

Blue Ridge Environmental Defense League

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July 21, 2014

Ms. Heather Ceron, Air Permits Section Chief
United States Environmental Protection Agency
Air, Pesticides, and Toxics Management Division
Region IV
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303
Ceron.Heather@epa.gov

SUBJECT: Proposed Air Quality Permit No. 08759T17
Duke Energy Progress - Richmond County Turbines
Facility ID: 7700070, Hamlet, NC, Richmond County

Dear Ms. Ceron:

On behalf of the Blue Ridge Environmental Defense League and our chapter Concerned Citizens of Richmond County, I write about the draft permit for the Richmond County Combustion Turbine Facility operated by Duke Energy Progress (RCCTF) now under review by the North Carolina Division of Air Quality and the US Environmental Protection Agency.

We believe that the Richmond County turbine plant is not in compliance with air quality standards (NAAQS) and, therefore, the draft permit cannot be approved as drafted. We believe the reports compiled by residents indicate that *inter alia* the RCCTF is in violation of the two-hour limit for excess emissions due to startup and shutdown malfunction. The BACT requirements of "combustion control" to meet opacity limits of 20% in the draft permit are not adequate. The EPA cannot approve an ongoing violation.

According to RCCTF draft permit condition A.1:

Visible emissions from this source shall not be more than 20 percent opacity (except during startups, shutdowns, and malfunctions) when averaged over a six-minute period except that six-minute periods averaging not more than 87 percent opacity may occur not more than once in any hour nor more than four times in any 24-hour period. [15A NCAC 2D .0521(d)]

Since 2013 we have been in contact with residents living in the vicinity of the RCCTF who report that the plant is disrupting their lives with noise, odor and smoke. In order to document these problems, we asked residents to compile log books and to take photographs of what they experience. While this information gathering is ongoing, with this letter we have provided part of the results of this investigation. A series of photographs is attached to this letter as Appendix A. Appendix B contains a train of emails regarding the circuitous route of the latest RCCTF permit.

Members of the Concerned Citizens of Richmond County live on Waymon Chapel Road in Hamlet, which is not far from the RCCTF. An email sent on Monday, June 16, 2014 at 9:29 AM from one of these residents contains the following report:

Around 7:00 am this morning I took these pictures. The smoke was so thick in our community and this metal taste along with this smell of burning. Mingo Mine Pits is behind my home and Duke Energy is behind the Pit....This is the 7th time I've heard the plant, the noise is loud and usually starts around 3:30 in the middle of the night until afternoon. I think there is an increase with the turbines. Lived here almost 10 years I have never heard the plant until this year, 7th time since May 2014. I have not ever seen so much smoke.

The negative impacts on health, livelihood and well-being of the RCCTF on these residents require immediate attention. The RCCTF is located in a county with a high percentage of African American residents and a high level of people below poverty level. The latest census data reveal Richmond County's population is 31% black, which is 41% above the state average. And 24.8% of residents live below poverty level, compared to the statewide level of 16.8%. In other words, Richmond County has 47% more of its people living below poverty level than other counties in North Carolina.¹ Environmental justice law indicates that the disproportionate impacts of air pollution should be offset by greater attention to pollution sources and the reduction of air pollution wherever possible.

Advocates nationwide argue that because poor people of color bear a disproportionate burden of air pollution, their communities should receive a disproportionate share of money and technology to reduce toxic emissions, and that laws like the Clean Air Act should close loopholes that allow older, polluting facilities to escape pollution control upgrades.²

We submit that this is a case which requires EPA to require a disproportionate share of money and technology to reduce toxic emissions.

Respectfully submitted,



Louis A. Zeller, Executive Director

CC Katy Lusky (Forney) New Source Review Expert, forney.kathleen@epa.gov
Stan Krivo, New Source Review Modeling Expert, krivo.stanley@epa.gov

Appendices attached

¹ US Census Bureau Quick Facts, Richmond County, <http://quickfacts.census.gov/qfd/states/37/37153.html>

² *Environmental Justice for All: A Fifty State Survey of Legislation, Policies and Cases*, Fourth Edition, , University of California-Hastings College of the Law, February 15, 2010

Appendix A: Photographs Kim McCall, resident of Hamlet, NC



Photo A 6/16/14: Behind house on Waymon Chapel Road



Photo B 6/16/14: Entrance to house on Waymon Chapel Road



Photo C 6/16/14: Waymon Chapel Road



Photo D Date uncertain winter, RCCTF

Esse quam videri



Photo E date uncertain, looking towards RCCTF from Waymon Chapel Rd.



