## DAN RIVER COAL ASH SPILL

## DRAFT RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT

Presentation to the Community by the Dan River Coal Ash Spill Natural Resource Trustee Council

August 6, 2019 - Danville, Virginia August 7, 2019 - Eden, North Carolina

U.S.
FISH & WILDLIFE
SERVICE

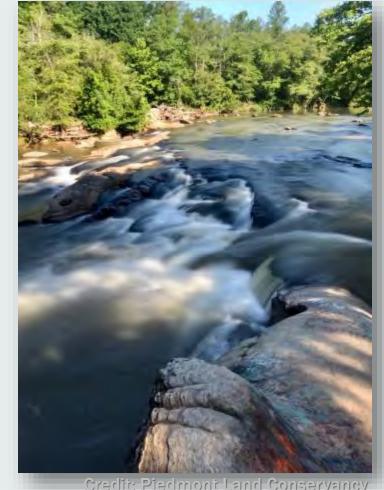




Natural
Resource
Damage
Assessment
and
Restoration

### PRESENTATION OVERVIEW

- Introductions
- Overview of Natural Resource Damage Assessment and Restoration (NRDAR)
- Overview of Dan River Coal Ash Spill NRDAR Case
- Proposed Restoration Projects, Public **Involvement and Next Steps**



Credit: Pledmont Land Conservancy

#### THE TRUSTEES

- Are authorized by law
  to act on behalf of the
  public to restore
  resources and services
  injured by a release of
  hazardous substances
- Conduct NRDAR process

#### DAN RIVER NATURAL RESOURCE TRUSTEES



**US Fish and Wildlife Service (USFWS)** 



**NC Department of Environmental Quality (NCDEQ)** 



**VA Department of Environmental Quality (VDEQ)** 

#### **DAN RIVER TRUSTEE ADVISORS**



NC Wildlife Resources Commission (NCWRC)



**VA Department of Game and Inland Fisheries (VADGIF)** 

WHAT IS NATURAL RESOURCE DAMAGE ASSESSMENT & RESTORATION (NRDAR)?

# NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION IS . . .

- Led by Trustees
- A legal and scientific process, defined in federal regulations, to determine the amount and type of restoration to offset injuries
- Conducted parallel to, and continuing after, the spill response or release
- NRDAR's goal is to <u>restore</u>
   <u>injured resources and services</u>

Determine
natural
resource and
service
injuries
through time

Assess damages for injuries (to baseline) Recover damages via negotiated agreement or litigation

Restore natural resources and services

Oversight & Monitoring

## NRDAR IS NOT . . .

- Punitive
- A fine, penalty, or enforcement action
- Part of response or removal actions (aka cleanup)
- Mitigation
- Compensation for economic losses



\*\*\*THIS MEETING IS NOT ABOUT CLOSURE OF COAL ASH STORAGE FACILITIES

#### **NRDAR**

#### WHY?

 To make the environment and public whole from injury to natural resources

#### HOW?

 Restore, replace, and/or acquire the equivalent of injured resources and ecosystem services lost







Credit: VA DGIF

# THE DAN RIVER COAL ASH SPILL

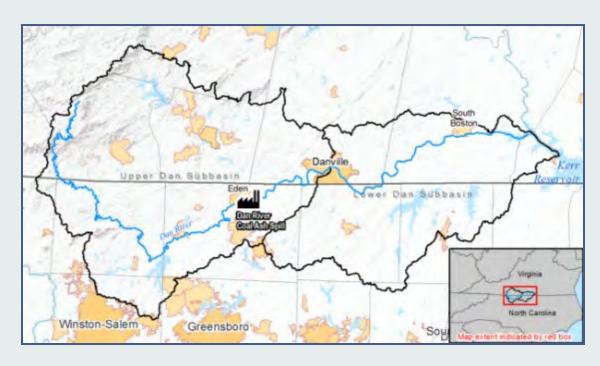
## DAN RIVER COAL ASH SPILL

On Feb 2, 2014, stormwater pipe at Duke Energy Dan River Steam Station failed and released ash and ash pond water into the Dan River

