

Need drawing of drainage pipe installation

Moore & Van Allen

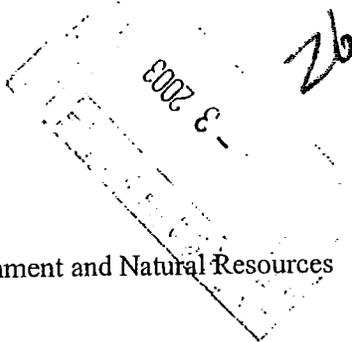
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June 2, 2003



Via Federal Express
Mr. Ben Barnes
Waste Management Specialist
Solid Waste Section
North Carolina Department of Environment and Natural Resources
3800 Barrett Drive
Raleigh, North Carolina 27609

Re: ReUse Technology, Inc. Hwy. 301 Swift Creek Property Coal Combustion By-Product Structural Fill Site

Dear Mr. Barnes:

ReUse Technology, Inc. ("ReUse") has asked me to provide the enclosed drawings and investigation reports in response to your letter dated May 23, 2003, which ReUse received on May 29, 2003.

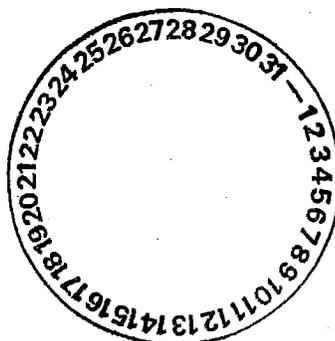
Your May 23 letter notes that ReUse had as yet not provided the materials necessary to comply with, or to establish a lack of need for, certain conditions contained in a Notice of Violation dated April 4, 2002. Preparing these materials has involved the collection of data over a number of months. They have taken some time to prepare and review, and they are now being furnished to the Section.

I should note that the materials were being prepared in response to your August 19, 2002 letter, which ReUse regarded as modifying the Section's April 4, 2002 letter. ReUse believes that these materials respond fully to the matters discussed in the subsequent letter. I trust that ReUse's proving these materials to the Section is a demonstration of its efforts to comply with the law and respond to the NOV, and will be sufficient to hold any pending enforcement action in abeyance.

First, ReUse encloses drawings that, as discussed below, fulfill the first condition you refer to (quoted below in italics as set forth in your letter dated August 19, 2002, amending the April 4, 2002 document).

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.



Mr. Ben Barnes
June 2, 2003
Page 2

Enclosed with this letter please find two copies of a two-page "Boundary and Topographic Survey & Recombination Plat." This plat was prepared by Timothy L. Keeney, of Joyner-Keeney & Associates, registered land surveyors.

As discussed with Nancy Scott and Mark Fry in our February 6, 2003 meeting, ReUse is submitting this drawing for review by the Section prior to recording it. As it has been labeled a recombination plat, the drawing when it is recorded will have the legal effect of a deed from ReUse to ReUse, combining ReUse's two pieces of property into one, and removing the property line between them. Note 15 on the drawing identifies the Deed book and page where the legal description of the tract may be found, and the drawing itself will become the recorded plat map after review by the Section and recording by ReUse.

(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 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).

The drawing enclosed with this letter contains the information required by this condition, including a delineation of the coal ash fill site. It indicates that Joyner-Keeney & Associates prepared the drawing in accordance with NC.G.S. § 47-30 (Plats and subdivisions; mapping requirements). Note 23 on the drawing indicates that the property is not within 2000 feet of a NCGS monument, so that G.S. §47-30(f)(9) does not require a tie-in.

(3) The Section will prepare a "Notice of Closed Coal 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 on 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 names 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."

ReUse will review, sign, acknowledge and record the "Notice of Closed Coal Ash Fill Site" when it is received from the Section. ReUse will provide the Section with an originally-signed closure notice upon which the Book and Page number where recorded have been noted. Please let me or Bob Waldrop know if the Section prefers for the enclosed Boundary and Topographic Survey and "Notice of Closed Coal Ash Fill

Mr. Ben Barnes
June 2, 2003
Page 3

Site" to be recorded simultaneously. Otherwise, ReUse will record the Boundary and Topographic Survey after receiving the Section's comments, (or an indication that the Section has no comments).

Second, it was ReUse's understanding, in light of your letter dated August 19, 2002, that Conditions II and III of the April 4, 2002 Notice of Violation, as quoted in your May 23 letter, no longer reflected the appropriate actions needed to be taken to resolve the issues raised in the NOV. ReUse submits the enclosed "Site Investigation, Swift Creek Project, Highway 301" report prepared by Sherrill Environmental, Inc., and dated May, 2003. Conducting this investigation to resolve the NOV was approved in the Section's August 19, 2002 letter. The investigation report covers the results of the investigation of groundwater levels at the site and the locations of the RCP and the original drainage ditch. As discussed in our February, 2003 meeting with the Section, it also includes the results of surface water sampling and analysis, and of permeability studies respecting the clay materials below the ash.

ReUse believes that the results of this investigation are sufficient to characterize the relative locations of the pipe, the original drainage ditch, and the ground surface. Further, they explain how water is being retained in the fill, and the relationship between water in the fill and groundwater below the fill. ReUse continues to believe, as set out in Mr. Waldrop's letter dated May 22, 2002, that collecting groundwater quality data from a point within the fill will not provide any data which are useful in evaluating the potential for environmental impacts at points beyond the property boundaries.

The Section should evaluate the data in the investigation report before it determines whether any additional actions or steps are required to be taken at this site, and ReUse would be happy to discuss any questions or issues which the Section identifies.

Very truly yours,

Moore & Van Allen PLLC



William A. White

cc: Robert J. Waldrop