

**State of North Carolina
Department of Environment
and Natural Resources
Raleigh Regional Office**

**Michael F. Easley, Governor
William G. Ross, Jr., Secretary**



THE DIVISION OF WASTE MANAGEMENT

January 16, 2002

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Robert J. Waldrop, Vice President
ReUse Technology, Inc.
665 Molly Lane, Suite 100
Woodstock, Georgia 30189

Subject: ReUse Technology "Swift Creek" Coal Combustion By-Product (CCBP) Structural Fill Located in Nash County on Highway 301 Near Rocky Mount.

Dear Mr. Waldrop:

I have received your letter of January 10, 2002, which was a response to my letter of December 19, 2001, concerning present conditions of the above referenced facility. My response is listed below.

Regarding item number 1 of my letter and your response. Please provide documentation in the form of deeds showing when ReUse Technology acquired the property adjacent to the original east and west boundaries of this site. Please also provide documentation that permission was given to fill ash up to the property line prior to acquiring the property or that the property was re-deeded to remove the old property lines.

Regarding item number 3 of my letter and your response. Field staff visits to the property were to evaluate general operational conditions of the site only, such as the condition of silt fences, migration of ash off site, grass cover of berms etc. Determining that the fill site was in compliance with all of conditions of the approved plan, would require the use of survey equipment and is beyond the scope of a site visit. The determination of overall site compliance is generally made by central office staff reviewing submitted as-built plans.

Regarding item number 4 of my letter and your response. Please provide U.S. Army Corp of Engineers approval letter giving permission to fill the wetland area located in the November 11, 1991, plan. Please also provide documentation as to the elevation of the soil placed in the wetland area, and to the installed elevation of the pipe in relation to the seasonal high water table.

Regarding item number 5 of my letter and your response. These fly ash fill sites will be reviewed under different regulatory and policy requirements. The operational requirements for each site will

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also be different. Therefore each site must be considered as two separate projects.

Operation of the site proposed in the December 13, 2001 submittal shall not commence until the conditions concerning the November 11, 1991, site listed in this letter have been met. Please be advised that my letter to you dated December 19, 2001, was the sections official response to your December 11, 2001, proposed site expansion. We plan to meet with you at 1:30 PM on January 22, 2002, at the Oberlin Road offices in Raleigh, NC.

Please contact me at 919 571 4700, Bill Hocutt at 919-733-0692, ext. 260 or Jim Barber 910 486 1541 if you have any questions on this.

Sincerely,



Ben Barnes

Waste Management Specialist/Environmental Technician
Solid Waste Section

Cc: Jim Coffey: Acting Section Chief
Mark Fry: Eastern Area Supervisor
Bill Hocutt: Environmental Chemist
Jim Barber: Eastern Area Engineer