

PERSON COUNTY BOARD OF COMMISSIONERS

MAY 8, 2014

MEMBERS PRESENT

OTHERS PRESENT

Jimmy B. Clayton

Kyle W. Puryear

B. Ray Jeffers

Frances P. Blalock

David Newell, Sr.

Heidi York, County Manager

C. Ronald Aycock, County Attorney

Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in recessed session on Thursday, May 8, 2014 at 6:00 pm in the Person County Office Building Auditorium for the purpose to meet jointly with Roxboro City Council.

Person County Attendees:

Chairman Clayton, Vice Chairman Jeffers, Commissioners Blalock, Puryear and Newell

County Manager, Heidi York

Clerk to the Board, Brenda Reaves

Assistant County Manager, Sybil Tate

County Attorney, Ron Aycock

City of Roxboro Attendees:

Mayor Marilyn Newell, Mayor Pro-Tem William Davis, Council Members:

Henry Daniel, Sandy Stigall, Mark Phillips and Byrd Blackwell

City Manager, Stephen Steese

City Clerk, Trevie Adams

Assistant City Manager, Tommy Warren

City Attorney, Nick Herman

Other Attendees:

Winkie Wilkins, NC House, District 2 Person & Granville Counties

Mike Woodard, NC Senate, District 22 Durham, Person & Caswell Counties

Chairman Clayton called the meeting to order.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Clayton requested the following changes to the agenda:

Add Myles Bartos and Kenneth Rhame as speakers for US Environmental Protection Agency (EPA) for the Informational Session related to the Coal Ash Spill in the Dan River and noted that Jenny Edwards would be speaking on behalf of Tiffany Haworth for the Dan River Basin Association was running a late to the meeting.

Councilman Phillips recommended the following order for the speakers during the informational session related to the Coal Ash Spill in the Dan River:

May 8, 2014

Lou Zeller, Blue Ridge Environmental
Jenny Edwards, Dan River Basin Association
Corey Basinger and Sherri Knight, DENR
Myles Bartos and Kenneth Rhame, EPA
Tanya Evans, Duke Energy

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the agenda as adjusted with the additional speakers representing US EPA and the order to which the speakers will present to the group.

INFORMATIONAL SESSION RELATED TO THE COAL ASH SPILL IN THE DAN RIVER:

Chairman Clayton and Mayor Newell announced that each speaker will be allotted ten minutes with questions from the elected officials at the end of all presentations nor would an informal comment period be held.

Mr. Louis Zeller, Executive Director of the Blue Ridge Environmental Defense League (BREDL) provided the group the following presentation:

The Hazards of Landfilling Coal Ash

May 8, 2014



Louis A. Zeller, Executive Director
Blue Ridge Environmental Defense League

Chemical Composition

Coal ash is a by-product and chemical constituents can vary considerably, but all ash includes:

- Silicon Dioxide (SiO_2)
- Calcium Oxide (CaO) also known as Lime
- Iron (III) Oxide (Fe_2O_3)
- Aluminum Oxide (Al_2O_3)

Depending on source coal may include one or more toxic chemicals in trace amounts:

- Arsenic, Beryllium, Boron, Cadmium, Chromium, Cobalt, Lead, Manganese, Mercury, Molybdenum, Selenium, Strontium, Thallium, and Vanadium.

5/8/2014

 Pace Analytical
www.paceusa.com

Pace Analytical of Sciences, Inc.
2000 Evans Ave., Suite 100
Hickory, NC 28601
(704) 331-0000

April 11, 2014

Program Manager
Coke Energy
10030 Rogers Ferry Road
Bldg 7405 MG3052
Hickoryville, NC 28678

RE: Project: Oak River 1400-4204-14043000
Pace Project No.: 02100011

Dear Program Manager:

Enclosed are the analytical results for sample(s) received by the laboratory on April 09, 2014. The results relate only to the samples indicated in this report. Results reported herein conform to the most current TNI standards and the laboratory's Quality Assurance Manual, where applicable, unless otherwise stated in the body of the report.

The image shows a Form 1042-SS, U.S. Income Tax Return for a U.S. Citizen Working in Mexico. The form is dated 12/31/2011. The taxpayer is a U.S. citizen, and the form is for a single filer. The total tax liability is \$0.00. A large red arrow points to the 'Total Tax' field in the bottom right section of the form.

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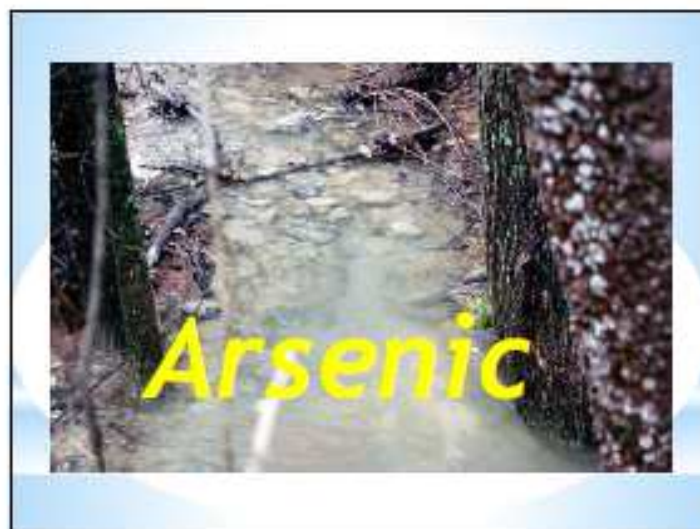
May 8, 2014

"The TCLP test is not an appropriate test method for evaluating the potential public health risks that exist when the ash is disposed of in a landfill or if the ash is used as cover material for the landfill."

