

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

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



THE DIVISION OF WASTE MANAGEMENT
August 19, 2002

19

**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 issued April 4, 2002
Reuse Technology Hwy 301 Swift Creek Property
Coal Combustion By-Product (CCBP) Structural Fill Site
Nash County

Dear Mr. Waldrop:

This is written in response to your engineering plan submitted on July 17, 2002. The submittal of this plan was one of the conditions listed in a Notice Of Violation issued to ReUse Technology on April 4, 2002. This NOV concerned the Swift Creek Coal Combustion By-Product (CCBP) Structural Fill Site, Hwy 301 N Battleboro in Nash County. The purpose of this plan was to address a method of redirecting surface water away from the ash fill site and the reinforced concrete pipe (RCP) that was installed under the ash.

The Division is in agreement that Reuse shall install an alternative RCP to the west of the site, parallel to highway 301, as long as it is not in contact with or under the coal ash on the site. The purpose is to reroute the highway surface drainage away from the fill in the newly installed pipe. This will allow execution by ReUse of the additional requirement that the existing RCP be permanently plugged sufficient to prevent leachate from the fill and/or highway drainage from entering that existing pipe which has been installed under the fill. The additional clarification information relating to the exact location of the new, alternative RCP that is promised in the July 17, 2002 ReUse letter is duly noted and expected.

The Division continues to have concern as to whether the required one foot separation between ash and the ground water (as stipulated in the November 11, 1991 structural fill agreement conditions) is realized in the area where the original ditch was located, especially at the discharge point at the swamp. The Division is in agreement with the effort by ReUse to establish the relationship of the placement of the RCP to the original ditch and coincidentally the separation of the ash from ground water at that location. Further, it is believed that more than one boring will be required to prove that the pipe is indeed located in the original ditch. Several borings located on a line perpendicular to the pipe may well be required to establish that the contour of the ditch has been located. Further borings at least one additional location along the existing pipe (at a point further into the fill area) may be required to confirm that the ditch/pipe locations coincide and that the separation from ground water satisfies the one foot requirement. ReUse is reminded of their agreement to provide the Division with notification of when it will do this work to permit the scheduling of a Division representative to be on site during the investigation. Depending on the outcome of this planned work, the Division may require that additional action and/or steps be taken at this site.

ReUse is reminded of their agreement to provide the Division with sufficient notification to permit the scheduling of a Division representative to be on site during the above referenced investigation.

Consider this plan approved and begin to implement it. Please be advised that the Notice Of Violation dated April 4, 2002, stipulates that ReUse Technology has 90 days from the receipt of Division approval to complete the above mentioned tests and the remaining requirements of the April 4, 2002 NOV. However due to the additional testing required to determine the location of the existing RCP the Division may be flexible regarding this deadline. The remaining requirements of the April 4, 2002 NOV are for ReUse Technology to:

- 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.
 - (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.

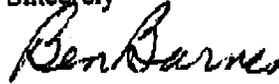
Note: Be sure that the map ties to U.S.G.S. monument in accordance with G.S. 47-30 (f) (9).

- (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 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.

Mr. Waldrop
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If you have any further questions please contact me at 919 571 4700.

Sincerely



Ben Barnes
Waste Management Specialist
Solid Waste Section

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

Supervisor
Engineer
Chemist
Army General

Ben Barnes
Waste Management Specialist
Solid Waste Section
Ben Barnes
Inceley
contact me at 919 571 4700.

COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print 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:
ROBERT J WALDROP
REUSE TECHNOLOGY INC
665 MOLLY LANE SUITE 100
WOODSTOCK GA 30190
NOV/SW/MB

#4078

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
B. Received by (Printed Name) Addressee
C. Date of Delivery 8-23-02
D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label) 7000 0600 0027 00905489
PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509