



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR



LYNDO TIPPETT  
SECRETARY

February 28, 2006

Mr. Ed Mussle  
DEHNR Office of Solid Waste Management  
1646 Mail Service Center  
Raleigh, NC 27605

Subject: Coal Combustion Fly Ash Use – Halifax County, US 158 EBL

Dear Mr. Mussle

The North Carolina Department of Transportation, as land owners of the subject project, will file a statement of the volume and locations of the coal combustion by-products with the Register of Deeds in Halifax County where the property is located within 90 days after completion of coal combustion by-product fill. The statement will identify the parcel of land according to the complete legal description on the recorded deed, either by metes and bounds, or by reference to a recorded map. The statement will be signed and acknowledged by the form prescribed by G.S. 47-38 through 47-43.

Respectfully yours,

A handwritten signature in black ink, appearing to read "R. E. Greene, Jr." with a stylized flourish at the end.

R. E. Greene, Jr., P.E.  
Division Engineer

rlk/fe

cc: R. L. Keeter, Jr. P.E., District Engineer  
file



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February 28, 2006

Mr. Ed Mussle  
DEHNR Office of Solid Waste Management  
1646 Mail Service Center  
Raleigh, NC 27605

Subject: Coal Combustion Fly Ash Use – Halifax County, US 158 EBL

Dear Mr. Mussle

By copy of this letter, the Department of Transportation requests to use coal fly ash as structural fill on the subject project. The ash is to be placed within the Town of Weldon along US 158 East adjacent to the property owned by the Town of Weldon. In accordance with Section .1703 (a), we submit the following information:

1. The location of the fly ash will be shown on our construction plans for this project and kept on file in the District Engineer's office in Halifax, NC.
2. The usage of this material will begin as soon as approval is received and should be completed by June 30, 2006.
3. The estimated volume is 20,000 cy.
4. TCLP analysis is attached.
5. The signed and dated statement by the owner(s) of the land on which the structural fill is to be placed has already been submitted from the Division Engineer.
6. (a) The generator of this material is Roanoke Valley Energy,  
(b) 29 Power Place, Weldon  
(c) P.O. Box 351, Weldon, NC 27890  
(d) Mr. Doug Henshaw  
(e) (252) 536-3200

In regards to Section .1704 (a) (6) which states that the structural fill shall not be placed within 25 feet of any property boundary, the Department of Transportation has a municipal agreement with the Town of Weldon that allows the use of the fly ash in the structural fill within these limits.

Please contact me at (252) 237-6164 if any additional information is needed.

Respectfully yours,

A handwritten signature in black ink, appearing to read "R. E. Greene, Jr.", with a stylized flourish at the end.

R. E. Greene, Jr., P.E.  
Division Engineer

rlk/fe

cc: R. L. Keeter, Jr. P.E., District Engineer  
file

**Roanoke Valley Energy Facility**  
**Westmoreland - LG&E Partners**  
 290 Power Place, P.O. Box 351  
 Weldon, N.C. 27890  
 Phone: (252) 536-3200 Fax: (252) 536-4448

Fax Cover Sheet

Date: 12/14/2005 (Cover Sheet Included) **5**

To: Ronnie Keeter

From:

Willie Williams		Sandy Morris	
Eric Woods		Rosemary Morriss	
Ken Greier		Glenn Outland	
Doug Henshaw	X	Freddie Silva	
Chris Hews		Charletta Wilcox	
Don Keisling			

Message: Ronnie  
TCLP's to follow.  
Sorry for the misunderstanding

*Doug*

If you have any problems receiving this fax, contact Charletta at (252) 536-3200 x 221



L A B S I N C

201 West Clay Avenue / West Hazleton, PA 18202

PHONE: (570) 455-6011 • FAX (570) 455-6321

Certificate of Analysis

Customer: Westmoreland - LG&E Partners  
 Roanoke Valley Energy Facility  
 P.O. Box 351  
 Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

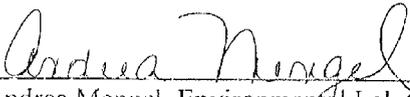
Material Tested: Fly Ash  
 Date Sampled: 06/14/2005  
 Date Received: 06/17/2005  
 Client Sample ID: ROVA 1 Fly Ash

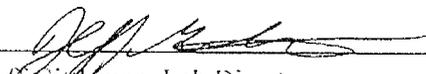
HawkMtn WO #: 0506-00459-001  
 Sampler: Client  
 Sample Point ID: ROVA 1

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	1.77 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	4.7 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.622 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	0.033 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.052 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	18.7 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.334 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	0.0011 mg/l	SW846-7470A	DDF	06/24/2005
Nickel, Leachate	0.094 mg/l	SW846-6010B	DDF	07/01/2005
Selenium, Leachate	0.601 mg/l	SW846-7740	LJD	07/05/2005
Silver, Leachate	0.039 mg/l	SW846-6010B	DDF	07/01/2005
Zinc, Leachate	0.193 mg/l	SW846-6010B	DDF	07/01/2005

These results relate only to the sample noted above.

This certificate is not to be reproduced except in full,  
 without the written approval of HawkMtn Labs

  
 Andrea Mengel, Environmental Lab Coordinator

  
 Jeff Gittelman, Lab Director



**HAWKMTN**

LABS INC

201 West Clay Avenue / West Hazleton, PA 18202

PHONE (570) 455-6011 • FAX (570) 455-6321

**Certificate of Analysis**

Customer Westmoreland - LG&E Partners  
 Roanoke Valley Energy Facility  
 P.O. Box 351  
 Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

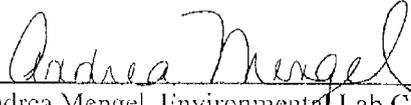
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 Date Sampled: 06/14/2005  
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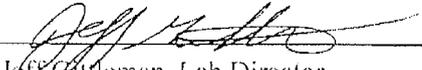
HawkMtn WO #: 0506-00459-002  
 Sampler: Client  
 Sample Point ID: ROVA 1

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	0.012 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	3.33 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.518 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	<0.005 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.153 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	3.37 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.062 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	<0.0002 mg/l	SW846-7470A	DDF	06/24/2005
Nickel, Leachate	0.059 mg/l	SW846-6010B	DDF	07/01/2005
Selenium, Leachate	<0.005 mg/l	SW846-7740	LJD	07/05/2005
Silver, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Zinc, Leachate	0.152 mg/l	SW846-6010B	DDF	07/01/2005

These results relate only to the sample noted above.

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 Andrea Mengel, Environmental Lab Coordinator

  
 Jeff Gittleman, Lab Director



**HAWKMTN**

L A B S I N C

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Certificate of Analysis

Customer: Westmoreland - LG&E Partners  
 Roanoke Valley Energy Facility  
 P.O. Box 351  
 Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

Material Tested: Fly Ash  
 Date Sampled: 06/14/2005  
 Date Received: 06/17/2005  
 Client Sample ID: ROVA II Fly Ash

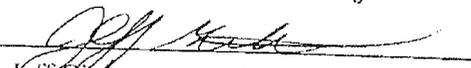
HawkMtn WO #: 0506-00459-003  
 Sampler: Client  
 Sample Point ID: ROVA II

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	0.256 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	7.3 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.985 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	<0.005 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.046 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	0.02 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.235 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	<0.0002 mg/l	SW846-7470A	DDF	07/01/2005
Nickel, Leachate	0.072 mg/l	SW846-6010B	DDF	06/24/2005
Selenium, Leachate	0.053 mg/l	SW846-7740	LJD	07/01/2005
Silver, Leachate	0.048 mg/l	SW846-6010B	DDF	07/05/2005
Zinc, Leachate	0.052 mg/l	SW846-6010B	DDF	07/01/2005

These results relate only to the sample noted above.

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 Andrea Mengel, Environmental Lab Coordinator

  
 Jeff Gittleman, Lab Director





LABS INC

201 West Clay Avenue / West Hazleton, PA 18202

PHONE (570) 455-6011 • FAX (570) 455-6321

### Certificate of Analysis

Customer Westmoreland - LG&E Partners  
Roanoke Valley Energy Facility  
P.O. Box 351  
Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

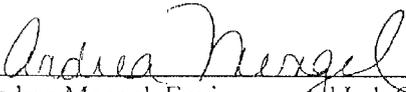
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Date Sampled: 06/14/2005  
Date Received: 06/17/2005  
Client Sample ID: ROVA II Bottom Ash

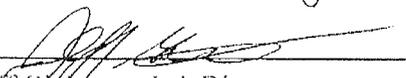
HawkMtn WO #: 0506-00459-004  
Sampler: Client  
Sample Point ID: ROVA II

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	0.014 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	3.4 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.546 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	0.005 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.241 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	2.60 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.074 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	<0.0002 mg/l	SW846-7470A	DDF	06/24/2005
Nickel, Leachate	0.061 mg/l	SW846-6010B	DDF	07/01/2005
Selenium, Leachate	<0.005 mg/l	SW846-7740	LJD	07/05/2005
Silver, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Zinc, Leachate	0.337 mg/l	SW846-6010B	DDF	07/01/2005

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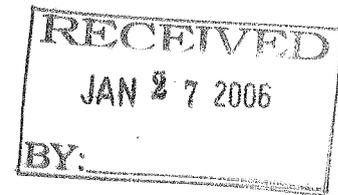
  
Andrea Mengel, Environmental Lab Coordinator

  
Jeff C. Coleman, Lab Director





ENGINEERING CONSULTING SERVICES, LTD.  
 Geotechnical • Construction Materials • Environmental



January 25, 2006

Mr. G. W. Draper  
 P.O. Box 551  
 Weldon, North Carolina 27890

RE: *Proposed Family Dollar Store  
 Soil Profile and Annual Mean High Water Table  
 Intersection of U.S. Highways 301 and 158  
 Weldon, North Carolina  
 ECS Project Number: 13763*

Dear Mr. Draper:

ECS, Ltd. (ECS) appreciates the opportunity to provide you with subsurface exploration services for the referenced project. On January 17, 2006, ECS performed the services requested by excavating test pits at the project location with a backhoe, installing hand auger borings, and taking observations and notes on soils, saturation points, and groundwater as material was removed from the ground.

**Soil Profile**

In general, soils at the project location were determined to be fill material brought onto the site from other locations. Subsurface debris such as tires, roots, metal parts, and other material were observed during the soil excavation. The soils displayed low chroma matrices and mottling throughout the profiles, indicating that they were excavated and imported from off-site wetland areas.

Two hand auger borings were installed to perform a detailed profile of the soils at the site. One boring was installed at the lower end of the property, toward the east, while the other boring was installed at the higher elevation at the site, towards the west. The profiles are as follows.

Test Pit #1

Depth	Matrix	Mottle	Observations
0-20"	10YR 5/3	7.5 YR 5/6	Silty loam. Relic hydric soil. Mottling few and distinct.
20-26"	10YR 4/1	5YR 4/6	Silty clay. Relict hydric soil. Mottling abundant and distinct. Moisture content low.
26-30"	10YR 4/1	5YR 4/6	Silty clay. Mottling few and faint. Moisture content low.
30"+	10YR 4/1	5YR 4/6	Silty clay with sand. Mottling few and faint. Saturation point.

Test Pit 2

Depth	Matrix	Mottle	Observations
0-20"	10YR 5/3	7.5 YR 5/6	Silty loam. Mottling few and distinct. Moist.
20-26"	10YR 5/3	5YR 4/6	Fine silty loam. Mottling many and distinct. Moist.
26-30"	10YR 4/1	5YR 4/6	Fine silty loam. Relic hydric soil. Mottling abundant and distinct. Moist.
30-34"	10YR 5/6	5YR 4/6	Sandy loam with silty clay. Probable sand lens. Mottling abundant and distinct. Moist.
34-60"	10YR 4/1	5YR 5/6	Fine silty loam with sand. Relict hydric soil. Mottling abundant and distinct. Moist.
60"+	10YR 6/1	N/A	Rocky sand. Saturation point.

**Annual Mean High Water Table**

Groundwater incursion was observed in each test pit excavated at the site. Groundwater was observed at a depth of approximately 3-feet in the first pit dug at the lower end of the site, towards the east. This agrees fairly well with the saturation point at a depth of 30" noted during the soil profile.

Groundwater was observed at a depth of approximately 5-feet in the second pit dug at the upper end of the site, towards the west. This agrees with the saturation point at a depth of 60" noted during the soil profile.

Three additional pits were excavated to determine if the water table was uniform throughout the site. The third pit was excavated approximately equidistant in between the first two pits. No groundwater incursion was observed in the third pit. It is believed groundwater was prevented from entering the pit by tightly packed silty-clay loam observed in the pit. A fourth pit was excavated to the east of the third pit. Groundwater incursion was observed at a depth of approximately 5-feet in this pit. Finally, a fifth pit was excavated to the west of the second pit, at the highest elevation of all the pits. Groundwater incursion was observed at a depth of approximately 6-feet in this pit.

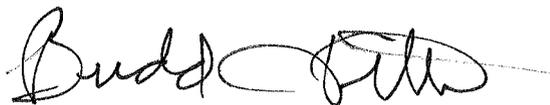
In summary, groundwater was observed at a depth of approximately 6-feet in the western portion of the site, the highest elevation at the site. Groundwater was observed at a depth of approximately 5-feet in the middle portion of the site. Finally, groundwater was observed at a depth of approximately 3-feet in the eastern portion of the site, the lowest elevation at the site.

The months of November through April are generally considered to be the wettest time of year in North Carolina. As such, these water table depths may be considered the highest groundwater elevations that may be encountered at the site during the course of a year. However, to more accurately determine water table elevations, ECS recommends the installation and monitoring of piezometers at the site. This would allow more accurate results and also reveal fluctuations in water table elevation over time.

Proposal Family Dollar Store  
Intersection of U.S. Highways 301 and 158  
Weldon, North Carolina  
ECS Project Number: 13763

We are pleased to have this opportunity to offer our services to you. Please call if you have any questions or comments.

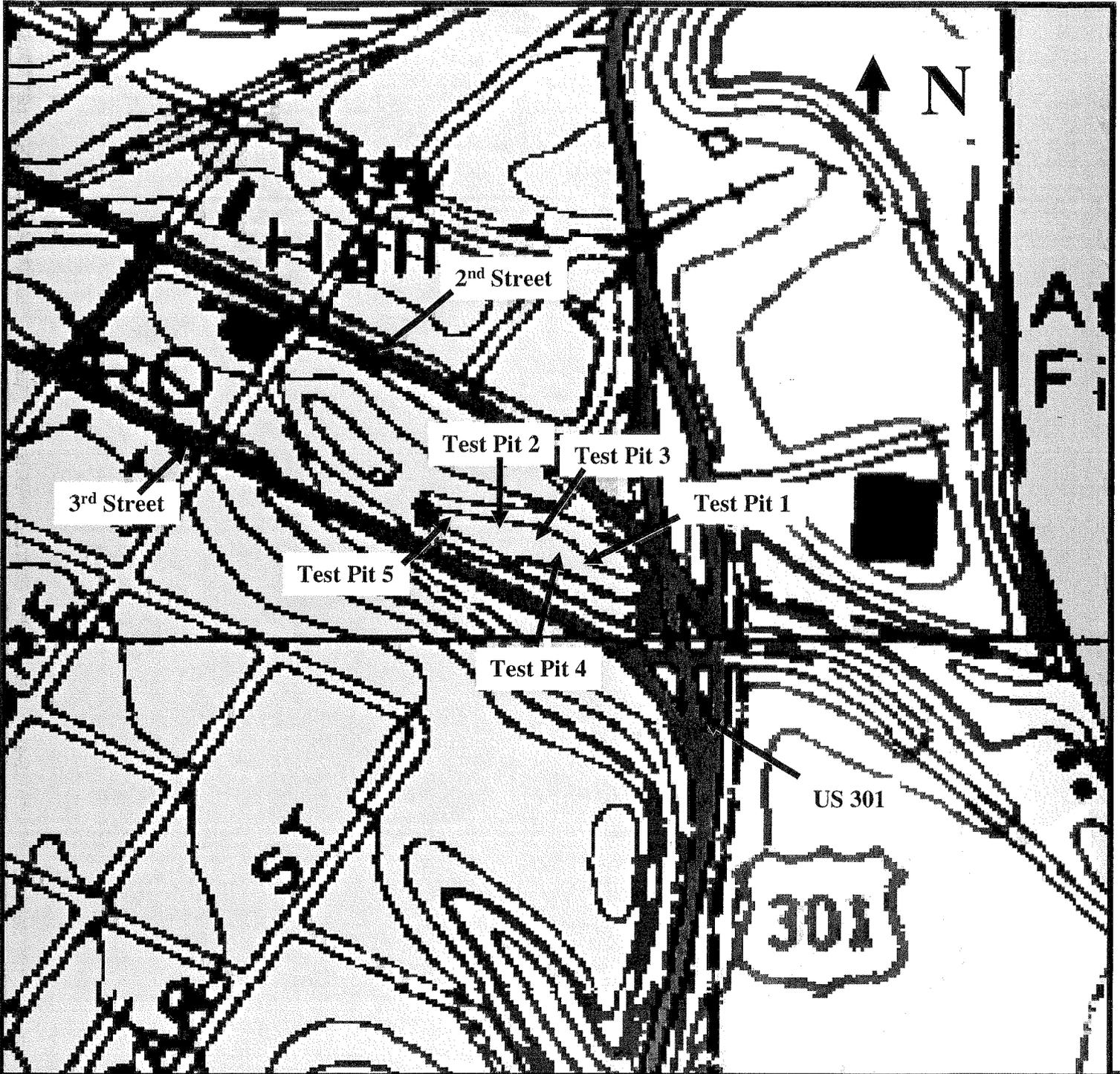
Respectfully submitted,  
**ENGINEERING CONSULTING SERVICES, LTD.**

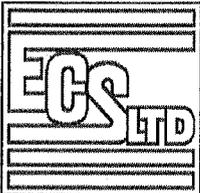
A handwritten signature in black ink, appearing to read "Budd Titlow". The signature is fluid and cursive, with a large initial "B" and a long horizontal stroke at the end.