Stephen Lester
 Master of Science degree in Toxicology from the Harvard University School of Public Health.
 Bachelor's of Science in Biology from American University
 Served on the Natural Resource Council of the National Academy of Sciences, the National Institutes of Environmental Health Sciences, and the Congressional Office of Technology Assessment.

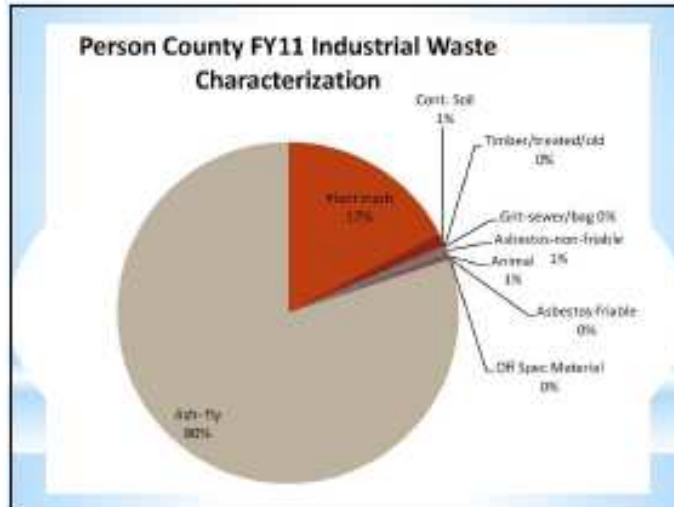
January 10, 2014 letter regarding test results on ash samples from the Onondaga County Resource Recovery Facility.





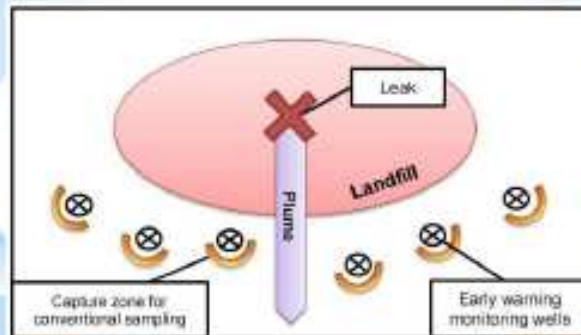


"The county commission did not let us know," Mary Lella Schaeffer said. "The mayor did not let us know. We had no voice in it, no concept of it. We found out when it was already a done deal." "At first it was about it being just a regular waste facility," said Esther Calhoun. "Then they start talking about coal ash. We were already upset about all the garbage from other states coming in because we can hardly handle our own and now they're talking about giving us stuff that nobody wants."



"Today's groundwater monitoring systems at many Subtitle D landfills are cosmetic and provide little in the way of reliable monitoring of leachate-polluted groundwater before widespread liner deterioration occurs. At many Subtitle D landfills, the leaks through the liners will likely first be detected in off-site production wells, rather than by the groundwater monitoring system."

Dr. G. Fred Lee



5/8/2014



The Hazards of Landfilling Coal Ash

May 8, 2014



Louis A. Zeller, Executive Director
Blue Ridge Environmental Defense League

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The group asked the representatives from NC Department of Environment and Natural Resources (NCDENR) to present next due to the fact Ms. Edwards with the Dan River Basin Association had not yet arrived to the meeting.

Mr. Corey Basinger, Water Quality Regional Supervisor of the NCDENR Winston-Salem Regional Office and Ms. Dianne Reid, Environmental Sciences Section Chief for the Archdale Water Quality Planning Section shared with the group the following presentation noting the Dept. of Environment and Natural Resources is working with Duke Energy to monitor and contain a spill of coal ash that began February 2nd from a stormwater pipe into the Dan River in Eden.

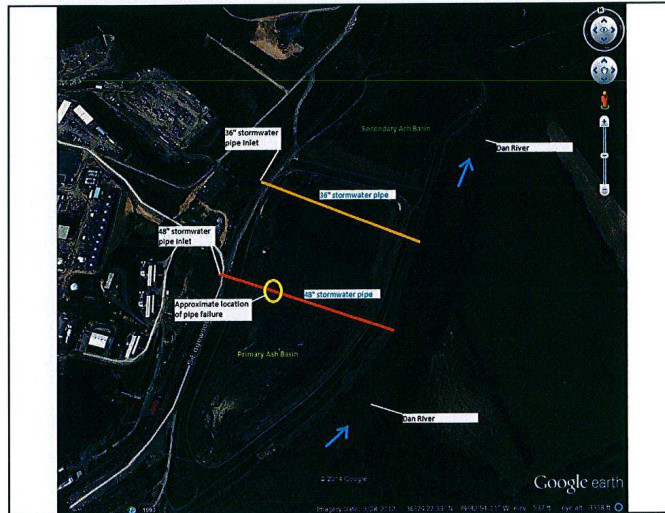
Joint Session
Roxboro City Council
Person County Commission

8 May 2014



Overview

- Dan River site activities
- Dan River remediation efforts
- Dan River sampling & analysis
- Dan River long term monitoring plan

