

**Palmer, Lisa M**

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**From:** Darley [darley@carolina.rr.com]  
**Sent:** Wednesday, August 07, 2013 9:27 AM  
**To:** Palmer, Lisa M  
**Subject:** Riverbend's toxic coal ash ponds

Dear Ms. Palmer,

A recent Duke University study found arsenic 25 times higher than the EPA's drinking water standard building up in the sediment of Mt. Island Lake just downstream from Riverbend's coal ash ponds and just upstream from Charlotte's water intake. It is way past time for Duke Energy to clean up its Riverbend toxic coal ash ponds. This adversely affects NC's largest city's water source! No wonder most of us are afraid to even bathe in it. Duke Energy must clean up its toxic mess. NOW!

Sincerely,

Darley Adare  
2625 Bucknell Ave.  
Charlotte, NC 28207

**Palmer, Lisa M**

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**From:** Mark Adams [mark.adams@sonoco.com]  
**Sent:** Monday, July 29, 2013 4:39 PM  
**To:** Palmer, Lisa M  
**Subject:** Duke Coal Ash Settlement

Ms. Palmer, DENR and Duke Energy,

I believe that minimum requirements for a settlement with Duke Energy include:

- immediate steps to stop the current pollution from the Riverbend site
- defined remediation plan to secure the ash lagoons while the contents are re-located to a properly designed and maintained state landfill
- remediation of the site after ash removal to insure that no contaminants remain that could contaminate groundwater or other waterways

The ongoing illegal and irresponsible pollution of Mountain Island Lake from Duke Energy's Riverbend coal ash lagoons is an unjust abuse of the environment that diminishes the quality and safety of Charlotte's drinking water and poses a known catastrophic risk to residents and the environment.

This issue does not require study, it requires remediation. The ongoing pollution has been documented and acknowledged by DENR and Duke. A DENR settlement that fails to stop the pollution AND prevent future pollution from this site, represents a failure of DENR's enforcement of environmental regulation and law. This agreement neither protects citizens and the environment, nor holds Duke accountable to the same standards that exist for the rest of the State's industry.

I believe that the current settlement is evidence of corruption and the ability of a major corporation to simply ignore legal requirements written to protect citizens and the environment. There are laws being broken; Duke has acknowledged this, and at the same time says they are doing nothing wrong. The settlement fine at a level below SEC Reporting requirements combined with a lack of ANY remediation requirements is nothing short of corruption. It allows Duke to continue ignoring this tremendous liability while it harms the public.

Yes, Duke is a major corporation with tremendous power and leverage, however they have also ignored an escalating liability for many years and that is not a reason for exemption from their legal and ethical responsibilities.

Mark W. Adams

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ISSUE

Palmer, Lisa M

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**From:** Shirley Moder [shirley.moder27@gmail.com]  
**Sent:** Tuesday, August 13, 2013 9:07 PM  
**To:** Palmer, Lisa M  
**Subject:** Proposed DENR-DUKE Settlement

Lisa,

I live in the Stonewater community on Mountain Island Lake and I'm writing to express my concerns about the proposed settlement between DENR-Duke. I am deeply concerned about a number of issues. First, I believe it is Duke's responsibility to clean up the coal ash ponds. They created them and it's their responsibility to clean them up. It's the right thing to do. Also, I believe they need to stop the pollution along the Catawba River/Mountain Island Lake, specifically, the unauthorized and unmonitored seepage along the River/Lake from the French tile drains that were installed without permits. Finally, I believe a public hearing on the proposed settlement should be held to allow the community a voice in dealing with this situation.

Thank you.

