

STRUCTURAL FILL NOTIFICATION

**Duke Power Company
Port Village Business Park
B. V. Belk Investments**

The proposed project will utilize approximately 500,000 cubic yards of fly ash in a structural fill application to develop the property for marketing. The property is located on NC Highway 150 in Iredell County near the I-77 intersection as indicated on the attached USGS map (Mooresville Quadrangle, North Carolina - 7.5 minute series). The project is scheduled to commence on May 1, 1996 and to be completed on December 31, 1996. The fly ash will be supplied from Duke Power's Marshall Steam Station located on Highway 150 in eastern Catawba County at the following address:

Duke Power Company
Marshall Steam Station
PO Box 210
Terrell, NC 28682

Larry Evans will serve as the Generator Contact and can be contacted at:

Larry Evans
Duke Power Company
13339 Hagers Ferry Road (MG03A5)
Huntersville, NC 28078-7929
Phone: 704-875-5956

The following documents are attached:

- Signed statement of acknowledgement and consent from property owner
- TCLP data and certification
- USGS topographic map showing location of project
- Construction Plans

B. V. Belk Investments, by contract, has the responsibility for compliance with all applicable regulations for this structural fill project. Duke Power is responsible for providing and transporting the coal ash to the site. Please mail a copy of the acknowledgement letter to Larry Evans, above, and to:

Thomas W. Scott, President
B. V. Belk Investments, Inc.
440 Park Road
Suite 300
Charlotte, NC 20209



Hazardous Waste Analysis Results

⇒⇒⇒ Environmental Center * McGuire Nuclear Complex * Building # 7405

⇐⇐⇐

New York Department of Health Laboratory Identification # 11366

North Carolina Department of Environment, Health and Natural Resources (DEHNR) Certification # 248

South Carolina Department of Health and Environmental Control (DHEC) Laboratory Identification # 99005

Field I.D.

MONEX SILO FLYASH

Station / Contact

MARSHALL

LARRY EVANS

Collection Date

02/14/96

Analysis Date

03/18/96

Laboratory I.D.

9602179-01

Matrix Type

Solid

NA % Volume
NA Weight (g)

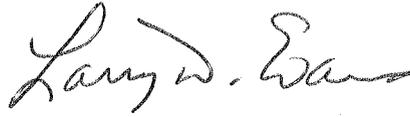
Laboratory Contact

Penny Franklin

(704) 875-5209

<u>Analyte</u>	<u>T.C.L.P. Conc.</u>	<u>T.C.L.P. Regulatory Limit</u>	<u>Waste Code</u>	<u>Analytical Method</u>
Silver (Ag)	✓ < 0.02 mg/L	5 mg/l	DO11	U.S.E.P.A. SW-846 Methods 7760 6010 6010 6010 6010 7740 7740 7471 6010 6010
Barium (Ba)	✓ 0.26 mg/L	100 mg/l	D005	
Cadmium (Cd)	✓ 0.02 mg/L	1 mg/l	D006	
Chromium (Cr)	✓ 0.39 mg/L	5 mg/l	D007	
Lead (Pb)	✓ < 0.09 mg/L	5 mg/l	D008	
Arsenic (As)	✓ < 0.06 mg/L	5 mg/l	D004	
Selenium (Se)	✓ < 0.06 mg/L	1 mg/l	D010	
Mercury (Hg)	✓ < 0.001 mg/L	0.2 mg/l	D009	
Nickel (Ni)		134 mg/l	---	
Thallium (Tl)		130 mg/l	---	
% Ash @ 550° C		N/A	---	ASTM D297/D817 E830 @ 550° C
B.T.U.		N/A	---	ASTM D3286-91
Total Sulfur		N/A	---	ASTM D4239-85
Total Chlorine		N/A	---	EPA 9020
Ignitibility		(Y/N)	---	ASTM D93
pH		< 2.0 or > 12.5	---	EPA 9045
% Water		N/A	---	ASTM D3792