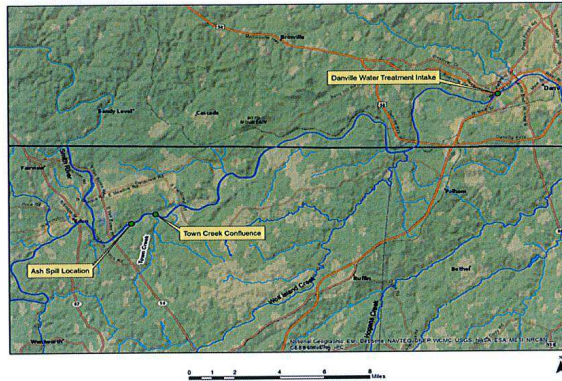


Dan River Site Activities

- 48" stormwater pipe plugged on February 8
- 36" stormwater pipe plugged on February 21
 - 36" pipe was determined to be leaking constituents of coal ash
- Both pipes plugged with grout and concrete
- Outlets of both pipes to be bricked up
 - 48" pipe outlet bricked and 36" pipe outlet should be completed soon

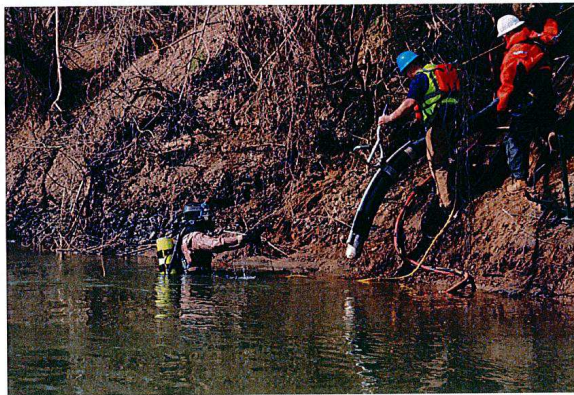


Identified Dan River coal ash deposit sites



Dan River Remediation Activities

- Three ash deposits identified
 - 1) Immediately downstream of 48" stormwater pipe
 - 2) Upstream of Danville WTP (Schoolfield Dam)
 - 3) Near confluence of Town Creek (in NC)
- Ash deposit near 48" pipe removed 11-12 Feb, 2 & 5 March
 - Approximately 22 yds³ removed
- Danville deposit (Schoolfield Dam) approximately 3000 yds³
 - Appropriate Fed/State permits have been secured
 - Removal work to begin in early May
 - Professional dredging contractor has been hired
 - 2 to 3 months in duration

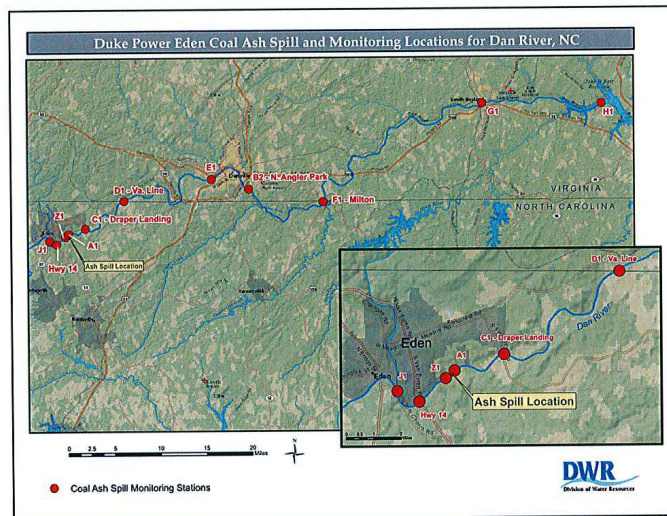
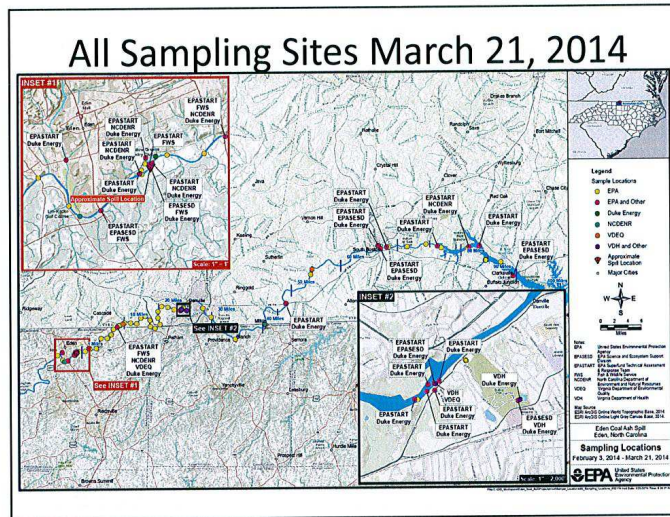


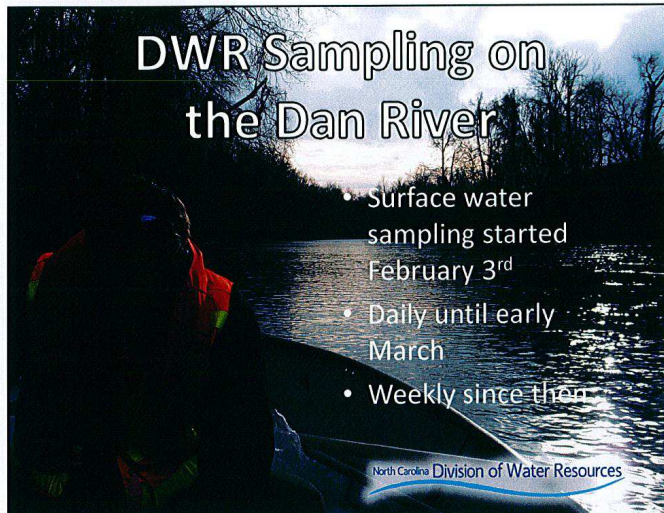
Dan River Remediation Activities

- Town Creek deposit approximately 40-50 yds³
 - 1) to be conducted simultaneously with Danville - Schoolfield Dam removal
 - 2) removal method not yet determined
- Duke Energy completed work to remove sediment/ash in Water Treatment Plant filters at Danville and South Boston
- Efforts will continue by State & Federal Agencies and Duke Energy to locate/map any other ash deposits that may exist and develop plan for removal

