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North Carolina Department of Environment and Natural Resources

Debra Walthers, Deputy

Division of Waste Management

Beverly Eaves Partee, Governor  
Dee Freeman, Secretary

March 11, 2009

Mr. Fran Law  
Broad Creek Construction Company  
PO Box 268  
Merritt, North Carolina 28556

Re: Notice of Violation Docket Number 2005-10

Dear Mr. Law:

I have reviewed the information submitted for the remediation of contamination at your site in Merritt, North Carolina as well as additional information from samples collected from the site by the NC DENR Hazardous Waste Section Compliance Branch.

- 1) The soil assessment summarized in the report dated April 21, 2005 indicated that soil contamination for arsenic and chromium exceeded Hazardous Waste Section Soil Screening Levels.
- 2) Additional excavation and disposal of contaminated soil was completed. Confirmation sampling was conducted by the NC DENR Hazardous Waste Section Compliance Branch. The analytical results documented arsenic levels from soils collected in the area designated as burn pile 1 exceed Hazardous Waste Section Soil Screening Levels protective of groundwater. However, EPA SW-846 Method 1320 Synthetic Precipitation Leaching Procedure extracts of soil from burn pile 1, document no arsenic detected above the minimum detection limit of 0.026 mg/L. When these levels are compared to the NCAC 15A 2L groundwater standard of 0.050 mg/L, it indicates that the levels of arsenic remaining on site are not at levels that pose a risk of leaching to groundwater.
- 3) Documentation was provided showing that the containers observed during the January 20, 2005 inspection at the site have been adequately disposed.

For these reasons, no further action is required for this incident by the Hazardous Waste Section Compliance Branch. This letter only applies to the specific contamination event documented in the Closure Report. It is not applicable to other areas of contamination at the site, or contamination that may be discovered, at the site.

If you have any questions concerning this matter, please contact me at 919-467-1979.

Sincerely,

*Harvi Cooper*

Harvi Cooper, Environmental Chemist  
Hazardous Waste Section

cc: Mike Williford  
Ted Cashion  
Dick Denton  
Central Files

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