



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

May 15, 2015

Mr. Harry K. Sideris  
Senior Vice President  
Environmental, Health, & Safety  
Duke Energy  
526 South Church Street  
Mail Code EC3XP  
Charlotte, NC 28202

Subject: NPDES Stormwater Permit Application  
Marshall Steam Station  
Permit Number **NCS000548**  
Catawba County

Dear Mr. Sideris:

In response to your application for coverage under an NPDES stormwater permit, the Division of Energy, Mineral, and Land Resources (Division or DEMLR) is forwarding herewith the subject state - NPDES permit, NCS000548. This permit is issued pursuant to the requirements of both North Carolina General Statute 143-215 .1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

**This final permit includes the following changes from the draft permit published on our website on March 6, 2015:**

- Part II Section B of the permit acknowledges the ongoing replacement of SW001, SW001A and SW002 outfall pipes by newer pipes, and provides that the permittee can monitor the three new discharge pipes under the same outfall number designation as the previous corresponding discharge pipes.
- Text has been added to clarify the monitoring requirements for SW009. As it did previously, the text now more clearly requires the monitoring of stormwater-only flows from the contributing drainage area prior to commingling with the ID fan non-contact cooling water.

**Thank you for your comments submitted on May 5, 2015. Please see our responses below:**

- 1. Duke Energy reports that the company will be requesting representative outfall status (ROS) for several outfalls, and it appears from your letter that Duke will propose to sample three outfalls instead of fourteen.** As noted in your comment letter, DEMLR handles ROS designation outside of the permit. ROS can be subject to change if activities or other site circumstances change, and keeping ROS separate from the permit itself allows the Division to handle more expeditiously the designations of, and any changes to, ROS without reopening the permit for modification. Please coordinate with the Mooresville Regional Office when you are ready to pursue ROS designation for any stormwater outfalls.

Division of Energy, Mineral, and Land Resources  
Energy Section • Geological Survey Section • Land Quality Section  
1612 Mail Service Center, Raleigh, North Carolina 27699-1612 • 919-707-9200 / FAX: 919-715-8801  
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2. **Duke Energy requested that the text of the permit acknowledge the planned replacement of discharge pipes SW001, SW001A and SW002 with new pipes, noting that they still drain the same area.** As noted above, the final permit text incorporates this acknowledgement, and provides that the same outfall numbers shall be assigned to the three new discharge pipes.
3. **Duke Energy requested that the monitoring requirements for outfall SW009 be removed from the permit based on a continuing discharge of non-contact cooling water in the outlet pipe and difficulty in accessing the discharge pipe during high lake levels.** While we appreciate the difficulties to monitoring presented on both counts, we note that the draft permit text already provided that Duke would sample the stormwater flows prior to commingling with the non-contact cooling water flow. The permit text anticipates that Duke will retrieve a surface runoff stormwater-only sample at a location upstream of the commingling with the non-contact cooling water flow. We have not removed the monitoring requirements on SW009 from the permit text.
4. **Duke Energy noted that some of the outfalls are pipes overhanging steep banks or submerged below the discharge canal water elevation. And that providing safe and secure access under these conditions to six of the fourteen outfalls would be costly and difficult. Duke further suggests that representative outfall status might be a tool to avoid the disproportionate costs of providing safe and secure access.** We concur that where the specific conditions of exposure in the sub-drainage area and the discharge characteristics of the flow meet ROS criteria, the accompanying benefits of reduced cost and reduced risk are welcome. Again, please contact the DEMLR Mooresville Regional Office when you are ready to seek ROS.

However, we note that the company provided stormwater discharge samples for some of the outfalls named in this part of your comment letter (SW007 and SW012). We understand this does not necessarily mean the outfalls are routinely safely accessible, but it does demonstrate that sampling is possible at some of the outfalls named in your comment letter. We understand the company's concerns about the cost of safe and secure access to outfalls, and we fully support precautions to ensure accessibility is safe and appropriate for your employees. To that end, please note that it is generally acceptable to sample at the nearest, safely accessible location upstream of a stormwater outfall when necessary, as we believe was the case for the sampling results previously reported as from outfall SW007.

Failure to complete the monitoring as required is a violation of the permit and any permit noncompliance constitutes a violation of the Clean Water Act. Reference Part III, Section A, Item 2 "Duty to Comply", Item 9 "Penalties for Tampering" and Item 10 "Penalties for Falsification of Reports" of your permit for further information.

If any parts, measurement frequencies or sampling requirements contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611-7447. Unless such demand is made, this decision shall be final and binding.

Per the requirements of the Catawba Riparian Buffer Rule, all stormwater drainage from portions of this site that have been constructed after June 30, 2001 must be discharged through a correctly designed level spreader or another device that meets diffuse flow requirements per 15A NCAC 2B .0243. Diffuse flow requirements are described in Chapter 8 of the North Carolina Stormwater BMP Manual, available at: <http://portal.ncdenr.org/web/lr/bmp-manual>.

Please take notice this permit is not transferable. Part III, B.2 addresses the requirements to be followed in case of change in ownership or control of this discharge. This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Energy, Mineral, and Land Resources, or

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permits required by the Division of Water Resources, Coastal Area Management Act, or any other federal or local governmental permit that may be required.

If you have any questions or comments concerning this permit, please contact Ken Pickle at (919) 807-6376 or at [ken.pickle@ncdenr.gov](mailto:ken.pickle@ncdenr.gov).

Sincerely,

*Original signed by Tracy E. Davis*

Tracy E. Davis, PE, CPM, Director  
Division of Energy, Mineral, and Land Resources

cc: Mooresville Regional Office, DEMLR Land Quality Section  
Sam Sampath, Ph.D., EPA Region IV, 61 Forsyth Street, Atlanta, GA 30303  
Stormwater Permitting Program  
DWR Central Files

Attachments: NCS000548