Dan River Long Term Remediation

- Sec. Skvarla requested EPA take role of lead agency under CERCLA for response to Dan River release
- Response crosses state lines
- Long term activities being coordinated by Stakeholders Group consisting of EPA, NC DENR, VA DEQ, US FWS, US Army Corps of Engineers, US Coast Guard, Rockingham County, Danville, South Boston, Clarksville and Duke Energy
- Stakeholders Group meets every Wednesday in Eden, NC
- Stakeholders Group share and discuss sampling results:
 - Chemical analyses, sediment sampling, fish community, benthic data, fish tissue, etc.
- Stakeholders Group coordinate and collaborate to establish long term remediation plan

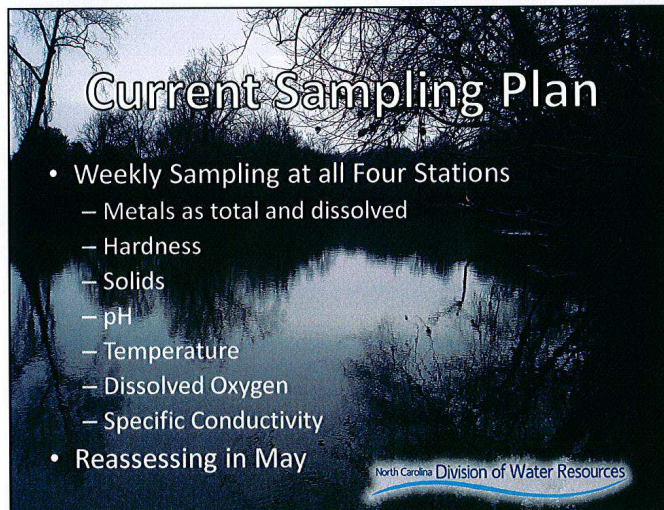




DWR Sampling on the Dan River

- Surface water sampling started February 3rd
- Daily until early March
- Weekly since then

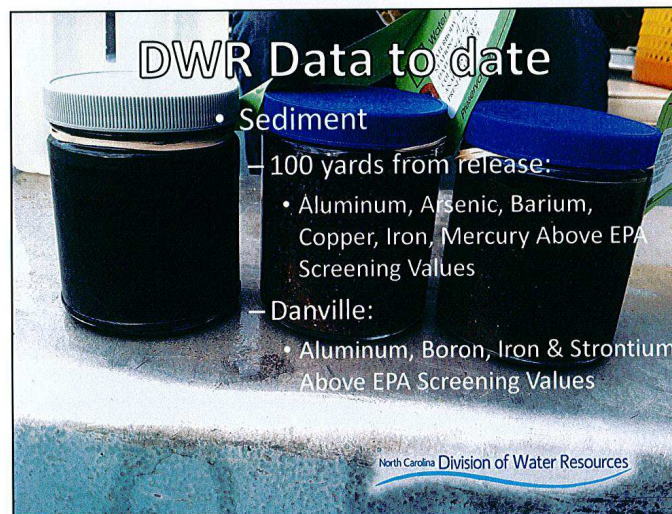
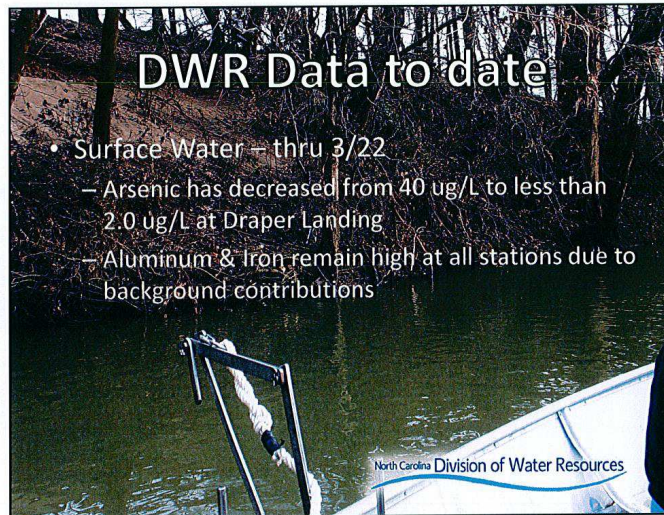
North Carolina Division of Water Resources



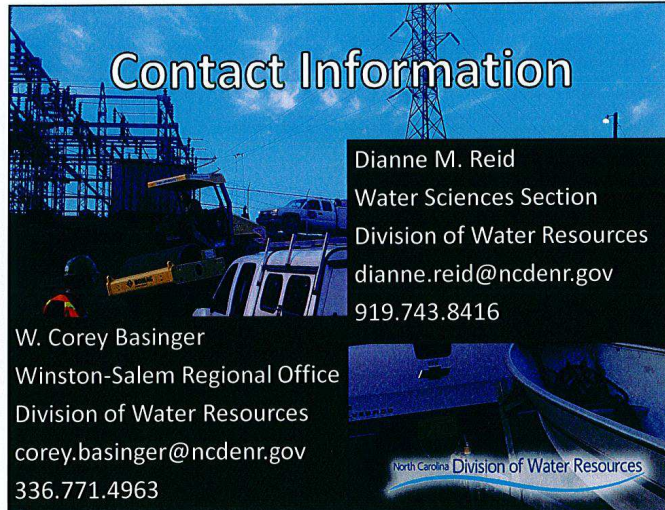
Current Sampling Plan

- Weekly Sampling at all Four Stations
 - Metals as total and dissolved
 - Hardness
 - Solids
 - pH
 - Temperature
 - Dissolved Oxygen
 - Specific Conductivity
- Reassessing in May