Budd Titlow, Environmental Department Manager  
Professional Wetland Scientist (SWS #754)

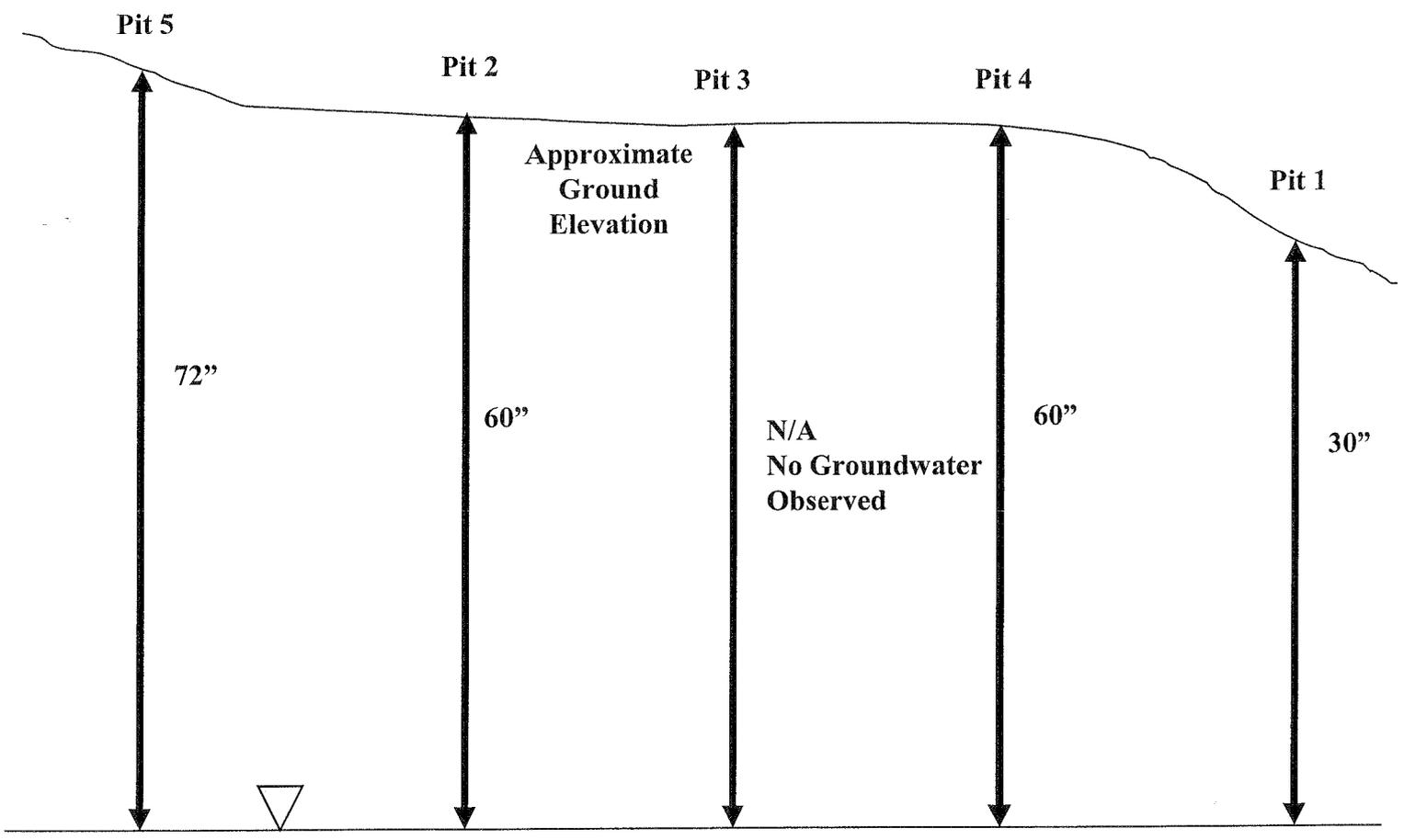
A handwritten signature in black ink, appearing to read "Thomas K. Rouse". The signature is cursive and somewhat stylized, with a large initial "T" and a long horizontal stroke at the end.

Thomas K. Rouse EI  
Senior Environmental Scientist



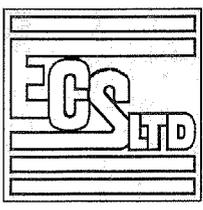
	Engineering Consulting Services, LTD.	Vicinity Map Weldon Quadrangle	Figure No. 1
	Not to Scale	Test Pit Locations Weldon, North Carolina	ECS Project # 13763

East, Towards Roanoke River →



Approximate Location of Water Table

Not to Scale

	Engineering Consulting Services, LTD.	Groundwater Location	Figure No. 2
		Weldon, North Carolina	ECS Project # 13763

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



**Michael F. Easley, Governor  
William G. (Bill) Ross, Secretary**

**DIVISION OF LAND RESOURCES  
LETTER OF APPROVAL  
February 3, 2006**

Town of Weldon  
PO Box 551  
Weldon, NC 27890

**RE:** Project Name: Family Dollar - Town of Weldon  
County: Halifax  
Submitted by: Baldwin & Associates  
Date Received: February 2, 2006  
Date Processing Initiated: February 2, 2006  
Watershed: Roanoke #2/03-02-08  
New Submittal  Revised

Dear Sir/Madam:

This office has reviewed the subject Erosion and Sedimentation Control Plan. We find the plan to be acceptable and hereby issue this letter of approval. If any modifications, performance reservations, or recommendations are applicable, a list is enclosed and is incorporated as a part of this letter of approval. The enclosed Certificate of Approval should be posted at the job site. In addition, it should be noted that this plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, in accordance with Title 15A, North Carolina Administrative Code (NCAC) 4B.0029.

If any modifications are not incorporated into the plan and implemented in the field, the site will be in violation of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute (NCGS), 113A-61.1).

15A NCAC 4B.0018(a) requires that a copy of the approved plan be on file at the job site. Also, this letter gives the notice required by NCGS 113A-61.1(a) concerning our right to perform periodic inspections to ensure compliance with the approved plan.

North Carolina's sedimentation pollution control program is performance oriented, requiring protection of the natural resources and adjoining properties. If at any time during this project it is determined that the Erosion and Sedimentation Control Plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66), this office may require revisions in the plan and its implementation to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with applicable federal and state water quality laws, regulations and rules. This could include the Division of Water Quality under stormwater or other specific water quality standards, and the U.S. Army Corps of Engineers under Article 404 jurisdiction. Our approval does not supersede any other required permit or approval.

Since this project disturbs one or more acres, one such approval relates to the stormwater that will discharge from your project. This runoff is permitted pursuant to the National Pollutant Discharge Elimination System (NPDES) administered in North Carolina by the Division of Water Quality (DWQ). Attached is the General Stormwater NPDES Permit, NCG010000, as revised October 1, 2001, covering your activity. You are responsible for complying with the General Permit requirements and are subject to enforcement by DWQ for any violations of the General Permit.

Please note that this approval is based in part on the accuracy of the information provided concerning financial responsibility. You are requested to file an amended Financial Responsibility Form if any changes become necessary. In addition, it would be helpful if you would notify this office when the proposed land-disturbing activity covered by this plan is initiated.

Your cooperation is appreciated and we look forward to working with you on this project. If there are any questions, please do not hesitate to contact this office.

Sincerely,

  
Ahmad Al-Sharawneh  
Asst. Regional Engineer  
Land Quality Section

AA:clm

cc: Michael D. Tolson, Baldwin & Associates  
Mr. Ken Schuster, P.E., Division of Water Quality

### PLAN REVIEW COMMENTS

PROJECT NAME: Family Dollar - Town of Weldon	DATE RECEIVED: February 12, 2006
LOCATION: Halifax County	REVIEWED BY: JW/AA
New Submittal ( <input type="checkbox"/> ) Revised ( <input checked="" type="checkbox"/> )	Approved ( <input checked="" type="checkbox"/> ) Disapproved ( <input type="checkbox"/> )
Reasons for Disapproval ( <input type="checkbox"/> )	Modifications ( <input checked="" type="checkbox"/> ) Performance Reservations ( <input type="checkbox"/> )

The construction sequence must be adjusted to address the installation of the sediment trap with arc filter at the existing inlet at the southeast corner at the initial phase of grading. Also, it must address the storm drain system construction.

---

#### RECOMMENDATIONS AND/OR COMMENTS:

A complete full set of plans must be submitted to this office with the above modifications prior to construction, use the enclosed details for the arc filter and storm drain under construction.

# CERTIFICATE OF PLAN APPROVAL



The posting of this certificate certifies that an erosion and sedimentation control plan has been approved for this project by the North Carolina Department of Environment and Natural Resources in accordance with North Carolina General Statute 113A - 57 (4) and 113A - 54 (d) (4) and North Carolina Administrative Code, Title 15A, Chapter 4B.0107 (c). This certificate must be posted at the primary entrance of the job site before construction begins and until establishment of permanent groundcover as required by North Carolina Administrative Code, Title 15A, Chapter 4B.0127 (b).

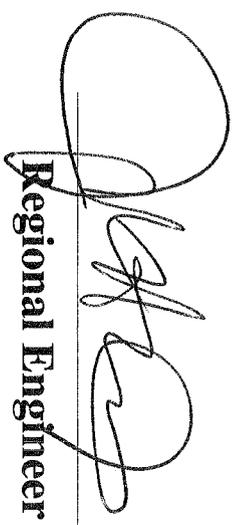
**Family Dollar - Town of Weldon - Halifax Co.**

**Project Name and Location**

**February 3, 2006**

**Date of Plan Approval**



  
**Regional Engineer**

**Subject:** Re: Fly Ash Use/Halifax County in DOT Right of Way

**From:** "Ronnie L. Keeter Jr.,P.E." <rkeeter@dot.state.nc.us>

**Date:** Tue, 28 Mar 2006 13:35:44 -0500

**To:** "Ricky E. Greene" <rgreene@dot.state.nc.us>, brian.wootton@ncmail.net, Bobby Lewis <bobbylewis@dot.state.nc.us>

Brian,

Attached is a letter that addresses the issues that we previously discussed. If you have any questions, please feel free to contact me. If it is not to much trouble please e-mail me when we can proceed.

Thanks,  
Ronnie

"Ricky E. Greene" wrote:

Brian,

I received your e-mail. We should be able to get you a short letter that indicates we will adhere to the appropriate buffers. The lone exception will be the 25 foot buffer from the adjacent property and we will be providing a letter from the town which indicates their willingness for this exception.

Mr. Ronnie Keeter, district engineer, will be putting this together. If you need to contact him for anything in the meantime, he can be reached at (252) 583-5861.

Thanks, Ricky Greene

Ronnie, Brian's fax number is (919) 733-4810. His phone number is (919) 508-8524.

<b>Fly Ash US158E Weldon.doc</b>
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<b>Content-Type:</b> application/msword
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<b>Weldonditch2.pdf</b>
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STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

March 28, 2006

Mr. Brian Wootton  
DEHNR Office of Solid Waste Management  
1646 Mail Service Center  
Raleigh, NC 27605

Subject: Coal Combustion Fly Ash Use – Halifax County, US 158 EBL

Dear Mr. Wootton:

This is a follow-up letter to our original request to use fly-ash as structural fill within the Town of Weldon along US 158 East adjacent to the property owned by the Town of Weldon. In accordance with Section .1704 (a), we submit the following information:

1. The fill will not be placed within 25' of the property line between the Town of Weldon and the Webb property on the Northwest property line.
2. The Division 4 Environmental officer did a site investigation and determined that the site is not within 50' of a perennial stream or jurisdictional wetland.
3. The Town of Weldon has a municipal water system and has assured me that this site is not within 100' of a drinking water source.
4. Attached is a portion of the flood plain map, which indicates that this site is in zone B, which is between the 100-500 year flood plain.
5. There is not an observed rock outcrop with 25' of the site.

Please contact me at (252) 583-5861 if any additional information is needed.

Respectfully yours,

R. L. Keeter, Jr. P.E.  
District Engineer

14194 Highway 903, Halifax, North Carolina 27839  
Phone (252)583-5861 Fax (252) 583-1608

G. W. (JOHNNY) DRAPER, JR.  
MAYOR  
NEAL C. PHILLIPS  
TOWN ADMINISTRATOR  
LINDA W. GRIFFIN  
CLERK  
KAY TRIPP  
TAX COLLECTOR  
THOMAS H. WELLMAN  
TOWN ATTORNEY

# Town of Weldon

109 WASHINGTON AVENUE  
P.O. BOX 551  
WELDON, N.C. 27890  
PH. 252-536-4530

COMMISSIONER:  
DYCK M. BROWN  
MICHAEL D. HARGROVE  
JULIA M. MEACHTAM  
HATTIE A. SQUIRE  
ANDY WHITBY

March 10, 2006

Mr. Ronnie Keeter  
NC Department of Transportation  
P.O. Box 98  
Halifax, NC 27839

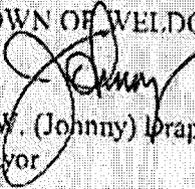
Dear Ronnie:

The Town of Weldon is aware that the N.C. Department of Transportation will be using coal flyash within twenty-five (25) feet of our property located on Hwy. 301 and Hwy. 158, along NC DOT's permanent drainage easement.

If I can be of further assistance, please contact me at (252) 536-4836. Thank you.

Sincerely,

TOWN OF WELDON

  
G.W. (Johnny) Draper, Jr.  
Mayor

GWDjr/ts

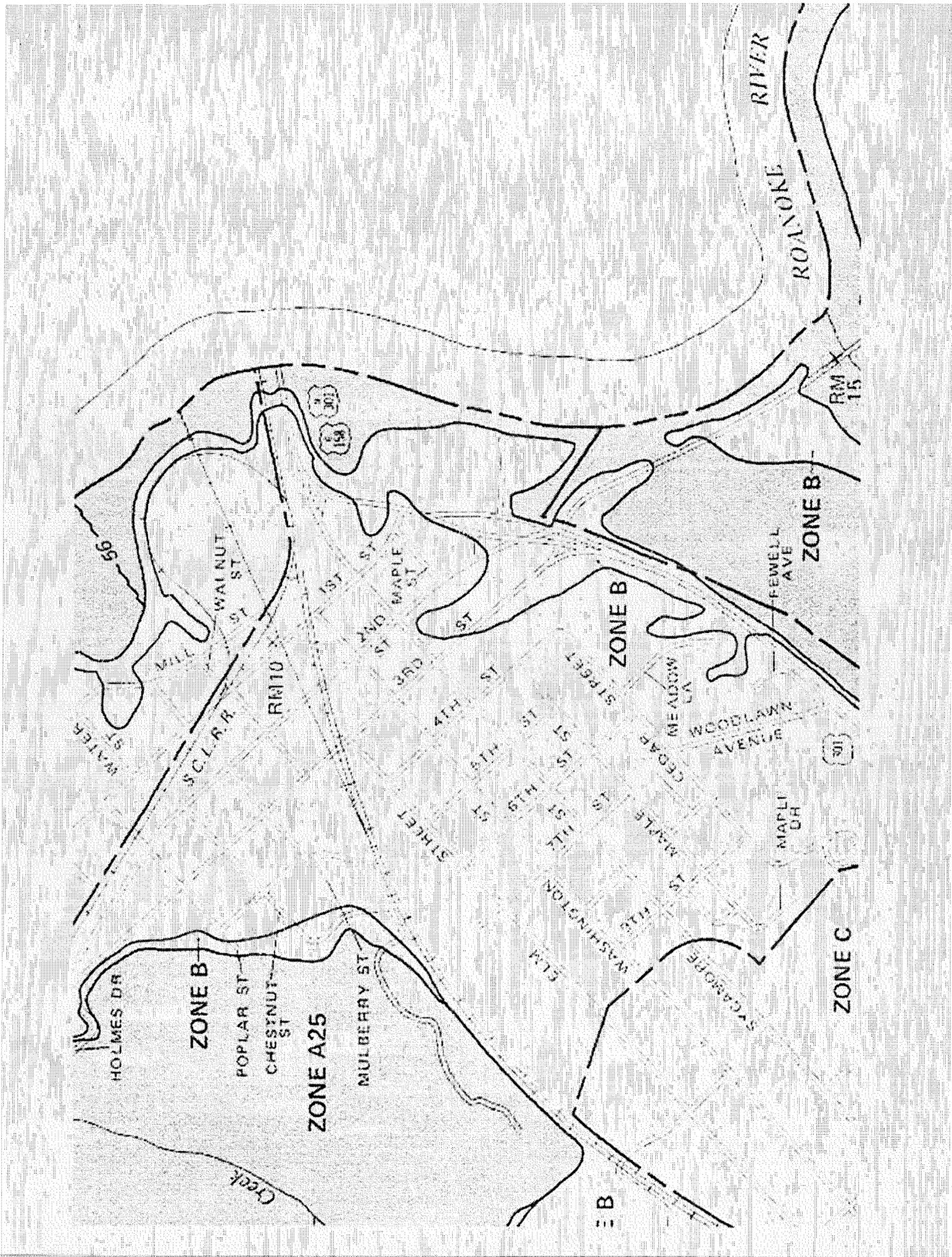
- of inundation are shown, but no flood hazard factors are determined.
- AH** Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
  - A1-A30** Areas of 100-year flood; base flood elevations and flood hazard factors determined.
  - A99** Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
  - B** Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
  - C** Areas of minimal flooding. (No shading)
  - D** Areas of undetermined, but possible, flood hazards.
  - V** Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
  - V1-V30** Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

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#### NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.



HOLMES DR

ZONE B

POPLAR ST

CHESTNUT ST

ZONE A25

MULBERRY ST

RIVER

ROANOKE

ZONE C

FEWELL AVE

ZONE B

ZONE B

301

RM 15

56

WAINUT ST

MILL ST

RM10

1ST ST

2ND ST

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

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9TH ST

10TH ST

11TH ST

12TH ST

13TH ST

14TH ST

15TH ST

16TH ST

17TH ST

WATER

S.C.L.R.

MILL ST

WAINUT ST

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**Subject:** Fly Ash Use/Halifax County in DOT Right of Way

**From:** "Ricky E. Greene" <rgreene@dot.state.nc.us>

**Date:** Tue, 28 Mar 2006 10:06:19 -0500

**To:** brian.wootton@ncmail.net, "Ronnie L. Keeter Jr.,P.E." <rkeeter@dot.state.nc.us>, Bobby Lewis <bobbylewis@dot.state.nc.us>

Brian,

I received your e-mail. We should be able to get you a short letter that indicates we will adhere to the appropriate buffers. The lone exception will be the 25 foot buffer from the adjacent property and we will be providing a letter from the town which indicates their willingness for this exception.

Mr. Ronnie Keeter, district engineer, will be putting this together. If you need to contact him for anything in the meantime, he can be reached at (252) 583-5861.

Thanks, Ricky Greene

Ronnie, Brian's fax number is (919) 733-4810. His phone number is (919) 508-8524.

**Subject:** structural fill coal ash - Halifax co., US 158  
**From:** Brian Wootton <Brian.Wootton@ncmail.net>  
**Date:** Thu, 16 Mar 2006 14:43:37 -0500  
**To:** rkeeter@dot.state.nc.us

Mr. Keeter,

I (on behalf of Ed Mussler Solid Waste Management) received the written request and documentation from RE Greene, P.E. (NCDOT) dated February 28, 2006, to use a portion of land between Highways 301 and 158 as structural fill for coal ash produced from Roanoke Valley Energy Facility.

On March 13, 2006 I received additional information from you (via fax), which included a statement from the Town of Weldon, saying that the Town is aware of the proposal by DOT to apply coal ash within the twenty-five (25) feet property boundary.

Thank you for this information. In addition, please send written documentation stating that the NC DOT will abide by rules .1704 (a- 1,2,3,4,5,7). Also state if the structural fill area is to be covered entirely by structures such as building (s), pavement, etc.