EPA Release Estimate		
Water	27,000,000	gallons
Ash	39,000	tons



## SUMMARY OF THE RELEASE







Credit: USEPA

## SUMMARY OF THE RELEASE

- Trustees engaged in spill response
  - Technical assistance on sensitive resources
  - Ephemeral data collection
- Interagency Workgroup
- Early exploration of restoration options





## POTENTIAL SPILL INJURIES

#### **Natural Resources Affected**

- Freshwater fish
- Migratory birds
- Lands (wetlands, floodplain, instream)
- Aquatic and terrestrial plants
- Invertebrates
- Surface waters and sediments

#### **Services Affected**

- Recreation
- Habitat for species





Federally endangered Roanoke logperch, Conservation Fisheries, Inc.



Federally endangered James spinymussel, USFWS

#### DAN RIVER NRDAR TIMELINE

- 2/4/2014: Spill at Dan River Steam Station
- 3/2014: Preliminary assessment of monitoring data; notice of intent to initiate NRDAR
- 5/2014: Trustee council formed
- 6/2014: Joint participation agreement with Duke Energy
- 10/2014: Public input solicited on possible restoration
- 12/2014: Summary of public restoration input released to public
- 6/2015: Damage Assessment Plan developed and released to public
- 12/2015: Final Damage Assessment Plan released to public
- 2016 Implementation of restoration projects and development of Restoration Plan
- 7/2019: Draft Restoration Plan released to public; settlement agreement with Duke Energy reached

December 2014 FINAL









#### List of Restoration Project Proposals Submitted by Public in Response to the Dan River Coal Ash Release Scoping Document for Restoration Planning

Restoration is the goal of the Dan River Coal Ach Natural Resource Damage Assessment and Restoration (NRDARI) process. Accordingly, the Dan River Coal Ach fishesse Trustees' disafted the Dan River Coal Ach fishesse Trustees' disafted the Dan River Coal Ach fishesse Trustees' are the Coal Ach Serious River Dan River Coal Ach Serious River Dan Ri

Working collaboratively with Duke Energy, the party responsible for the spill, the Trustees are focused on restocation early in the NRDAR process based on a multival interest to integrating injury assessments, with restoration planning. In the event that early restoration is pursued by Duke Energy, it is the Trustees' intent that any projects implemented satisfy the restoration criteria below, mowever, the allowable determination of whether any early restoration property implemented are sufficient is contingent upon completion of the injury assessment.

#### Criteria for Restoration Projects

Project selection criteria were outlined in the Scoping Document to allow Trustices to assess the potential restoration projects. Briefly, these criteria include, but are not limited to:

<sup>&</sup>lt;sup>5</sup> The Department of the Interior (DOI) through the U.S. Fish and Wildlife Service (USFWS), the Commonwealth of Vegras through the Department of Environmental Quality (VADEQ), and the State of North, Carolina through the NODEMS.

<sup>&</sup>lt;sup>4</sup> The fat of information sources reflects reports and existing information courses available to the Trustees oursernly and may not be enhancive, additional sources are welcome and can be provided to the contacts listed below.

PROPOSED
RESTORATION
PROJECTS, PUBLIC
INVOLVEMENT AND NEXT
STEPS

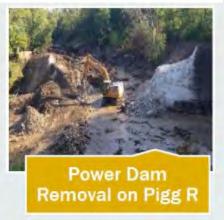
#### SUMMARY OF PUBLIC INPUT ON RESTORATION

- 118 total respondents
- Respondents included members of public plus 18 organizations
- Projects the public most frequently supported have been implemented or are in progress including:
  - Dam removal
  - Adding new river access points
  - Land acquisition (Mayo State Parks)

CATEGORY	PROJECT SUGGESTIONS
AVOIDED HABITAT LOSS	<ul><li>18 land protection opportunities suggested</li><li>Overlap with rare species and recreation</li></ul>
FISH PASSAGE	Dam removal in VA to benefit endangered Roanoke logperch (RLP)
RIVERINE	<ul> <li>6 project opportunities suggested</li> <li>Hydrilla treatment, instream &amp; riparian restoration, water quality improvements</li> </ul>
RARE AND NONGAME SPECIES	<ul> <li>5 project opportunities suggested</li> <li>RLP, small anthered bittercress protection, riparian restoration, dam removal</li> </ul>
IMPROVE FISHING EXPERIENCE	<ul> <li>Recommendations included 18 access points</li> <li>Motor, canoe/kayak, and handicap</li> </ul>
EXPAND RIVER-BASED RECREATION	<ul> <li>22 project opportunities suggested</li> <li>Park/trail improvements &amp; expansion, facilities, Hydrilla treatment, dam removal, ramp silt removal</li> </ul>