North Carolina Division of Water Resources







Contact Information

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Winston-Salem Regional Office
Division of Water Resources
corey.basinger@ncdenr.gov
336.771.4963

North Carolina Division of Water Resources

Ms. Jenny Edwards, Dan River Basin Association (DRBA) Rockingham County Program Manager gave the group the following presentation:



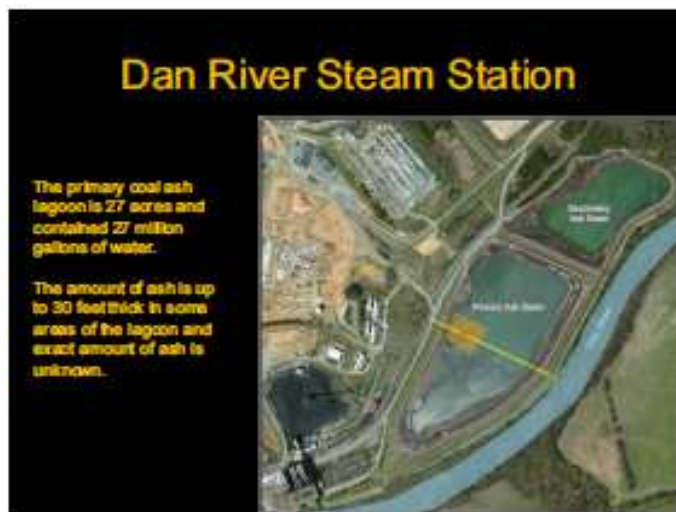


Priorities:

- Recreation
- Education
- Stewardship











**Arsenic Concentration Level 35 X higher (MCL)
Chromium 27 X higher (MCL)
Lead 1000 X higher than recommended action level to prevent
contamination of drinking water
(Exceeds EPA Maximum Containment)**

A majority of
the coal ash
is still in the
primary
pond.

Coal ash
remains in
the river.



Immediate

Steps to Recovery

- Bio-assessment
& monitoring
- Call to action to
local citizens &
municipalities
- Collaboration
& facilitation



DRBA Bio Assessment
Proposed Monitoring Sites Dan River

North Carolina - Virginia



Dan River Recovery Project

Long term

- Bio-assessments & monitoring
- Public outreach & education
- Regional marketing
- Coal ash removal and permanent appropriate disposal away from all water sources



We've been
the eyes,
ears, and
voice of the
Dan
for more than
a decade.

We are
committed to
the river's
health, now
and for future
generations.



How you can help

- Be informed
- Explore and share with others the beautiful and historic areas of the Dan River region
- Volunteer
- Pass a resolution, sign the petition
- Become a DRBA Sustainer, Member or Donor
- Share this story



Mr. Myles Bartos, US Environmental Protection Agency (EPA) Region 3 Scientist from Virginia and Mr. Kenneth Rhame, EPA Region 4 from North Carolina provided the following informational presentation.

On February 3, 2014 The N.C. Department of Environment and Natural Resources (NC DENR) contacted EPA requesting technical assistance for the coal ash release that occurred at the Duke Energy Dan River Steam Station coal ash pond in Rockingham County, NC. EPA Regions 3 and 4 deployed On-Scene Coordinators (OSCs) and entered into a Unified Command (UC) structure, consisting of Duke Energy, NCDENR, the US Fish and Wildlife Service (FWS) and the Virginia Department of Environmental Quality (VDEQ), to manage the incident. As a part of the unified command, EPA is providing technical assistance, including oversight, data management and sampling support.

Mr. Bartos stated EPA has collected 470 water quality and sediment samples at the spill source and several locations upstream and downstream (120 locations) from the spill site to date. Sampling locations include both raw water intakes and finished potable water at the Danville, South Boston and Clarksville Drinking Water Treatment Plants. To date, none of the finished water samples have shown any detection above Federal Maximum Contaminant Levels.

Eden North Carolina Coal Ash Spill

Kenneth Rhame
EPA Region 4 OSC

Myles Bartos
EPA Region 3 OSC



Dan River Facility Layout

- On Feb 2, 2014
and Stormwater
Pipe Failed and
Release Ash into
the Dan River



Participating Agencies

- Environmental Protection Agency
- United States Coast Guard
- North Carolina (DENR and DPH)
- Virginia (DEQ and VDH)
- Fish and Wildlife Service
- Army Corps of Engineers
- Water Treatment Facility Representatives



Multiple Efforts

- Stopping the Ash Release from the Ash Basin
- Human Health Impact
(Drinking Water Sampling)
- Ecological Impact
(River Sampling & Ash Deposition Assessments)
- Community Concerns






