

**Minutes of the Chatham County Environmental Review Advisory Committee (ERAC)
Meeting, April 21, 2015**

Attendance

Committee members:

Present: Jerry Cole, David Mattison, Francis DiGiano, Graham Swift, Joan McLean, Mary Beth Koza, Ray Bode, Sherri Stuewer, Terry Schmidt, Vic D'Amato

Absent: Humberto Garrido

Guests:

Jeannie Ambrose

Staff:

Dan LaMontagne, Chatham County Public Works Director

Call to order

6:30 PM by Chairman Jerry Cole for meeting to begin following the published Agenda

Introductions

All present, including representatives from 3M Corporation

Recording Secretary

- Terry Schmidt was designated by Chair Jerry Cole as recording secretary for the meeting.

Approval of minutes of the March 12, 2015 meeting

Mary Beth Koza moved to accept the minutes and Graham Swift seconded the motion. All members of the committee present voted to approve the motion.

Public Input

- No public input.

Reconvene as Watershed Review Board

- Sherri Stuewer moved to reconvene as the Watershed Review Board, and Graham Swift seconded the motion. All members of the committee present voted to adopt the motion.

Convened as the Watershed Review Board

Presentation and Discussion by 3M Corporation requesting a buffer variance and recommendation to the Watershed Review Board.

- Committee members were provided a section of the ordinances with the criteria needed to approve the variance.
- Jerry Cole chair convened the quasi-judicial hearing.
- All witnesses and those offering testimony were sworn by the Chair.
- Dan LaMontagne presented a brief summary of the case.
 - Approval of major variance by Watershed Review Board is required by the Jordan Lake Riparian Protection Rules and 507(b)(2) of Chatham Regulations
 - Location is Highway 87 South by Moncure.
- Jim Zieglmeier, 3M and Christopher Wu, Environmental Consulting and Technology presented the case for approval
 - 3M has been in the Pittsboro area for thirty years
 - 3M started purchasing land in 1985, and received a mining permit in 1997. The plant opened in 2002.
 - 3M mines andesite at this location.
 - Current operations cover 150 acres of quarry, and 180 acres of stockpile.
 - The plant uses reclaimed water from the Pittsboro water treatment plant for cooling operations.
 - The existing quarry will soon reach its disturbed limit boundary. A lateral expansion is needed to extract the remaining ore, along with an additional buffer.
 - 3M explored several options as an alternative for expanding the boundary and none were acceptable.
- The Chair requested pro or counter viewpoints.
 - Dan LaMontagne stated that the North Carolina Environmental Management Commission will make a final determination based on the Chatham County Watershed Review Board recommendation.
- No counter viewpoints were presented.
- Graham Swift moved to recommend approval. Fran DiGiano seconded the motion. Nine members of the Board voted to recommend approval, with one abstention.
- Dan LaMontagne provided approval recommendation documents for this request.
- Mary Beth Koza moved to adjourn the Watershed Review Board and reconvene as the Environmental Review Advisory Committee. Sherri Stuewer seconded the motion. All members of the Board present voted to approve the motion.

Reconvene as the Environmental Review Advisory Committee

Updates from the County Staff

- Dan LaMontagne provided an update on Coal Ash

- The Board of Commissioners did not address Coal Ash at their most recent meeting. The public hearing in Chatham County on Coal Ash was held April 16, 2015 and the County has 30 days to make recommendations.
 - Potential environmental impacts:
 - Hauling by truck of coal ash to site
 - Hauling by rail once spur is in place
 - Who will take the wastewater?
 - 30-year monitoring requirement. Who will monitor if issues occur at or beyond 30 years?
 - Are there any deed restrictions?
 - The ERAC will provide draft comments through Dan LaMontagne for the Board of Commissioners review. The final comments from the committee were sent to the County Manager and the BOC and were mailed to the State for consideration of the final permits. See attached.
 - David Mattison agreed to draft language regarding necessary deed restrictions
 - Jerry Cole agreed to draft language recommending no truck hauling of coal ash and recommending continuation of monitoring beyond 30 years if leachate continues to be produced.
- Dan LaMontagne provided an update on Fracking
 - Discussion regarding landowner subsurface mineral rights
- Dan LaMontagne provided an update on Chatham Park
 - Pittsboro Matters has filed a lawsuit on the bypass / overpass.

