



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

DIVISION OF SOLID WASTE MANAGEMENT

August 9, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Russ Grant
The Plumline Corp. P.A.
121 Washington Avenue
Weldon, NC 27890

Re: Notice of Violation

Arthur's Creek Coal Combustion Byproduct Beneficial Use
Site

Northampton County

GPS: N 36 27.450 W 077 35.853

Dear Mr. Grant:

Pursuant to North Carolina General Statutes 130A-22(a) and to 15A North Carolina Administrative Code 13B, Ben Barnes, Waste Management Specialist with the NCDENR, Solid Waste Section and I conducted an inspection on July 25, 2006 of the Arthur's Creek Coal Combustion Byproduct Beneficial Use Site located on property managed by your company off of Hwy 46, outside of Garysburg, Northampton County. This inspection was made as a result of a complaint our Division received regarding the operation of this site. The investigation of the Arthur's Creek Coal Combustion Byproduct Beneficial Use Site found several violations of certain requirements contained in the North Carolina Solid Waste Rules, codified at 15A NC Admin. Code 13B specifically:

1.) 15A NCAC 13B .1705 (b) states *“Coal combustion by-products shall be collected and transported in a manner that will prevent nuisances and hazards to public health and safety. Coal combustion by-products shall be moisture conditioned, as necessary, and transported in covered trucks to prevent dusting.”*

You are in violation of 15A NCAC 13B .1705 (b) in that the trucking of the coal ash is creating “nuisances and hazards to public health and safety”. The residents along Highway 46 have complained of coal ash getting onto their properties after the trucks are emptied at the site and it was observed by this section that the trucks, once out on Hwy 46 and picking up speed, have a haze of coal ash coming out of the bed.

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-508-8400 \ FAX: 919-715-4061 Internet: www.enr.state.nc.us/ENR/

2.) 15A NCAC 13B .1705 (i) states “ *The structural fill project must be operated with sufficient dust control measures to minimize airborne emissions and to prevent dust from creating a nuisance or safety hazard and must not violate applicable air quality regulations.*”

You are in violation of 15A NCAC 13B .1705 (i) as it was observed by this section that the trucks entering on the coal ash pad are creating a very large dust cloud of coal ash as they cross the coal ash pad, when they empty the truck and when they cross back over the pad.

3.) 15A NCAC 13B .1705 (l) states “ *Coal combustion by-products utilized on an exterior slope of a structural fill shall not be placed with a slope greater than 3.0 horizontal to 1.0 vertical.*”

You are in violation of 15A NCAC 13B .1705 (l) in that the side slopes are at a greater than 3.0 horizontal to 1.0 vertical. Section .1705 is DESIGN, CONSTRUCTION AND OPERATION FOR STRUCTURAL FILL FACILITIES. The side slopes at the site are at a much steeper inclination and erosion and runoff are very visible. The slopes are to be maintained, during construction and closure, at not greater than a 3.0 horizontal to 1.0 vertical to prevent excess coal ash erosion and runoff.

The following actions will bring you into compliance with 15A NCAC 13B of the Solid Waste Management Rules:

1.) and 2.) Dust control must be maintained on-site and on the highway. Water trucks must be used at the site to prevent excess coal ash dust. The trucks when unloaded will re tarp to prevent excess dust on the highway. Loads may have to be watered more if tarping empty trucks does not solve the problem.

3.) Coal ash shall not be placed with a slope greater than 3.0 horizontal to 1.0 vertical on all working and final slopes.

As we discussed at the site, on August 1, 2006, the berm needs to be extended to be continuous around the coal ash, with the bermed area graded to prevent ponding of coal ash runoff and to insure the coal ash runoff goes to the sediment basins. This bermed area should be a minimum of three feet tall and at least a bush hog width should be kept mowed to the site foot print side of the berm in order to be able to see the berm's structural soundness and any runoff or ponding. The coal ash washes that are existing and that go past the foot print of the structural fill site, must be cleaned up and placed back within the foot print.

The foot print of the structural fill site will be clearly marked by Plumline Corp. P.A., as was also discussed on August 1, 2006.

Based upon the above violations, the Plumline Corp. P.A., as managing agent of this site, is responsible to correct the above referenced violations and improvements, as discussed on site, within 60 days of receipt of this letter.

Pursuant to N.C.G.S. 130A-22(a) and 15A N.C.A.C. 13B .070- .0707, an administrative penalty of up to \$5000.00 per day may be assessed for violation of the Solid Waste Management Laws or Regulations.

If you have any questions regarding this matter, please contact me at 919 508 8523. Thank you for your cooperation.

Mr. Russ Grant
August 9, 2006
Page 3

Sincerely,

Mary Whaley
Waste Management Specialist
Solid Waste Section

cc: Mark Poindexter, Field Operations Branch Head
John Crowder, Eastern District Supervisor
Ben Barnes, Waste Management Specialist
Don Keisling, Plant Manager, Roanoke Valley Energy Facility
Henry B. Long, property owner

One
North Carolina
Naturally