Shirley Moder

117 Willow Tree Lane

Mount Holly, NC 28120

937.672.4183

**Palmer, Lisa M**

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**From:** GastonCounty\_Clerk-to-Board [GastonCounty\_Clerk-to-Board@co.gaston.nc.us]  
**Sent:** Wednesday, August 14, 2013 3:55 PM  
**To:** Palmer, Lisa M  
**Cc:** Phillip Ponder; Charles Moore; 'Gary Mims (mimsg@gmh.org)'; Jim Burke; Allen Fraley; Chad Brown; Jason Williams (RJasonWilliams01@gmail.com); Joe Carpenter; Mickey Price; Tom Keigher; Tracy Philbeck (Tracy@TracyPhilbeck.com)  
**Subject:** Gaston County Board of Commissioners - Public Meeting Request: Proposed Settlement between NCDENR & Duke Energy  
**Attachments:** NCDENR - Lisa Palmer.doc

August 14, 2013

Dear Ms. Palmer,

Please find attached a letter from Chairman Mickey Price, on behalf of the Gaston County Board of Commissioners in response to the proposed settlement between NCDENR and Duke Energy.

Sincerely,

**Donna S. Buff, Clerk to the Board**

Gaston County Board of Commissioners  
PO Box 1578  
Gastonia, NC 28053-1578  
704-866-3196  
704-866-3482 (F)  
704-866-3407 (F)

[www.gastongov.com](http://www.gastongov.com)

Click on Departments; Click on County Commission

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Gaston County  
Board of Commissioners  
www.gastongov.com



Mickey Price  
Chairman  
South Point Township

Tracy L. Philbeck  
Vice-Chairman  
Dallas Township

Chad Brown  
Riverbend Township

Joe D. Carpenter  
Crowders Mtn. Township

Allen R. Fraley  
Cherryville Township

Tom Keigher  
Gastonia Township

Jason Williams  
Gastonia Township

Phillip G. Ponder, Jr.  
Interim County Manager

Charles L. Moore  
County Attorney

Donna S. Buff  
Clerk to the Board

*Mission Statement*  
Gaston County seeks to be  
among the finest counties in  
North Carolina. It will provide  
effective, efficient and  
affordable services leading  
to a safe, secure and healthy  
community, an environment  
for economic growth, and  
promote a favorable quality  
of life.

## GASTON COUNTY, NORTH CAROLINA

August 14, 2013

North Carolina Department of Environment and Natural Resources  
Ms. Lisa Palmer, NCDENR Division of Water Quality  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Dear Ms. Palmer:

The Gaston County Board of Commissioners just recently learned of the proposed settlement between NC Department of Environment and Natural Resources and Duke Energy regarding coal ash ponds in Gaston County and the deadline for submitting comments to your office.

The toxic properties of some of the common constituents of coal ash can pose significant health and environmental risks. Before submitting any comments, the Commissioners would like the opportunity to become more familiar with this issue and any potential impacts this settlement may have on our county residents' drinking water, both on users of municipal drinking water utilities, as well as those residents who obtain their drinking water from wells.

On behalf of the Board of Commissioners, I am requesting that the Department of Environment and Natural Resources conduct a public information meeting on the proposed settlement here in Gaston County, so that Commissioners and county residents have the opportunity to ask questions and provide input on this important health and environmental issue.

Sincerely,

Handwritten signature of Mickey Price in cursive.

Mickey Price, Chairman  
Gaston County Board of Commissioners

cc: Gaston County Commissioners  
Phillip G. Ponder, Jr., Interim County Manager  
Charles L. Moore, County Attorney  
Gary Mims, Quality of Natural Resources Committee Chairman  
Jim Burke, NC Cooperative Extension

(All copies forwarded via e-mail.)

**Palmer, Lisa M**

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**From:** Nadia Luhr [nadia@ncconservationnetwork.org]  
**Sent:** Wednesday, August 14, 2013 2:31 PM  
**To:** Palmer, Lisa M  
**Subject:** NC Conservation Network - written comments on proposed consent order between Duke and DWQ  
**Attachments:** NCCN Comment - Duke DENR Proposed Settlement.pdf

Dear Ms. Palmer:

I am writing to submit written comments, on behalf of the North Carolina Conservation Network, on the proposed consent order between the Division of Water Quality, Duke Energy Progress, Inc. and Duke Energy Carolinas, LLC for claims related to the Asheville Steam Electric Generating Plant and the Riverbend Steam Station.

The North Carolina Conservation Network's written comments are attached.

Please don't hesitate to contact me with any questions.