If you have any further questions, please contact me by phone (919) 508-8524, or by e-mail.

Sincerely,  
Brian Wootton  
Solid Waste Section,

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
HALIFAX DISTRICT OFFICE



DIVISION 4 DISTRICT 1

**FAX COVER SHEET**

DATE : 3-13-06

TO : Brian Wooten

DEPARTMENT : SOLID WASTE

FROM : Ronnie Keeter

Number of Pages ( Including Cover Sheet ) 2

If you do not receive any pages clearly, please call (252) 583-5861

Our Fax Number is (252) 583-1608.

Remarks : Per your conversation w/  
Ricky Greene. If this is not  
sufficient or if you need  
additional info, let me know,  
Ronnie

FROM : TOWN OF WELDON

FAX NO. : 252 536 4104

Mar. 10 2006 03:12PM P2

G. W. (JOHNNY) DRAPER, JR.  
MAYOR

NEAL C. PHILLIPS  
TOWN ADMINISTRATOR

LINDA W. GRIFFIN  
CLERK

KAY TRIPP  
TAX COLLECTOR

THOMAS H. WELLMAN  
TOWN ATTORNEY

### Town of Weldon

109 WASHINGTON AVENUE  
P.O. BOX 551  
WELDON, N.C. 27890  
PH. 252-536-4836

COMMISSIONER:

DOCK M. BROWN

MICHAEL D. HARGROVE

JULIA M. BEACHAM

MATTIE A. SQUIRE

ANDY WHITEBY

March 10, 2006

Mr. Ronnie Keeter  
NC Department of Transportation  
P.O. Box 98  
Halifax, NC 27839

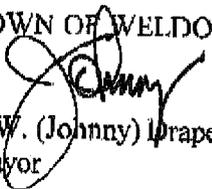
Dear Ronnie:

The Town of Weldon is aware that the N.C. Department of Transportation will be using coal flyash within twenty-five (25) feet of our property located on Hwy. 301 and Hwy. 158, along NC DOT's permanent drainage easement.

If I can be of further assistance, please contact me at (252) 536-4836. Thank you.

Sincerely,

TOWN OF WELDON

  
G.W. (Johnny) Draper, Jr.  
Mayor

GWDjr/ts

**Subject:** Family Dollar project CCB fill project Weldon NC

**From:** "Russell Grant" <buzzzeke@charter.net>

**Date:** Wed, 3 May 2006 21:36:37 -0400

**To:** <brian.wootton@ncmail.net>

to : Brian Wootton,

From Russ Grant - Plumblin Engineering

To follow up on our conversation Monday I am writing to verify some requirement for CCB use as structural fill.

.1704 Siting requirements for Coal Combustion Byproducts  
( see attached regs for numeration )

1. No wetlands present on site or within 50 foot of project
2. Site is not within 50 foot of the top bank of a perennial stream.
3. Soil study indicates seasonal high water separation more than 24"
4. Not within 100 foot of any groundwater drinking source ( i.e. Well or Spring )
5. Area not in Flood plain
6. Site not within 25 feet of property boundary
7. No Bedrock outcrop on site

Email me back or Call me with any Questions 252 536 1630

Thanks Russ Grant

---

## **SECTION .1700 - REQUIREMENTS FOR BENEFICIAL USE OF COAL**

### **COMBUSTION BY-PRODUCTS**

#### **.1701 DEFINITIONS**

**The following definitions shall apply throughout this Section:**

- (1) "Beneficial and beneficial use" means projects promoting public health and environmental protection, offering equivalent success relative to other alternatives, and preserving natural resources.**
- (2) "Coal combustion by-products" means residuals, including fly ash, bottom ash, boiler slag and flue gas desulfurization residue produced by coal fired electrical or steam generation units.**
- (3) "Jurisdictional wetland" means those areas that meet the criteria established by the United States Environmental Protection Agency for delineating wetlands and are considered by the Division to be waters of the United States.**

(4) "Structural fill" means an engineered fill with a projected beneficial end use constructed using coal combustion by-products properly placed and compacted.

(5) "Use or reuse of coal combustion by-products" means the procedure whereby coal combustion by-products are directly used as follows:

(a) As an ingredient in an industrial process to make a product, unless distinct components of the coal combustion by-products are recovered as separate end products; or

(b) In a function or application as an effective substitute for a commercial product or natural resource.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

## **.1702 GENERAL PROVISIONS FOR STRUCTURAL FILL FACILITIES**

The provisions of this Section shall apply to the siting, design, construction, operation, closure and recordation of projects which utilize coal combustion by-products as structural fill

material or as specified in Item (4) of Rule .1708 of this Section and shall apply to structural fills other than those which received written approval from the Division prior to the effective date of this Section. A solid waste management permit is not required for coal combustion by-products structural fills which meet the requirements listed in this Section.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

## **.1703 NOTIFICATION FOR STRUCTURAL FILL FACILITIES**

(a) A minimum of 30 days before using coal combustion by-products in structural fill projects, the person proposing the use shall submit a written notice to the Division. The notice shall contain, at a minimum:

(1) A description of the nature, purpose and location of the project, including the name of the United States Geological Survey seven and one-half minute map on which the project is located and a Department of Transportation map or an eight and one-half by 11 inch topographic map showing the project.

(2) The estimated start and completion dates for the project.

(3) An estimate of the volume of coal combustion by-products to be used for the project.

(4) A Toxicity Characteristic Leaching Procedure (TCLP) analysis from a representative sample of each different coal combustion by-product source to be used in the project. The TCLP analysis shall be conducted and certified by the generator to be representative of each coal combustion by-product source used in the project. A TCLP analysis

shall be conducted at least annually. A minimum analysis shall include: arsenic, barium, cadmium, lead, chromium, mercury, selenium and silver.

(5) A signed and dated statement by the owner(s) of the land on which the structural fill is to be placed, acknowledging and consenting to the use of coal combustion by-products as structural fill and agreeing to record the fill in accordance with Rule .1707 of this Section.

(6) The notification shall include:

(A) Name of coal combustion by-products generator;

(B) Physical location of the generating facility;

(C) Address of generator;

(D) Name of contact for generator;

(E) Telephone number of generator; and

(F) Changes that occur will require subsequent notification of the Division of Solid Waste Management.

(b) In addition to the notification requirements under Paragraph (a) of this Rule, at least 30 days before using coal combustion by-products as a structural fill in projects with a volume of more than 10,000 cubic yards, the person proposing the use shall submit a written notice to the Division containing construction plans for the structural fill facility, including a stability analysis when necessary, which shall be prepared, signed and sealed by a registered professional engineer in accordance with sound engineering practices. The Department of Transportation is not required to submit construction plans with the written notice. The Department of Transportation shall maintain a complete set of construction plans and shall notify the Division where the construction plans are located.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

## **.1704 SITING FOR STRUCTURAL FILL FACILITIES**

(a) Coal combustion by-products used as a structural fill shall not be placed:

(1) Within 50 horizontal feet of a jurisdictional wetland unless after consideration of the chemical and physical impact on the wetland, the U.S. Corps of Engineers issues a permit or waiver for the fill;

(2) Within 50 horizontal feet of the top of the bank of a perennial stream or other surface water body;

(3) Within two feet of the seasonal high ground-water table;

(4) Within 100 horizontal feet of any source of drinking water, such as a

well, spring or other groundwater source of drinking water;

(5) Within an area subject to a one-hundred year flood, unless it can be demonstrated to the Division that the facility will be protected from inundation, and washout, and the flow of water is not restricted and the storage volume of the flood plain will not be significantly reduced;

(6) Within 25 feet of any property boundary; and

(7) Within 25 feet of a bedrock outcrop.

(b) The Division and the Department of Transportation may agree on specific structural fill siting criteria that may be used on Department of Transportation projects.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

### **.1705 DESIGN, CONSTRUCTION, AND OPERATION FOR STRUCTURAL FILL FACILITIES**

(a) The structural fill facility must be designed, constructed, operated, closed, and maintained in such a manner as to minimize the potential for harmful release of constituents of coal combustion by-products to the environment or create a nuisance to the public.

(b) 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.

(c) Coal combustion by-products shall be placed uniformly and compacted in lifts not exceeding one foot in thickness and shall be compacted to standards, including in-situ density, compaction effort and relative density, specified by a registered professional engineer for a specific end use purpose.

(d) Equipment shall be provided which is capable of placing and compacting the coal combustion by-products and handling the earthwork required during the periods that coal combustion by-products are received at the fill area.

(e) The coal combustion by-product structural fill facility shall be effectively maintained and operated as a non-discharge system to prevent discharge to surface water resulting from the operation of the facility.

(f) The coal combustion by-product structural fill facility shall be effectively maintained and operated to ensure no violations of ground water standards, 15A NCAC 2L.

(g) Surface waters resulting from precipitation shall be diverted away from the active coal combustion by-product placement area during filling and construction activity.

(h) Site development shall comply with the North Carolina Sedimentation Pollution Control Act of 1973, as amended.

(i) 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.

(j) All structural fills shall be covered with a minimum of 12 inches compacted earth, and an additional surface six inches of soil capable of supporting native plant growth.

(k) Compliance with these standards does not insulate any of the owners or operators from claims for damages to surface waters, ground-water or air resulting from the operation of the structural fill facility. If the facility fails to comply with the requirements of this Section, the constructor, generator, owner or operator shall notify the Division and shall take such immediate corrective action as may be required by the Department.

(l) 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.

(m) The Division and the Department of Transportation may agree on specific design, construction, and operation criteria that may apply to the Department of Transportation projects.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

## **.1706 CLOSURE OF STRUCTURAL FILL FACILITIES**

(a) No later than 30 working days or 60 calendar days, whichever is less after coal combustion by-product placement has ceased, the final cover shall be applied over the coal combustion by-product placement area.

(b) The final surface of the structural fill shall be graded and provided with drainage systems that:

(1) Minimize erosion of cover materials; and

(2) Promote drainage of area precipitation, minimize infiltration and prevent ponding of surface water on the structural fill.

(c) Other erosion control measures, such as temporary mulching, seeding, or silt barriers shall be installed to ensure no visible coal combustion by-product migration to adjacent properties until the beneficial end use of the project is realized.

(d) The constructor or operator shall submit a certification to the Division signed and sealed by a registered professional engineer or signed by the Secretary of the Department of Transportation or his designee certifying that all requirements in the Rules of this Section have been met. The report shall be submitted within 30 days of application of the final cover.

(e) The Division and the Department of Transportation shall agree on specific closure criteria that apply to Department of Transportation projects.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

## **.1707 RECORDATION OF STRUCTURAL FILL FACILITIES**

(a) The owners of land where coal combustion by-products have been utilized in volumes of more than 1,000 cubic yards shall file a statement of the volume and locations of the coal combustion by-products with the Register of Deeds in the county or counties where the property is located. The statement shall identify the parcel of land according to the complete legal description on the recorded deed, either by metes and bounds, or by reference to a recorded plat map. The statement shall be signed and acknowledged by the landowners(s) in the form prescribed by G.S. 47-38 through 47-43.

(b) Recordation shall be required within 90 days after completion of coal combustion by-product fill project.

(c) The Register of Deeds in accordance with G.S. 161-14 shall record the notarized statement and index it in the Grantor Index under the name of the owner(s) of the land. The original notarized statement with the Register's seal and the date, book and page number of recording shall be returned to the Division after recording.

(d) When property with more than 1,000 cubic yards of coal combustion by-products is sold, leased, conveyed or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than used in the body of the deed or instrument a statement that coal combustion by-products have been used as fill material on the property.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

## **.1708 OTHER USES FOR COAL COMBUSTION BY-PRODUCTS**

Coal combustion by-products may be beneficially used on one or more of the following applications or when handled, processed, transported or stockpiled for such beneficial use applications and do not require a solid waste permit provided the uses are consistent with the requirements identified below:

- (1) Coal combustion by-products used as soil nutrient additives or other agricultural purposes under the authority of the North Carolina Department of Agriculture;
- (2) Coal combustion bottom ash or boiler slag used as a traction control material or road surface material if the use is approved by the North Carolina Department of Transportation;
- (3) Coal combustion by-products used as material in the manufacturing of another product, including, but not limited to concrete products, lightweight aggregate, roofing materials, plastics, paint, flowable fill and roller compacted concrete or as a substitute for a product or material resource, including but not limited to, blasting grit, roofing granules, filter cloth precoat for sludge dewatering and pipe bedding;
- (4) Coal combustion by-products used as a structural fill for the base, sub-base, under a structure or the footprint of a paved road, a parking lot, sidewalk, walkway or similar structure;
- (5) Coal combustion by-products used for the extraction or recovery of materials and compounds contained within the coal combustion by-products. Residuals from

the processing operations shall remain solid waste and be subject to this Section and Section .1600 of this Subchapter; and

(6) Coal combustion by-products processed with a cementitious binder to produce a stabilized structural fill product which is spread and compacted for the construction of a project with a planned end use.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

### **.1709 STORAGE AND CONTAINMENT OF COAL COMBUSTION BY-PRODUCTS**

(a) Coal combustion by-products may not be stored or speculatively accumulated at the immediate area where they will be put to beneficial use for a longer period of time than necessary to complete the project. Coal combustion by-products are not being speculatively accumulated when a minimum of 75 percent of the coal combustion by-products are removed from the facility and beneficially used annually.

(b) Compliance with this Section does not exempt the owner or operator of the structural fill facility from applicable North Carolina Water Pollution Control Regulations (15A NCAC 2H),

the North Carolina Air Pollution Control Regulations (15A NCAC 2D) and all other federal, state and local laws and regulations.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

### **.1710 ANNUAL REPORTING**

By October 1 of each year, the generators of coal combustion by-products shall submit an annual summary to the Division. The annual summary shall be for the period July 1 through June 31 and shall include:

- (1) Volume of coal combustion by-products produced;
- (2) Volume of coal combustion by-products disposed;
- (3) Volume of coal combustion by-products used in structural fill facilities; and
- (4) Volume of coal combustion by-products used for other uses as described in Rule .1708 of this Section.

*History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1994*

SECTION 1700.htm	Content-Type: text/html Content-Encoding: quoted-printable
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CCB0023



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

March 29, 2006

R.E. Greene, Jr., P.E.  
Division Engineer  
NC Department of Transportation  
PO Box 3165  
Wilson, NC 27895-3165

Subject: Notification – Coal Ash Structural Fill  
Intersection of US Highways 301 & 158 – Halifax County  
NC Department of Transportation

Reference: Letter/documentation dated February 28, 2006, received by the Solid Waste Section on  
March 7, 2006; subsequent information received on March 28, 2006

Dear Mr. Greene,

This letter acknowledges receipt of the above referenced documentation which satisfies the notification requirements specified in Section .1700 of the North Carolina Solid Waste Management 15A NCAC 13B Rules. This notification includes the following information as required by Rule .1703:

1. **Nature, Purpose and location of the project:** This project is proposal of placement of 20,000 cubic yards of coal ash from the Roanoke Valley Energy Plant as structural fill along select portions at the intersection of Highways 158 and 301 within the Town of Weldon.

**Quad sheet:** Weldon, NC Quadrangle: 36.4257 N - Lat; 77.5938W – Long.

2. **Estimated start:** When approved by the Solid Waste Section  
**Estimated completion:** June 30, 2006
3. **Estimated volume:** 20,000 cubic yards
4. **TCLP analysis from coal ash:** included;
5. **Signed statement from the owner:** The Company stipulates to the recordation requirements per The NC Department of Transportation letter dated February 28, 2006 to the Division of Waste Management.

R.R. Greene, Jr., P.E.  
Division Engineer  
NC Department of Transportation  
Coal Ash Structural Fill – US 158 & US301  
Page 2 of 2

6. **CCB generator:** Roanoke Valley Energy  
**Location of generating plant:** 29 Power Place, Weldon, NC  
**Mailing address:** PO Box 351, Weldon, NC 27890  
**Contact(s):** Doug Henshaw  
**Telephone number(s):** (252) 536-3200  
**Statement that notification will be given to DWM if changes are to occur.**

Construction can now begin on this project.

Please be aware that analysis of groundwater samples collected from monitoring wells located at a North Carolina coal ash structural fill site revealed that levels of sulfate and arsenic were elevated above the background well values and exceeded the 15A NCAC 2L Standards. It was later found that the ash had been placed in the groundwater at the site and the ash has been subsequently removed. The Division of Waste Management strongly recommends that you retain the services of a qualified hydrogeologic consulting firm to assist you in determining the vulnerability of the groundwater at the site based on site attenuation, waste extractability, and the end use to inhibit infiltration. You can consider installation of groundwater monitoring wells depending on vulnerability before commencing fill operations".

If you have any questions or comments, please contact myself or Brian Wootton at (919)-508-8495 or (919)-508-8524 respectively

Sincerely,



Edward F. Mussler III  
CN = Edward F. Mussler III, C =  
US, O = Division of Waste  
Management, OU = Solid Waste  
Section  
I have reviewed this document and  
I am approving this document  
2006.03.29 14:28:34 -05'00'

Ed Mussler  
Permitting Supervisor  
Solid Waste Section

cc: Mary Whaley, Solid Waste Section  
R.L. Keeter, Jr., NC DOT District Engineer  
Central File – Solid Waste Section, Div. of Waste Management

Plumblin Corp.  
Engineering and Land Surveying

40 Sycamore St Suite D  
Weldon NC 27890  
252 536 0203



4/3/06  
To:  
Ed Mussler  
DEHNR Office of Solid Waste Management  
1646 Mail Service Center  
Raleigh NC 27605

Subject: Coal Combustion Fly ash Use – Halifax County. US 158 / 301 Bypass, Weldon NC

Dear Mr. Mussler,

By Copy of this letter Eastern Pride Inc. owners of the subject property requests to use coal fly ash as structural fill on a project to be known as the " Family Dollar " project. The Property is located in the Town of Weldon NC along US 158 at the intersection of 301 bypass. In Accordance with Section .1703 a, we submit the following information:

1. The Location of the Fly ash is shown on the attached plans. Weldon Quadrangle :  
36.4257 Lat 77.5938 W Long
2. The usage of the material will begin as soon as approval is received and should be completed by August 30,2006
3. The estimated volume is 10,000 cy or less
4. TCLP analysis is attached
5. The Signed and dated statement by the owners of the land on which the structural fill is to be placed is attached.
6. (a) The generator of this material is Roanoke Valley Energy  
29 Power Place, Weldon  
POB 351, Weldon NC 27890  
Doug Henshaw  
252 536 3200

This submittal for CCB use is an addendum to a previous approved fill notification on Feb 28,2006 from the Dept of Transportation to use CCBs to fill a drainage easement on the same property. Attached is an approval letter for the erosion control plan from NCDEHNR dated Feb 3,2006 submitted by Baldwin & Associates. Also attached is the water table study indicating adequate separation required by .1704 (3). The other requirements of .1704 have also been met.

