State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Waste Management

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
William L. Meyer, Director

DEHNR

September 3, 1997

Mr. Larry D. Evans
Electric System Support
Duke Power Company
13339 Hagers Ferry Road
Huntersville, NC 28078-7929

Subject: Coal fly ash structural fill at the Duke Power Company Marshall Steam Station located at Terrell, NC in Catawba County. The project is scheduled to begin in early September, 1997 and is estimated to be completed by January 1, 1998.

Dear Mr Evans:

We are in receipt of your August 25, 1997 notification for constructing the subject structural fill. The information submitted satisfies the requirements for coal ash structural fill activities as set forth in Solid Waste Management Rules 15A NCAC 13B Section .1700 concerning beneficial use of coal combustion by-products. As previously agreed to between Duke Power and the Division of Waste Management (DWM), Duke Power is accepting the responsibility of informing the landowner(s) of their responsibility should any groundwater contamination occur due to structural fill activity.

Please understand that the Division of Waste Management is continuing to interpret the .1700 Rules as in the past even though your company is insisting that the Division alter its position on this matter. Therefore, this project is to be treated by the Division the same as previous projects have been treated.

Please telephone me at (919) 733-0692, ext. 255 or Bill Hocutt at ext. 260 if you have any questions.

Sincerely,

James C. Coffey

James C. Coffey
Permitting Branch Supervisor
Solid Waste Section

cc: Bill Hocutt
Anthony Foster
Julian Foscue

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