

## **Notice of Proposed Consent Order**

The North Carolina Department of Environment and Natural Resources (NC DENR) is proposing a Consent Order to resolve matters in dispute in two pending civil actions between NC DENR and Duke Energy Carolinas LLC and Duke Energy Progress, Inc. The matters in dispute are related to water quality permits issued for two coal-fired electric generating plants. DENR seeks public comment on the proposed Consent Order.

Comments will be considered by the Division of Water Quality and summarized at the close of the 30-day comment period described below. A summary of the comments will be prepared and submitted to the Superior Court Judge presiding over the civil actions.

The proposed Consent Order is available at the following link: <http://portal.ncdenr.org/web/wq>.

On March 22, 2013, NC DENR filed a civil action for injunctive relief against Duke Energy Progress, Inc. in Wake County Superior Court alleging violations of North Carolina statutes and rules for water quality protection at the Asheville Steam Plant in Buncombe County which discharges treated wastewater to the French Broad River under the authority of NPDES Permit NC0000396. (State ex rel. DENR v. Duke Energy Progress, Case No. 13 CVS 4061). An Amended Complaint was filed on May 20, 2013 and is posted on the website as well.

Because the Wake County Amended Complaint erroneously included the Riverbend facility, which is owned by Duke Energy Carolinas, LLC, on May 24, 2013, NC DENR filed a civil action for injunctive relief against Duke Energy Carolinas, LLC in Mecklenburg County Superior Court alleging violations of North Carolina statutes and rules for water quality protection at the Riverbend Station in Gaston County which discharges treated wastewater to Mountain Island Lake under the authority of NPDES Permit NC004961. (State ex rel. DENR v. Duke Energy Carolinas, Case No. 13 CVS 9352).

The posting of this notice opens a period for public comment on the proposed Consent Order. Comments should be addressed to the NC DENR Division of Water Quality, to the attention of Lisa Palmer, 1617 Mail Service Center, Raleigh

NC 27699-1617; or by e-mail to [lisa.palmer@ncdenr.gov](mailto:lisa.palmer@ncdenr.gov). Comments on the proposed Consent Order must be received by NC DENR Division of Water Quality no later than August 14, 2013 in order to be considered. Comments may be submitted by mail or e-mail. Telephone inquiries may be made to Lisa Palmer at 919-807-6304.