In summary this request for coal combustion byproduct use intention is to fill the adjoining low spot next to the 40' easement in order to bring the entire project site to grade.

Thank you  
Russ Grant Plumblin Corp.

E.B. GRANT P.E.  
Professional Engineer 4402  
Registered Land Surveyor  
NC PLS No. L-1592

*Russell Grant*  
Cell 252-536-4630

## STATEMENT OF LAND OWNER

Eastern Pride Inc, owner and developer of the land on which the structural fill is to be placed, hereby acknowledge and consent to the use of coal combustion by-products as structural fill and agree to record the fill statement with the register of deeds of Northampton County in accordance with Rule .1707 of the .1700 Regulations and in the form prescribed by G.S. 47-38 through G.S. 47-43.

Eastern Pride Inc. by

Chris A. Thomas President  
Signature of Land Owner(s)

4/17/06  
Date

BOOK 2116 PAGE 640



Doc ID: 000268760005 Type: CRP  
Recorded: 01/19/2006 at 03:19:20 PM  
Fee Amt: \$296.00 Page 1 of 5  
Excise Tax: \$270.00  
Instr# 200500009451  
Halifax, NC  
Judy Evans-Barbee Register of Deeds

BK 2116 pg 640-644

*Judy Evans-Barbee  
Register of Deeds*

RS 270.00  
RF 26.00

NORTH CAROLINA GENERAL WARRANTY DEED

Prepared by Thomas H. Wellman of Wellman, White & Wilson, P.O. Box 2018, Roanoke Rapids, NC 27870

NORTH CAROLINA

Parcel Nos. 12-00321; 12-02976; 12-20080; 12-05012;  
12-02019; 1201373; 12-01130

HALIFAX COUNTY

THIS DEED, made and entered into this 12th day of January, 2006 by and between Evangelistic Church of Deliverance, Inc., a North Carolina nonprofit corporation, party of the first part; and Eastern Pride, Inc., a North Carolina corporation, 1800 Cavalier Circle, Wilson, North Carolina 27893, party of the second part;

WITNESSETH:

The said party of the first part, for and in consideration of the sum of Ten (\$10.00) dollars, and other valuable consideration, to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does bargain, sell and convey unto said party of the second part, its successors and assigns, those certain tracts or parcels of land lying and being in the Town of Weldon, Weldon Township, Halifax County, North Carolina, and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

TO HAVE AND TO HOLD the above described tracts or parcels of land and all privileges and appurtenances thereunto belonging to the said party of the second part and its successors and assigns forever.

And the said party of the first part does hereby covenant that it is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances; and that it will warrant and defend the title to the same against the claims of all persons whatsoever.

BOOK 2116 PAGE 641

In Testimony Whereof, said party of the first part has caused this instrument to be signed in its corporate name by its President by authority of its Board of Directors, the day and year first above written.

EVANGELISTIC CHURCH OF DELIVERANCE, INC.

By: William H. Check  
William H. Check, President

STATE OF NORTH CAROLINA

COUNTY OF HALIFAX

I, Carolyn C. Aycock, a Notary Public for said county and state do hereby certify that William H. Check, President of the Evangelistic Church of Deliverance, Inc., a North Carolina nonprofit corporation, personally appeared before me this day and acknowledged that he is President, and that as President being authorized to do so, executed the foregoing instrument on behalf of the corporation. Witness my hand and official stamp or seal, this 17 day of January, 2006.

Carolyn C. Aycock  
Notary Public

My Commission Expires: 10-08-2010



## BOOK 2116 PAGE 642

## EXHIBIT "A"

TRACT 1: BEING bounded on the North by Second Street, on the East by U. S. Highway 301; on the South by Third Street and on the West by the lot now or formerly owned by F. M. Rightmyer et ux and others, and being more particularly described as follows: BEGINNING at a point where the Western margin of the right of way of U. S. Highway 301 and the Southern margin of the right of way of Second Street corner; thence along the margin of U. S. Highway 301 South  $1^{\circ} 26'$  East 251.71 feet; thence South  $1^{\circ} 6'$  East 20.72 feet; thence North  $55^{\circ} 42'$  West 295.26 feet; thence North  $41^{\circ} 47'$  East 135.34 feet to the corner of the said Rightmyer lot; thence along the Rightmyer lot South  $42^{\circ} 44'$  East 48 feet and North  $41^{\circ} 47'$  East 118.90 feet to the Southern margin of Second Street; thence along the Southern margin of Second Street South  $42^{\circ} 14'$  East to the point of beginning, and being the identical real property conveyed to the Town of Weldon by deed of Margaret W. Benford, widow, dated November 9, 1994, and recorded at Book 1627, Page 45, Halifax Public.

SUBJECT to such portion of said lot as may lie within the right of way of Second Street or Third Street which said Streets are a portion of N. C. State Highway No. 158 and also subject to such easements as may be upon the said property in favor of the North Carolina State Highway Commission. (Reference to easements, see Judgments entitled "State Highway Commission versus Elsie B. Willey, dated April 21, 1966, and of record in the Office of the Clerk of Superior Court, Halifax County.)

TRACT 2: Beginning at point in the Northern right of way of Third Street, said beginning point being the Southwestern corner of that property conveyed to the Town of Weldon by Margaret W. Benford by deed dated November 9, 1994, and recorded at Book 1627, Page 45, Halifax Public Registry; thence along the Northern right of way of Third Street North  $52^{\circ} 28' 40''$  W. 155.36 feet to the Southeastern corner of that property conveyed to Naomi Webb by deed recorded at Book 550, Page 398, Halifax Public Registry; thence along the Western line of Webb property and along the Western line of that property conveyed to Roosevelt Harding, et ux, at Book 547, Page 620, Halifax Public Registry North  $39^{\circ} 09' 10''$  E. 136.9 feet to a point in Western line of said Harding property, said point being the Southwestern corner of property now or formerly owned by Garland G. Conwell, Jr.; thence along the Southern line of said Conwell property South  $39^{\circ} 17' 42''$  E. 45.28 feet to a point; thence continuing along said Conwell line N.  $50^{\circ} 42' 18''$  E. 20.0 feet to a point in the Southern line of that property conveyed to Clifton W. Cobb by deed recorded at Book 1537, Page 399, Halifax Public Registry; thence along the Southern line of said Cobb property S.  $39^{\circ} 17' 42''$  E. 126 feet, more or less, to a point in the Western line for that property conveyed to the Town of Weldon at Book 1627, Page 45, Halifax Public Registry; thence along the Western line of said Town of Weldon property S.  $41^{\circ} 47'$  W. 135.34 feet to the point of beginning, and being the identical real property conveyed unto the Town of Weldon, a North Carolina Municipal Corporation, by deed of George A. Hux, Executor of the Estate of Elsie Butts Willey et al, dated December 5, 1996, and recorded at Book 1694, Page 525, Halifax Public Registry.

Tracts 1 and 2 were conveyed to the Evangelistic Church of Deliverance, Inc. by deed from the Town of Weldon, dated May 22, 2001 and recorded in Book 2116, Page 49, Halifax Public Registry.

TRACT 3: That certain tract or parcel of land situate in Weldon Township, Halifax County, North Carolina, and described as follows: Fronting 152 feet on the Southwestern side of the road extending from Second Street in the Town of Weldon to the old Halifax-Northampton County Bridge and running back between parallel lines and at right angles to said road 120 feet, and being bounded on the Northwest and Southwest sides by the lands of W. D. Allen and on the Southeast side by the lands of H. B. Willey, and being Tract Two in that deed from Lois R. Medlin, widow, et al, to Clifton W. Cobb and wife, Jo Ann S. Cobb, dated June 3, 1992, and recorded in Book 1537, Page 399, Halifax Public Registry; referenced to said deed is made hereby for a greater certainty of description.

Tract 3 was conveyed to the Evangelistic Church of Deliverance, Inc. by (1) deed from Clifton W. Cobb et ux dated July 12, 2000 and recorded in Book 1835, Page 508, Halifax Public Registry; and (2) deed from Thomas Dailey, unmarried, and Barbara D. Kee, unmarried, dated September 18, 2000 and recorded in Book 1841, Page 107, Halifax Public Registry.

TRACT 4: That certain tract or parcel of land situate in Weldon Township, Halifax County, North Carolina, and described as follows: Fronting 48 feet on the Southwestern side of the road extending from Second Street in the Town of Weldon to the old Halifax-Northampton County Bridge and running back between parallel lines and at right angles to said road 120 feet, and being bound on the Northwest side by the lands of W. D. Allen, on the Southwest and Southeast sides by the lands of H. B. Willey and wife, and being Tract One described in that deed from Lois R. Medlin, widow, et al, to Clifton W. Cobb and wife, Jo Ann S. Cobb, dated Jun 3, 1992, and recorded in Book 1537, Page 399, Halifax Public Registry; reference to said deed is made hereby for a greater certainty of description.

TRACT 5: That certain tract or parcel of land situate in the Town of Weldon, Weldon Township, Halifax County, North Carolina, lying on the South side of East Second Street, being known as 206 East Second Street, more particularly described as follows: Commencing at a point on the South side of Second Street, which point is the Northwest corner of the property of Walter D. Allen; running thence along the South side of said Second Street in a Westerly direction 32 feet, more or less, to a fence, a new made corner in the line of the property of Alex McCoy and Maggie McCoy, his wife; thence in a Southerly direction along the fence of Alex McCoy and Maggie McCoy, his wife, 104 feet, more or less, to a corner in the line of the property of Roosevelt Harding and Nettie Harding, his wife; thence at right angles to said last mentioned line and running along the Harding Northern line in an Easterly direction 32 feet, more or less, to a corner in the Walter D. Allen line; thence at right angles to said last mentioned line and running along the Walter D. Allen Western line 104 feet, more or less, to the point of beginning; and being the identical real property described as Tract No. 1 in that certain deed from Graham P. Johnson and wife, Irma S. Johnson, to Clifton W. Cobb and wife, Jo Ann S. Cobb, dated October 10, 1983, recorded in Book 1220, Page 90, Halifax Public Registry; reference to said deed is made hereby for a greater certainty of description.

Tracts 4 and 5 were conveyed to the Evangelistic Church of Deliverance, Inc. by deed from Clifton W. Cobb et ux dated July 12, 2000 and recorded in Book 1835, Page 508, Halifax Public Registry.

TRACT 6: Beginning at a point on Evans Avenue on the North side thereof one hundred and eight feet from Maple Street; thence in an Easterly direction 34 feet to the land of A. S. Allen; thence at right angles with said Evans Avenue and in a Northerly direction seventy-five feet; thence at right angles with said last mentioned line and parallel with Evans Avenue thirty-four feet; thence at right angles with said last mentioned line and in a Southerly direction seventy-five feet to the point of beginning.

TRACT 7: The rear end or Eastern end of a certain lot conveyed by Annie Evans to Caney Foster, et al, by deed recorded in Book 424 at Page 545, Office of the Halifax County Public Registry. Said piece or parcel of land hereby conveyed measures 34 feet on the back and runs in a Westerly direction toward Maple Street between parallel lines 27 feet, and described as follows: Beginning at a point on an Alley, the S. E. Corner of the Evans lot above referred to and running along said alley in a Westerly direction 27 feet to a point; thence at right angles to said alley in a Northerly direction 34 feet to another point in the Evans line; thence at right angles with the last mentioned line in an Easterly direction 27 feet to corner which is the N. E. corner of the above mentioned Evans lot; thence at right angles with the last mentioned line in a Southerly direction 34 feet to the point of beginning.

**BOOK 2116 PAGE 644**

Tracts 6 and 7 were conveyed unto Roosevelt Harding and wife, Nettie Harding, by deed of Mattie Patterson et vir, dated May 5, 1945, and recorded at Book 547, Page 620, Halifax Public Registry. The said Roosevelt Harding, widower, conveyed Tracts 6 and 7 to the Evangelistic Church of Deliverance, Inc. by deed dated May 3, 2000 and recorded in Book 1832, Page 725, Halifax Public Registry.

**Roanoke Valley Energy Facility**  
**Westmoreland - LG&E Partners**  
 290 Power Place, P.O. Box 351  
 Weldon, N.C. 27890  
 Phone: (252) 536-3200 Fax: (252) 536-4448

Fax Cover Sheet

Date: 12/14/2005

(Cover Sheet Included) **5**

To: Ronnie Keeter  
\_\_\_\_\_  
\_\_\_\_\_

From:

Willie Williams		Sandy Morris	
Eric Woods		Rosemary Morriss	
Ken Greier		Glenn Outland	
Doug Henshaw	X	Freddie Silva	
Chris Hews		Charletta Wilcox	
Don Keisling			

Message: Ronnie  
TCLP's to follow.  
Sorry for the misunderstanding  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Doug*

If you have any problems receiving this fax, contact Charletta at (252) 536-3200 x 221

**HAWKMTN**

LABS INC

201 West Clay Avenue / West Hazleton, PA 18202

PHONE (570) 455-6011 • FAX (570) 455-6321

**Certificate of Analysis**

Customer: Westmoreland - LG&E Partners  
 Roanoke Valley Energy Facility  
 P.O. Box 351  
 Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

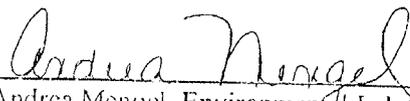
Material Tested: Fly Ash  
 Date Sampled: 06/14/2005  
 Date Received: 06/17/2005  
 Client Sample ID: ROVA 1 Fly Ash

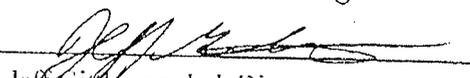
HawkMtn WO #: 0506-00459-001  
 Sampler: Client  
 Sample Point ID: ROVA 1

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	1.77 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	4.7 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.622 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	0.033 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.052 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	18.7 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.334 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	0.0011 mg/l	SW846-7470A	DDF	06/24/2005
Nickel, Leachate	0.094 mg/l	SW846-6010B	DDF	07/01/2005
Selenium, Leachate	0.601 mg/l	SW846-7740	LJD	07/05/2005
Silver, Leachate	0.039 mg/l	SW846-6010B	DDF	07/01/2005
Zinc, Leachate	0.193 mg/l	SW846-6010B	DDF	07/01/2005

These results relate only to the sample noted above.

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 Andrea Menzel, Environmental Lab Coordinator

  
 Jeff Gittleman, Lab Director



## Certificate of Analysis

Customer Westmoreland - LG&E Partners  
Roanoke Valley Energy Facility  
P.O. Box 351  
Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

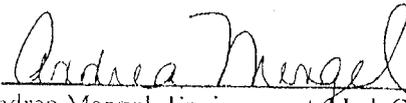
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Date Sampled: 06/14/2005  
Date Received: 06/17/2005  
Client Sample ID: ROVA 1 Bottom Ash

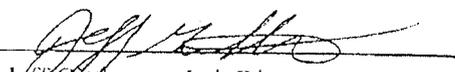
HawkMtn WO #: 0506-00459-002  
Sampler: Client  
Sample Point ID: ROVA 1

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	0.012 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	3.33 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.518 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	<0.005 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.153 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	3.37 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.062 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	<0.0002 mg/l	SW846-7470A	DDF	06/24/2005
Nickel, Leachate	0.059 mg/l	SW846-6010B	DDF	07/01/2005
Selenium, Leachate	<0.005 mg/l	SW846-7740	LJD	07/05/2005
Silver, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Zinc, Leachate	0.152 mg/l	SW846-6010B	DDF	07/01/2005

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Andrea Mengel, Environmental Lab Coordinator

  
Jeff Gittleman, Lab Director



### Certificate of Analysis

Customer: Westmoreland - LG&E Partners  
Roanoke Valley Energy Facility  
P.O. Box 351  
Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

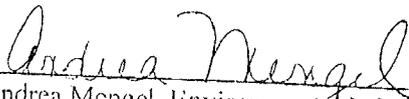
Material Tested: Fly Ash  
Date Sampled: 06/14/2005  
Date Received: 06/17/2005  
Client Sample ID: ROVA II Fly Ash

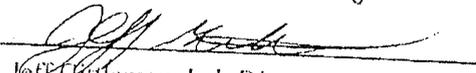
HawkMtn WO #: 0506-00459-003  
Sampler: Client  
Sample Point ID: ROVA II

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	0.256 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	7.3 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.985 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	<0.005 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.046 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	0.02 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.235 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	<0.0002 mg/l	SW846-7470A	DDF	07/01/2005
Nickel, Leachate	0.072 mg/l	SW846-6010B	DDF	06/24/2005
Selenium, Leachate	0.053 mg/l	SW846-7740	LJD	07/01/2005
Silver, Leachate	0.048 mg/l	SW846-6010B	DDF	07/05/2005
Zinc, Leachate	0.052 mg/l	SW846-6010B	DDF	07/01/2005

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Andrea Mengel, Environmental Lab Coordinator

  
Jeff Chittleman, Lab Director





L A B S I N C

201 West Clay Avenue / West Hazleton, PA 18202

PHONE (570) 455-6011 • FAX (570) 455-6321

**Certificate of Analysis**

Customer Westmoreland - LG&E Partners  
 Roanoke Valley Energy Facility  
 P.O. Box 351  
 Weldon, NC 27890

Report Date: July 07, 2005

Page: 1 of 1

Material Tested: Bottom Ash  
 Date Sampled: 06/14/2005  
 Date Received: 06/17/2005  
 Client Sample ID: ROVA II Bottom Ash

HawkMtn WO #: 0506-00459-004  
 Sampler: Client  
 Sample Point ID: ROVA II

Test Name	Test Results	Method	Technician	Analysis Date
TCLP, Metals				
Arsenic, Leachate	0.014 mg/l	SW846-7060A	LJD	06/28/2005
Toxicity Leachate Test			LJD	06/22/2005
TCLP, Extraction Fluid ID.	2 Fluid No.	SW846-3010	LJD	06/22/2005
Leachate, Ending pH	3.4 su	SW846-9040	LJD	06/22/2005
Barium, Leachate	0.546 mg/l	SW846-6010B	DDF	07/01/2005
Cadmium, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Chromium, Leachate	0.005 mg/l	SW846-6010B	DDF	06/30/2005
Copper, Leachate	0.241 mg/l	SW846-6010B	DDF	07/01/2005
Iron, Leachate	2.60 mg/l	SW846-6010B	DDF	07/01/2005
Lead, Leachate	<0.05 mg/l	SW846-6010B	DDF	07/01/2005
Manganese, Leachate	0.074 mg/l	SW846-6010B	DDF	07/01/2005
Mercury, Leachate	<0.0002 mg/l	SW846-7470A	DDF	06/24/2005
Nickel, Leachate	0.061 mg/l	SW846-6010B	DDF	07/01/2005
Selenium, Leachate	<0.005 mg/l	SW846-7740	LJD	07/05/2005
Silver, Leachate	<0.005 mg/l	SW846-6010B	DDF	07/01/2005
Zinc, Leachate	0.337 mg/l	SW846-6010B	DDF	07/01/2005

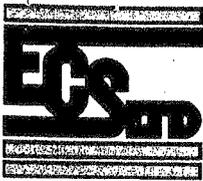
These results relate only to the sample noted above.

