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

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

NCDENR
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT
May 23, 2003

MAY 2003
Received
Solid Waste
Section

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 INTENT TO ISSUE A COMPLIANCE ORDER WITH ADMINISTRATIVE PENALTY**
Reuse Technology Hwy 301Swift Creek Property
Coal Combustion By-Product (CCBP) Structural Fill Site

Dear Mr. Waldrop:

You are hereby informed of the North Carolina Division of Waste Management's intention to issue a Compliance Order with Administrative Penalty against you for failure to comply with conditions listed in a Notice Of Violation issued to ReUse Technology and dated April 4, 2002.

You have been duly notified by the Division with a Notice of Violation issued to you on April 4, 2002, addressing the failure of ReUse Technology to construct the above referenced facility in accordance with the submitted engineered drawing dated September 17,1991, revised November 8,1991, the written plan dated November 11,1991, submitted by ReUse Technology, and the methods available to you to remediate this violation. As of the date of this Notice, you have failed to comply with the following requirements:

I. 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) 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 Coal Ash 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.

II. 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.

III. 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.

As of the date of this Notice of Intent to Issue a Compliance Order With Administrative Penalty Reuse Technology has not done any of the items listed above had has not submitted documents refuting the necessity of completing the above listed items.

On a May 16, 2003 visit I observed that the fill area has been covered with soil, grassed and piezometers have been installed in apparently random areas over the top of the site CCB fill area. The depth of soil cover was not determined at this visit, and documentation re soil depth has not been provided to the Division

Therefore, it is the Division's confirmed intention, pursuant to N.C.G.S. 130A-22(a) and Rule 13B .0701-.0707 to issue a Compliance Order to you ordering you to comply, and to seek to assess an Administrative Penalty of up to $5,000.00 per day, per violation.

Any pending enforcement actions may be held in abeyance if, within ten (10) days of receipt of this Notice, you contact me at (919) 571 - 4700 and describe specific actions you have taken to comply with the Rules and correct any violation(s).

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

Sincerely,

Ben Barnes

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

ing this matter, please contact me at (919) 571-4700.

list

ing Section Chief
Area Supervisor
Engineer

COMPLETE THIS SECTION

.plete items 1, 2, and 3. Also complete
n 4 if Restricted Delivery is desired.
rint your name and address on the reverse
so that we can return the card to you.
Attach this card to the back of the mailpiece,
or on the front if space permits.

1. Article Addressed to:

Mr. Robert J. Waldrop, VP
Reuse Technology Inc
665 Molley Lane
Suite 100
Woodstock, GA 30189
BB/SW

2. Article Number
(Transfer from service ____)

7002 0860 0006 5841 7541

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery
5-29

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

2003

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035