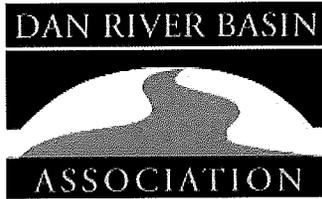
Sincerely,

Nadia Luhr

--  
Nadia L. Luhr, Policy Analyst  
NC Conservation Network  
[nadia@ncconservationnetwork.org](mailto:nadia@ncconservationnetwork.org)  
919-857-4699 x 107 (p)  
919-833-8819 (f)

19 East Martin Street  
Suite 300  
Raleigh, NC 27601  
[www.ncconservationnetwork.org](http://www.ncconservationnetwork.org)

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ps



*"...preserving and promoting the natural and cultural resources of the Dan River Basin through stewardship, recreation, and education."*

August 14, 2013

Lisa Palmer  
N.C. DENR Division of Water Quality  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Dear Ms. Palmer:

Please accept this letter as a comment on the proposed settlement between the North Carolina Department of Environment and Natural Resources (DENR) Division of Water Quality and Duke Energy Progress regarding the utility's groundwater contamination from its Riverbend Steam Station and Asheville Steam Station coal ash lagoons.

Time is of the essence in cleaning up coal ash sites in this new era of powerful hurricanes in the Eastern United States. It is a plain fact that tropical storms have been increasing in size and strength since the mid-1970s. One does not have to glance very far back in North Carolina history to witness the pollution damage caused when a major hurricane met lagoon waste storage in our State.

Scientists share a broad consensus that the upward trend of powerful storms, thought to be driven by rising ocean temperatures, is unlikely to stop at any time soon, which amplifies the already dire concerns about coal ash dam safety, containment, and seepage. The coal ash impoundments at both locations in the proposed settlement are classified as "high-hazard" by the Environmental Protection Agency. As you are no doubt well aware, that classification is an acknowledgment that dam failure is likely to cause loss of human life.

The proposed settlement would be more adequate if it included an accountable process for swift removal of the coal ash in the unlined lagoons at both sites, and storage of this ash in a dry landfill away from the Catawba River and French Broad River.

Thank you for your consideration of these comments. I am counting on DENR to look out for North Carolina's citizens.

Sincerely,  
*Jennifer Edwards*

Jennifer Edwards  
Rockingham County Program Manager

TVA

**Palmer, Lisa M**

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**From:** Robert Howarth [robflow@gmail.com]  
**Sent:** Tuesday, August 13, 2013 2:02 PM  
**To:** Palmer, Lisa M  
**Subject:** Coal Ash from Duke Energy Progress

I concur whole-heartily with Hartwell Carson's commentary published in the Asheville Citizen-Times, P. 11, 8/11/13. To me NCDENR's kowtowing to Duke Energy Progress is lamentable, sad, and a dis-service to we citizens of North Carolina. To continue to permit violations of NC State and the U.S. Clean Water Act further endangers the health and well-being of our citizens and our ecology. You can't have healthy citizens on a sick Earth!

This situation has parallels to those from the second hand cigarette smoke saga and the atmospheric pollution from TVA generation saga - both having consumed years of litigation to finally end in "common sense" decisions that do respect and safeguard the health of citizens and ecology. Why do you at NCDENR delay, postpone, shrink from doing your jobs?

With hope for better, I remain -

Robert F. Howarth, M.S.E.,

Member, WNC Physicians for Social Responsibility.

August 14, 2013

2227 Coral Valley Road  
Charlotte NC 28214

Lisa Palmer  
NC DENR Division of Water Quality  
1617 Mail Service Center  
Raleigh NC 27699-1617

Ref: Coal Ash Ponds on Mountain Island Lake

Dear Ms. Palmer:

This is a copy of the email I sent to you today.

Potable water is the most precious commodity of this century. Maximum regulation should be applied to water supplies. Coal ash storage in coal ash ponds do not belong on Mountain Island Lake, the water supply for Charlotte, Mt. Holly, Gastonia and all the other towns supplied by these cities.