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*Andrea Mengel*  
 Andrea Mengel, Environmental Lab Coordinator

*Jeff Cruteman*  
 Jeff Cruteman, Lab Director





ENGINEERING CONSULTING SERVICES, LTD.  
 Geotechnical • Construction Materials • Environmental

RECEIVED  
 JAN 27 2006  
 BY:

January 25, 2006

Mr. G. W. Draper  
 P.O. Box 551  
 Weldon, North Carolina 27890

RE: *Proposed Family Dollar Store  
 Soil Profile and Annual Mean High Water Table  
 Intersection of U.S. Highways 301 and 158  
 Weldon, North Carolina  
 ECS Project Number: 13763*

Dear Mr. Draper:

ECS, Ltd. (ECS) appreciates the opportunity to provide you with subsurface exploration services for the referenced project. On January 17, 2006, ECS performed the services requested by excavating test pits at the project location with a backhoe, installing hand auger borings, and taking observations and notes on soils, saturation points, and groundwater as material was removed from the ground.

**Soil Profile**

In general, soils at the project location were determined to be fill material brought onto the site from other locations. Subsurface debris such as tires, roots, metal parts, and other material were observed during the soil excavation. The soils displayed low chroma matrices and mottling throughout the profiles, indicating that they were excavated and imported from off-site wetland areas.

Two hand auger borings were installed to perform a detailed profile of the soils at the site. One boring was installed at the lower end of the property, toward the east, while the other boring was installed at the higher elevation at the site, towards the west. The profiles are as follows.

Test Pit #1

Depth	Matrix	Mottle	Observations
0-20"	10YR 5/3	7.5 YR 5/6	Silty loam. Relic hydric soil. Mottling few and distinct.
20-26"	10YR 4/1	5YR 4/6	Silty clay. Relict hydric soil. Mottling abundant and distinct. Moisture content low.
26-30"	10YR 4/1	5YR 4/6	Silty clay. Mottling few and faint. Moisture content low.
30"+	10YR 4/1	5YR 4/6	Silty clay with sand. Mottling few and faint. Saturation point.

Test Pit 2

Depth	Matrix	Mottle	Observations
0-20"	10YR 5/3	7.5 YR 5/6	Silty loam. Mottling few and distinct. Moist.
20-26"	10YR 5/3	5YR 4/6	Fine silty loam. Mottling many and distinct. Moist.
26-30"	10YR 4/1	5YR 4/6	Fine silty loam. Relic hydric soil. Mottling abundant and distinct. Moist.
30-34"	10YR 5/6	5YR 4/6	Sandy loam with silty clay. Probable sand lens. Mottling abundant and distinct. Moist.
34-60"	10YR 4/1	5YR 5/6	Fine silty loam with sand. Relict hydric soil. Mottling abundant and distinct. Moist.
60"+	10YR 6/1	N/A	Rocky sand. Saturation point.

**Annual Mean High Water Table**

Groundwater incursion was observed in each test pit excavated at the site. Groundwater was observed at a depth of approximately 3-feet in the first pit dug at the lower end of the site, towards the east. This agrees fairly well with the saturation point at a depth of 30" noted during the soil profile.

Groundwater was observed at a depth of approximately 5-feet in the second pit dug at the upper end of the site, towards the west. This agrees with the saturation point at a depth of 60" noted during the soil profile.

Three additional pits were excavated to determine if the water table was uniform throughout the site. The third pit was excavated approximately equidistant in between the first two pits. No groundwater incursion was observed in the third pit. It is believed groundwater was prevented from entering the pit by tightly packed silty-clay loam observed in the pit. A fourth pit was excavated to the east of the third pit. Groundwater incursion was observed at a depth of approximately 5-feet in this pit. Finally, a fifth pit was excavated to the west of the second pit, at the highest elevation of all the pits. Groundwater incursion was observed at a depth of approximately 6-feet in this pit.

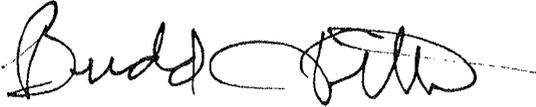
In summary, groundwater was observed at a depth of approximately 6-feet in the western portion of the site, the highest elevation at the site. Groundwater was observed at a depth of approximately 5-feet in the middle portion of the site. Finally, groundwater was observed at a depth of approximately 3-feet in the eastern portion of the site, the lowest elevation at the site.

The months of November through April are generally considered to be the wettest time of year in North Carolina. As such, these water table depths may be considered the highest groundwater elevations that may be encountered at the site during the course of a year. However, to more accurately determine water table elevations, ECS recommends the installation and monitoring of piezometers at the site. This would allow more accurate results and also reveal fluctuations in water table elevation over time.

Proposal Family Dollar Store  
Intersection of U.S. Highways 301 and 158  
Weldon, North Carolina  
ECS Project Number: 13763

We are pleased to have this opportunity to offer our services to you. Please call if you have any questions or comments.

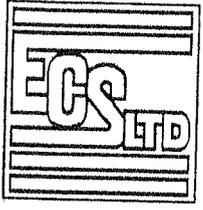
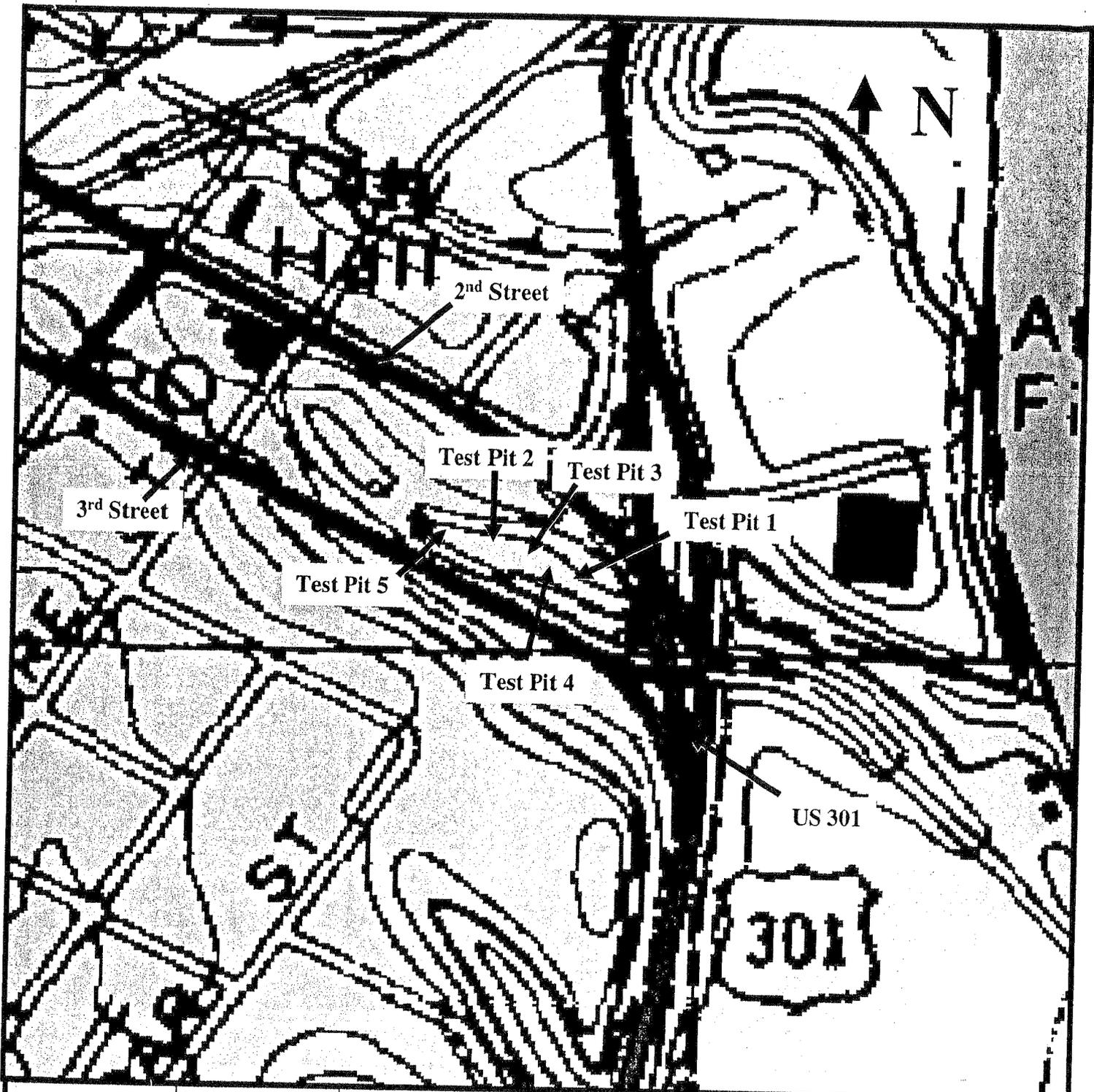
Respectfully submitted,  
**ENGINEERING CONSULTING SERVICES, LTD.**



Budd Titlow, Environmental Department Manager  
Professional Wetland Scientist (SWS #754)



Thomas K. Rouse EI  
Senior Environmental Scientist



Engineering  
Consulting  
Services, LTD.

Not to Scale

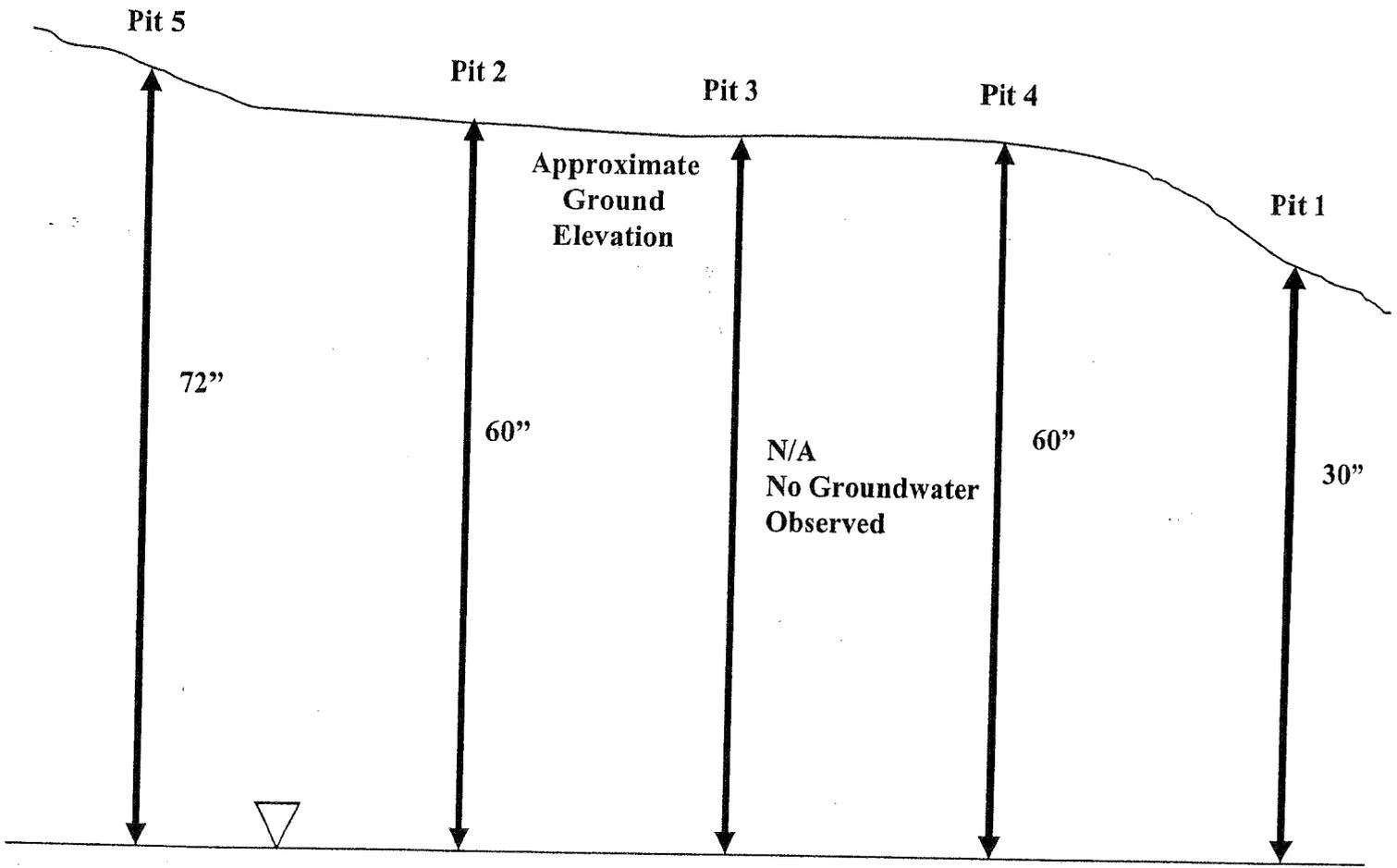
Vicinity Map  
Weldon Quadrangle

Test Pit Locations  
Weldon, North Carolina

Figure No.  
1

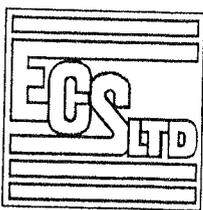
ECS Project #  
13763

East, Towards  
Roanoke River →

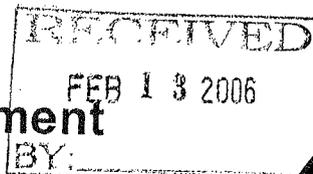


Approximate  
Location of Water  
Table

Not to Scale

	Engineering Consulting Services, LTD.	Groundwater Location	Figure No. 2
		Weldon, North Carolina	ECS Project # 13763

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



Michael F. Easley, Governor  
William G. (Bill) Ross, Secretary

DIVISION OF LAND RESOURCES  
LETTER OF APPROVAL  
February 3, 2006

Town of Weldon  
PO Box 551  
Weldon, NC 27890

RE: Project Name: Family Dollar - Town of Weldon  
County: Halifax  
Submitted by: Baldwin & Associates  
Date Received: February 2, 2006  
Date Processing Initiated: February 2, 2006  
Watershed: Roanoke #2/03-02-08  
New Submittal  Revised

Dear Sir/Madam:

This office has reviewed the subject Erosion and Sedimentation Control Plan. We find the plan to be acceptable and hereby issue this letter of approval. If any modifications, performance reservations, or recommendations are applicable, a list is enclosed and is incorporated as a part of this letter of approval. The enclosed Certificate of Approval should be posted at the job site. In addition, it should be noted that this plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, in accordance with Title 15A, North Carolina Administrative Code (NCAC) 4B.0029.

If any modifications are not incorporated into the plan and implemented in the field, the site will be in violation of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute (NCGS), 113A-61.1).

15A NCAC 4B.0018(a) requires that a copy of the approved plan be on file at the job site. Also, this letter gives the notice required by NCGS 113A-61.1(a) concerning our right to perform periodic inspections to ensure compliance with the approved plan.

North Carolina's sedimentation pollution control program is performance oriented, requiring protection of the natural resources and adjoining properties. If at any time during this project it is determined that the Erosion and Sedimentation Control Plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66), this office may require revisions in the plan and its implementation to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with applicable federal and state water quality laws, regulations and rules. This could include the Division of Water Quality under stormwater or other specific water quality standards, and the U.S. Army Corps of Engineers under Article 404 jurisdiction. Our approval does not supersede any other required permit or approval.

Since this project disturbs one or more acres, one such approval relates to the stormwater that will discharge from your project. This runoff is permitted pursuant to the National Pollutant Discharge Elimination System (NPDES) administered in North Carolina by the Division of Water Quality (DWQ). Attached is the General Stormwater NPDES Permit, NCG010000, as revised October 1, 2001, covering your activity. You are responsible for complying with the General Permit requirements and are subject to enforcement by DWQ for any violations of the General Permit.

Please note that this approval is based in part on the accuracy of the information provided concerning financial responsibility. You are requested to file an amended Financial Responsibility Form if any changes become necessary. In addition, it would be helpful if you would notify this office when the proposed land-disturbing activity covered by this plan is initiated.

Your cooperation is appreciated and we look forward to working with you on this project. If there are any questions, please do not hesitate to contact this office.

Sincerely,

  
Ahmad Al-Sharawneh  
Asst. Regional Engineer  
Land Quality Section

AA:clm

cc: Michael D. Tolson, Baldwin & Associates  
Mr. Ken Schuster, P.E., Division of Water Quality

PLAN REVIEW COMMENTS

PROJECT NAME: Family Dollar - Town of Weldon	DATE RECEIVED: February 12, 2006
LOCATION: Halifax County	REVIEWED BY: JW/AA
New Submittal ( <input type="checkbox"/> ) Revised ( <input checked="" type="checkbox"/> )	Approved ( <input checked="" type="checkbox"/> ) Disapproved ( <input type="checkbox"/> )
Reasons for Disapproval ( <input type="checkbox"/> )	Modifications ( <input checked="" type="checkbox"/> ) Performance Reservations ( <input type="checkbox"/> )

The construction sequence must be adjusted to address the installation of the sediment trap with arc filter at the existing inlet at the southeast corner at the initial phase of grading. Also, it must address the storm drain system construction.

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RECOMMENDATIONS AND/OR COMMENTS:

A complete full set of plans must be submitted to this office with the above modifications prior to construction, use the enclosed details for the arc filter and storm drain under construction.

# CERTIFICATE OF PLAN APPROVAL



The posting of this certificate certifies that an erosion and sedimentation control plan has been approved for this project by the North Carolina Department of Environment and Natural Resources in accordance with North Carolina General Statute 113A - 57 (4) and 113A - 54 (d) (4) and North Carolina Administrative Code, Title 15A, Chapter 4B.0107 (c). This certificate must be posted at the primary entrance of the job site before construction begins and until establishment of permanent groundcover as required by North Carolina Administrative Code, Title 15A, Chapter 4B.0127 (b).

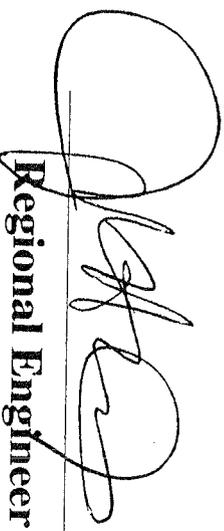
**Family Dollar - Town of Weldon - Halifax Co.**

Project Name and Location

February 3, 2006

Date of Plan Approval



  
Regional Engineer



# NPDES Stormwater Discharge Permit for Construction Activities

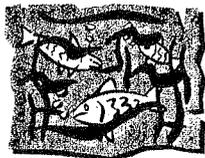
Cover Sheet for NCG010000

Last Revised 03/10/2005



## Did you know?

In North Carolina, excess stormwater volumes and blankets of sediment covering aquatic habitat cause more streams in the state to lose their ability to support aquatic life *than any other pollution problem*<sup>1</sup>.



