

# LEE COUNTY

*Committed Today for a Better Tomorrow*

## **RESOLUTION OF THE LEE COUNTY BOARD OF COMMISSIONERS OPPOSING COAL ASH DISPOSAL IN LEE COUNTY**

**WHEREAS**, on November 13, 2014, Duke Energy and representatives from Charah Inc. and representatives from Moore and Van Allen notified the Chairman, Vice Chairman and County Manager of their intent to dispose of up to 8 million tons of coal over the next 8 years at the Colon Road Clay Mine of the General Shale, Corporation; and

**WHEREAS**, legislation that authorized this activity and the subsequent decision were not discussed with Local Government Officials in Lee County prior to the meeting on November 13, 2014, and the press release from Duke Energy on November 14, 2014; and

**WHEREAS**, the best way to dispose of coal ash is to leave the ash at its current site where the host counties have been paid millions of dollars in ad valorem taxes due to Duke and Progress Energy placing energy generating facilities in their County; and

**WHEREAS**, that by hosting this type of facility in Lee County, the citizens and businesses who have invested in the community will suffer economic hardships due to the stigma of being the coal ash capital of North Carolina; and

**WHEREAS**, Senate Bill 729 takes away important local decision making authority that would allow them to deal with the negative impacts of this type of facility; and

**WHEREAS**, Senate Bill 729 contradicts important environmental safe guards that were put in place with the passage of Senate Bill 1492 in 2007; and

**WHEREAS**, a copy of the key provisions of Senate Bill 1492 (NCGS 130A are attached to this Resolution).

**NOW THEREFORE, BE IT RESOLVED**, that the Lee County Board of Commissioners opposes Duke Energy and Charah Inc. coal ash disposal plan in Lee County due to the economic hardship and environmental risks associated with this plan.

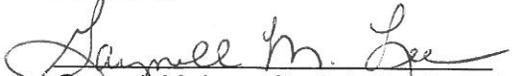
**BE IT FURTHER RESOLVED**, that the Lee County Board of Commissioners instructs the Clerk to the Board to forward this Resolution to all local representatives at the State and Federal level, plus the leadership of the North Carolina House of Representatives, State Senate and the Governor of the State of North Carolina.

Adopted this 5<sup>th</sup> day of January 2015.



Amy M. Dalrymple, Chair  
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk to the Board

Key Provisions of Senate Bill 1492 from 2007 – NCGS 130A-294

- 1) The Department shall deny any application for a permit for a solid waste management facility if the Department finds: The proposed facility would be located in a natural hazard area, including a floodplain,
- 2) The Department shall require a buffer between any perennial stream or wetland and the nearest waste disposal unit of a sanitary landfill of at least 200 feet.
- 3) The Department shall conduct a study of the environmental impacts of any proposed sanitary landfill. The study shall meet all of the requirements set forth in GS 113 A-4.
- 4) A waste disposal unit of a sanitary landfill shall not be constructed within:  
A 100 year floodplain or land removed from a 100 year floodplain designation, etc.

See attachment.