

DAN RIVER COAL ASH SPILL

History

The Dan River Coal Ash Spill began on or around February 2, 2014, from the collapse of a stormwater pipe beneath a coal ash slurry impoundment at the Duke Energy Dan River Steam Station (Site). Ash material and ash pond water within the reservoir were released into the Dan River as a result of failure of a 48-inch diameter stormwater pipe comprised of concrete and corrugated metal. Up to an estimated 39,000 tons of ash and 27 million gallons of ash pond water were released into the Dan River. Coal ash is composed of materials remaining after coal is burned, including fine sand (called silica), unburned carbon, and various trace metals such as arsenic, boron, cadmium, chromium, copper, lead, mercury, nickel, selenium, and zinc. These compounds have potential to be chemicals of concern associated with the Dan River Coal Ash Spill. The Site is less than 10 river miles from Virginia, and ash or ash-like material comingled with native sediment was documented as far as 70 river miles downstream in the days immediately following the Spill.

Natural resources and associated services that may have been injured by the spill include: stream and wetland habitat, surface water and sediment, aquatic biota, migratory birds, and human recreational uses.

Duke Energy and the Trustees conducted a cooperative restoration-based assessment.

Natural Resource Damage Assessment and Restoration

Natural Resource Damage Assessment and Restoration (NRDAR) is the process used by federal, state, and tribal governments, with trusteeship over public and tribal natural resources, to restore or replace natural resources and their services to compensate the public for the loss of, destruction of, or injury to natural resources and resource services due to contamination from the release of hazardous substances or an oil spill.

The Trustees for this case are the U.S. Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service; the Commonwealth of Virginia (VA), acting through the Virginia Department of Environmental Quality; and North Carolina (NC), acting through the Department of Environmental Quality.

Settlement and Restoration

The settlement with Duke Energy is restoration-based; Duke Energy has either performed, or has agreed to perform specific restoration projects. In accordance with the Comprehensive Environmental Response, Compensation and Liability Act and National Environmental Policy Act, the Trustees prepared a Draft Restoration Plan and Environmental Assessment (RP/EA) outlining the basis for selection of preferred alternatives as compensation for injuries to natural resources and services. The RP/EA preferred alternatives are the same as the restoration projects described in the proposed Consent Decree:

1. Abreu Grogan park improvements;
2. Fishing access improvements (at least 2 new boat ramps on the Dan River);
3. Dam removal on the Pigg River (benefiting the endangered Roanoke logperch, *Percina rex*);
4. Acquisition of approximately 600 acres of Mayo River riparian corridor land in NC and VA for State Park inclusion.

These projects enjoy broad public support based on feedback during restoration scoping, are priorities for our conservation partners, and have been jointly identified and developed with State partners including

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the NC Wildlife Resources Commission and the VA Department of Conservation and Recreation. Based on this broad support, Duke Energy has implemented a subset of the restoration alternatives (#1, 3, and portions of 4) as early restoration. The preferred alternatives meet the Trustee's goal to offset lost natural resources and services based on damages determination and restoration scaling.

Status

A proposed consent decree was lodged with the federal court on Thursday, July 19, and is available at: <https://www.justice.gov/enrd/consent-decrees>. Below is the notice of availability of the draft restoration plan and environmental assessment:

Draft Restoration Plan/Environmental Assessment for Dan River Coal Ash Spill Available for Public Comment through September 9

The Department of the Interior through the U.S. Fish and Wildlife Service, the Commonwealth of Virginia through the Department of Environmental Quality, and the State of North Carolina through the North Carolina Department of Environment and Natural Resources, collectively the Trustees, invite the public to review and comment on the *Draft Restoration Plan/Environmental Assessment for the Dan River Coal Ash Spill*. The trustees are working through the natural resource damage assessment and restoration (NRDAR) process to address natural resource injuries resulting from the February 2, 2014 coal ash spill at the Duke Energy Dan River Steam Station in Eden, NC.

The draft plan outlines the restoration options to compensate the public for the natural resource injuries and associated losses in ecological and recreational services including: land conservation along the Mayo River, dam removal on the Pigg River, improvements to recreational use of Abreu Grogan Park in Danville, and establishment of public boat launch facilities along the Dan River.

To learn more about the NRDAR for the Dan River coal ash spill or obtain a copy of the Draft RP/EA, visit https://www.cerc.usgs.gov/orda_docs/CaseDetails?ID=984 and under "Case Documents - Restoration" select the *Dan River Coal Ash Spill Draft Restoration Plan and Environmental Assessment* link. Public participation is an important part of NRDAR. The draft plan is available for public comment through September 9, 2019. Requests for paper copies and written comments on the draft plan may be submitted to the Trustees either by email (Sara_Ward@fws.gov or Susan_Lingenfelter@fws.gov) or by mail (USFWS Virginia Field Office, 6669 Short Lane, Gloucester, VA 23061, Attn: Dan River Restoration Plan). The Trustees will hold public information sessions from 6 to 8 PM on August 6, 2019 in Danville, Virginia (Danville City Council Chambers, 427 Patton Street, Fourth Floor, Danville, VA 24541), and August 7, 2019 in Eden, North Carolina (Eden Town Hall, 308 E. Stadium Drive, Eden, NC 27288) to present the draft plan and answer questions during an open house and poster session.

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Links:

[Draft Restoration Plan/Environmental Assessment for Dan River Coal Ash Spill \(RP/EA\) \(PDF\)](#)

[Fact Sheet](#) (PDF)

[U.S. Department of the Interior – Dan River Coal Ash Spill](#)

[U.S. Department of Justice Proposed Consent Decrees - U.S., ET AL. V. DUKE ENERGY CAROLINAS, LLC.](#)

[Complaint](#) - U.S., ET AL. V. DUKE ENERGY CAROLINAS, LLC.

[Consent Decree with Appendices](#) - U.S., ET AL. V. DUKE ENERGY CAROLINAS, LLC.

[Notice of Publication – Federal Register](#) - U.S., ET AL. V. DUKE ENERGY CAROLINAS, LLC.