## What is it?

This is your Stormwater Permit. It is separate from your Erosion and Sedimentation Control (E&SC) Plan.

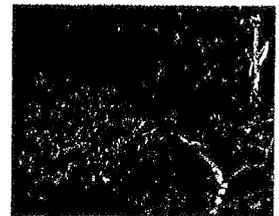
Your project is subject to this permit in addition to the approved E&SC Plan because all construction activities disturbing 1 or more acres of land are subject to stormwater permitting requirements under the National Pollutant Discharge Elimination System (NPDES). You have been given a copy of General Permit No. NCG010000 (attached) and granted coverage under this General Stormwater Permit.

## Why is this permit required, and why is it important?

Federal regulations adopted by the U.S. Environmental Protection Agency (EPA) and North Carolina Division of Water Quality (DWQ) require an NPDES permit for your project. The EPA has delegated DWQ the authority to administer the NPDES program in North Carolina.

You must comply with the applicable terms and conditions of this Stormwater Permit, and you are subject to enforcement by the Division of Water Quality for any violations.

In just one rain event, poor erosion & sediment control practices can contribute *nearly a ton of sediment per acre to a stream*<sup>2</sup>. That can cause long-term devastation to receiving waters!



Sediment-filled creek downstream of a construction site.

So remember, compliance with this permit helps protect our lakes, streams, rivers, and coastal waters.

<sup>2</sup>From *Pollutant Export from Various Land Uses in the Upper Neuse River Basin* (Line, Daniel E. et al.) and DWQ staff communication with authors about the study.

## What does this permit require me to do?

You should read and become familiar with the provisions and conditions of this permit. Here are some highlights:

### Erosion & Sedimentation Control Plan

You must implement the Erosion and Sedimentation Control Plan approved for your project by the N.C. Division of Land Resources (DLR) or by an approved local program. Adherence to that E&SC Plan is an enforceable component of the Stormwater Permit.

<sup>1</sup>From the *Draft North Carolina Water Quality Assessment and Impaired Waters List* (2004 Integrated 305(b) and 303(d) Report).

### Monitoring - BMP & Outfall Inspection

You must inspect all erosion and sedimentation control facilities at least once a week. If you discharge to certain impaired waters, you must inspect these facilities twice a week (see permit). Impaired waters on the latest EPA approved 303(d) list as a result of construction-related parameters can be found here:

<http://h2o.enr.state.nc.us/su/construction303d>

You must inspect all E&SC facilities within 24 hours after any

storm event greater than a half inch (during a 24-hr period).

- You must observe runoff at your stormwater outfalls just as often as above for characteristics listed in the permit (clarity, solids, etc.).
- You must keep records of these inspections.

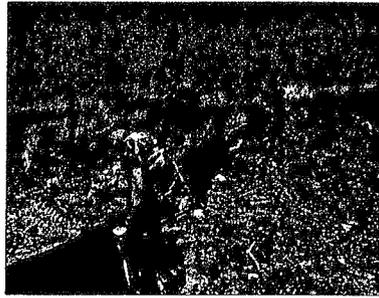
### Operation & Maintenance (O&M)

You must provide the operation and maintenance (O&M) necessary to maintain optimal performance of stormwater controls. This means you must take corrective action if

## What does this permit require me to do? (cont.)

E&SC facilities are not operating properly! O&M includes things like:

- ✓ Regularly cleaning out sedimentation basins
- ✓ Stabilizing eroded banks or spillway structures
- ✓ Repairing/clearing out inlets and outlets
- ✓ Repairing piping, seepage, mechanical damage
- ✓ Repairing silt fence damage



Silt fence maintenance

fuels, coolants, hydraulic fluids, etc.

- You must follow federal guidelines and label restrictions when using herbicides, pesticides, and fertilizers.
- You must properly dispose of demolition debris and other building material.
- You must properly manage disposal of litter and sanitary waste.

### Reporting

Regular inspections are a good chance to check impacts to nearby waters. If you observe significant amounts of sediment in the stream, notify the DWQ regional office within 24 hours and provide written notice within 5 days (See

Part II, Section E of the Permit). Please copy correspondence to DLR.

### It's not just Erosion & Sedimentation Control!

- You must prevent stormwater contamination from the equipment used during construction. This includes preventing spills of oil,

### Non-Compliance and Fines

Take compliance seriously! Projects that violate Stormwater Permit conditions and/or have unauthorized water quality impacts are subject to fines. Civil penalties of up to \$25,000.00 per day for each violation may be assessed.

## What do I need to keep on site?

- ✓ Copy of the approved E&SC Plan, including any revisions
- ✓ A rain gauge
- ✓ Records of rainfall amounts and dates
- ✓ Records of E&SC facility/Best Management Practice (BMP) inspections
- ✓ Records of stormwater discharge outfall and stream inspections/observations. (See attached example log sheet).

## Who inspects me for what?

DWQ coordinates with the Division of Land Resources' Land Quality Section to ensure compliance with NC Rules and Regulations regarding construction activities and their impact on water quality. That means your operation is subject to enforcement by both Divisions.

In general, DLR staff will be inspecting your site on a regular basis. However, DWQ staff may per-

form inspections as well. These inspections may be routine in nature, or the result of public complaints or problems reported by DLR.

- ✓ NC DLR (or a delegated local program) will inspect the site for compliance with your approved E&SC Plan.
- ✓ NC DWQ investigates complaints and inspects for adverse impacts to water quality and stream standard violations (such as sediment in the stream).
- ✓ NC DWQ may inspect the site for compliance with this Stormwater Permit.

## Do I need to file a Notice of Intent (NOI)?

No. Once your E&SC Plan is approved, you are automatically covered under NCG010000, and you do not need to file an NOI for a Certificate of Coverage (COC) from DWQ. However, if you do not wish to be covered by this General Permit, you must apply to DWQ for an individual NPDES Stormwater Permit.

## Who can help me with questions?

Questions about Stormwater Permit requirements can be addressed to the Division of Water Quality Regional Offices:

Asheville Office.....	(828) 296-4500	Washington Office.....	(252) 946-6481
Fayetteville Office.....	(910) 486-1541	Wilmington Office.....	(910) 395-3900
Mooreville Office.....	(704) 663-1699	Winston-Salem Office....	(336) 771-4600
Raleigh Office.....	(919) 571-4700	Central Office.....	(919) 733-5083



For more information about the Programs of the Division of Water Quality's Stormwater Permitting Unit, see our home page at:  
<http://h2o.enr.state.nc.us/su/stormwater.html>

**STORMWATER INSPECTIONS FOR GENERAL PERMIT NCG010000 – LAND DISTURBING ACTIVITIES**

**PROJECT:** \_\_\_\_\_ **MONITORING FOR THE WEEK BEGINNING:** \_\_\_\_\_

All erosion and sedimentation control facilities and stormwater discharge outfalls must be inspected at least once (twice, if on 303(d) listed stream for construction related parameters\*) per seven calendar days and within 24 hours of a rainfall of 0.5 inches per 24 hours. Permittee must keep a record of inspections.

**RAINFALL:** Gauge must be maintained on site

Date Of Rain	Amount (inches)	Name

By this signature, I certify (in accordance with Part II Section B, 10 of the NCG010000 permit) that this report is accurate and complete to the best of my knowledge:

\_\_\_\_\_

(Signature of Permittee or Designee)

**EROSION AND SEDIMENTATION CONTROL FACILITIES INSPECTED:** Identification of all facilities may require additional pages.

Facility Identification (all measures)	Date of inspection	Time of inspection	Name of inspector	Operating Properly (Y/N)	Describe corrective actions taken (may need to attach additional information)

**OBSERVATIONS OF RUNOFF AT STORMWATER DISCHARGE OUTFALLS:** Take immediate corrective action to control the discharge of sediments outside the disturbed limits of the site. May require additional pages.

Stormwater Discharge Outfall Identification	Date of inspection	Time of inspection	Name of inspector	Clarity (1-10)	Floating solids (1-10)	Suspended Solids (1-10)	Oil sheen (Y/N)	Other obvious indicators of stormwater pollution (list & describe)	Visible sediment leaving the site? (Y/N)	If yes, describe actions taken to prevent future releases (may need to attach additional information)	Describe measures taken to clean up sediment outside of the disturbed limits (may need to attach additional information)

**Clarity:** Choose the number which best describes the clarity of the discharge where 1 is clear and 10 is very cloudy  
**Floating Solids:** Choose the number which best describes the amount of floating solids in the discharge where 1 is no solids and 10 the surface is covered in floating solids  
**Suspended Solids:** Choose the number which best describes the amount of suspended solids in the discharge where 1 is no solids and 10 is extremely muddy

**Has all land disturbing construction been completed?** \_\_\_\_\_ (Y/N) **Has the final permanent ground cover been completed & established?** \_\_\_\_\_ (Y/N)  
 \* 303(d) listed streams for construction related parameters – The latest approved list may be obtained from the Division of Water Quality, or from the following website location:  
<http://h2o.enr.state.nc.us/sw/construction303d>



**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY**

**GENERAL PERMIT**

**TO DISCHARGE STORMWATER UNDER THE**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by North Carolina Environmental Management Commission and the Federal Water Pollution Control Act as amended,

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All owners or operators of stormwater point source discharges associated with construction activities including clearing, grading and excavation activities resulting in the disturbance of land are hereby authorized to discharge stormwater to the surface waters of North Carolina or to a separate storm sewer system conveying stormwater to the surface waters.

The General Permit shall become effective on October 1, 2001.

The General Permit shall expire at midnight on September 30, 2006.

Signed this day October 1, 2001.



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Gregory J. Thorpe, Ph.D., Acting Director  
Division of Water Quality

By the Authority of the Environmental Management Commission

## PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater which has been adequately treated and managed in accordance with an approved Erosion and Sedimentation Control Plan by the North Carolina Division of Land Resources, Land Quality Section, or a delegated local program under the provisions and requirements of North Carolina General Statute 113A - 54.1 to the surface waters of North Carolina or to a separate storm sewer system. All discharges shall be in accordance with the attached schedules as follows:

- Part I: Monitoring, Controls, and Limitations for Permitted Discharges
- Part II: Standard Conditions

Any other point source discharge to surface waters of the state is prohibited unless covered by another permit, authorization or approval. The discharges allowed by this General Permit shall not cause or contribute to violations of Water Quality Standards. Discharges allowed by this permit must meet applicable wetland standards as outlined in 15A NCAC 2B .0230 and .0231 and water quality certification requirements as outlined in 15A NCAC 2H .0500.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

### General Permit Coverage

This General Permit is applicable to point source discharges from construction activities disturbing five acres of land prior to March 10, 2003. As of March 10, 2003, this permit will be applicable to point source discharges of stormwater from construction activities disturbing one or more acres of land. The submission of a proposed Erosion and Sedimentation Control Plan to the Division of Land Resources or delegated local program shall be considered to take the place of a Notice of Intent for coverage under this General Permit for those projects requiring this Permit coverage. Coverage under this General Permit shall become effective upon issuance of an approval for the Erosion and Sedimentation Control Plan by the Land Quality Section of the Division of Land Resources or delegated local program. Prior to the commencement of construction and land disturbing activities approval of the Erosion and Sedimentation Control Plan shall be obtained.

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit should be made at least 180 days prior to the time the permit is needed.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been rescinded. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

**PART I**

**MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES**

**SECTION A: FINAL LIMITATIONS AND CONTROLS FOR STORMWATER DISCHARGES**

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge stormwater associated with construction activity. Such discharges shall be controlled, limited and monitored as specified below.

1. Prior to the commencement of construction, the permittee shall submit for approval a Erosion and Sedimentation Control Plan (plan) to the Department of Environment, and Natural Resources, Division of Land Resources, Land Quality Section, (or an approved local program) pursuant to the requirements of NC G.S. 113A-54.1 and in conformity with rules adopted by the North Carolina Sedimentation Control Commission.
2. The Permittee shall implement the plan, which has been approved by the approval authority. The approved plan is considered a requirement or condition of this general permit. Deviation from the approved plan, or approved amendment to the plan, shall constitute a violation of the terms and conditions of this general permit except that deviation from the approved plan will be allowed (1) to correct an emergency situation where sediments are being discharged off the site or (2) when minor modifications have been made for the purpose of improving the performance of the erosion and sedimentation control measures and notification of the minor modification has been made to the Division of Land Resources (or approved local program). Such a deviation from the approved plan shall be noted on the approved plan maintained at the job site. During active construction, a copy of the approved plan shall be maintained on the site.
3. Equipment utilized during the construction activity on a site must be operated and maintained in such a manner as to prevent the potential or actual pollution of the surface or ground waters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be discharged onto the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the waters, surface or ground, of the state and in accordance with applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the extent practicable and disposed of in a manner so as not to allow their entry into the waters, surface or ground, of the state.
4. Herbicide, pesticide, and fertilizer usage during the construction activity shall be consistent with the Federal Insecticide, Fungicide, and Rodenticide Act and shall be in accordance with label restrictions.

5. All wastes composed of building materials shall be disposed of in accordance with North Carolina General Statutes, Chapter 130A, Article 9 - Solid Waste Management, and rules governing the disposal of solid waste (North Carolina Administrative Code Section 15A NCAC 13B).
6. The Permittee shall control the management and disposal of litter and sanitary waste from the site such that no adverse impacts to water quality occur.

SECTION B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

Minimum monitoring and reporting requirements are as follows unless otherwise approved in writing by the Director of the Division of Water Quality.

1. All erosion and sedimentation control facilities shall be inspected by or under the direction of the permittee at least once every seven calendar days (at least twice every seven days for those facilities discharging to waters of the State listed on the latest EPA approved 303(d) list for construction related indicators of impairment such as turbidity or sedimentation\*\*) and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. A rain gauge shall be maintained on the site and a record of the rainfall amounts and dates shall be kept by the permittee.

(\*\* The latest approved list may be obtained from the Division of Water Quality, or from the following website location: <http://h2o.enr.state.nc.us/su/construction303d>)

2. Once land disturbance has begun on the site, stormwater runoff discharges shall be inspected by observation for stormwater discharge characteristics as defined below at the frequency in #1 above to evaluate the effectiveness of the pollution control facilities or practices. If any visible sedimentation is leaving the disturbed limits of the site, corrective action shall be taken immediately to control the discharge of sediments outside the disturbed limits.

Stormwater Discharge Characteristics	Monitoring Type <sup>1</sup>	Monitoring Location <sup>2</sup>
Clarity		SDO
Floating Solids		SDO
Suspended Solids		SDO
Oil Sheen		SDO
Other obvious indicators of stormwater pollution		SDO

Footnotes:

<sup>1</sup> Monitoring Type: The monitoring requires a qualitative observation of each stormwater outfall. No analytical testing or sampling is required.

<sup>2</sup> Sample Location: Stormwater Discharge Outfall (SDO)

3. The operator shall keep a record of inspections. Visible sedimentation found outside of the disturbed limits shall be recorded and a brief explanation kept with the records as to the measures taken to control future releases. Any measures taken to clean up the sediment that has left the disturbed limits shall also be recorded. These records shall be made available to DWQ or authorized agent upon request.

SECTION C: SCHEDULE OF COMPLIANCE

1. The permittee shall comply with Final Limitations and Controls specified for stormwater discharges once disturbance has begun on the site and until completion of construction or development and the establishment of a permanent ground cover..
2. During construction and until the completion of a construction or development and the establishment of a permanent ground cover, the permittee shall provide the operation and maintenance necessary to operate the storm water controls at optimum efficiency.

**PART II  
STANDARD CONDITIONS**

**SECTION A: DEFINITIONS**

1. Act or "the Act" or CWA

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

2. Best Management Practices (BMPs)

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. DWQ or Division

The Division of Water Quality, Department of Environment, and Natural Resources.

4. Director

The Director of the Division of Water Quality, the permit issuing authority.

5. EMC

The North Carolina Environmental Management Commission.

6. Permittee

The person who signed as the financially responsible party on the Erosion and Sedimentation Control Plan.

7. Point Source Discharge

Any discernible, confined and discrete conveyance, including but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation from which pollutants are or may be discharged to waters of the state.

8. Administrator

The Administrator of the U. S. Environmental Protection Agency.

SECTION B: GENERAL CONDITIONS

1. Duty to Comply.

The permittee must comply with all conditions of this general permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for: enforcement action; certificate of coverage termination, revocation and reissuance, or modification; or denial of a certificate of coverage upon renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(b) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$27,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

(c) Under state law, a daily civil penalty of not more than ten thousand dollars (\$10,000) per violation may be assessed against any person who violates or fails to act in

accordance with the terms, conditions, or requirements of a permit. [Ref: NC General Statutes 143-215.6A].

(d) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500. Penalties for Class II violations are not to exceed \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Except as provided in Section C. of this permit regarding bypassing of stormwater control facilities, nothing in this general permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Property Rights

The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

6. Severability

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the certificate of coverage issued pursuant to this general permit or to determine compliance with this general permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this general permit.

8. When an Individual Permit may be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this general permit to apply for and obtain an individual permit or an alternative general permit. Any interested person may petition the Director to require an individual permit pursuant to 15A NCAC 2H .0127. Cases where an individual permit may be required include, but are not limited to, the following:

- a. The discharger is a significant contributor of pollutants;
- b. Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit;
- c. The discharge violates the terms or conditions of this general permit;
- d. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- e. Effluent limitations are promulgated for the point sources covered by this general permit;
- f. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this general permit.
- g. The Director determines at his own discretion that an individual permit is required.

9. When an Individual Permit may be Requested

Any permittee operating under this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. When an individual

permit is issued to an owner/operator the applicability of this general permit is automatically terminated on the effective date of the individual permit.

10. Signatory Requirements

a. All applications, reports, or information submitted to the Director shall be signed and certified as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

b. All reports required by the general permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Director.

c. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

11. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this general permit does not prohibit the Director from reopening and modifying the general permit, revoking and reissuing the general permit, or terminating the general permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. seq.

SECTION C: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this general permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this general permit.

3. Bypassing of Stormwater Control Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established or operating mode for the facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass Not Exceeding Limitations.

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs c. and d. of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice within 24 hours of an unanticipated bypass as required in Part II, E. 3.(b)(1) of this general permit. (24-hour notice).

d. Prohibition of Bypass

Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The permittee submitted notices as required under Paragraph c. of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Paragraph d. of this section.

#### 4. Upsets

##### a. Definition

"Upset " means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

##### b. Effect of an Upset.

An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

##### c. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- 2) The permitted facility was at the time being properly operated; and

- (3) The permittee submitted notice of the upset as required in Part II, E. 3. (b) (2) of this general permit.
- (4) The permittee complied with any remedial measures required under Part II, A. 2. of this general permit.

d. **Burden of Proof**

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION D: MONITORING AND RECORDS

1. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. .

2. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

3. Records Retention

The permittee shall retain records of all monitoring information and copies of all reports required by this general permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

4. Recording Results

For each measurement, sample, inspection or maintenance activity performed or taken pursuant to the requirements of this general permit, the permittee shall record the following information:

- a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;
- b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

5. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring general permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION E: REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29 (b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the general permit, nor to notification requirements under 40 CFR Part 122.42 (a) (1).

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the general permit requirements.

3. Twenty-four Hour Reporting

- a. The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b. The following shall be included as information which must be reported within 24 hours under this paragraph:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the general permit.
  - (2) Any upset which exceeds any effluent limitation in the general permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the general permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis for reports under paragraph b. above of this condition if the oral report has been received within 24 hours.

4. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in any report to the Director, it shall promptly submit such facts or information.

5. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, discharge data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

6. Penalties for Falsification of Reports

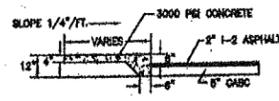
The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

SECTION F: LIMITATIONS REOPENER

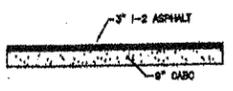
This general permit shall be modified or alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in the general permit; or
- b. controls any pollutant not limited in the general permit.

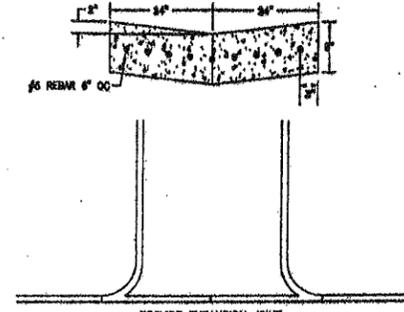
The general permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.



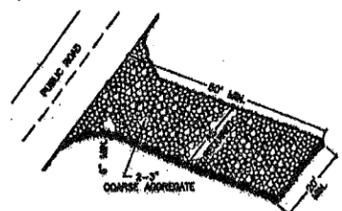
PARKING LOT DETAIL



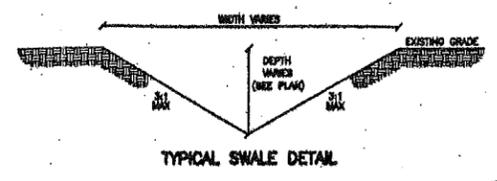
HEAVY DUTY PAVING DETAIL



VALLEY GUTTER DETAIL (N.T.S.)



CONSTRUCTION ENTRANCE/EXIT DETAIL

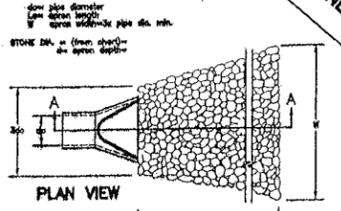


TYPICAL SWALE DETAIL

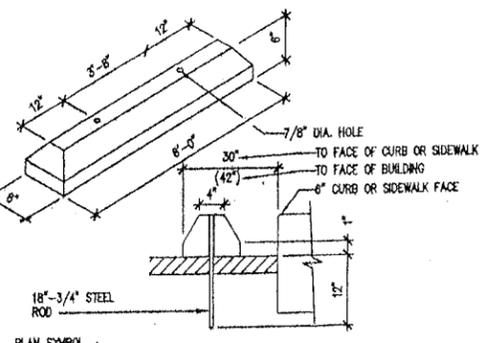
- CONSTRUCTION SCHEDULE FOR DI #1:**
- BEFORE GRADING OPERATIONS BEGIN, INSTALL RIP RAP ARC FILTER AROUND EXISTING OUTLET PIPE.
  - INSTALL TEMPORARY SEDIMENT TRAP BEHIND RIP RAP ARC FILTER TO SPECIFIED SIZE.
  - SET ONE JOINT OF PROPOSED PIPE AT LOCATION OF DI #1 BEGIN CONSTRUCTION OF DI #1
  - BEGIN GRADING OPERATIONS REMOVING SEDIMENT FROM EROSION CONTROL MEASURES WEEKLY AS IT ACCUMULATES.

TEMP. SEDIMENT TRAP #1  
20' X 70' X 6'  
WEIR WIDTH = 7.000 CF  
STORAGE CAPACITY = 1,000 CF  
SURFACE AREA = 1,400 SF

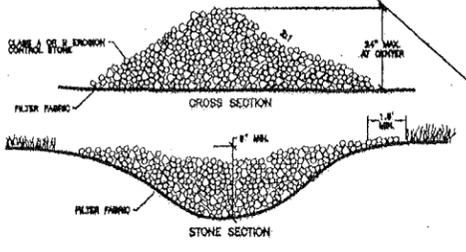
NOTE: ALL EXISTING PAVEMENT/MASONRY DEBRIS WITHIN BOUNDARY TO BE PALKORIZED AND USED AS FILL MATERIAL.



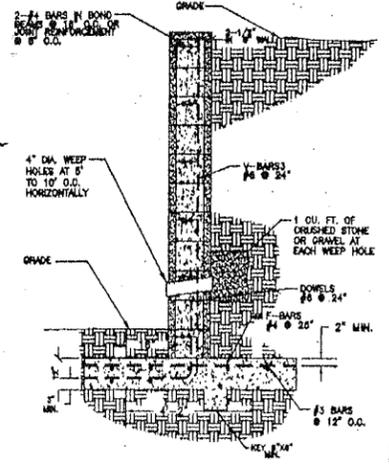
DISSIPATOR PAD DETAIL NO SCALE



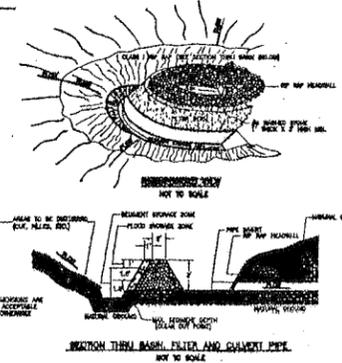
WHEEL STOP DETAIL (N.T.S.)



ROCK DAM DETAIL



REINFORCED CONCRETE MASONRY UNIT RETAINING WALL



SECTION THROUGH BASH, FILTER AND CHECKMATE PIPE

- CONSTRUCTION SCHEDULE:**
- OBTAIN PLAN APPROVALS AND ALL APPLICABLE PERMITS.
  - FLAG LIMITS OF ROUGH GRADING FOR BUILDING SITE, PARKING LOTS AND ESTABLISH GRADE LIMITS AS NEEDED.
  - HOLD PRE-CONSTRUCTION MEETING WITH GRADING CONTRACTOR, OCCURSION CONTROL ADMINISTRATOR, PROJECT ENGINEER AND OWNER.
  - PREPARE TEMPORARY CONSTRUCTION ENTRANCE. INSTALL ALL TEMPORARY EROSION CONTROL DEVICES PRIOR TO BEGINNING ANY GRADING ACTIVITIES STRIP ARE OF TOPSOIL AND STOCKPILE AS NEEDED FOR FINAL LANDSCAPING.
  - BEGIN AND COMPLETE ROUGH GRADING OPERATIONS.
  - BRING BUILDING AND PARKING AREA TO WITHIN 2" OF FINAL SUBGRADE.
  - INSTALL STORM DRAINAGE FOR PARKING AREA. INSTALL RELATED EROSION CONTROL MEASURE AND INSTALL WATER & SEWER UTILITIES.
  - PLACE C&G AND ROUGH GRADE STONE.
  - INSTALL CURBS & GUTTER.
  - BRING LANDSCAPING AREAS TO WITHIN 6" OF FINAL GRADE, REDISTRIBUTE 6" OF TOP SOIL.
  - FINE GRADE PERMANENTLY SEED AND MULCH ALL LANDSCAPING AREAS.
  - INSTALL STORM DRAINAGE FOR PARKING LOTS AND PAV.
  - STABILIZATION SHALL OCCUR WITHIN 15 DAYS OF COMPLETION OF GRADING OPERATIONS.
  - ADDITIONAL EROSION AND SEDIMENTATION CONTROL MEASURE MAY BE REQUIRED BY HOODNER IF DEEMED NECESSARY.

- MAINTENANCE PLAN:**
- ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED FOR STABILITY AND OPERATION FOLLOWING EVERY RUN-OFF PRODUCING RAINFALL, BUT IN NO CASE LESS THAN ONCE EVERY WEEK. NEEDED REPAIR WILL BE MADE IMMEDIATELY TO MAINTAIN ALL PRACTICES AS DESIGNED.
  - SEDIMENT WILL BE REMOVED FROM THE SILT FENCE WHEN IT BECOMES 0.5 FEET DEEP.
  - ALL SEEDED AREAS WILL BE FERTILIZED, RE-SEED AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATION IN THE VEGETATIVE PLAN TO MAINTAIN A WOODRUS, DENSE VEGETATIVE COVER.
  - ALL TEMPORARY EROSION CONTROL MEASURES WILL BE REMOVED UPON COMPLETION OF CONSTRUCTION AND STABILIZATION OF GRADES.

**SEEDING SCHEDULE**

SEED BED PREPARATION	2 TONS/AC
LIME	2 TONS/AC
10-10-20	1,000 LBS/AC
0-20-0	800 LBS/AC
STRAW MULCH	3 TONS/AC (AFTER SEEDING)
ASPHALT TACK	200 GAL/TON OF MULCH

**SEEDING MIXTURE**

FEBRUARY 1 - APRIL 30	TALL FESCUE	50 LBS/AC
	PENSACOLA BAHAGRASS	10 LBS/AC
	KORAN OR KORE LESPEDEZA (SCARIFIED)	50 LBS/AC
MAY 1 - AUGUST 31	TALL FESCUE	50 LBS/AC
	WEeping LOVEGRASS	5 LBS/AC
	KORAN OR KORE LESPEDEZA (SCARIFIED)	50 LBS/AC
	BROWNTOP MILLET	25 LBS/AC
SEPTEMBER 1 - JANUARY 31	TALL FESCUE	50 LBS/AC
	KORAN OR KORE LESPEDEZA (UNSCARIFIED)	50 LBS/AC
	RYE (ORAIN)	25 LBS/AC
FOR SLOPES 2:1 OR STEEPER, ADD 30 LBS/AC SERICEA LESPEDEZA AND 15 LBS WEeping LOVEGRASS		

**LANDSCAPING MIXTURE**

JANUARY 1 - MARCH 31	COMMON BERMAUDA GRASS (HULLED)	20LBS
APRIL 1 - JULY 31	COMMON BERMAUDA GRASS (HULLED)	20LBS
HYBRID BERMAUDA GRASS SPROS MAY BE USED		

- LEGEND**
- R/W = RIGHT-OF-WAY
  - MBL = MINIMUM BUILDING LINE
  - B/B = BACK OF CURB TO BACK OF CURB
  - EP = EXISTING IRON PIPE
  - SIP = SET IRON PIPE
  - ECM = EXISTING CONCRETE MONUMENT
  - EPK = EXISTING PARKER KALON NAIL
  - SPKN = SET PARKER KALON NAIL
  - R = RADIUS
  - NPS = NO POINT SET
  - PP = POWER POLE
  - TPED = TELEPHONE PEDESTAL
  - HW = HUBSET
  - TO = TOP OF CURB
  - EP = EDGE OF PAVEMENT
  - TS = TOP OF BANK
  - CL = CENTERLINE
  - MH = MANHOLE
  - FH = FIRE HYDRANT
  - WV = WATER VALVE
  - GV = GATE VALVE
  - BV = BALL VALVE
  - RCP = REINFORCED CONCRETE PIPE
  - CMR = CORRUGATED METAL PIPE
  - CB = CATCH BASIN
  - FES = FLARED END SECTION
  - CO = CLEAN OUT
  - SS = SEWER SERVICE
  - WM = WATER METER
  - HTC = NOT TO SCALE
  - HTS = NOT TO SCALE
  - ERRS = EXISTING RAILROAD SPIKE
  - TW = TOP OF WALK / TOP OF WALL
  - TO = TOP OF CURB / TOP OF CONCRETE
  - TP = TOP OF PAVEMENT / TOP OF PAD
  - TG = TOP OF GROUND
  - RCR = ROCK CHECK DAM

**BID DRAWINGS**  
RIGHTMYER MACHINE RENTALS, INC.  
DATE: 2/15/05 BY: [Signature]  
DISTURBED AREA: 2.69 ACRES



SHEET 2 OF 2 REVISION: 01/18/06 (S-6) COMMENTS  
GRADING, PAVING & EROSION CONTROL PLAN

**FAMILY DOLLAR**

REFERENCE: DEED BOOK 1627, PAGE 45 AND DEED BOOK 1694, PAGE 625 OF THE HALIFAX COUNTY REGISTRY

TOWN OF WELDON, HALIFAX COUNTY, N.C.

OWNER: EASTERN PRIDE INC.  
ADDRESS: 1800 CAVALIER CIRCLE  
WILSON, NC 27893  
PHONE: (252) 236-3611

Baldwin and ASSOCIATES  
ENGINEERING, LAND SURVEYING AND PLANNING  
1015 CONFERENCE DRIVE  
GREENVILLE, NC 27658  
(252) 786-1390

SURVEYED: HC APPROVED: MDT  
DRAWN: EW/MDT DATE: 11/21/05  
CHECKED: MDT SCALE: 1" = 30'

BEFORE YOU DIG....  
North Carolina One-Call  
Call 48 Hours Before You Dig!  
1-800-632-4949





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

May 8, 2006

Russell Grant, P.E.  
Plumblin Corporation, Engineering and Land Surveying  
40 Sycamore Street Suite D  
Weldon, NC 27890

**Subject:** Notification – Coal Ash Structural Fill  
Intersection of US Highways 301 Bypass & 158 – Halifax County  
Eastern Pride, Inc. – owner and developer for “Family Dollar” project

**Reference:** Letter/documentation dated April 3, 2006, received by the Solid Waste Section on April 27, 2006; subsequent information received on May 3, 2006.

Dear Mr. Grant,

On behalf of Eastern Pride, Inc., this letter acknowledges receipt of the above referenced documentation which satisfies the notification requirements specified in Section .1700 of the North Carolina Solid Waste Management 15A NCAC 13B Rules. This notification includes the following information as required by Rule .1703:

1. **Nature, Purpose and location of the project:** This project is proposal of placement of 10,000 cubic yards of coal ash from the Roanoke Valley Energy Plant as structural fill along select portions at the intersection of Highways 158 and 301 within the Town of Weldon. This area is adjacent to the coal ash DOT easement disposal site.

**Quad sheet:** Weldon, NC Quadrangle: 36.4257 N - Lat; 77.5938W – Long.

2. **Estimated start:** When approved by the Solid Waste Section  
**Estimated completion:** August 30, 2006
3. **Estimated volume:** 10,000 cubic yards
4. **TCLP analysis from coal ash:** included;
5. **Signed statement from the owner:** The Company stipulates to the recordation requirements per Eastern Pride, Inc. letter dated April 17, 2006 to the Division of Waste Management.

6. **CCB generator:** Roanoke Valley Energy  
**Location of generating plant:** 29 Power Place, Weldon, NC  
**Mailing address:** PO Box 351, Weldon, NC 27890  
**Contact(s):** Doug Henshaw  
**Telephone number(s):** (252) 536-3200  
**Statement that notification will be given to DWM if changes are to occur.**

Construction can now begin on this project.

Please be aware that analysis of groundwater samples collected from monitoring wells located at a North Carolina coal ash structural fill site revealed that levels of sulfate and arsenic were elevated above the background well values and exceeded the 15A NCAC 2L Standards. It was later found that the ash had been placed in the groundwater at the site and the ash has been subsequently removed. The Division of Waste Management strongly recommends that you retain the services of a qualified hydrogeologic consulting firm to assist you in determining the vulnerability of the groundwater at the site based on site attenuation, waste extractability, and the end use to inhibit infiltration. You can consider installation of groundwater monitoring wells depending on vulnerability before commencing fill operations".

**North Carolina Solid Waste Management 15A NCAC 13B Rules .1701, .1702, .1704, .1705, .1706, .1707, .1708, .1709, and .1710 shall also be adhered to.**

If you have any questions or comments, please contact myself or Brian Wootton at (919)-508-8495 or (919)-508-8524 respectively

Sincerely,



Edward F. Mussler III  
CN = Edward F. Mussler III, C  
= US, O = Division of Waste  
Management, OU = Solid  
Waste Section  
I have reviewed this document  
and I am approving this  
document  
2006.05.08 14:06:03 -04'00'

Ed Mussler  
Permitting Supervisor  
Solid Waste Section

cc: Charles A. Thomas, President of Eastern Pride, Inc  
Mary Whaley, Solid Waste Section  
Central File – Solid Waste Section, Div. of Waste Management



# NPDES Stormwater Discharge Permit for Construction Activities

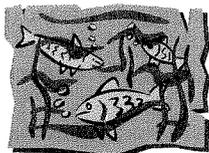
Cover Sheet for NCG010000

Last Revised 03/10/2005



## Did you know?

In North Carolina, excess stormwater volumes and blankets of sediment covering aquatic habitat cause more streams in the state to lose their ability to support aquatic life *than any other pollution problem*<sup>1</sup>.



## What is it?

This is your Stormwater Permit. It is separate from your Erosion and Sedimentation Control (E&SC) Plan.

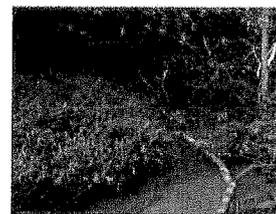
Your project is subject to this permit in addition to the approved E&SC Plan because all construction activities disturbing 1 or more acres of land are subject to stormwater permitting requirements under the National Pollutant Discharge Elimination System (NPDES). You have been given a copy of General Permit No. NCG010000 (attached) and granted coverage under this General Stormwater Permit.

## Why is this permit required, and why is it important?

Federal regulations adopted by the U.S. Environmental Protection Agency (EPA) and North Carolina Division of Water Quality (DWQ) require an NPDES permit for your project. The EPA has delegated DWQ the authority to administer the NPDES program in North Carolina.

You must comply with the applicable terms and conditions of this Stormwater Permit, and you are subject to enforcement by the Division of Water Quality for any violations.

In just one rain event, poor erosion & sediment control practices can contribute *nearly a ton of sediment per acre* to a stream<sup>2</sup>. That can cause long-term devastation to receiving waters!



Sediment-filled creek downstream of a construction site.

So remember, compliance with this permit helps protect our lakes, streams, rivers, and coastal waters.

<sup>2</sup>From *Pollutant Export from Various Land Uses in the Upper Neuse River Basin* (Line, Daniel E. et al.) and DWQ staff communication with authors about the study.

## What does this permit require me to do?

You should read and become familiar with the provisions and conditions of this permit. Here are some highlights:

### Erosion & Sedimentation Control Plan

You must implement the Erosion and Sedimentation Control Plan approved for your project by the N.C. Division of Land Resources (DLR) or by an approved local program. Adherence to that E&SC Plan is an enforceable component of the Stormwater Permit.

