

SOUTHERN ENVIRONMENTAL LAW CENTER

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May 7, 2018

Via Email and U.S. Mail

Secretary Michael Regan
N.C. Department of Environmental Quality
217 West Jones Street
Raleigh, NC 27603
michael.regan@ncdenr.gov

Re: Draft NPDES Permit NC0004979
Allen Steam Station

Dear Secretary Regan:

On behalf of ourselves, the Catawba Riverkeeper Foundation, the Sierra Club, and the Waterkeeper Alliance, we are writing to request that the Department of Environmental Quality hold a public hearing on the draft National Pollution Discharge Elimination System Permit now out for public comment for the coal ash pollution and other discharges from Duke Energy's Allen Plant on Lake Wylie and the Catawba River.

The community surrounding Allen has suffered severely from Duke Energy's irresponsible coal ash storage and coal ash pollution. They were whipsawed in the last Administration by the "Do Not Drink" and the "Do Drink" and the "Do Not Drink" letters from DEQ and the Department of Health and Human Services. Their property values have suffered from the coal ash pollution at the site. Repeatedly, there have been revelations about Duke Energy's coal ash pollution at Allen, including illegal seeps constructed by Duke Energy, leaking pipes, groundwater pollution, and recently yet another leaking pipe that Duke Energy had still not located and fixed until the Catawba Riverkeeper discovered it during an inspection. Over a hundred thousand people in North Carolina and South Carolina depend upon the Lake and the River for their drinking water, and their drinking water supplies have been impacted by carcinogens caused by Duke Energy's coal ash pollution of the Catawba River. These communities deserve a public hearing, and DEQ is obligated to and needs to hear from them directly.

Further, DEQ has issued a permit that we cannot believe represents your values and policies. It offers the communities, the Lake, and the River less protection than the draft permit issued under the last Administration. It denies protections against toxic pollution based on the

policies and desires of the current EPA Administrator, Scott Pruitt, who has been embarrassingly discredited and who is notoriously weakening coal ash protections throughout the country simply to serve the special interests of coal ash utilities like Duke Energy. The draft permit lacks effective limits for a wide range of dangerous pollutants that have harmed the River, Lake, and drinking water supplies including arsenic and bromides. This permit is even weaker than the permit issued for the Riverbend facility on the same River and much weaker than the permit issued for Duke Energy's Sutton facility. And this permit gives Duke Energy amnesty going forward for building illegal flows of contaminated coal ash water into Lake Wylie, the conduct to which Duke Energy pleaded guilty for coal ash crimes at other sites in North Carolina in 2015. There are yet other shortcomings that we will lay out in more extensive comments and, hopefully, at a public hearing.

The final version of this permit will set out the fundamental values of your Administration of DEQ. It is critically important that the staff of DEQ hear directly and publicly the concerns of the individuals and organizations that have been living and dealing with Duke Energy's coal ash pollution for way too long. We ask that you set a public hearing to show respect to the people of North Carolina and to the affected communities and to hear directly the shortcomings of this very disturbing draft permit.

Sincerely,



Frank S. Holleman III
Senior Attorney

cc: Bill Lane, Esq. (via email)

North Carolina Department of Environmental Quality (via email and U.S. Mail)
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