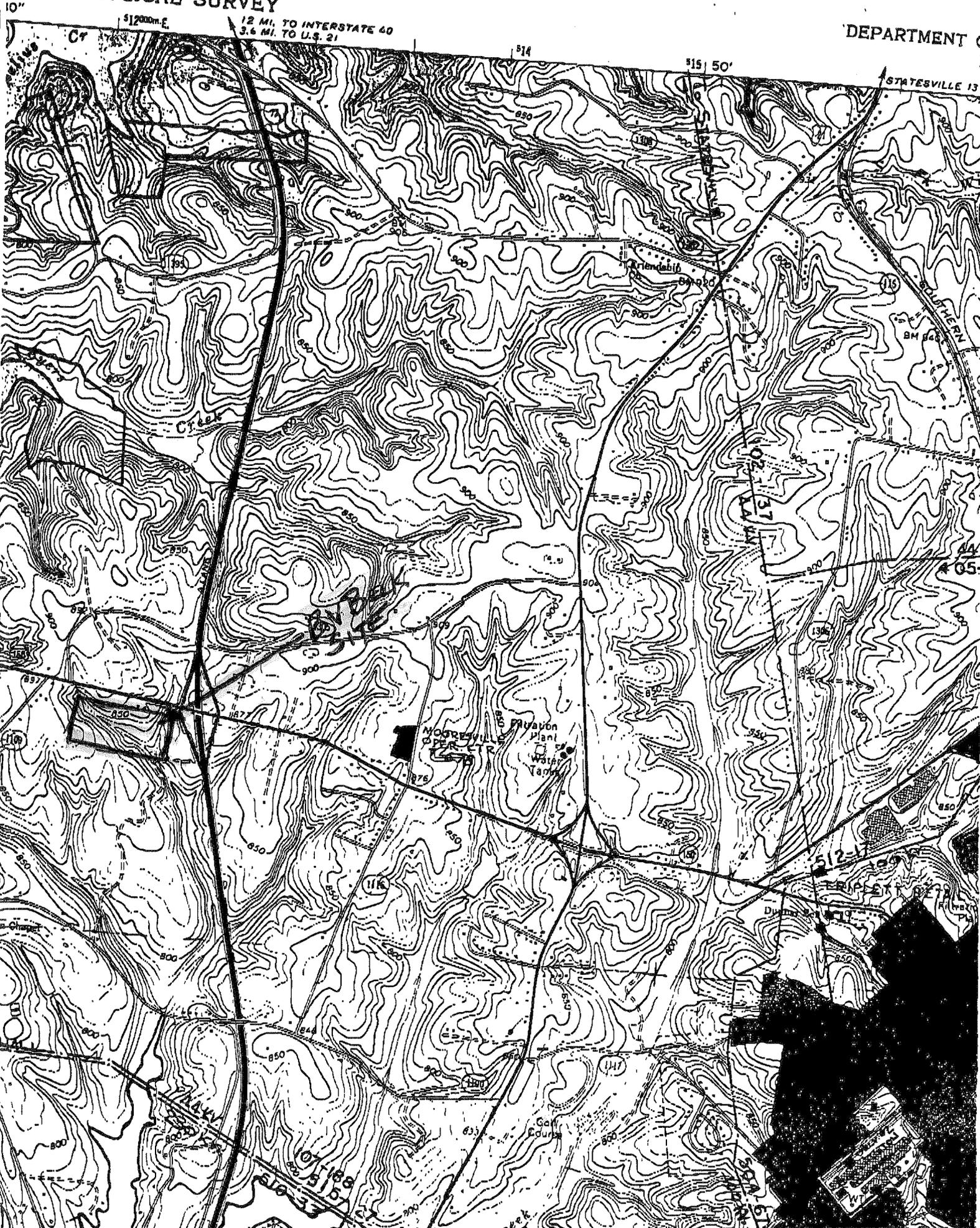
I certify that the TCLP analysis is representative of the fly ash to be used for this project.

A handwritten signature in cursive script that reads "Larry D. Evans". The signature is written in black ink and is positioned above a horizontal line.

Larry D. Evans

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
STATESVILLE 131



Duke Power Company
Electric System Support
13339 Hagers Ferry Road
Huntersville, NC 28078-7929



DUKE POWER

March 31, 1997

William Hocutt
North Carolina Department of Environment,
Health and Natural Resources
Solid Waste Section
P.O. Box 27687
Raleigh, NC 27611-7687



SUBJECT: Structural Fill Closure Requirement
Record Number: 006021

Mr. Hocutt:

In accordance with Section .1706(d) of the Solid Waste Management Rules for the Beneficial Use of Coal Combustion By-Products, please find attached "Closure Certifications" for all of the coal ash structural fill projects conducted by Duke Power Company as listed on the NC Solid Waste Section's "List of All Coal Ash Structural Fills". In addition, a copy of the "Recordation Statement" for each project is also included. Please note that the "Recordation Statement" is a requirement of the land owner and is being provided by Duke Power as a courtesy/service to the land owner.

The information attached will supersede the closure certifications previously submitted on January 2, 1997. Therefore, the previously submitted closure information should be deleted from your file(s) and replaced with the attached.

If you have any questions concerning these documents, please contact me at 704-875-5956.

A handwritten signature in cursive script that reads 'L. D. Evans'.