### Monitoring - BMP & Outfall Inspection

You must inspect all erosion and sedimentation control facilities at least once a week. If you discharge to certain impaired waters, you must inspect these facilities twice a week (see permit). Impaired waters on the latest EPA approved 303(d) list as a result of construction-related parameters can be found here:

<http://h2o.enr.state.nc.us/su/construction303d>

You must inspect all E&SC facilities within 24 hours after any

storm event greater than a half inch (during a 24-hr period).

- You must observe runoff at your stormwater outfalls just as often as above for characteristics listed in the permit (clarity, solids, etc.).
- You must keep records of these inspections.

### Operation & Maintenance (O&M)

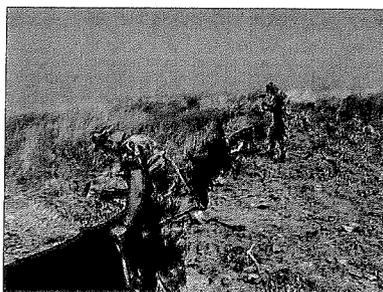
You must provide the operation and maintenance (O&M) necessary to maintain optimal performance of stormwater controls. This means you must take corrective action if

<sup>1</sup>From the *Draft North Carolina Water Quality Assessment and Impaired Waters List* (2004 Integrated 305(b) and 303(d) Report).

## What does this permit require me to do? (cont.)

E&SC facilities are not operating properly! O&M includes things like:

- ✓ Regularly cleaning out sedimentation basins
- ✓ Stabilizing eroded banks or spillway structures
- ✓ Repairing/clearing out inlets and outlets
- ✓ Repairing piping, seepage, mechanical damage
- ✓ Repairing silt fence damage



Silt fence maintenance

fuels, coolants, hydraulic fluids, etc.

- You must follow federal guidelines and label restrictions when using herbicides, pesticides, and fertilizers.
- You must properly dispose of demolition debris and other building material.
- You must properly manage disposal of litter and sanitary waste.

### Reporting

Regular inspections are a good chance to check impacts to nearby waters. If you observe significant amounts of sediment in the stream, notify the DWQ regional office within 24 hours and provide written notice within 5 days (See

Part II, Section E of the Permit). Please copy correspondence to DLR.

### It's not just Erosion & Sedimentation Control!

- You must prevent stormwater contamination from the equipment used during construction. This includes preventing spills of oil,

### Non-Compliance and Fines

Take compliance seriously! Projects that violate Stormwater Permit conditions and/or have unauthorized water quality impacts are subject to fines. **Civil penalties** of up to \$25,000.00 per day for each violation may be assessed.

## What do I need to keep on site?

- ✓ Copy of the approved E&SC Plan, including any revisions
- ✓ A rain gauge
- ✓ Records of rainfall amounts and dates
- ✓ Records of E&SC facility/Best Management Practice (BMP) inspections
- ✓ Records of stormwater discharge outfall and stream inspections/observations. (See attached example log sheet).

## Who inspects me for what?

DWQ coordinates with the Division of Land Resources' Land Quality Section to ensure compliance with NC Rules and Regulations regarding construction activities and their impact on water quality. That means your operation is subject to enforcement by both Divisions.

In general, DLR staff will be inspecting your site on a regular basis. However, DWQ staff may per-

form inspections as well. These inspections may be routine in nature, or the result of public complaints or problems reported by DLR.

- ✓ NC DLR (or a delegated local program) will inspect the site for compliance with your approved E&SC Plan.
- ✓ NC DWQ investigates complaints and inspects for adverse impacts to water quality and stream standard violations (such as sediment in the stream).
- ✓ NC DWQ may inspect the site for compliance with this Stormwater Permit.

## Do I need to file a Notice of Intent (NOI)?

No. Once your E&SC Plan is approved, you are automatically covered under NCG010000, and you do not need to file an NOI for a Certificate of Coverage (COC) from DWQ. However, if you do not wish to be covered by this General Permit, you must apply to DWQ for an individual NPDES Stormwater Permit.

## Who can help me with questions?

Questions about Stormwater Permit requirements can be addressed to the Division of Water Quality Regional Offices:

Asheville Office.....	(828) 296-4500	Washington Office.....	(252) 946-6481
Fayetteville Office.....	(910) 486-1541	Wilmington Office.....	(910) 395-3900
Mooresville Office.....	(704) 663-1699	Winston-Salem Office....	(336) 771-4600
Raleigh Office.....	(919) 571-4700	Central Office.....	(919) 733-5083



For more information about the Programs of the Division of Water Quality's Stormwater Permitting Unit, see our home page at:  
<http://h2o.enr.state.nc.us/su/stormwater.html>

**STORMWATER INSPECTIONS FOR GENERAL PERMIT NCG010000 – LAND DISTURBING ACTIVITIES**

**PROJECT:** \_\_\_\_\_ **MONITORING FOR THE WEEK BEGINNING:** \_\_\_\_\_

All erosion and sedimentation control facilities and stormwater discharge outfalls must be inspected at least once (twice, if on 303(d) listed stream for construction related parameters\*) per seven calendar days and within 24 hours of a rainfall of 0.5 inches per 24 hours. Permittee must keep a record of inspections.

**RAINFALL:** Gauge must be maintained on site

Date Of Rain	Amount (inches)	Name

By this signature, I certify (in accordance with Part II Section B, 10 of the NCG010000 permit) that this report is accurate and complete to the best of my knowledge:

\_\_\_\_\_

(Signature of Permittee or Designee)

**EROSION AND SEDIMENTATION CONTROL FACILITIES INSPECTED:** Identification of all facilities may require additional pages.

Facility Identification (all measures)	Date of inspection	Time of inspection	Name of inspector	Operating Properly (Y/N)	Describe corrective actions taken (may need to attach additional information)

**OBSERVATIONS OF RUNOFF AT STORMWATER DISCHARGE OUTFALLS:** Take immediate corrective action to control the discharge of sediments outside the disturbed limits of the site. May require additional pages.

Stormwater Discharge Outfall Identification	Date of inspection	Time of inspection	Name of inspector	Clarity (1-10)	Floating solids (1-10)	Suspended Solids (1-10)	Oil sheen (Y/N)	Other obvious indicators of stormwater pollution (list & describe)	Visible sediment leaving the site? (Y/N)	If yes, describe actions taken to prevent future releases (may need to attach additional information)	Describe measures taken to clean up sediment outside of the disturbed limits (may need to attach additional information)

**Clarity:** Choose the number which best describes the clarity of the discharge where 1 is clear and 10 is very cloudy  
**Floating Solids:** Choose the number which best describes the amount of floating solids in the discharge where 1 is no solids and 10 the surface is covered in floating solids  
**Suspended Solids:** Choose the number which best describes the amount of suspended solids in the discharge where 1 is no solids and 10 is extremely muddy

**Has all land disturbing construction been completed?** \_\_\_\_\_ (Y/N) **Has the final permanent ground cover been completed & established?** \_\_\_\_\_ (Y/N)

\* 303(d) listed streams for construction related parameters – The latest approved list may be obtained from the Division of Water Quality, or from the following website location:  
<http://h2o.enr.state.nc.us/sw/construction303d>

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY

GENERAL PERMIT

TO DISCHARGE STORMWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by North Carolina Environmental Management Commission and the Federal Water Pollution Control Act as amended,

---

All owners or operators of stormwater point source discharges associated with construction activities including clearing, grading and excavation activities resulting in the disturbance of land are hereby authorized to discharge stormwater to the surface waters of North Carolina or to a separate storm sewer system conveying stormwater to the surface waters.

The General Permit shall become effective on October 1, 2001.

The General Permit shall expire at midnight on September 30, 2006.

Signed this day October 1, 2001.



---

Gregory J. Thorpe, Ph.D. Acting Director  
Division of Water Quality

By the Authority of the Environmental Management Commission

## PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater which has been adequately treated and managed in accordance with an approved Erosion and Sedimentation Control Plan by the North Carolina Division of Land Resources, Land Quality Section, or a delegated local program under the provisions and requirements of North Carolina General Statute 113A - 54.1 to the surface waters of North Carolina or to a separate storm sewer system. All discharges shall be in accordance with the attached schedules as follows:

- Part I: Monitoring, Controls, and Limitations for Permitted Discharges
- Part II: Standard Conditions

Any other point source discharge to surface waters of the state is prohibited unless covered by another permit, authorization or approval. The discharges allowed by this General Permit shall not cause or contribute to violations of Water Quality Standards. Discharges allowed by this permit must meet applicable wetland standards as outlined in 15A NCAC 2B .0230 and .0231 and water quality certification requirements as outlined in 15A NCAC 2H .0500.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

### General Permit Coverage

This General Permit is applicable to point source discharges from construction activities disturbing five acres of land prior to March 10, 2003. As of March 10, 2003, this permit will be applicable to point source discharges of stormwater from construction activities disturbing one or more acres of land. The submission of a proposed Erosion and Sedimentation Control Plan to the Division of Land Resources or delegated local program shall be considered to take the place of a Notice of Intent for coverage under this General Permit for those projects requiring this Permit coverage. Coverage under this General Permit shall become effective upon issuance of an approval for the Erosion and Sedimentation Control Plan by the Land Quality Section of the Division of Land Resources or delegated local program. Prior to the commencement of construction and land disturbing activities approval of the Erosion and Sedimentation Control Plan shall be obtained.

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit should be made at least 180 days prior to the time the permit is needed.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been rescinded. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

**PART I**

**MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES**

**SECTION A: FINAL LIMITATIONS AND CONTROLS FOR STORMWATER DISCHARGES**

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge stormwater associated with construction activity. Such discharges shall be controlled, limited and monitored as specified below.

1. Prior to the commencement of construction, the permittee shall submit for approval a Erosion and Sedimentation Control Plan (plan) to the Department of Environment, and Natural Resources, Division of Land Resources, Land Quality Section, (or an approved local program) pursuant to the requirements of NC G.S. 113A-54.1 and in conformity with rules adopted by the North Carolina Sedimentation Control Commission.
2. The Permittee shall implement the plan, which has been approved by the approval authority. The approved plan is considered a requirement or condition of this general permit. Deviation from the approved plan, or approved amendment to the plan, shall constitute a violation of the terms and conditions of this general permit except that deviation from the approved plan will be allowed (1) to correct an emergency situation where sediments are being discharged off the site or (2) when minor modifications have been made for the purpose of improving the performance of the erosion and sedimentation control measures and notification of the minor modification has been made to the Division of Land Resources (or approved local program). Such a deviation from the approved plan shall be noted on the approved plan maintained at the job site. During active construction, a copy of the approved plan shall be maintained on the site.
3. Equipment utilized during the construction activity on a site must be operated and maintained in such a manner as to prevent the potential or actual pollution of the surface or ground waters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be discharged onto the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the waters, surface or ground, of the state and in accordance with applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the extent practicable and disposed of in a manner so as not to allow their entry into the waters, surface or ground, of the state.
4. Herbicide, pesticide, and fertilizer usage during the construction activity shall be consistent with the Federal Insecticide, Fungicide, and Rodenticide Act and shall be in accordance with label restrictions.

5. All wastes composed of building materials shall be disposed of in accordance with North Carolina General Statutes, Chapter 130A, Article 9 - Solid Waste Management, and rules governing the disposal of solid waste (North Carolina Administrative Code Section 15A NCAC 13B).
6. The Permittee shall control the management and disposal of litter and sanitary waste from the site such that no adverse impacts to water quality occur.

SECTION B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

Minimum monitoring and reporting requirements are as follows unless otherwise approved in writing by the Director of the Division of Water Quality.

1. All erosion and sedimentation control facilities shall be inspected by or under the direction of the permittee at least once every seven calendar days (at least twice every seven days for those facilities discharging to waters of the State listed on the latest EPA approved 303(d) list for construction related indicators of impairment such as turbidity or sedimentation\*\*) and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. A rain gauge shall be maintained on the site and a record of the rainfall amounts and dates shall be kept by the permittee.

(\*\* The latest approved list may be obtained from the Division of Water Quality, or from the following website location: <http://h2o.enr.state.nc.us/su/construction303d>)

2. Once land disturbance has begun on the site, stormwater runoff discharges shall be inspected by observation for stormwater discharge characteristics as defined below at the frequency in #1 above to evaluate the effectiveness of the pollution control facilities or practices. If any visible sedimentation is leaving the disturbed limits of the site, corrective action shall be taken immediately to control the discharge of sediments outside the disturbed limits.

<u>Stormwater Discharge Characteristics</u>	<u>Monitoring Type<sup>1</sup></u>	<u>Monitoring Location<sup>2</sup></u>
Clarity		SDO
Floating Solids		SDO
Suspended Solids		SDO
Oil Sheen		SDO
Other obvious indicators of stormwater pollution		SDO

Footnotes:

1 Monitoring Type: The monitoring requires a qualitative observation of each stormwater outfall. No analytical testing or sampling is required.

2 Sample Location: Stormwater Discharge Outfall (SDO)

3. The operator shall keep a record of inspections. Visible sedimentation found outside of the disturbed limits shall be recorded and a brief explanation kept with the records as to the measures taken to control future releases. Any measures taken to clean up the sediment that has left the disturbed limits shall also be recorded. These records shall be made available to DWQ or authorized agent upon request.

SECTION C: SCHEDULE OF COMPLIANCE

1. The permittee shall comply with Final Limitations and Controls specified for stormwater discharges once disturbance has begun on the site and until completion of construction or development and the establishment of a permanent ground cover..
2. During construction and until the completion of a construction or development and the establishment of a permanent ground cover, the permittee shall provide the operation and maintenance necessary to operate the storm water controls at optimum efficiency.

**PART II  
STANDARD CONDITIONS**

**SECTION A: DEFINITIONS**

1. Act or "the Act" or CWA

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

2. Best Management Practices (BMPs)

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. DWQ or Division

The Division of Water Quality, Department of Environment, and Natural Resources.

4. Director

The Director of the Division of Water Quality, the permit issuing authority.

5. EMC

The North Carolina Environmental Management Commission.

6. Permittee

The person who signed as the financially responsible party on the Erosion and Sedimentation Control Plan.

7. Point Source Discharge

Any discernible, confined and discrete conveyance, including but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation from which pollutants are or may be discharged to waters of the state.

8. Administrator

The Administrator of the U. S. Environmental Protection Agency.

SECTION B: GENERAL CONDITIONS

I. Duty to Comply.

The permittee must comply with all conditions of this general permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for: enforcement action; certificate of coverage termination, revocation and reissuance, or modification; or denial of a certificate of coverage upon renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(b) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$27,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

(c) Under state law, a daily civil penalty of not more than ten thousand dollars (\$10,000) per violation may be assessed against any person who violates or fails to act in

accordance with the terms, conditions, or requirements of a permit. [Ref: NC General Statutes 143-215.6A].

(d) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500. Penalties for Class II violations are not to exceed \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Except as provided in Section C. of this permit regarding bypassing of stormwater control facilities, nothing in this general permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Property Rights

The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

6. Severability

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the certificate of coverage issued pursuant to this general permit or to determine compliance with this general permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this general permit.

8. When an Individual Permit may be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this general permit to apply for and obtain an individual permit or an alternative general permit. Any interested person may petition the Director to require an individual permit pursuant to 15A NCAC 2H .0127. Cases where an individual permit may be required include, but are not limited to, the following:

- a. The discharger is a significant contributor of pollutants;
- b. Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit;
- c. The discharge violates the terms or conditions of this general permit;
- d. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- e. Effluent limitations are promulgated for the point sources covered by this general permit;
- f. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this general permit.
- g. The Director determines at his own discretion that an individual permit is required.

9. When an Individual Permit may be Requested

Any permittee operating under this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. When an individual

permit is issued to an owner/operator the applicability of this general permit is automatically terminated on the effective date of the individual permit.

10. Signatory Requirements

a. All applications, reports, or information submitted to the Director shall be signed and certified as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

b. All reports required by the general permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Director.

c. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

11. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this general permit does not prohibit the Director from reopening and modifying the general permit, revoking and reissuing the general permit, or terminating the general permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. seq.

SECTION C: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this general permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this general permit.

3. Bypassing of Stormwater Control Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established or operating mode for the facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass Not Exceeding Limitations.

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs c. and d. of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice within 24 hours of an unanticipated bypass as required in Part II, E. 3.(b)(1) of this general permit. (24-hour notice).

d. Prohibition of Bypass

Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The permittee submitted notices as required under Paragraph c. of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Paragraph d. of this section.

4. Upsets

a. Definition

"Upset " means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an Upset.

An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- 2) The permitted facility was at the time being properly operated; and

- (3) The permittee submitted notice of the upset as required in Part II, E. 3. (b) (2) of this general permit.
- (4) The permittee complied with any remedial measures required under Part II, A. 2. of this general permit.

d. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION D: MONITORING AND RECORDS

1. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. .

2. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

3. Records Retention

The permittee shall retain records of all monitoring information and copies of all reports required by this general permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

4. Recording Results

For each measurement, sample, inspection or maintenance activity performed or taken pursuant to the requirements of this general permit, the permittee shall record the following information:

- a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;
- b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

5. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring general permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION E: REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29 (b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the general permit, nor to notification requirements under 40 CFR Part 122.42 (a) (1).

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the general permit requirements.

3. Twenty-four Hour Reporting

- a. The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b. The following shall be included as information which must be reported within 24 hours under this paragraph:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the general permit.
  - (2) Any upset which exceeds any effluent limitation in the general permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the general permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis for reports under paragraph b. above of this condition if the oral report has been received within 24 hours.

4. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in any report to the Director, it shall promptly submit such facts or information.

5. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, discharge data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

6. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

SECTION F: LIMITATIONS REOPENER

This general permit shall be modified or alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in the general permit; or
- b. controls any pollutant not limited in the general permit.

The general permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.



Doc ID: 003250900001 Type: CRP  
Recorded: 08/11/2010 at 02:58:31 PM  
Fee Amt: \$14.00 Page 1 of 1  
Excise Tax: \$0.00  
Instr# 201000001450  
Halifax, NC  
Judy Evans-Barbee Register of Deeds

EK 2321 pg 166

*Christie C. Owens, Deputy*

**Halifax County  
North Carolina**

**Statement of use of Coal combustion by-products**

**I, Ronald L. Keeter, Jr., pursuant to 15a North Carolina Administrative Code 13B.1707 do/does hereby state the 12,080 cubic yards of coal combustion by-products have been utilized as fill material on the parcel of land more particularly described as the "40 feet drainage easement" recorded on the plat entitled "survey for Family Dollar" recorded in Plat Cabinet 6 Slide 156-H in the Halifax County Register of Deeds, filed the 13<sup>th</sup> day of February, 2007.**

Name: *Ronald L. Keeter, Jr.*

**I, *Angela W Smith*, do hereby certify that *Ronald L Keeter, Jr.* personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the *11<sup>th</sup>* day of *August*, *2010*.**

*Angela W Smith*  
**Notary Public**

NC DOT  
✓ Ronald Keeter, Jr.  
14193 Hwy 903  
Halifax, NC 27839