Photo F 6/16/14: Entrance of Barnhill Sand pit on Waymon Chapel Road



Photo G 6/16/14: Entrance to house on Waymon Chapel Road



Photo H 6/16/14: Gate to RCCTF on Energy Way



Photo I 6/16/14: Behind house on Waymon Chapel Road



Photo J 6/16/14: Bridge down the Airport Road about 3 blocks from RCCTF



Photo K 6/16/14: Bridge down the road, smoke thick

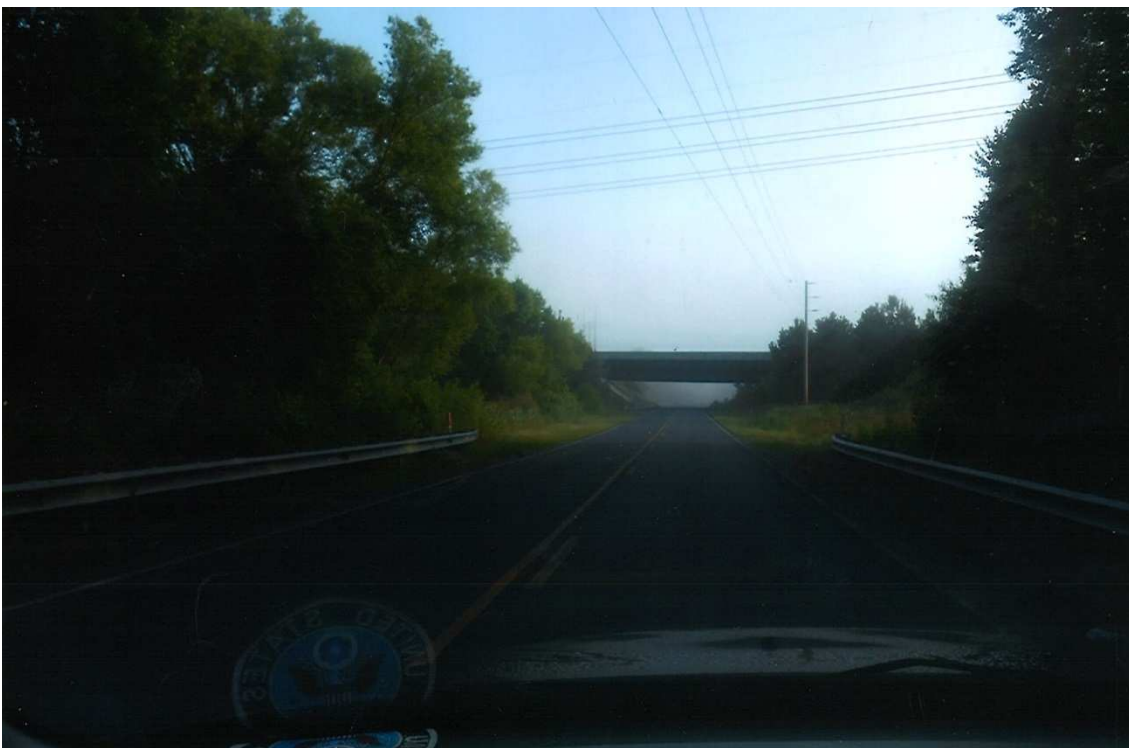


Photo L 6/16/14: Southbound on the Airport Road to RCCTF driving into smoke



Photo M 6/16/14: Down the road from RCCTF



Photo N 6/16/14: Airport Road near RCCTF



Photo O 6/16/14: Photo from right-of-way near RCCTF front gate



Photo P 6/16/14: Highway NC 177 near RCCTF



Photo Q 6/16/14: Photo from Waymon Chapel Road driveway



Photo R 6/16/14: Behind house on Waymon Chapel Road



Photo S 6/16/14: Smoke at 182 Waymon Chapel Road



Photo T 6/16/14: Smoke behind house on Waymon Chapel Road



Photo U 6/16/14: Smoke from Duke Energy at the entrance to 182 Waymon Chapel Road



Photo V 6/16/14: Waymon Chapel Road

Appendix B: Email correspondence from NC DAQ and US EPA

Pastor Rodgers,

Please see the attached proposed permit and statement of basis (review) that were sent to EPA for their 45-day review period on 6/5/2014. The attached documents address the public comments that were submitted during the public comment period. EPA's 45-day review period will be through 7/20/2014. After review of EPA's comments, NC DAQ plans on issuing the permit shortly thereafter.