This summer of flooding and erosion shows how fragile earthen dams are. So much shoreline has been eroded because of flooding between 102 and 104 for prolonged periods. Duke opened the flood gates on Lake Norman on May 7<sup>th</sup>. The volume of water was not the only problem. The velocity of the flooding did far more damage than any flooding that had occurred previously. The lake was full of sediment for a week. How close is the lake to a 100 year flood event? Duke cannot be trusted to do what is good for the water or the area.

Saying you are sorry does not ring true when an event could have been prevented. The only way to prevent coal ash contamination of lake and wells on Mountain Island Lake is to remove it and place it in a dry state in lined landfills.

The agreement between Duke and DENR does not address removal or containment. It only has a token fine and more studies, which could take years. Coal ash contains hazardous waste; that is known. It does not take large amounts of chemicals to affect bodily functions, cause disease and neurological problems. EPA standards have been exceeded.

Why is the state gambling with public safety it is established to protect? Why has there not been a public hearing on the disposition of coal ash ponds?

Sincerely,



Alice Battle  
Mecklenburg Lake Resident

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**Palmer, Lisa M**

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**From:** Robert E. Rutkowski [r\_e\_rutkowski@att.net]  
**Sent:** Tuesday, August 13, 2013 7:08 PM  
**To:** Palmer, Lisa M  
**Subject:** Cleanup Duke Energy's Coal Ash Pollution at Mountain Island Lake

To: N.C. Department of the Environment and Natural Resources, Division of Water Quality, Attn: Lisa Palmer, 1617 Mail Service Center, Raleigh NC 27699-1617  
[lisa.palmer@ncdenr.gov](mailto:lisa.palmer@ncdenr.gov)

Re: Cleanup Duke Energy's Coal Ash Pollution at Mountain Island Lake

The Southern Environmental Law Center today submitted comments to showing that the proposed settlement of illegal pollution by Duke Energy at Mountain Island Lake does not clean up the pollution, violates the law, and fails to deter illegal pollution by Duke Energy and others. The proposed settlement should be revised to require cleanup of the pollution and comply with laws protecting groundwater and drinking water reservoirs.

This proposed settlement does not stop Duke's illegal pollution or clean it up. The settlement violates North Carolina and federal law. And it sends a signal to big polluters that they can violate the law without serious consequences.

Mountain Island Lake on the Catawba River in Gaston County is the drinking water reservoir for 860,000 people living in Mecklenburg County, Charlotte, Gastonia, and Mount Holly. At its Riverbend plant on the banks of the lake, Duke Energy stores 2.7 million tons of coal ash in unlined lagoons that discharge pollutants into the groundwater and that leak into the lake. Testing by the Catawba Riverkeeper has found arsenic, cobalt, iron, and manganese in the illegal discharges.

The suit that is the subject of the proposed settlement began when the Southern Environmental Law Center sent a required notice under the Clean Water Act to Duke and DENR informing them that it would bring an enforcement action within 60 days for Duke's illegal pollution. Right before the 60-day period expired, DENR brought an enforcement action in state court, the first time it had brought such an action against Duke for its Mountain Island Lake pollution. DENR and Duke proposed a settlement after the Southern Environmental Law Center moved to intervene in the state's enforcement suit. On Friday, the court granted the motion to intervene and made the Catawba Riverkeeper a party in the suit.

Protect the Catawba River and the region's drinking water. Government and the polluter must do the right thing. The illegal pollution must be stopped and cleaned up, to protect the river and the drinking water reservoir.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,  
Robert E. Rutkowski

cc: House Minority Leadership

2527 Faxon Court  
Topeka, Kansas 66605-2086  
P/F: 1 785 379-9671  
E-mail: [r\\_e\\_rutkowski@att.net](mailto:r_e_rutkowski@att.net)

**Palmer, Lisa M**

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**From:** Renea Crumbley [reneacrumbley@bellsouth.net]  
**Sent:** Wednesday, August 14, 2013 11:45 AM  
**To:** Palmer, Lisa M  
**Subject:** Coal ash ponds

We believe that Duke Energy should have a time limit for cleaning up the coal ash ponds. It should be completed within the next year to protect the lake and the residents of the lake.

Thank you.

