



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
Riverbend Steam Station
Permit Number **NCS000549**
Gaston County

Dear Mr. Sideris:

In response to your application for coverage under NPDES stormwater permit NCS000549, the Division of Energy, Mineral, and Land Resources (Division or DEMLR) is forwarding herewith the subject state - NPDES permit. This permit is issued pursuant to the requirements of 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 posted on our website on March 6, 2015:

- Outfall SW001 has been removed (being already included in the facility's wastewater permit).
- Text has been added for monitoring requirements for SW010, SW011, SW012 to allow exemption from monitoring if the company demonstrates no industrial activities or materials/equipment storage associated with this steam station site occur here, upon concurrence from NC DENR.
- The Sample Location column in Part II, Table 9 has been revised to clarify that sampling is required only from SW014A and SW014B (PVC pipe outfalls in the septic tank area that were not identified in the application but were observed by NC DENR during a site visit in June 2014)—not SW014. This is not a change from the proposed requirements but is now more specifically identified.

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

- 1. Duke Energy requested removal of stormwater outfall SW001 because it has since been included in NPDES Wastewater Permit NC0004961.** We concur and have removed this outfall in the final permit.
- 2. Duke Energy requested a footnote be added to outfalls SW003A, SW013, SW015, SW016, and SW017 that requires monitoring for Boron and Priority Pollutant Metals only if coal or coal ash is transported through the drainage area.**

Division of Energy, Mineral, and Land Resources
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This footnote was incorporated for outfalls where the drainage areas were more definitive. For the outfalls listed above, the drainage areas and potential pollutant sources were ambiguous:

- **SW003A** was not included in the original application but was observed during a site visit by NC DENR, and therefore added to the draft permit—drainage area undetermined;
- **SW013** was noted as “Abandoned” in Duke Energy’s permit application last year, but then was slated “to be grout-filled and abandoned” in correspondence from the company in December 2014—drainage area undetermined;
- **SW015, SW016, and SW017** were not included in the permit application but were later identified during an engineering field evaluation as a 12” CMP, 24” CMP, and 30” RCP “to be grout filled and abandoned” in the company’s December 2014 letter—drainage areas undetermined. We numbered these outfalls in sequence after the first 14 and included them in the draft permit.

The company has asserted that these outfalls are not expected to be impacted by coal or coal combustion residuals during decommissioning activities (December 2014 correspondence). However, with little information about the contributing drainage area, DEMLR feels a comprehensive suite of parameters is appropriate to characterize the discharge. The company will only need to monitor these outfalls until they are removed or abandoned.

3. Duke Energy requested that the monitoring requirements for outfalls SW010, SW011, and SW012 be removed from the permit because they are associated with the Lark Maintenance Facility and not part of the industrial activities that occur at Riverbend.

We acknowledge that NC DENR’s response to the company’s comments on this topic in March 2012 on a previous draft permit agreed with this rationale. We have since developed a permit to include a more comprehensive list of stormwater outfalls at the site based on more recent application information from you, site visits by NC DENR during the past year, and a re-evaluation of former circumstances. The most recent information provided on May 15, 2014 (the addendum updating the original application submittal in 2011, Form 2F Supplemental Information) did not specify what kind of maintenance was performed at the Lark Maintenance Facility. The “General Site Information” section of that document noted that the “Lark Maintenance Garage is considered part of the Riverbend Steam Station as well, and is located along the facility western property boundary.”

We realize activities, material and equipment storage, and/or management arrangements may have changed since last year, or may not have been detailed completely in the supplemental document. To address the company’s concern, we added the following language above **Table 7 in Part II** of the permit: “If the permittee demonstrates that this Maintenance Facility does not perform any industrial activities or store materials or equipment related to Riverbend Steam Station, these outfalls shall be exempt from monitoring upon concurrence by NC DENR.”

4. Duke Energy requested that monitoring requirements for outfalls SW002, SW003, and SW006 be removed from the permit because these outfalls are inaccessible, and because there are no collection points between SW002 or SW006 and their respective oil trap tanks (preventing representative samples).

We note that the company provided stormwater discharge samples for these outfalls from May 2014 (all three outfalls) and July 2014 (SW002). We understand this does not necessarily mean the outfalls are routinely accessible, but it does demonstrate sampling is possible. We understand the company’s concerns about safety and secure access to outfalls, and we fully support precautions to ensure accessibility is safe and appropriate for your employees. To that end, it is generally acceptable to sample at the nearest, safely accessible location upstream of a stormwater outfall when necessary to obtain a sample. We also note in Duke Energy’s response letter from August 11, 2011 that you referenced, the company proposed constructing safe access to SW002 and SW003 (page 2).

Further, the company may wish to pursue a Representative Outfall Status (ROS) designation for one or more of these outfalls to address its concerns. ROS would reduce which outfalls at the site must be sampled. DEMLR handles ROS designation **outside of the permit** because ROS is subject to change if activities or other circumstances change. This procedure allows designations of and any changes to ROS to be handled more expeditiously, without reopening the permit for modification. Please coordinate with the Mooresville Regional Office if you wish to pursue ROS designation for any stormwater outfalls.

5. **Duke Energy requested monitoring requirements for Outfalls SW014, SW014A, and SW014B be removed from the permit.** The draft permit proposed monitoring for outfalls "other than SW014" (no monitoring for SW014) but was not as clear as it could be. We revised the permit to be more specific. According to Duke Energy's letter dated July 14, 2014, SW014A and SW014B are pipes associated with an old sanitary sand filter system and were supposedly abandoned in the 1990s. If these pipes never discharge, monitoring requirements do not apply. However, there was some uncertainty about whether the source and/or abandonment could be confirmed. Until then, any discharges must be monitored.
6. **Duke Energy requested that all outfalls to be abandoned be referenced as one group in the permit instead, and a timeframe to abandon them be established in the permit.** We do not agree this approach is the most appropriate. If unforeseen circumstances required changes to the timeline for removal or abandonment of any of these pipes or outfalls, Duke Energy would have to apply for a permit modification—particularly when there are so many (SW003A, SW007, SW007A, SW013, SW014, SW014A, SW014B, SW015, SW016, and SW017). The permit requires written notification to DEMLR that confirms the potential for stormwater discharges has ceased in order to suspend monitoring requirements and should not be unduly burdensome on the permittee (even less so if timelines change).

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 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, contact Bethany Georgoulis at (919) 807-6372 or at bethany.georgoulis@ncdenr.gov.

Mr. Harry Sideris
May 15, 2015
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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: NCS000549