

McGuireWoods LLP
501 Fayetteville Street
Suite 500
PO Box 27507 (27611)
Raleigh, NC 27601
Phone: 919.755.6600
Fax: 919.755.6699
www.mcguirewoods.com

Mary Lynne Grigg
Direct: 919.755.6573

McGUIREWOODS

mgrigg@mcguirewoods.com

November 2, 2020

VIA ELECTRONIC FILING

Ms. Kimberley A. Campbell, Chief Clerk
North Carolina Utilities Commission
Dobbs Building
430 North Salisbury Street
Raleigh, North Carolina 27603

*Re: DEP Late-Filed Exhibit No. 8
Docket Nos. E-7, Sub 1214 and E-2, Sub 1219*

Dear Ms. Campbell:

Per the request of the North Carolina Utilities Commission during the Duke Energy Progress, LLC (“DEP”) evidentiary hearing, enclosed for filing on behalf of DEP in the above-referenced proceedings is DEP Late-Filed Exhibit No. 8. Note DEP is also filing DEP Late-Filed Exhibit No. 8 in Duke Energy Carolinas, LLC’s general rate case docket, Docket No. E-7, Sub 1214.

Please do not hesitate to contact me should you have any questions. Thank you for your assistance with this matter.

Very truly yours,

/s/Mary Lynne Grigg

MLG:kma

Enclosure

Duke Energy Progress, LLC
Docket No. E-2, Sub 1219
Docket No. E-7, Sub 1214
DEP Late-Filed Exhibit No. 8
November 2, 2020

Request: For activities presently being conducted outside the compliance boundary, please provide a cost breakout of actuals, just for those activities conducted outside the compliance boundary.

Response: Duke Energy is not able to isolate the costs for activities that are solely conducted outside of the compliance boundary. The company does not track activities, whether it is installation, monitoring, or maintenance of a well, on a per well basis and therefore cannot provide costs for activities on wells located outside the compliance boundary. All of the activities being conducted outside of the compliance boundary dealing with groundwater wells and groundwater corrective action are being done to comply with CAMA and the CCR rule.

As shown in Witness Bednarcik's Supplemental Testimony filed on August 28, 2020 in Docket No. E-2, Sub 1219 and Docket E-7, Sub 1214, the company tracks activities as follows:

- CCP-ASW Wells: This category is for the installation of alternative source wells.
- CCP-CAMA Wells: This category is for the installation of wells to meet CAMA requirements, to supplement wells that are already on-site but may have been installed for another regulatory requirement.
- CCP-CCR Wells: This category is for the installation of wells to meet Federal CCR requirements, to supplement wells that are already on-site but may have been installed for another regulatory requirement.
- CCP-CAP: This category is for the installation of the wells associated with the design and/or operation of Groundwater Corrective Action Program(s), to supplement wells that are already on-site but may have been installed for another regulatory requirement. If treatment is required of extracted groundwater, and the water cannot be treated through the existing on-site water treatment systems, supplemental treatment systems will be tracked using this code as well. The costs in the Supplemental Testimony in the category "Groundwater Corrective Action Plans" will be added to this category in the future.
- EHS – ARO Groundwater: This category is for the sampling, analysis and reporting of all groundwater wells at the site.

While a groundwater well may be installed to meet the requirement of one regulation, once installed it is used as part of the entire well network and therefore no longer tracked separately.

All of the categories above are activities being done to comply with CAMA and the Federal CCR Rule. While the groundwater corrective action provisions of CAMA, 15A NCAC Chapter 2L (“2L Rules”), and the Federal CCR Rule provide a set of similar, but not identical, measures for detection, assessment and corrective action in the event of a release from a CCR Unit, all three converge and all groundwater wells are used with respect to characterizing the release and related site conditions. Under each program, the owner or operator is required to assess the extent of the contaminant plume. The specific requirements include:

- 15A NCAC 2L.0106(g): “The site assessment conducted pursuant to [this section] shall include: . . . (4) The horizontal and vertical extent of soil and groundwater contamination and all significant factors affecting contaminant transport”
- § 130A-309.211: “The Groundwater Assessment Plan shall, at a minimum, provide for all of the following: . . . b. An assessment of the horizontal and vertical extent of soil and groundwater contamination for all contaminants confirmed to be present in groundwater in exceedance of groundwater quality standards. . . .”
- 40 CFR § 257.95(g)(1): “Characterization of the release includes the following minimum measures: . . . (i) install additional wells necessary to define the contaminant plume(s)”

Similarly, the groundwater corrective action, if required at a certain site to meet the North Carolina requirements with respect to the compliance boundary, will also be a component of groundwater corrective actions to meet the Federal CCR Rule since that regulation utilizes the waste boundary as a compliance point. In addition, wells that may have been initially installed under separate regulations will be utilized as part of the long-term groundwater monitoring requirement for all regulations.

During the hearing, questions were raised as to whether the Company would have had to perform some type of corrective action under North Carolina’s 2L Rules if CAMA and the Federal CCR Rule had never been enacted. Witness Bednarcik stated that the Company would have worked with the North Carolina Department of Environmental Quality (NCDEQ) to determine what, if any, actions needed to be conducted under the 2L Rules, but the Company cannot speculate what would have been required. *DEP Case, Vol. 13, p. 113, l. 17-24 and p. 114, l. 1- 15; Vol. 18, p. 50, l. 8-15.* Generally, CAMA and the Federal CCR Rule are more prescriptive than the North Carolina 2L Rules. *DEP Case, Vol. 18, l. 1.* Further, the 2L Rules provide NCDEQ with significant discretion as to addressing groundwater corrective action, including monitored natural attenuation in

which no active remediation is required. It is unknown if the Company would have had to install the same number of wells, would have had to conduct the same type of groundwater modeling, or would have had to perform the same type of corrective action within the same time frame under 2L only.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing DEP Late-Filed Exhibit No. 8 as filed in Docket Nos. E-7, Sub 1214 and E-2, Sub 1219, were served via electronic delivery or mailed, first-class, postage prepaid, upon all parties of record.

This, the 2nd day of November, 2020.

/s/Mary Lynne Grigg

Mary Lynne Grigg
McGuireWoods LLP
501 Fayetteville Street, Suite 500
PO Box 27507 (27611)
Raleigh, North Carolina 27601
Telephone: (919) 755-6573
mgrigg@mcguirewoods.com

*Attorney for Duke Energy Carolinas, LLC
and Duke Energy Progress, LLC*