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State issues permits for coal ash reuse projects

RALEIGH -State officials today issued the necessary permits and permit modification approvals that will allow coal ash reuse projects to move forward in Lee and Chatham counties.

The N.C. Department of Environment and Natural Resources approved Green Meadow LLC's request to modify mining permits for the Colon Mine Site in Lee County and the Brickhaven No. 2 Mine Tract "A" in Chatham County. Approved permit modifications for both locations include changing the mine reclamation method to allow coal ash as structural fill, redesigning erosion and sedimentation control measures and reducing the affected acreage.

DENR also issued permits to Green Meadow and parent company, Charah Inc., to use coal ash in the construction of structural fills at both mines as part of the mine reclamation plans. Under the Coal Ash Management Act of 2014, these permits were required in addition to the modified mining permits.

The companies plan to remove coal ash from several Duke Energy facilities for use as structural fill in the open-pit clay mines. Engineered, protective liners will be installed in the pits before the coal ash is deposited. The liners are designed to capture leachate and prevent coal ash contaminants from reaching groundwater.

"Issuance of these permits is a critical step in our efforts to permanently close all of North Carolina's coal ash ponds," said Tom Reeder, an assistant secretary for DENR. "Our department will continue to monitor these projects closely to ensure that public health and the environment are protected."

As part of the public comment period held March 23-May 16, all four draft permits were made available for public review. Both structural fill permits were modified in response to public comments received. Subsequent changes to the permit requirements include:

- Comprehensive dust control provisions must be added to project plans.
- A trained operator must be on site at all times.
- The northern long-eared bat, which is native to the region, was recently listed as threatened under the federal Endangered Species Act. The permittee is required to evaluate plans and make any revisions needed to comply with the act.

- Comprehensive coal ash transport and spill response plans must be developed, approved and included in the operating plans.

Both mining permit modifications were also revised in response to public comments. Subsequent changes to the permit conditions include:

- Statutory references for each permit condition.
- Use of specific measures to reduce turbidity in the mine discharge water from the site.
- New groundwater monitoring and sampling conditions related to the structural fill permits.
- Clarification that coal ash is the only offsite material allowed onto the mine site.

DENR met with representatives of Green Meadow and its consultant today to review the conditions of the permits and emphasized the state's expectations that the company comply with all the permits' provisions.

Green Meadow will also need federal and state water quality permissions before work can begin near the portions of the mines with wetlands. The U.S. Army Corps of Engineers is reviewing the company's application for a federal 404 permit, and DENR's Division of Water Resources is reviewing a 401 water quality certification. Both permissions are required when a project will impact streams or wetlands. The permits issued today restrict construction and operations to areas of the mine sites that do not require a 401 certification or 404 permit. If the certification and permit are obtained in the future, then activities in those areas may proceed.

The approved permits can be found online at the following locations:

Colon structural fill permit

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=1837865&name=DLFE-114060.pdf

Colon modified mining permit

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=1837865&name=DLFE-114058.pdf

Brickhaven structural fill Permit

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=1837865&name=DLFE-114059.pdf

Brickhaven modified mining permit

http://portal.ncdenr.org/c/document_library/get_file?p_L_id=1169848&folderId=1837865&name=DLFE-114057.pdf

State ensuring companies comply following earlier violations

Earlier this week, DENR cited Green Meadow and Moncure Holdings LLC for environmental permit violations related to unauthorized land-clearing activities near the Brickhaven mine. The area was being prepared so the companies could bring coal ash by rail to the site. The companies have been required to halt land-disturbing activities until they obtain a required construction stormwater permit. A second notice issued earlier this week is related to Green Meadow's current mining permit at the Brickhaven Mine and requires the company to install sediment basins and silt fencing and submit a separate mining permit modification to DENR for approval before proceeding with planned construction of a rail spur.

"We will ensure the companies comply with the environmental laws they have violated and closely monitor project activities as we move forward with this process," said Tracy Davis, director of the N.C. Division of Energy, Mineral and Land Resources, the agency responsible for the state's mining and stormwater programs.

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