#### PREFERRED ALTERNATIVE RESTORATION PROJECTS









- Acquisition and conservation of MayoRiver floodplain and riverbank
- Aquatic habitat restoration in the PiggRiver via removal of Power Dam
- Establishment of public boat launch facilities on the Dan River
- Improvements to the Abreu Grogan Park in Danville, Virginia

#### HOW YOU CAN PARTICIPATE

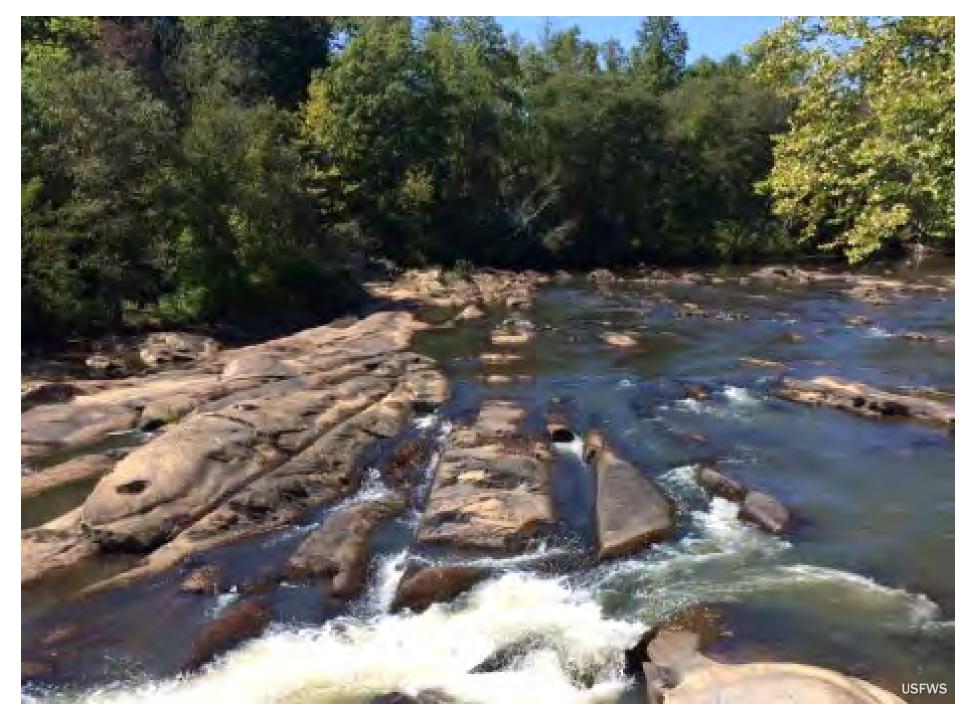
- Review the Draft Restoration Plan and Environmental Assessment and provide comments
  - Comment card at tonight's meeting
  - Review plan (select link to plan under "case documents")
    <a href="https://www.cerc.usgs.gov/orda\_docs/CaseDetails?ID=984">https://www.cerc.usgs.gov/orda\_docs/CaseDetails?ID=984</a>
  - Submit written comments to Sara\_Ward@fws.gov or Susan\_Lingenfelser@fws.gov or by mail (USFWS Virginia Field Office, 6669 Short Lane, Gloucester, VA 23061, Attn: Dan River Restoration Plan)
- Check out the restoration projects that have already been implemented learn about them at information tables tonight then get outside and enjoy them!

### THE NEXT STEPS

- Public Comment period closes
   September 9, 2019
- Summary of comments and responses provided
- Finalize restoration plans
- Complete on-the ground restoration!



Roanoke logperch, NCWRC



## THANK YOU

Sara\_Ward@fws.gov or Susan\_Lingenfelser@ fws.gov





