

Moore & Van Allen

March 8, 2002

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Via Facsimile and Regular Mail

Moore & Van Allen PLLC

Mr. William R. Hocutt
State of North Carolina
Department of Environment and Natural Resources
Solid Waste Section
401 Oberlin Building
Oberlin Road
Raleigh, North Carolina

Suite 4700
100 North Tryon Street
Charlotte, NC 28202-4003

Re: Swift Creek Project
Nash County, North Carolina

Dear Mr. Hocutt:

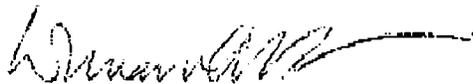
I am sending you copies of the 1997 correspondence with DENR which Bob Waldrop and I discussed with you, Ben Barnes and Jim Barber during our January 22, 2002 meeting.

As you requested, I will ask Bob Waldrop to bring his file next Wednesday, and I will bring mine, so that any other documents we may need will be available.

We look forward to seeing you and your colleagues next Wednesday.

Very truly yours,

MOORE & VAN ALLEN PLLC



William A. White

WAW/tlf

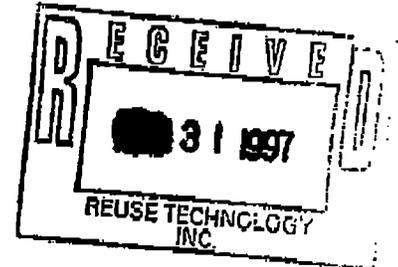
cc: Robert J. Waldrop (with enclosures)

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

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
Boyce A. Hudson, Regional Manager



DIVISION OF WASTE MANAGEMENT
March 24, 1997



Mr. Robert J. Waldrop
Vice President, EH&S
Reuse Technology/ RT Soil Sciences Inc.
100 Chastain Center Boulevard
Kennesaw, Georgia 30114-5510

RE: Correction of Violation
Swift Creek Coal ash Structural Fill Site
Nash Co.

Dear Mr. Waldrop:

This is written to inform you that the violations of the November 11, 1991 Letter of Agreement submitted to the Division by Reuse Technology/RT Soil Sciences have been corrected. These violations were specified in a letter issued to you by the Division and dated February 12, 1997. This letter concerned conditions found at the Swift Creek coal ash structural fill site located on your property on Hwy 301 North of Battleboro in Nash Co. This determination was made during a visit to the site on March 12, 1997.

If you have any further questions please call me at 919\571\4700.

Sincerely

Ben Barnes
Waste Management Specialist
Solid Waste Section
Raleigh Regional Office

cc: Philip Prete, Field Operations Branch Head
Terry Dover, Eastern Area Supervisor
Frank Franciosi, General Manager,
RT Soil Sciences Fountain Industrial Park
P.O. Box 1179
Rocky Mount, North Carolina 27802



100 Chastain Center Boulevard
Suite 155
Kennesaw, Georgia 30144-5510
770.425.7676
fax 770.425.7681

<http://www.reusetech.com>

March 7, 1997

Mr. Ben Barnes
State of North Carolina
Department of Environment, Health and Natural Resources
Solid Waste Section
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609

Re: Swift Creek Project
Coal Combustion By-Product Structural Fill

Dear Mr. Barnes:

We appreciate the time that you and Terry Dover spent with us last week. As you were able to see, ReUse Technology, Inc. is already taking positive action to resolve the complaint you received from our neighbor, Ms. Deborah Amato. We have offered to clean both the inside and outside of her house to remove any dust from coal ash which may have reached her property. We have also begun to take measures to prevent any future dusting of her property. The measures we are planning include the following:

- We are constructing a ten foot tall berm at the southern end of our site starting 100 feet from the property line.
- We will close out the southern end of the site by covering the coal combustion by-products (CCB's) with soil and grassing this area.
- A line of trees will be installed at the northern end of the area to be grassed.
- The height of the stockpile of CCB's located at the approximate center of the site will be reduced to a height no greater than the height of the trees we will be planting.

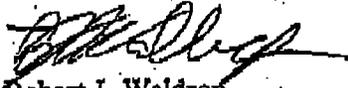
We have also inspected the site for compliance with the conditions of the letter approval issued by the Division on December 3, 1991. We agree that CCB's were placed within 100 feet of the property line at the southern end of the site. As you saw, we have removed all CCB's which were placed within this setback requirement. Also, as a result of the statement in your February 10, 1997 letter that CCB's may have been placed within 50 feet of surface water, we measured the separation distance between the CCB's and the surface water at the back of the site. We found one area approximately 50 to 75 feet long where CCB's were approximately 10 to 15 feet too close to the surface water. CCB's in this area have been removed and replaced with earthen fill. These two activities fulfill Condition I of your February 10th letter.

progress today, with respect for tomorrow. . .