Sampling Efforts Past, Present, Future




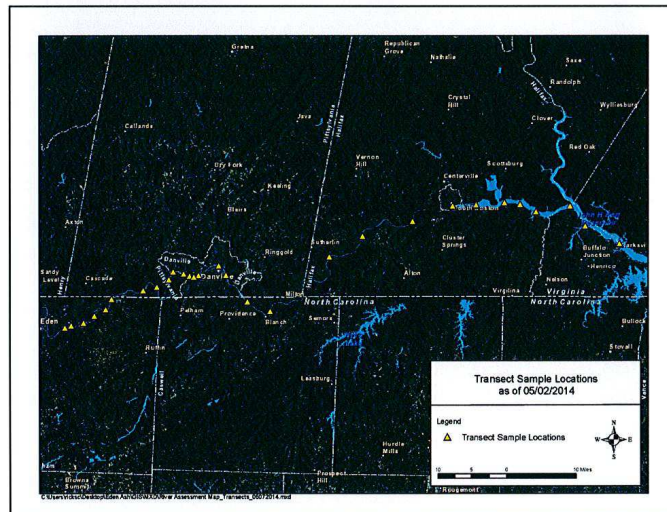
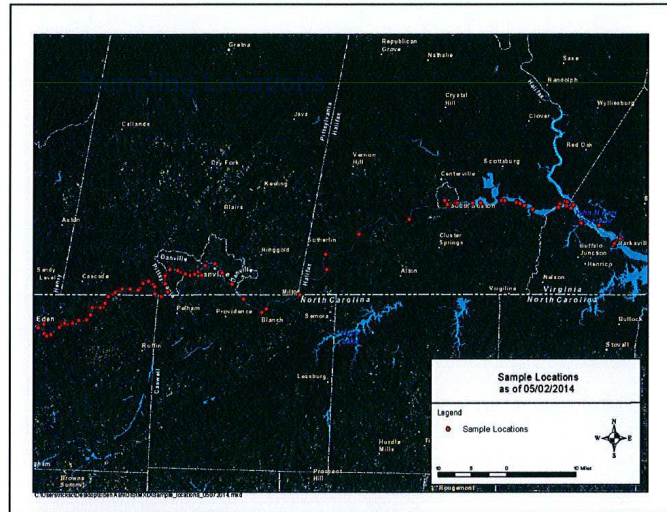
- **Drinking Water**
 Danville WTP
 South Boston WTP
 Clarksville WTP
- **Surface Water Samples**
 upstream/downstream locations
 facility outfalls
 river intakes
 water column depths
 sediment-water interface
- **Sediment Samples**
 upstream/downstream locations
 facility outfalls
- **Ash Samples**
 primary basin

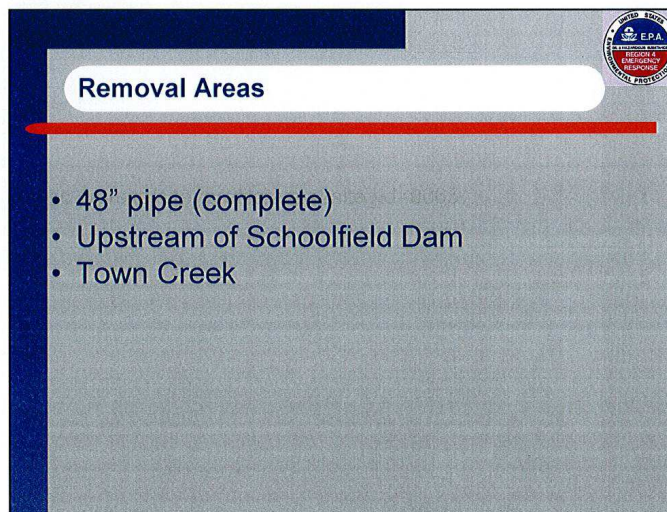
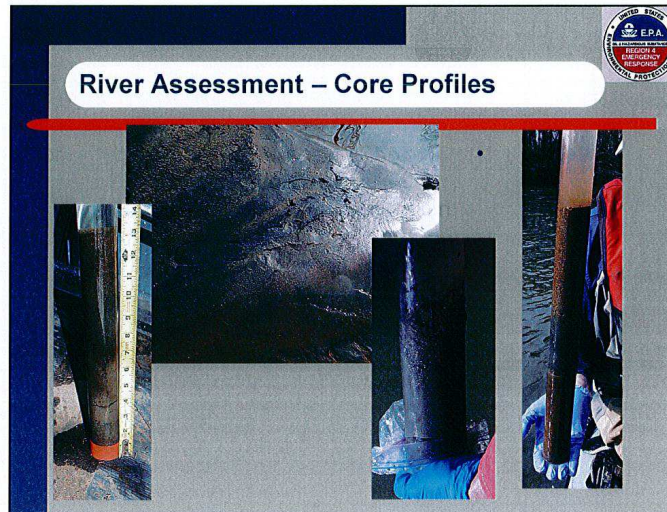


Assessment and Evaluation Efforts

- **Metals**
 - Arsenic
 - Selenium
 - Etc
- **% Ash** (are the metals related to ash?)
- **Visual** (is there a visible layer of ash.....)
- **Background and Naturally Occuring**



