

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

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



DIVISION OF WASTE MANAGEMENT
April 4, 2002

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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



**Re: Notice of Violation
Reuse Technology Hwy 301 Swift Creek Property
Coal Combustion By-Product (CCBP) Structural Fill Site
Nash County**

Dear Mr. Waldrop:

This is written to inform you that the ReUse Technology Hwy 301 Swift Creek Property Coal Combustion By-Products Structural Fill Site has not been constructed in accordance with the submitted engineered drawing dated September 17, 1991, revised November 8, 1991, and the written plan dated November 11, 1991, and submitted by ReUse Technology.

The following is a brief chronology of events as relating to this facility:

November 11, 1991, The Division received the engineered drawing and written operational conditions for the proposed facility.

December 3, 1991, After a review of the plan, The Division issued a letter indicating that the submitted plan was acceptable and the fill operation could begin.

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November 27, 2001, Bob Waldrop and Tom Snow of ReUse met with Jim Barber and Bill Hocutt to discuss this project. This meeting resulted in the December 19, 2001 letter from the Division to ReUse Technology. That letter indicated that after review of a revised plan for a proposed facility adjacent to the Swift Creek Site, that there were significant differences between the November 11, 1991 plan and the facility as it currently exists.

January 22, 2002, Attorney William White, and Bob Waldrop met with Jim Barber, Bill Hocutt and me.

February 8, 2002, the Division issued a letter giving ReUse Technology an extension until March 14, 2002 to complete a list of 5 requirements that will address the deficiencies caused by the deviations from the November 11, 1991 agreement.

March 13, 2002, William White, and Bob Waldrop, met with Jim Coffey, Mark Fry, Jim Barber, Nancy Scott, and Bill Hocutt and me.

The March 14, 2002, deadline for ReUse to comply with the requirements listed in the December 19, 2001, and February 8, 2002, letters has passed. ReUse Technology has addressed some but not all Division concerns about this Coal Combustion By-Products site.

Therefore, ReUse Technology must cease receiving ash at this site and within 90 days of the receipt of this letter either reconfigure the site to comply with the November 11, 1991 agreement or comply with the following requirements:

1. Within 30 days of receipt of this letter, submit a plan to the Section to redirect surface water away from the ash fill site and the concrete pipe that has been installed under the site. Indicate in the plan how water flow through the pipe will be prevented in the future. The plan should be submitted to Ben Barnes at Division of Waste Management, Solid Waste Section 1628 Mail Service Center, Raleigh North Carolina 27699-1628.
2. Within 90 days of the Solid Waste Section's written approval, implement the plan and complete the following items:
 - A. Grade the site to control surface water runoff in a controlled manner. Cover the entire fill area with a minimum of one foot of suitably compacted earth. Seed and stabilize the area to prevent erosion.
 - B. Close and record the site as follows:
 - (1) Submit to the Section an entire copy of the property deed giving the complete legal description of the property as it is registered in the index of the county where the land is located. The description will either be by metes and bounds, or by reference to a recorded plat map.

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- (2) Submit to the Section a map of the land prepared by a Registered Land Surveyor in accordance with N.C.G.S. 47-30.

The map must show:

- (a) Name of owner, property lines, north arrow, scale and bearings and distances taken from the deed.
- (b) Disposal area delineated, with the words "Coal Ash Disposal Site" written on the map.
- (c) Final as-built contours.
- (d) Certification and seal by registered land surveyor.

Note: Be sure that the map ties to U.S.G.S. monument in accordance with G.S. 47-30 (f) (9).

- (3) The Section will prepare a "Notice of Closed Unpermitted Solid Waste Disposal Site," which the landowner(s) shall sign and acknowledge in the form prescribed by N.C.G.S. 47-38 through 47-43.

- (a) The landowner(s) must file the closure notice with the map attached where appropriate, with the Register of Deeds in the county or counties where the land is located. If the map is too large to be reduced legibly to legal size, it shall be recorded in the map index, and the closure notice shall reference the separately recorded plat.
- (b) The Register of Deeds shall record the Notice in the Grantor Index under the name(s) of the owner of the land.
- (c) After all other closure requirements have been met, and the Section has received the original closure notice from the Register of Deeds, upon which the Book and Page number where recorded have been noted, the Section will issue a closure letter.

C. Install a ground water monitoring well on the south side of the concrete pipe. This well must be constructed according to 15A NCAC 2C standards. Prior to construction a schematic must be submitted and approved by the Division. Contact Ellen Lorscheider at (919) 733-0692, extension 345, for further information and to locate the well. A representative of the Solid Waste Section shall be on site while the well is being constructed to verify location and construction.

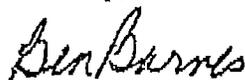
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D. The well must be sampled within one week of construction for RCRA metals and sulfates and another sample taken within 6 months of the date of the first sample. If no significant ground water contamination above 2L standards is detected, then institute an annual sampling program for this monitoring well. Samples must be taken. Duration of sampling will be for a minimum of 5 years, results shall be submitted to the Division within 2 months of each sampling event.

Please be advised that pursuant to N.C.G.S. 130A-22(a) and 15A N.C. Admin. Code 13B, Section .0701 - .0707, an administrative penalty of up to \$5,000.00 per day may be assessed for violations of the Solid Waste Law or Regulations.

If you have any questions concerning this matter, please contact me at (919) 571-4700.

Sincerely,



Ben Barnes
Waste Management Specialist
Solid Waste Section

cc: Jim Coffey, Acting Section Chief
Mark Fry, Eastern Area Supervisor
Jim Barber, Eastern Area Engineer
Bill Hocutt, Environmental Chemist
Nancy Scott, Assistant Attorney General