As for Conditions II and III, the addition of water to the CCB's at both the power plant and at the Swift Creek site are ongoing activities. At the power plant, water is added to CCB's with pug mills. A water truck is used to add water to the CCB's at the Swift Creek site.

If any additional information is needed regarding this project or any of ReUse's facilities, please don't hesitate to call.

Sincerely,



Robert J. Waldrop
Vice President, EH&S

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



James B. Hunt, Jr., Governor
 Jonathan B. Howes, Secretary
 Boyce A. Hudson, Regional Manager

DIVISION OF WASTE MANAGEMENT
 February 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUEST
 Mr. Frank Franciosi, General Manager
 RT Soil Sciences
 Fountain Industrial Park
 P.O. Box 1179
 Rocky Mount, North Carolina 27802

| | | | | | |
|-------------------|------------|---------|-------------|------------|---|
| Post-it* Fax Note | 7671 | Date | 2/14 | # of pages | 2 |
| To | Bill White | From | Bob Waldrop | | |
| Co/Dept | | Co. | | | |
| Phone # | | Phone # | | | |
| Fax # | | Fax # | | | |

**Re: Reuse Technology Swift Creek
 Coal Fly Ash Structural Fill Site**

Dear Mr. Franciosi :

On February 3rd, 1997, a complaint was referred to my office from The Division of Air Quality concerning the Coal Fly Ash Structural Fill site Operated by Reuse Technology/ RT Soil Sciences and located on US Hwy 301 North of Battleboro and known as the Swift Creek site. This complaint concerns fly ash being blown from this facility to the adjacent property owned by Ms. Deborah Amato (an 8.22 acre tract parcel ID# 387400090779) in Nash County. Ms. Amato states that her house is stained black from blown fly ash originating from the facility, and that the ash penetrates her house which requires her to dust daily. Ms. Amato also states in the complaint that she suffers from swollen lymph nodes, gastrointestinal problems, and fatigue and that she believes the exposure to the blown fly ash intensifies her health problems.

On February 4, 1997, I visited the home of Ms. Amato in response to the complaint. During this visit I did not observe any particular evidence of fly ash deposits on the outside of Ms. Amato's house or other structures in her yard. I then entered Ms. Amato's house, she then dusted behind a picture frame and along the top of a doorjamb in the kitchen. I did observe that the dust was a dark gray color. I then walked over the facility and observed that fly ash had been deposited on the site less that 25 feet from the southern boundary with Ms. Amato's property line, and that ash may have been deposited less than 50 feet from the surface water body along the back.

Depositing the fly ash less that 100 feet from any property line and less than 50 feet from the adjacent surface water body is a violation of the letter of agreement submitted to the Division by Reuse Technology Inc. dated November 11, 1991, and the final approval letter from the Division to Reuse Technology which was dated December 3, 1991.

Mr Franciosi Letter
page 2
February 10, 1997

Therefore Reuse Technology must bring the facility into compliance with the conditions stated in the letter dated November 11, 1991, with 30 days of the receipt of this letter by:

- I. Remove the fly ash deposited within 100 feet from all property lines and 50 feet from the surface water body and place on other areas of the site;**
- II. To prevent any ash from blowing, maintain the moisture level of the ash being transporting to the site to 15%;**
- III. Wet the ash on site as necessary to prevent any ash from blowing.**

Pursuant to N.C.G.S. 130A-22(a) and 15A N.C.A.C. 13B .0701 - .0707, an administrative penalty of up to \$5000.00 per day may be assessed for violation of the Solid Waste Management Laws or Regulations.

It is my understanding that this work has already begun to bring the site into compliance, if I can be of any assistance please contact me at 919/571 4700.

Ben Barnes



**Waste Management Specialist
Solid Waste Section
Raleigh Regional Office**

cc: **Phil Prete, Field Operations Branch Head
Terry Dover, Eastern Area Supervisor
Robert J. Waldrop, Vice President EH&S
Reuse Technology Inc.
100 Chastain Center Boulevard
Suite 155
Kennesaw, Georgia 30144
Deborah Amato
P.O. Box 876
Battleboro, North Carolina 27809
Bill Hocutt, Waste Determination Coordinator**