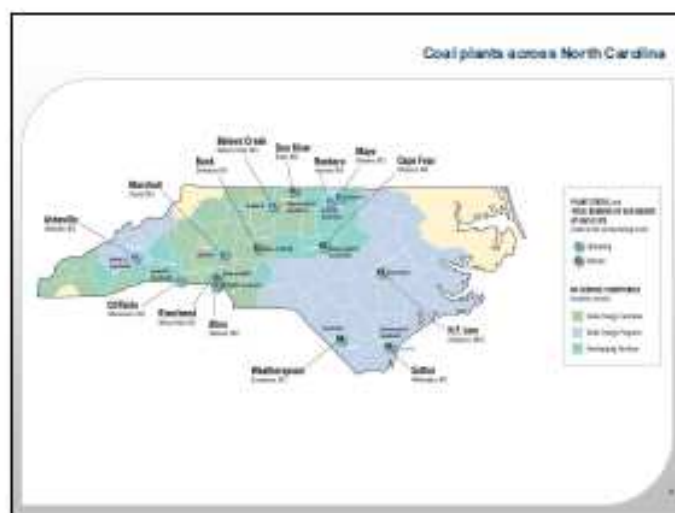




5/8/2014



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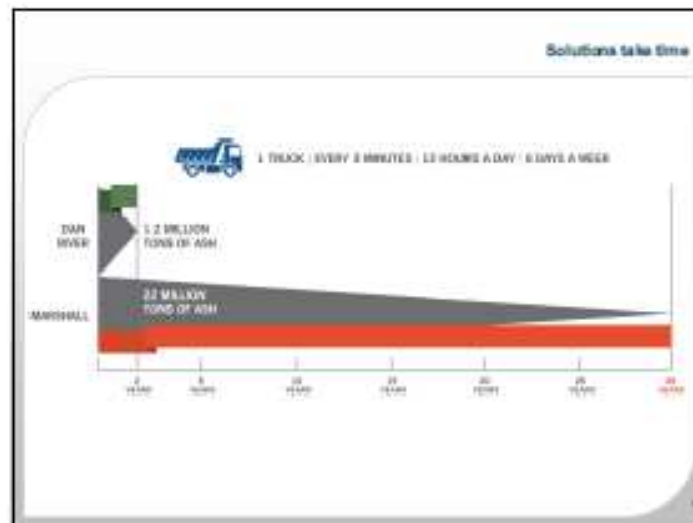


Coal plants in Pearson County

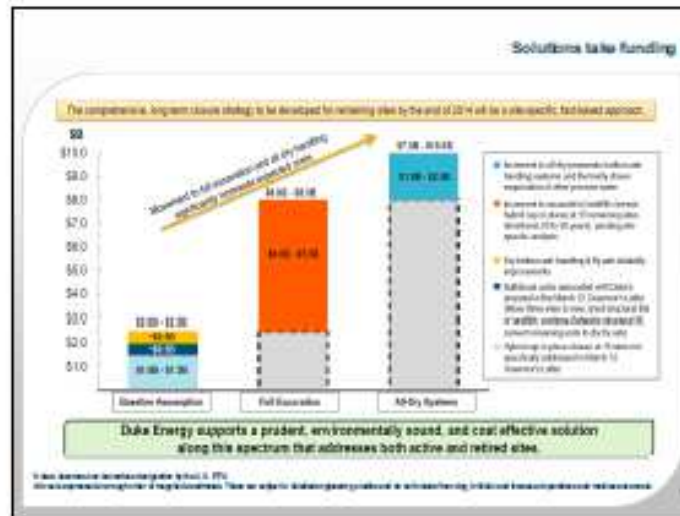
Mayo Plant	Roxboro Plant
<ul style="list-style-type: none"> • 221-megawatt coal-fire plant • 1 active ash basin • 1 dry ash landfill (under construction) • 8.9 million tons of coal ash in basin • Dry ash management • State-of-art bio-reactor • State-of-the-art DCS system 	<ul style="list-style-type: none"> • 2,422-megawatt coal-fire plant • 1 active ash basin, 1 inactive ash basin • 1 dry ash landfill • 16.4 million tons of coal ash in basin • Dry ash management • State-of-art bio-reactor
	

Update on coal ash management plan

Task force	Engineering review	Comprehensive long-term plan
<ul style="list-style-type: none"> • Internal strategic team • Reports directly to CEO Lynn Good 	<ul style="list-style-type: none"> • Third-party, independent review of all ash basin facilities • Complete by May 31 	<ul style="list-style-type: none"> • Intensive analysis and closure strategies for each site • Complete by end of year



5/8/2014



Ms. Evans assured everyone that Duke Energy is committed to protecting the environment and public while operating the power plants safely. The drinking water supplies for Danville, VA, South Boston, VA and Clarksville, VA which all utilize the Dan River, were never affected by the coal ash spill. Ms. Evans reconfirmed the public drinking water has been safe at all times since the spill into the Dan River. Ms. Evans added the ongoing water sampling demonstrates that the Dan River has returned to normal water quality conditions and that the NC State researchers from the College of Agriculture and Life Sciences have also studied the river and concluded that it is suitable for use as irrigation water on crops and as drinking water for livestock.

Following all speaker presentations, the floor was open to both governing bodies to ask questions.

Commissioner Newell asked Mr. Zeller if the landfill is a safe place for the coal ash. Mr. Zeller stated he did not believe putting coal ash in landfills was a safe practice noting one of the testing methods being used to determine if the coal ash is safe to be placed in the landfill is not an appropriate method for evaluating potential health risks that exist when the ash is deposited in a landfill or if the ash is used as cover material for the landfill. Mr. Zeller noted that landfill liners will eventually leak due to deterioration over time.

Councilman Phillips asked Mr. Basinger to confirm the Eden Stakeholder meetings. Mr. Basinger stated as part of the Dan River long-term remediation, a Stakeholders Group was coordinated consisting of EPA, NC DENR, VA DEQ, US FWS, US Army Corps of Engineers, US Coast Guard, Rockingham County, Danville, South Boston, Clarksville and Duke Energy which meets every Wednesday at 10:00 am in Eden, NC. Mr. Basinger passed out informational cards containing Dan River Steam Station Informational web site links.

Commissioner Blalock asked Ms. Evans the status of Duke Energy's Monofill approved in 2010 for the disposal of coal combustion products on-site. Ms. Evans stated the Monofill is not yet completed, not open for use at present time, but noted the Monofill is due to be completed in the next few weeks. Ms. Evans stated the Monofill is a double lined landfill with a sixty-year life span. Commissioner Blalock stated her concern that once the coal ash leaves Duke Energy property and placed in a landfill, the transfer of liability takes place.