Renea and Tony Crumbley

1509 Mt. Isle Harbor Dr.

Charlotte, NC 28214

**Palmer, Lisa M**

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**From:** Ann Danzi [ajdanzi@earthlink.net]  
**Sent:** Thursday, August 01, 2013 5:55 PM  
**To:** Palmer, Lisa M  
**Subject:** Riverbend Coal Ash

Ms. Palmer

I live across the road from the Riverbend Steam plant in the Stonewater development. Several years ago we watched as Duke drained one of the ash ponds and moved the resultant black ash into an area on their property alongside Horseshoe Bend Beach Rd which runs between the plant and this development. They formed a mound approximately 100 feet long and about 10 feet high with this ash. This process took over a week and as black ash flew over cars and houses, people here were afraid to let their children and pets to be outside for any length of time. Duke ignored our calls. Finally, their "solution" was to hose it down and plant grass. Meanwhile, blew ash over our development until the grass grew, but neither Duke nor DENR seemed the least concerned.

This mound does not have a liner and after rain, rivulets are clearly visible all over the hill. I could not believe that this ash was not settling into the ground water. Now we know through independent testing, that this site has the highest concentration of pollution on the lake. Still Duke ignores this crucial information.

Duke's testing over years consistently finds nothing wrong, while independent testing shows very different results. To now allow Duke to be the responsible party for assessments of the seeps at the ponds and groundwater contamination, after DENR has testified that this pollution is illegal and a threat to public health and our water supply is like having a coyote oversee the hen house.

We must have a settlement that **requires** Duke to **clean up** this pollution, not just assess it. They will not do their public duty unless they are forced to through government direction.

This area is a peninsular and other than our development, everyone else relies on wells. They will be the first effected, but the million others who rely on this reservoir should not left to clean this up with tax payer money down the road, when Duke has walked away scot free.

We are relying on you to bring justice to this frightening situation. Thank you.

Best Regards  
Ann Danzi  
513 Stonewater Bay Lane  
Mt Holly, NC 28120  
704-820-0891

**Palmer, Lisa M**

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**From:** Pat Dunlop [pdunlop@selcnc.org]  
**Sent:** Tuesday, August 13, 2013 1:18 PM  
**To:** Palmer, Lisa M  
**Cc:** 'rcooper@ncdoj.gov'  
**Subject:** Draft Consent Order, State of North Carolina ex rel. N.C. DENR, Division of Water Quality v. Duke Energy, 13 CVS 4061 (Wake Co.) and 13 CVS 9352 (Mecklenburg Co.)  
**Attachments:** 08-13-13 Settlement Comments w-Attachments.pdf

Attached is a comment letter on behalf of the Catawba River Foundation in the above-referenced matter. A hard copy will follow via US Mail. Please contact me if you have any questions.

Pat Dunlop on behalf of Frank Holleman  
Administrative Legal Assistant  
Southern Environmental Law Center  
601 West Rosemary Street, Suite 220  
Chapel Hill, NC 27516  
(919) 967-1450  
(919) 929-9421 (fax)  
[pdunlop@selcnc.org](mailto:pdunlop@selcnc.org)  
[www.southernenvironment.org](http://www.southernenvironment.org)

**Palmer, Lisa M**

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**From:** Diane Amos [dianeamos1@yahoo.com]  
**Sent:** Sunday, August 11, 2013 8:45 PM  
**To:** Palmer, Lisa M  
**Subject:** Our French Broad river

Please protect our French Broad river here in Asheville, NC with sensible, enforcement of the clean water act. Duke Power and it's awful coal ash has polluted the river, and if nothing else, it's a good business case to enforce this. We have 2 national breweries building here now who are depending on CLEAN and PURE water. Don't settle with Duke Power, - make them clean up their mess!

