

**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

December 19, 2001

(4)

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

Subject: ReUse Technology "Swift Creek" Coal Combustion By-Product (CCBP) Structural Fill Located in Nash County on Highway 301 Near Rocky Mount.

Dear Mr. Waldrop:

This letter concerns the condition of the above referenced Coal Combustion By-products fill site in Nash County. Based on discussions between Bill Hocutt, Environmental Chemist and you, and on the Appian CE-1 construction plan, the Division has determined that there are significant differences between the November 11, 1991, plan as it was originally submitted and the project as it currently exists. The findings are as follows:

1. The footprint of ash application in the southeastern corner of the site (at the property line) has been enlarged.
2. The 25 foot set back from highway 301 is referenced to the centerline of the highway when it should be from the edge of the right-of-way which is controlled by the property owner.
3. The elevations for the site are six feet (6') higher on the 8/15/01 Appian CE-1 construction plan than those shown on the 11/15/91 revision to the RT Development Company construction Grading Plan (No. 4 of 7) submitted and approved by the Division on December 3, 1991.
4. The original plan shows the wetland feature being protected by a buffer. The Appian CE-1 plan shows the wetland feature to be piped under the ash fill.
5. Ash has been placed, without any set back, all the way to the adjoining property line. These properties must be treated as separate tracts even if both are owned by the same person. The property must be re-deeded to eliminate the property line if ash application is to extend to that limit.

Robert J. Waldrop
November 28, 2001
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Before the new proposal can be considered for approval, the Swift Creek Coal Combustion Byproducts Structural Fill site must be brought into compliance with the November 11, 1991 agreement.

Therefore, by January 28, 2001, please submit to me a plan illustrating actions that ReUse Technology intends to take that will result in this facility being brought into compliance with the November 11, 1991, agreement. This plan must include a list of the corrective measures, a time table for each phase and a deadline for completion.

Please contact me at 919 571 4700, Bill Hocutt at 919-733-0692, ext. 260 or Jim Barber 910 486 1541 if you have any questions on this.

Sincerely,


Ben Barnes
Waste Management Specialist/Environmental Technician
Solid Waste Section

Cc: Jim Coffee: Acting Section Chief
Phil Prete: Field Operations Branch Head
Mark Fry: Eastern Area Supervisor
Bill Hocutt: Environmental Chemist

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