When asked about the on-site coal ash basins at the power plants, Ms. Evans stated Duke Energy has stored ash in a manner consistent with prevailing standards and industry norms noting once plants are retired, the coal ash basins are permanently closed. Ms. Evans stated the material going to the landfill is within guidelines outlined in the site's permit.

Commissioner Newell asked Representative Wilkins and Senator Woodard if anything can be done at the state level to make Duke Energy keep their own trash. Representative Wilkins and Senator Woodard stated three bills regarding coal ash disposal are being proposed. Commissioner Newell requested that his request be considered as well.

Commissioner Blalock asked Mr. Bartos about the policy decision at EPA related to defining coal ash as a hazardous or non-hazardous material noting the expectation that EPA would make a ruling by December 19, 2014. Mr. Bartos could not comment related to leadership at EPA setting policy to define coal ash as an acceptable solid waste material.

Commissioner Puryear asked Mr. Basinger to confirm Subtitle D lined landfills are safe. Mr. Basinger could not confirm or deny but offered to get an answer to his question by his associates at NC DENR.

Commissioner Puryear asked County Manager, Heidi York if the Upper Piedmont landfill is lined. Ms. York answered affirmatively.

Commissioner Puryear questioned Mr. Zeller regarding his earlier reference to the Alabama Subtitle D landfill noting he had searched the reference on the internet and found out that the Alabama landfill was unlined and not meant for coal ash. Mr. Zeller referred the governing bodies to Technical Report No. 14-083 Coal Ash Disposition noting Dr. Fred Lee concludes the waste in Subtitle D landfills will be a threat to pollute ground waters forever due to solid waste landfills are subject to natural forces which make leakage and contamination inevitable. Commissioner Blalock advocated the use of cylindrical concrete tanks as permanent disposal units for coal ash instead of solid waste landfills.

Vice Chairman Jeffers asked Ms. Evans about ongoing review of the coal ash basins in Person County. Ms. Evans stated Duke Energy has a Strategic Team reviewing the disposal of coal ash and the issues related. Ms. Evans said every ash basin in the Duke Energy fleet is inspected multiple times during the year.

Chairman Clayton thanked all speakers participating noting the informational session was very educating to everyone.

Mayor Newell stated appreciation for the information shared with both governing bodies noting the City has a permit to draw water from the Dan River and the water quality is of utmost importance. Mayor Newell stated the City of Roxboro, together with Person County, Caswell County and the City of Yanceyville participate in an Interlocal Agreement to have the Dan River as a water resource.

Chairman Clayton thanked Representative Wilkins and Senator Woodard for their help and participation with both governing bodies.

Chairman Clayton announced a brief recess at 7:21 pm and the meeting was reconvened at 7:30 pm.

PARTNERING ON THE RECREATION & SENIOR CENTER:

Commissioner Puryear led the discussion recommending both governing bodies to work together for a common goal to secure a suitable location for the Senior Center noting the temporary site location is unsatisfactory to many. Commissioner Puryear said he requested the joint meeting for elected officials to have dialogue about partnership on an opportunity to acquire the former Leggett facility for use as a Senior Center.

Council members stated their support to work together if they could afford it. Councilman Daniel referred to the Senior Center as a county department to which Vice Chairman Jeffers corrected that the Senior Center is not a county department but a service to all citizens. Vice Chairman Jeffers further noted the County has historically appropriated \$100,000 to the Senior Center for programming while the City has provided the building to house the program.

Vice Chairman Jeffers advocated for the staff of the Senior Center be included in discussions for the permanent site.

It was the consensus of both governing bodies to further discuss in Closed Session.

PARTNERING ON A JOINT UNIFIED DEVELOPMENT ORDINANCE:

Mayor Newell extended to county officials another chance to partner jointly on creating a unified development ordinance noting the proposals for the City to pursue this venture had come in at \$60,000 versus the \$100,000 estimated. Mayor Newell further noted the City and County did not have to participate in a joint Planning Department to implement a unified development ordinance. Mayor Newell stated the City is planning to fund over the next two fiscal years and indicated there were opportunities for both governing bodies to have some savings with the costs of a joint City-County implementation.

Commissioner Blalock questioned the conflict of uses between City and County rules noting each governing body has many different rules.

Vice Chairman Jeffers requested the County Manager and the County Attorney to outline the advantages and disadvantages of the County pursuing a unified development ordinance at an upcoming work session. Commissioner Puryear requested this information at the first budget work session.

CLOSED SESSIONS:

A **motion** was made by Commissioner Puryear and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development – first closed session) and per General Statute 143-318.11(a)(5) to consider the acquisition or lease of real property (second closed session) jointly with Roxboro City Council at 7:51 pm with the following individuals permitted to attend: Mayor Marilyn Newell, Mayor Pro-Tem William Davis, Council Members Henry Daniel, Sandy Stigall, Mark Phillips and Byrd Blackwell, City Manager, Stephen Steese, City Clerk, Trevie Adams, Assistant City Manager, Tommy Warren, City Attorney, Nick Herman, County Manager, Heidi York, Assistant County Manager, Sybil Tate, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Economic Development Director, Stuart Gilbert (first closed session only), John Hill, Director of Arts, Parks & Recreation (second closed session only), Senator Mike Woodard and Representative Winkie Wilkins.

Following a brief break, Closed Session was called to order at 7:59 pm.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to return to open session at 9:12 pm.

Commissioner Puryear asked City Council if Council intended to fill the designated City seat for representation on the Animal Services Advisory Board noting if they did not have any intention to do so that the Animal Services Advisory Board would like to fill that seat in another capacity. Mayor Newell requested for the City Manager to add this item to City Council's next agenda.

ADJOURNMENT:

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to adjourn the meeting at 9:13 pm.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman

May 8, 2014