Regards,

Jeff Twisdale

Jefferson (Jeff) T. Twisdale, E.I.T.
 Environmental Engineer
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 NC DENR - Division of Air Quality
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****Please note: NC DENR-DAQ's Central Office has relocated to the DENR Building in the Green Square Office Complex at 217 West Jones Street, Raleigh, NC 27603.****

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Thaker, Rahul
Sent: Wednesday, June 18, 2014 9:35 PM
To: Twisdale, Jeff
Cc: Willets, William
Subject: RE: Need ATTENTION: Richmond County Turbine Expansion

Jeff:

Please forward to Cary Rodgers the email containing the proposed permit and statement of basis, that you recently wrote and sent to EPA and BREDL for this facility.

Thanks.

Rahul

Rahul P. Thaker, P.E., QEP
 Environmental Engineer
 Permitting Section
 NCDENR Division of Air Quality

1641 Mail Service Center
Raleigh, NC 27699-1641
Phone/Fax: 919-707-8740
www.ncair.org
rahul.thaker@ncdenr.gov

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From: Cary Rodgers [rodgersoc01@yahoo.com]
Sent: Wednesday, June 18, 2014 8:37 PM
To: Thaker, Rahul
Cc: Lou Zeller; Lou Zeller; Kim Mcrae; Elizabeth Smith; Tim and Karen Flack
Subject: Need ATTENTION: Richmond County Turbine Expansion

Dear Rahul:

I am following up with NCDENR for an update status on the following:

Duke Energy Progress - Richmond County Turbines Richmond County Energy Complex
198 Energy Way Hamlet, NC 28345 Richmond County Application ID: 7700070.11A,
Permit No.: 08759T14

This past fall/winter 2013 we were not granted a public hearing about the Richmond County turbine modifications/expansion. Since we were denied and ignored we sent a 505 petition to the EPA concerning this case. Their reply is at the bottom of this email - please read (an email copy was sent to you from the EPA).

It has been over 60 days since that response. What is the status? We are vehemently against the proposals in the permit. It will be a significant increase in pollutants in the area.

One of our chapter members who lives close to the plant is hearing noises and smelling things coming from that plant that she has never heard nor smelled since she has been living there for many years. There is something going on and we have a right to know. We want a public hearing. Duke should not be able to go through with their plans without a public debate.

For the past several months it has appeared that NCDENR has been minimizing the issue. We are what some straight answers. We have been patient enough. I am told there has been some confusion about the permitting, but the permit out there and it appears that NCDENR is turning their back on the citizens here in Richmond County.

I know that you are VERY busy, but we need some action on this case.

Thank you kindly,

Pastor Cary Rodgers, Community Organizer, Blue Ridge Environment Defense League
(704)465-8504

THE FOLLOWING email was sent to us and cc to you (Rahul):

From: [Hofmeister, Art](#)
Sent: Wednesday, March 12, 2014 1:22 PM
To: BREDL@skybest.com
Cc: rahul.thaker@ncdenr.gov ; [Shepherd, Lorinda](#) ; [Ceron, Heather](#) ; [Powell, Keri](#)
Subject: BREDL Petition of Duke Energy Progress Title V Significant Permit Revision

Mr. Zeller:

"The U.S. Environmental Protection Agency has received your petition dated January 17, 2014, on behalf of the Concerned Citizens of Richmond County and the Blue Ridge Environmental Defense League (BREDL), regarding Duke Energy Progress – Richmond County Combustion Turbine Facility. However, after consulting with NCDENR, it is our understanding that your petition is “premature” (*i.e.*, it was submitted prior to the 60-day petition period since NCDENR pulled the permitting action out of parallel track in response to your comments on the draft/proposed title V significant revision) and, thus, not ripe for consideration by EPA at this time. It appears that there may have been some confusion regarding petitioning timeframes that resulted from an error made by NCDENR’s data system (the duplicative designation of the subject permitting action as “08759T15”). Nonetheless, NCDENR plans to repropose the permitting action (to EPA) after it addresses your comments and to notify you of the restarting of EPA’s 45-day review period. This will, of course, establish another 60-day petition period during which you may resubmit the petition should you feel NCDENR still has not resolved your issues/concerns to your satisfaction.

If you have any questions regarding this matter, please feel free to contact me or Lori Shepherd at (404) 562-8435. Thank you.

Art Hofmeister
Environmental Engineer
Air Permits Section
EPA Region 4
(404) 562-9115"