

**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

May 1, 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:

The Division has reviewed your response to the Notice of Violation issued to ReUse Technology on April 4, 2002 and believes that several items require a response. Restated below are the items in which ReUse Technology expressed particular concern along with the Division's response (in italics):

- 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. *The one foot of fill is a minimum requirement, if ReUse wishes to fill the site with more soil the Division has no objections provided that the fill is graded to promote surface water runoff.*

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.
- (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) *The fill area delineated, with the words "Nonconforming Coal Fly Ash Fill 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 *Nonconforming Coal Fly Ash Fill 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.

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ReUse must record the site according to documents that the Division prepares and outlined in the Notice Of Violation with the wording changes indicated in this letter. If ReUse Technology refuses to record the site according to the wording changes listed above in this document, then the Division will record the site as a Notice Of Open Dump as stipulated in NCGS 130A-301 (f). NCGS 130A-301 (f) gives the Division the authority to record a nonconforming solid waste disposal site. However these sites are recorded as a NOTICE OF OPEN DUMP. The General Statute does not give the Division authority to change the wording of the closure document.

- 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.

- 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.

The installation of a ground water monitoring well listed in item C and D above along with the monitoring requirements is a requirement of the Notice Of Violation dated April 4, 2002 and must be complied with.

Please be advised that the deadlines listed in the Notice Of Violation April 4, 2002 are still in effect and need to be complied with.

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