



Building people power for climate & energy justice

July 16, 2015

Lynn J. Good
President and Chief Executive Officer
Duke Energy Corporation

Subject: Do your coal ash plans not include decontamination of poisoned sites?

Dear Ms. Good,

Duke Energy's publicized plans to dig up and transport millions of tons of coal ash from numerous leaking dumpsites have so far included no information about decontaminating the sites that would be left behind.

Although toxic materials are leaking from each of your coal ash dumps in North Carolina, neither Duke's public statements, its TV ads, its website nor its letter to neighbors of the existing ash dumps address the many questions about the conditions at the sites that would be left behind after many years of "excavation" and transport.

Your publicly available "safe basin closure plans" contain no mention about investigating the extent to which soils and groundwater adjacent to and under each site have been contaminated over the years, nor any process for determining best options for decontaminating those sites. In addition, we find no mention of either the costs of site remediation or the considerable liability attached to those sites in perpetuity.

Based on lessons learned during NC WARN's ten-year experience with local citizens and state officials to safely decontaminate the infamous PCB-dioxin dumpsite in Warren County, I believe it is likely that the contamination that has already leaked from Duke's ash dumps will continue migrating for years following removal of coal ash, thus further harming drinking wells and surface waters.

Remediation of contaminated soils and groundwater can take many years and be extremely expensive. Even the early steps – such as creating and executing a comprehensive plan to characterize a site's hydrogeology and determine the nature and extent of contamination – require specialized expertise, careful planning and community support. As you know, NC WARN has been critical of Duke for its lack of transparency regarding plans for handling the statewide coal ash tragedy. Ensuring full, careful planning for site decontamination poses another opportunity for you to show that you will deal openly and honestly with the people impacted by Duke's coal ash. Among the many questions:

- 1) Has Duke Energy actually developed a formal site investigation and remediation plan for any of the coal ash dumps? If so, will you make them publicly available immediately? If not, why not?
- 2) What assurances do local communities and state taxpayers have that you will not attempt to leave contaminated sites behind?
- 3) What assurances do local communities and state taxpayers have that Duke Energy will retain legal liability for future discoveries of off-site contamination?
- 4) Given the regulatory uncertainty regarding coal ash, and the lack of specificity in the state coal ash management plan, it is unclear who has regulatory authority to establish parameters for, and scrutiny of, detailed protocols for soils and groundwater both on Duke's properties and off-site. To what standards does Duke plan to adhere?

Of particular importance are questions that often are paramount with contaminated soil and water: How clean is clean? And who gets to make that decision?

NC WARN has been very critical of Duke's plans to transfer its coal ash negligence to Chatham and Lee counties. While we fully share the concerns about ongoing contamination of waters at the existing coal ash sites, expanding the number of contaminated sites is no solution – especially when the currently impacted communities will continue suffering from coal ash for decades to come. Until the safest management approach is determined, coal ash should be stored on Duke Energy property such that it can be monitored and retrieved – but well away from ground and surface water. See our [full statement of principles here](#).

I want to emphasize that Duke Energy must not continue moving forward on coal ash without full transparency and broad public support. To the extent Duke has developed a decontamination plan, you must openly convince the public that it is the best plan based on the many costs and potential benefits to the People of North Carolina.

So far, we remain concerned that Duke's coal ash management planning will cause many years of pain for communities near existing coal ash dumps, those targeted for further dumping, and those along transportation routes. I hope you will mitigate those concerns by pledging a commitment toward full transparency, especially with the people most impacted by Duke Energy coal ash.

Thank you for your earliest reply.

Sincerely,



Jim Warren
Executive Director