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December 2, 2009

Milton L. Johnston  
Waste Programs Manager  
Department of Environmental Quality  
Tidewater Regional Office  
5636 Southern Boulevard  
Virginia Beach, Virginia 23462

Re: Draft Permit Amendment, Dominion Chesapeake Energy Center  
Ash Landfill, Solid Waste Permit #440  
Citizen Draft Permit Review Copy

Dear Mr. Johnston:

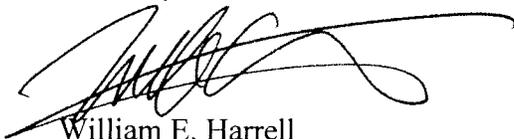
The City of Chesapeake has recently become aware of the draft permit amendment for the Dominion Chesapeake Energy Center Ash Landfill ("CEC Ash Landfill"). The draft permit was sent to the Library Manager of the Major Hilliard Public Library Branch in Deep Creek but was not copied to the City Council, the City Attorney, or the City Manager in accordance with the Virginia Administrative Code (VAC). While recognizing that the draft sent to the library was intended for citizen comment and was followed by a publication of notice in The Virginian-Pilot, the City Manager's Office would nevertheless appreciate receiving direct notice of matters concerning the CEC Ash Landfill in the future. Please consider this correspondence a request by the City Manager's Office to be placed on your notification list for all matters concerning coal ash. As you know, the City has particular interest in issues relating to the regulation of coal ash and the use and disposal of coal ash within the City of Chesapeake.

The action requested by Dominion Virginia Power is the implementation of an amended groundwater Corrective Action Plan (Amended CAP), received by the Department of Environmental Quality on March 9, 2009. The Amended CAP is voluminous and highly technical and in general terms, appears to recommend no action other than monitoring the high arsenic levels of the groundwater. This proposal of "no action" is based on an assumption "that iron oxidation and precipitation is taking place before CEC groundwater discharges to the estuary and the arsenic is attenuated by sorption on the iron oxides." This assumption is one which the City would like to study further prior to making final comments; however, I understand that the deadline for submitting comments is December 2, 2009. Accordingly, due to the late receipt of the draft permit, the technical nature of the issues presented, and the complexity of factors to be considered under 9 VAC 20-80-310, the City respectfully requests an additional sixty (60) days in which to evaluate the proposed implementation of the Amended CAP. In addition, the City requests a public hearing under 9 VAC 20-80-500, as follows:

- 1) The known groundwater contamination and the potential for discharge to the Southern Branch of the Elizabeth River and the Deep Creek presents issues and questions of public interest and should be fully vetted in a public forum.
- 2) The City of Chesapeake requests the public hearing at City Hall as the locality in which the CEC Ash Landfill is located, on behalf of its citizens. The groundwater contamination resulting from the CEC Ash Landfill poses a threat to the public health, safety and welfare.
- 3) Specific revisions of the Amended CAP may include the following:
  - A. The Amended CAP does not adequately identify the plume of discharge or explain why a selective remediation method is appropriate for potential off-site discharge of the contaminated groundwater.
  - B. The Amended CAP does not adequately explain the reliability of the theories and assumptions supporting the selective remediation method.
  - C. The Amended CAP contemplates that the attenuation of arsenic may take anywhere from 4.1 to 17.4 years before arsenic levels reach acceptable limits, which does not appear to be a remedy of sufficient expediency in light of the likelihood that the contaminated groundwater will be discharged into state waters.
  - D. The network of groundwater monitoring wells may be inadequate. The draft permit indicates that monitoring groundwater at this site is difficult due to the proximity of the CEC Ash Landfill to tidal waterways and wetlands.
  - E. Additional technical review by geo-technical professionals could be helpful in revealing other potential inadequacies of the Amended CAP.

As you can see, the City's concerns are justified and should be addressed through an extended comment period and public hearing. Please advise me directly of the decisions rendered by DEQ in response to these requests.

Sincerely,



William E. Harrell  
City Manager

WEH:MAS:sc

- c: The Honorable Mayor and Members of City Council  
Ronald S. Hallman, City Attorney  
David Paylor, Director – Department of Environmental Quality  
Amar Dwarkanath, Deputy City Manager – Operations  
Jan Proctor, Deputy City Attorney  
Mary Ann Saunders, Assistant to the City Manager