



NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES

Dexter R. Matthews, Director

Division of Waste Management

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

10 April 2007

William C. Stillwagon, President
Rial Corporation and Innsbrook Golf & Marina
319 South Maple Avenue
Greensburg, Pennsylvania 15601

Gus Borscheke, Bowman Gray Technical Center
PO Box 1487
Winston-Salem, North Carolina 27102-1487

Re: Closed Avoca Landfill (Permit No. 08-02) Bertie County, North Carolina
Doc ID No. RCO1223

Dear Mr. Stillwagon and Mr. Borscheke:

The Solid Waste Section (Section) has received and reviewed the documentation submitted regarding the subject facility. The Section has no objections to the planned construction of the golf course maintenance facilities on top of the Avoca Landfill. The subject facilities must be constructed in accordance with the construction plan dated August 24, 2006 and in accordance with the submitted documents dated April 4, 2007.

Summarizing the facility history, the Avoca Landfill was constructed in 1979 for the disposal of manganese oxide and hydroxide sludge. On October 8, 1984, Permit 08-02 was issued to RJ Reynolds Tobacco Company (RJR) to operate the landfill. A closure letter was issued by the Section to RJR / Avoca Division on March 16, 1999 terminating all disposal activities and defining the post closure conditions for the site. On April 15, 1999, RJR submitted a letter documenting landfill closure in accordance with all applicable requirements.

In correspondence dated August 24, 2006, Rial Corporation requested transfer of ownership and authorization to construct golf course maintenance facilities on top of the Avoca Landfill. Currently, a total of eight monitoring wells (MW-1 through MW-8) are located onsite. MW-1 through MW-6 were installed in 1979, and MW-7 and MW-8 were installed in 2006. All monitoring wells, except MW-1, have consistently reported above the 2L Standard for manganese, and for this reason, the Section has required that monitoring continue on a semi-annual basis.

Per submittal dated April 4, 2007, the issues of concern outlined in the January 26, 2007 letter from the Section to the consultant (Michael Hall, P.G. of Obrien & Gere) have been adequately addressed. It is the intent of the Section to re-issue the permit to Rial Corporation as owner and RJR as operator, but in order to proceed with the transfer of ownership, the following items concerning the permit must be clarified:

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1. Given that RJR will remain on the permit as operator of the landfill, Rial Corporation (the applicant) is not required to demonstrate financial qualifications. In accordance with NCGS §130A-294 (b2), the applicant must demonstrate substantial compliance with the requirements for any solid waste management activity in which the applicant has previously engaged. Please complete the attached compliance history form so that the Section may conduct a review to determine past compliance with environmental laws, regulations, and rules.
2. Please be advised that upon re-issuance of the permit, conditions may specify that the groundwater monitoring network be modified in order to adequately determine if there are manganese concentrations in excess of the 2L standard beyond the compliance boundary. The proposed groundwater monitoring network must depict the location of the potential manganese plume and should include a strategy for remediation. Adequate setbacks from the point of compliance must be maintained. Also, it must be clearly defined whether RJR or Rial Corporation will be responsible for monitoring and submitting all groundwater monitoring reports.

Please be advised that until these issues are resolved, RJR is the Permittee of Permit No. 08-02 and maintains liability for any regulated solid waste management activities. If you have any questions regarding this letter or wish to discuss the matter further, please contact me at (919) 508-8510 or via email at Toni.Wyche.Jones@ncmail.net.

Sincerely,

Toni Wyche Jones, EI
Solid Waste Section

cc: Michael Hall, P.G. of O'Brien & Gere
Dexter Matthews, Division of Waste Management Director
Paul Crissman, Solid Waste Section Chief
Ed Mussler, P.E., Solid Waste Section Permitting Branch Supervisor
Mark Poindexter, Solid Waste Section Compliance Branch Supervisor
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