



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

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### State's reclassification of coal ash pond means more environmental protections, dam inspections

**RALEIGH** – State officials have reclassified a lake at Duke Energy's coal ash facility near Wilmington as a public resource instead of a private cooling pond in a move that will mean greater water quality protections for the lake and more frequent inspections of dams at the site.

Sutton Lake, which receives coal ash wastewater discharges from Sutton Steam Electric Plant, will now be considered "waters of the state," a classification that means the lake will be protected by more stringent water quality standards, according to a letter sent this week from the N.C. Division of Water Resources to Duke Energy.

As a result of the reclassification, the state agency gave Duke Energy 60 days to modify its wastewater discharge permit and how the utility manages on-site stormwater. The reclassification may also mean additional treatment conditions are placed in the discharge permit or other environmental permits will be required in the future to ensure the health of the lake.

"The decision to reclassify Sutton Lake came about after we conducted a thorough review of the environment at all of North Carolina's coal ash facilities," said Tom Reeder, director of the N.C. Division of Water Resources. "Sutton Lake has long served as a popular place for people to fish, boat and just enjoy themselves. By reclassifying this lake, we will be doing a better job of protecting the public and the environment."

The lake will now have the same classification as the Cape Fear River, which meanders next to the lake near Wilmington.

The lake reclassification also prompted a change this week in the state's hazard classification for two dams that are part of the coal ash impoundments at the facility. Since the two ash pond dams are right next to Sutton Lake, the classification of both dams will be raised to high hazard due to the potential environmental damage to "waters of the state" if either dam were to fail.

Due to the reclassification, state officials will now be inspecting both dams once a year, dam safety officials announced in a Thursday letter to Duke. In the past, the Sutton 1984 ash pond dam, which had been a low hazard dam, was inspected once every five years. The 1971 ash pond dam nearby had been exempted from inspections due to a 2011 amendment to the North Carolina Dam Safety Law. Both dams are considered to be in satisfactory condition, dam safety officials said in Thursday's letter.

Sutton Lake was classified as a private cooling pond based on 1971 legislation calling for an easement between the state and Carolina Light and Power Company. The lake has long been a popular recreational attraction and includes a boat ramp that is managed by the N.C. Wildlife Resources Commission as a boating access area.

Since 1971, officials have revisited the possible reclassification of Sutton Lake on several occasions, balancing the requirements of the previous legislation and the use and management of the lake. This summer, as part of the evaluation process for all of Duke Energy's 14 coal-fired electrical facilities and working closely with the Environmental Protection Agency to examine this issue, the department has determined that the reclassification of Sutton Lake as "waters of the state" is the correct action to take.

Copies of the state's letters to Duke Energy are beneath the heading "DENR letters to Duke Energy Regarding Sutton Lake" on the following DENR web page: <http://portal.ncdenr.org/web/guest/dan-river-documents>.

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