***Diane Amos***

46 Courseview Drive  
Weaverville, NC 28787

828-645-0359  
336-587-1039 (cell)  
[dianeamos1@yahoo.com](mailto:dianeamos1@yahoo.com)

*"I choose to be too large for worry, too noble for anger, too strong for fear, and too happy to permit the presence of trouble". From The Optimist Creed.*

**Palmer, Lisa M**

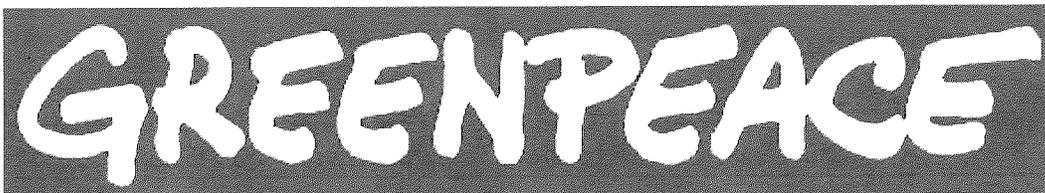
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**From:** Marvin K Ballard [bigman2x4x8@yahoo.com]  
**Sent:** Monday, August 12, 2013 3:26 PM  
**To:** Palmer, Lisa M  
**Subject:** settlement with Duke Power

I live about a mile and a half from the Allen steam station in Belmont. Lake Wylie is my home and I see the seeping leakage at the fly ash pits every time I go by the pit. I have watched as our well have become contaminated by the fly ash as I have two friend who live next to the fly ash pond and have had to get new wells dug as there old well were contaminated. PLEASE DON'T let them fool youall into a study and not a CLEAN UP of all these flyash ponds. Being from the South Point area my whole life I have seen Cancer kill more and more of our neighbors here on the Point than other areas in the Belmont region. Class mates who have or have had cancer who grew up on South Point road near the Plant is unforgiveable. We want our water sources the stop having the pollution that is made from the chemicals that are found in the fly ash ponds to be cleaned up.

Thank You for your time and hope you can help the people in South Point Rd area of Belmont NC.

Sincerely Marvin K Ballard III "Chuck", 1520 South Point Rd is where I grew up.  
335 Paradise Circle  
Belmont, NC 28012  
704-214-4551cel?704-825-3606Home



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**VIA EMAIL AND U.S. MAIL**

August 13, 2013

Ms. Lisa Palmer  
N.C. DENR, Division of Water Quality  
1617 Mail Service Center  
Raleigh, NC 27699-1617  
*lisa.palmer@ncdenr.gov*



RE: Proposed Coal Ash Settlement Between DENR and Duke Energy Carolinas

Dear Ms. Palmer:

This comment is in regards to the proposed settlement between the North Carolina Department of Environment and Natural Resources ("DENR") and Duke Energy Carolinas ("Duke").

This proposed settlement does not go far enough towards stopping the ongoing pollution of groundwater and ultimately, finding a long-term solution for disposing of coal ash at these sites. Specifically, the settlement does not require Duke to stop polluting groundwater for hundreds of thousands of North Carolinians, the French Broad River, and Mountain Island Lake. The proposed settlement does not stop the continuing, well-documented violations of the Clean Water Act and paradoxically, proposes more studies done by the responsible party. Furthermore, we find that the fine of \$99,000 is an insult to the people of North Carolina negatively impacted by Duke's years of illegal pollution and flagrant violations of corporate stewardship.

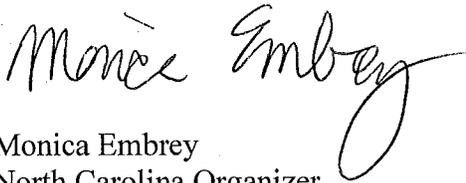
The proposed settlement falls desperately short of meeting the needs of communities near the ash impoundments. The people of North Carolina have an inviolable right to clean water and a healthy, high functioning natural environment. These ponds pose, in DENR's own words, "a serious danger to the health, safety and welfare of the people of North Carolina" and, left untreated, will continue to cause "serious harm to the water resources of the State." We believe that the impact of the settlement will not be to protect communities surrounding these ash ponds. Instead, more action needs to be taken by DENR stop the ongoing groundwater pollution and Clean Water Act violations and to find a long-term solution for disposing of coal ash in a manner that puts human health and the environment first.

Citizens impacted by this proposed settlement deserve input into the agreement. Given the impact of this proposed settlement on both environmental quality and human health, public hearings, well publicized and with reasonable accommodation made for all participants, should be held in Asheville and Charlotte. We believe that this is a necessary step towards informing residents impacted by the proposed settlement of the provisions within the settlement and how the proposed settlement will address continued groundwater pollution and its effect on the quality of the human environment.

