

North Carolina Department of Environmental Quality

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State cites Duke Energy with violations at Asheville coal ash reuse site

RALEIGH – The N.C. Department of Environmental Quality, or DEQ, today sent Duke Energy a Notice of Violation for permit condition violations at a coal ash reuse project site at the Asheville Regional Airport. The Notice of Violation is a standard notification that advises the utility of its legal requirements under North Carolina law and includes required corrective action.

Wednesday's Notice of Violation is for violations of the Coal Combustion Products (CCP) Structural Fill Permit (WQ0000020) issued via renewal to the utility on Sept. 2, 2015. State regulators cited Duke Energy for two failures within the permit. The first violation is for failure to meet notification requirements for incidents involving erosion and breach of a liner system. The second violation is for failure to properly maintain the CCP facility, resulting in exposure of the CCP and upper portion of liner system.

On Nov. 2, 2015, the Asheville Regional Office of DEQ's Division of Water Resources received notification from Duke Energy of excessive erosion in two separate areas of the site. The observations were made during required inspections on Oct. 29, during which the inspectors noticed exposed CCP and removal of soil cap in two separate areas, both caused by erosion. In both areas no CPP was found to have migrated offsite. Duke Energy notified state officials of the occurrence after the maximum 24 hour window, a permit condition requirement. The utility was in the process correcting the erosion while regulators were on site.

The Asheville Regional Airport's permitted structural fill project began receiving coal ash from Duke Energy's Asheville Plant in 2007. Remaining ash from the utility will continue to be transported to the airport for beneficial reuse opportunities.

Duke Energy has 30 days to respond to the Notice of Violation. Any response from the utility will be considered by the N.C. Division of Water Resources in its determination of possible fines. According to state law, continuous failure to act may result in penalties of up to \$25,000 per day per violation.

The notice of violation can be viewed [here](#).

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