

STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
CASE NO. 15 EHR 02581

DUKE ENERGY PROGRESS, INC.,
Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES, DIVISION OF WATER
RESOURCES,
Respondent.

ORDER OF DISMISSAL

OFFICE OF ADMIN HEARINGS

2015 SEP 29 AM 9:35

FILED

This cause coming before the undersigned on motion for summary judgment filed on behalf of Petitioner Duke Energy Progress, LLC, formerly known as DEP, Inc. (Duke Energy Progress) in connection with its appeal of the civil penalty assessed on March 10, 2015, by Respondent the North Carolina Department of Environment and Natural Resources, Division of Water Resources (DENR, now DEQ) based on the presence of substances in groundwater at Duke Energy's plant located near Wilmington, NC (Sutton Plant) alleged to be in violation of the standards contained in North Carolina's groundwater rules.

The parties have advised the Court that, after extensive discussions, they have reached a mutually agreeable resolution of this matter, as well as potential controversies involving groundwater associated with coal ash facilities at other coal-powered plants (Plants) operated in North Carolina by Duke Energy Progress and Duke Energy Carolinas, LLC (collectively, Duke Energy), which resolution is reflected in the attached AGREEMENT TO SETTLE AND RELEASE OF CLAIMS signed by all parties and incorporated by reference herein (Settlement).

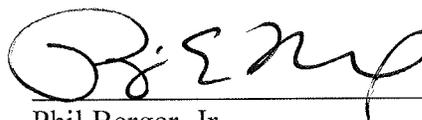
The Court has reviewed the Settlement and finds it to be a full and fair resolution of the claims in this matter and a fair and comprehensive resolution of other potential groundwater

controversies at the Plants, thereby allowing Duke Energy and DEQ to address promptly groundwater conditions at the Plants, and other remediation activities required under the Coal Ash Management Act of 2014.

IT IS HEREBY ORDERED that:

Based on the Settlement, which the Court hereby accepts and approves, this matter is dismissed with prejudice pursuant to 26 NCAC 03.0105(6) of the OAH Rules, Rule 41(a) of the N.C. Rules of Civil Procedure, and G.S. 150B-33 and other provisions of the APA.

This the 28th day of September, 2015.



Phil Berger, Jr.
Administrative Law Judge