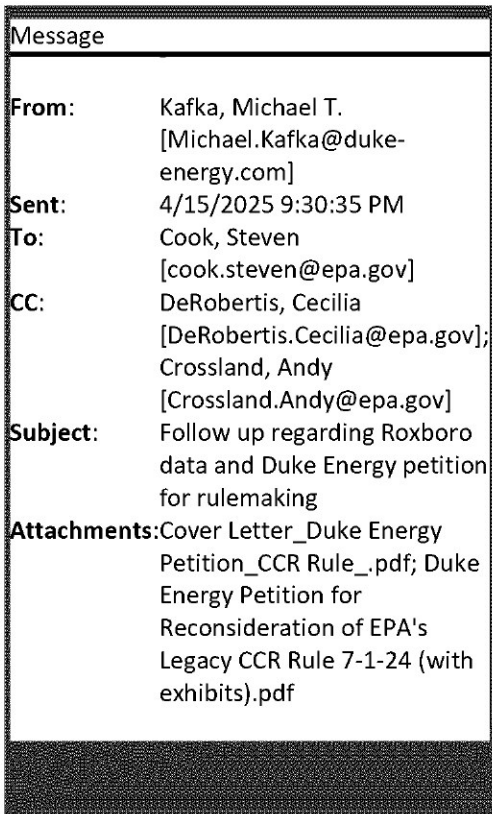




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Good afternoon, Steven,

I am following up to inquire about scheduling a follow-up meeting with you to discuss the Roxboro facility data we provided to you as a result of our February 20 meeting. I call to your attention the attached petition for rulemaking Duke Energy submitted to then-Administrator Regan on July 1, 2024, requesting a narrow change focused on reconsideration of section 257.101(g)(4) of the final legacy CCR surface impoundments rule. Unfortunately, Duke Energy never had an opportunity to discuss our petition with the agency. Although the petition focuses on a narrow change to the rule's deferral provisions, in consideration of the extensive actions—closure by removal of CCR surface impoundments in compliance with section 102(c) and groundwater corrective action in compliance with sections 257.96 through 257.98—Duke Energy has undertaken and continues to undertake pursuant to the 2020 North Carolina coal ash consent order signed by then-Secretary of the North Carolina Department of Environmental Quality, Michael Regan, and numerous community groups, we believe the petition appropriately serves as a basis for further discussions with the agency regarding changes that would allow for the use of site-specific information to meet the section 257.102(d) closure performance standards, and thus, be fully protective of human health and the environment.

I look forward to hearing your thoughts and further discussing the data and information Duke Energy has provided to EPA pursuant to your request.

Best regards,
Michael Kafka

From: Kafka, Michael T.
Sent: Tuesday, April 8, 2025 11:36 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: DeRobertis, Cecilia <DeRobertis.Cecilia@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Subject: RE: Duke Energy Roxboro Steam Electric Plant Data and Information

Good morning, Andy,

In light of three weeks having passed, I wanted to follow up to see if Stephen has any questions regarding the data and information described below. In addition, I am hopeful we can set up a meeting with you, Stephen, and Cecilia within the next 30 days to discuss potential paths forward. I look forward to hearing from you.

Best regards,
Mike

From: Kafka, Michael T.
Sent: Tuesday, March 18, 2025 8:12 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: DeRobertis, Cecilia <DeRobertis.Cecilia@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Subject: RE: Duke Energy Roxboro Steam Electric Plant Data and Information

Andy—thank you, I appreciate you accessing the site so quickly and downloading the data. Please reach out with any questions and let us know when Stephen and his staff are ready for a follow-up discussion.

From: Crossland, Andy <Crossland.Andy@epa.gov>
Sent: Tuesday, March 18, 2025 8:07 AM
To: Kafka, Michael T. <Michael.Kafka@duke-energy.com>
Cc: DeRobertis, Cecilia <DeRobertis.Cecilia@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Subject: [EXTERNAL] RE: Duke Energy Roxboro Steam Electric Plant Data and Information

***** CAUTION! EXTERNAL SENDER *** STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Michael,

Thanks for pulling this information together and making it available. Our team has it all downloaded and will begin reviewing it.

Best,
Andy

Andy Crossland
Director, Materials Recovery and Waste Management Division
Office of Resource Conservation and Recovery
Office of Land and Emergency Management
(202) 853-4459
Crossland.andy@epa.gov

From: Kafka, Michael T. <Michael.Kafka@duke-energy.com>
Sent: Friday, March 14, 2025 1:52 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Bednarcik, Jessica L <Jessica.Bednarcik@duke-energy.com>; Gordon, Daisy L. <Daisy.Gordon@duke-energy.com>
Subject: Duke Energy Roxboro Steam Electric Plant Data and Information

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Good afternoon, Stephen and Andy,

Again, thank you for your time on February 20 to discuss the legacy CCR surface impoundments rule and Duke Energy's extensive work done pursuant to the 2020 North Carolina coal ash consent order signed by then-Secretary of the North Carolina Department of Environmental Quality, Michael Regan. We share your desire for a durable program that is protective of human health and the environment while avoiding unnecessary actions that provide no concomitant environmental benefits, specifically the closure by removal of overlying landfills to address closed underlying CCR management units—a portion of which have ash in contact with the water table—when the adjacent basins are being closed by removal of CCR and groundwater is being actively remediated and presents no risks to off-site receptors.

At the meeting, Duke Energy's Senior Vice President of Environmental, Jessica Bednarcik, specifically discussed Duke Energy's ongoing basin closure work at the Roxboro Steam Electric Plant (Roxboro), as well as the robust groundwater corrective action program we are undertaking at the site. In response to your request to see data to support a risk-based approach that is as protective as the national minimum criteria, Duke Energy set up an FTP site, which contains six documents in three folders for your consideration:

1. Folder 1 titled "Duke Energy Comments: NODA and Technical Corrections"
 1. Duke Energy Comments on 1-16-25 Direct Final Legacy CCR Surface Impoundments Correction Rule commenting on EPA's new definition of "Closed prior to October 19, 2015," which impacts Roxboro. Duke Energy submitted these comments to the docket via Regulations.gov on March 10, 2025.
 2. Duke Energy NODA Comments (12-11-23), which specifically address Roxboro and two other facilities subject to the North Carolina coal ash consent order, Belews Creek Steam Station and Marshall Steam Station.
2. Folder 2 titled "Roxboro Fact Sheet and Attachments"
 1. Duke Energy Roxboro Corrective Action Fact Sheet.
 2. Attachments 1-9 of the Corrective Action Plan Fact Sheet, which include several technical documents related to the groundwater remediation system.
 3. Attachment 10 of the Corrective Action Plan Fact Sheet, the North Carolina Annual Groundwater and Surface Water Report, which contains a robust dataset and comprehensive information.
3. The last document titled "Roxboro Remediation Progress Presentation" provides details on Duke Energy's groundwater monitoring and corrective action program, including information regarding improvements to groundwater quality.

Please use the link below, which will take you directly to the FTP site folder where the above information can be found. The username and password are provided below. The retention time is 7 days, but please let me know if additional time is needed.

FTP site location: Duke Energy secure file transfer

Login:
Password:

I would appreciate it if you would please confirm receipt of this information and notification that you were able to successfully access the documents. We would appreciate a follow-up meeting with you after you have had the opportunity to review the information.

Sincerely,
Michael Kafka
Deputy General Counsel