Citizens should not bear the burden associated with Duke's ongoing violations of state environmental protections. Any and all fines associated with Duke's groundwater pollution should be large enough to not only deter future illegal activity, but should be borne by the company itself without redress to its regulated rate base in North Carolina. Plainly stated, Duke is responsible for the integrity of their ash impoundments and they have failed in that charge. As such, they should be solely responsible for the costs associated with their violations.

If you have any questions or comments on the above comment, please feel free to reach me at the number or email below. We look forward to your response. We hope that you will work to hold Duke accountable for its actions and to you working to ensure that that all citizens of North Carolina are afforded the type of common sense protections from environmental pollutants that they deserve.

Sincerely,

A handwritten signature in black ink that reads "Monica Embrey". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Monica Embrey  
North Carolina Organizer  
Greenpeace USA

*membrey@greenpeace.org*  
919-324-6508

Lisa Palmer  
N.C. DENR Division of Water Quality  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Ms. Palmer,

I am writing to you today regarding my thoughts on the Duke Energy and North Carolina DENR case. I am a student at Discovery High School at Newton-Conover, an Eagle Scout, and an environmental activist. My greatest interest is water quality and I feel as though water is an especially important resource to protect. I spent my entire sophomore year working with my city to help reduce the pollutants coming from storm water, former industrial site runoff, and in improving my city's wastewater treatment plant. I am a member of the Catawba Riverkeeper Foundation and I am serving an internship there. I feel a strong inner force to protect the water resources of the Catawba as I live in the basin. I strongly urge you to help me to work towards the health of North Carolina's rivers.

Duke Energy has already dumped approximately 2.7 million tons of coal ash into unlined lagoons on the banks of Mountain Island Lake. DENR has deemed these dumpings illegal and it is known that there are over 20 unpermitted seeps into Mountain Island Lake. The seeps and French drains on the dam are dangerous because coal ash can have devastating impacts and this is a fact that is already known. There have been studies on coal ash and on the effects it has had on Mountain Island Lake. According to tests by the Catawba Riverkeeper Foundation, Tests of these seeps reveal consistent exceedences of North Carolina's 15A 02L groundwater standards as high as: Arsenic:20µg/L(NC 15A 02L is 10) Cobalt: 52 µg/L (NC 15A 02L is 1) Iron: 8,100 µg/L (NC 15A 02L is 300) and Manganese:6,400µg/L(NC 15A 02L is 50). The EPA considers all of these dangerous; I believe that this is enough grounds to require Duke Energy to clean up their ponds.

The best thing for this case is to have a public hearing so that the voice of the people of North Carolina and those who use the water resources of Mtn. Island Lake can be heard. The effects of coal ash are already known and they are not pretty; we don't need a study of the coal ash we need action towards a cleaner river basin and a cleaner state altogether. As the head of the Division of Water Quality at NC DENR I know that your interest is in protecting the water resources of the citizens of North Carolina. Please consider the repercussions of only requiring Duke to study the coal ash. The proposal to require Duke to study not clean the coal ash puts the health and safety of over 86,000 people at risk.

The Catawba River is very important to many people in North Carolina and in South Carolina. If water pollution standards are overlooked and fines not carried out to their fullest for industrial dumping, we endanger the quality of our water. The series of lakes and portions of flowing river that make up the Catawba River are used for recreation, fishing, industrial use, and drinking water for 86,000 people. The coal ash increases arsenic and mercury that can be stored in the flesh of fish and deem them unsafe for human consumption. There is currently a mercury advisory for eating fish over the entire basin because of coal fired power plants. We are going to see more fish advisories, recreation advisories if we do not stop the coal ash pollution. We may even see the ability to use the Catawba River as a viable drinking water source because of pollution.

Please consider what I have told you. Water is extremely important to me and I hope it is to you too. We need to protect the water for the thousands of people who depend on the Catawba River. Please call for a public hearing on this case and please move towards a solution that cleans up the problem not studies it.

Sincerely,



Thomas Colton