The next meeting will be May 14, 2015 in the Performance Building Conference Room.

After motions made and seconded, members of the board present voted to adjourn.

ERAC Comments on Coal Ash Draft Permit for the Brickhaven Mine

Solid Waste Section Permitting Branch
NCDENR/Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: Permit #1910-STRUCT-2015 (Brickhaven Mine) Comments.

Chatham County submits the following comments to the draft Permit to Construct and Operate: 1910-STRUC-2015, BRICKHAVEN NO. 2 MINE TRACT "A" MINE STRUCTURAL FILL in conjunction with NCDENR DEMLR MINE PERMIT 19-25.

1. In order to ensure proper identification of the site, proper current and future usage and operation and maintenance of the cap system, leachate collection system, and any other components of the containment system or the groundwater monitoring system as specified in NCGS 130A-309.222(b)(3) through NCGS 130A-309.222(b)(5). Please make the following revisions:
 - (a) Revise the Reclamation Conditions in the Approved Reclamation Plan in Mining Permit 19-25 to include provisions for land-use restrictions in accordance with NCGS 143B-279.9 in addition to the recordation requirements set forth in NCGS 130A- 309.223
 - (b) Revise General Condition No. 3 and General Condition No. 4 of Attachment 1 General Permit Conditions/Information of Permit No. 1910-STRUC-2015 to include provisions for land-use restrictions in accordance with NCGS 143B-279.9.
 - (c) Revise Attachment 4—*Conditions of Permit for Closure and Post-Closure* of Permit No. 1910-STRUC-2015 to include provisions for land-use restrictions in accordance with NCGS 143B-279.9.

2. Section 5.0 Proposed Project Development in the Sanford and Brickhaven Mines IP Text and Narrative notes that following an initial start-up period, 50,000-55,000 tons of coal ash per month will be transported by truck from the Riverbend Steam Station in Gaston County to the Brickhaven Mine in Chatham County. This will require 120-142 truckloads per day. This operation clearly entails a major risk of pollution from the coal ash from dusting or accidents. The number of trucks will also create noise and additional pollution in the form of emissions from the trucks' engines. Additionally, this increase in truck traffic will increase the potential for vehicle accidents. The use of rail only transportation would mitigate these pollution and safety risks. It is noted that Duke and Charah have committed to transporting all coal ash to the Sanford Mine by rail. The

same should apply to the Brickhaven Mine. Please modify the second sentence of Paragraph 11 of Attachment 3 *Conditions of Operations* of the Permit to read: “Coal combustion products shall be moisture conditioned, as necessary, and transported by rail only with adequate measures to prevent dusting.

3. It is noted in the Post-Closure Monitoring and Maintenance section of the Sanford and Brickhaven Mines IP Text and Narrative that post-closure monitoring and maintenance will continue at the site for 30 years after closure. Main concerns relate to appropriate disposal of leachate and possible contamination of groundwater by metals in the coal ash resulting from a breach in the liner. If, after 30 years, leachate continues to be produced, there would be sufficient moisture in the coal ash to represent a risk of groundwater contamination from a breach in the liner. The Conditions for Operations in Attachment 3 of the draft permit require that Monitoring and Reporting shall be in accordance with the approved Operations Plan. The Operations Plan should be modified to require groundwater monitoring and reporting for 30 years, or as long as leachate is being produced, whichever is longer.

Chatham County respectfully offers these comments for consideration in determining the final permit.

Sincerely,

Charlie Horne
Chatham County Manager