds at the Eden facility. By law, the state agency is required to give Duke Energy 60 days to respond to the agency’s decision to reopen the permit.

“Actions we take with regard to this wastewater permit will be considered independent of DENR’s work to assess and impose appropriate penalties for the coal ash spill,” Reeder said.

On Tuesday, DENR continued to assess the impacts of the spill on the Dan River. Staff members with the agency have been onsite since they were notified of the spill Feb. 3 and have conducted water quality and sediment sampling upstream and downstream of the spill. The state agency also started Monday and continued Tuesday collecting fish in the Dan River to begin fish tissue testing, which will help determine if fish are safe to eat. In the meantime, state health officials have advised people not to eat fish from the Dan River and to avoid prolonged contact with the water.

DENR has established a task force within the department to review all coal ash storage facilities in North Carolina to prevent any further unpermitted release of coal ash or ash pond water. The task force plans to consider whether to modify wastewater discharge permits at other coal ash facilities on a case-by-case basis.

Copies of the NPDES permit for the Dan River power plant and the letter DENR sent to Duke Energy Monday regarding the possible permit modifications are on a DENR web page devoted to the spill. The letter and the permit are the top two documents at the following web page: <http://portal.ncdenr.org/web/guest/dan-river-documents>.

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