L. D. Evans, CHMM
Scientist
Environmental Division - Waste Management

LDE/E03972

Attachments

Duke Project As Listed On The NC Solid Waste Section's List of All Coal Ash Structural Fills:

Iredell; Port Village Business Park;
Duke Power; B. V. Belk; B. V. Belk;
June 1, 1996; December 31, 1996;

NOTE: Duke is the constructor on this project. The project started January, 1997 and is scheduled to be completed in August, 1997. Therefore, no closure certification and recordation documentation is available. Attached is an updated construction plan (drawing) for the project.



Duke Energy Corporation
Wachovia Center
P.O. Box 1007
Charlotte, NC 28201-1007

September 26, 1997

Mr. Tom Scott
Port Village Project
Belk Investments, Inc.
4400 Park Road, Suite 100
Charlotte, NC 28209

Re: Closure Requirements for Port Village Engineered Ash Fill Project:
Certificate of Compliance and Deed Recordation

Tom:

Per our contract agreement, page 5, Section 4.2, third paragraph, the Owner agrees to provide evidence to Duke of compliance with NCDEHNR Solid Waste Management Rules 15A NCAC 13B Sections .1706 entitled "Closure of Structural Fill Facilities" and .1707 entitled "Recordation of Structural Fill Facilities". Pertinent sections are highlighted on enclosed copies. It is important to note that compliance with these sections of the State regulations is the responsibility of the Owner (regardless of potential impending sale). This letter serves to notify and assist you with this responsibility. Duke has complied with all other rules of Section .1700. The State is hereby notified of your responsibility by copy of this letter (without attachments).

Section .1706 requires a certification of compliance signed and sealed by a registered Professional Engineer. This must be completed within 30 days of application of the final cover. Duke completes the final cover effective October 3, 1997. I have copies of all density reports for ash and soil cover if needed. Enclosed is a sample Certification of Closure letter for the Owner's P.E. to complete and send to the State.

Section .1707 requires deed recordation of 357,728 total tons of ash placed at the site location as specified on Acknowledgment and Consent Form (copy attached) within 90 days of project completion. The project is completed including seeding effective October 3, 1997. This total volume includes 325,662 tons of silo ash and 37,066 tons of pond ash but deducts 5,000 tons of pond ash placed on adjoining Floyd Greene's property. Notarization is required.

32,066 TONS

Please advise if I can assist further with the above requirements. Please copy me on all compliance documents sent to the State. Final billing for cover soil and seeding is forthcoming. Duke Energy would again like to thank you for your participation in a very successful project. Please keep us in mind for your future property development needs.



Sincerely,

Jeffrey W. Newell

Jeffrey W. Newell, P.G.
Project Manager
Duke Energy
382-8991
382-3034 fax
517-9931 mobile

Attachments:

1. Sample Certificate of Compliance letter.
2. Copy of Acknowledgment and Consent form (as reference information for deed and volume recordation).
3. Section .1700 Requirements for Beneficial Use of Coal Ash Combustion By-Products.
4. Contract: Conditioned Pond Ash Usage Agreement, Performance Standards, Amendment and Amendment 2.

CC: (cover letter only without attachments):

Mr. Bill Hocutt, NCDEHNR-DWM, Raleigh, NC
Tom Mitchell
Larry Harper
Joe White
Garry Rice
Larry Evans
Project file



**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG****ACKNOWLEDGMENT AND CONSENT**

Pursuant to the provisions of G. S. 130A-294 and 15A NCAC 13B.1703, we state that we are the Owners of the following described property.

BEING ALL that tract or parcel of real estate situated on the southern right-of-way of State Road 150 near Interstate 77, near the City of Mooresville, Davidson Township, Iredell County, North Carolina, more particularly described as follows:

Beginning at an existing iron pin on the western edge of Rolling Hill Road, corner to Brown (Deed Book 683, page 330); thence leaving Brown and running with the western edge of Rolling Hill Road S 01° 08' 13" W 760.99 feet to a new iron pin placed for a corner, said pin being a corner to Steimle (Deed Book 697 Page 946); thence leaving Rolling Hill Road and running with Steimle and Vinasu Ltd. (Deed Book 697 Page 932) with an old abandoned gravel road ben N 78° 00' 00" W 948.35 feet (passing iron pins on line at 400.5 feet, 499.91 feet and 699.93 feet) to an existing iron pin found, corner to Howard (Deed Book 398 at Page 492 and Deed Book 374 at Page 114); thence running with Howard and continuing with an old abandoned gravel road bed N 79° 13' 16" W 838.97 feet to an existing iron pin corner, being a corner to J. P. Martin Subdivision (Plat Book 5 page 110); thence leaving Howard and running with said Martin Subdivision N 36° 41' 26" E 1006.78 feet (passing existing iron pins on line) to a point in the center of State Highway 150, a new iron pin placed on the right-of-way thereof at 972.88 feet; thence leaving the Martin Subdivision and running with the center of State Route 150 S 81° 01' 31" E 328.00 feet to a point in the center of aforesaid State Route 150, corner to Green (Deed Book 678 Page 169); thence leaving Route 150 and running with Green S 09° 13' 22" W 226.55 feet (passing an iron pin placed on the right-of-way 30 feet) to an existing iron pin; thence continuing with Green S 80° 46' 38" E 151.09 feet to an existing iron pin; thence continuing with Green N 09° 13' 22" E 227.20 feet (passing an iron pin placed on the right-of-way at 197.20 feet) to a point in the center of State Route 150; thence leaving Green and running with the center of State Route 150 S 81° 01' 31" E 502.23 feet to a point in the center of Route 150, corner to Brown (Deed Book 683 Page 330); thence leaving Route 150 and running with Brown S 01° 08' 13" W 216.35 feet (passing an iron pin placed on the right-of-way of State Route 150 at 50.00 feet) to an existing iron pin; thence continuing with Brown S 81° 09' 37" E. 202.74 feet to the point of beginning and containing 29.85 acres more or less, and being a portion of that real estate owned by the Atwell Estate and of record in the Iredell County Deed Registry in Deed Book 80 at Page 140, all bearings being with the deed north, as surveyed by Terra-Tek, Inc., of Charlotte North Carolina under the supervision and direction of Mary A. Fisher, Registered Land Surveyor, said survey being entitled "Plat of Boundary Survey", a Portion of the R. J. Atwell, Estate Property for B. V. Belk Investments, Inc., State Route 150 and I-77, Davidson Township, Iredell County, N. C." and bearing date of December 20, 1986, Scale 1" = 100'.

We further acknowledge and consent to the use of coal combustion byproducts as structural fill on the above-described property. The volume of ash placed on this property is 500,000 cubic yards. We agree to record this document in accordance with 15A NCAC 13B1707.

Signed this 18th day of March, 1996.

PORT VILLAGE ASSOCIATION

BY: B. V. Belk
B. V. Belk, Managing General Partner

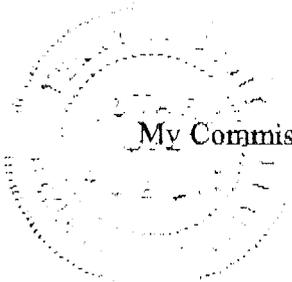
**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

I, a Notary Public in and for said County and State aforesaid, do hereby certify that B. V. Belk, Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial seal, this 18th day of March, 1996.

Jerry S. Scott
Notary Public

My Commission Expires: 4-10-96



LDE
MGO3A5
Duke Power Company
Electric System Support
13339 Hagers Ferry Road
Huntersville, NC 28078-7929



DUKE POWER

April 9, 1996

William Hocutt
North Carolina Department of Environmental,
Health and Natural Resources
Solid Waste Section
401 Oberline Road
Suite 150
Raleigh, NC 27605

Iredell County

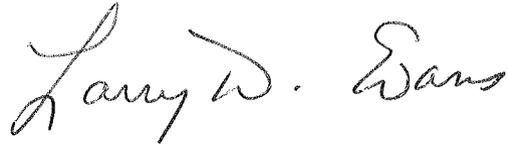
SUBJECT: Structural Fill Notification
Port Village Business Park
B. V. Belk Investments
File: GS-707.02 (Fossil)

Mr. Hocutt:

This letter is in response to our telephone conversation on April 8, 1996 concerning your requested clarifications to the referenced structural fill notification. An additional review of this project with the Requirements For Beneficial Use Of Coal Combustion By-Products indicates that it is in compliance with all siting requirements in Section .1704 and with all design, construction, and operation requirements in Section .1705.

In addition, a new section of pipe will be extended from the existing storm water line, as indicated on the design drawing, to the sediment basin. A detail of the riser type sediment basin is shown in the upper left corner of the drawing. The sediment basin will be used during the construction phase and closed at the end of the project. These items will be discussed with the project engineer and the design drawing will be clarified as needed. If you require/desire a copy of the revised drawing, please contact me at your convenience.

If you have any questions concerning the letter, please contact me at 704-875-5956.

A handwritten signature in cursive script that reads "Larry D. Evans". The signature is written in black ink and is positioned above the typed name.

L. D. Evans, Scientist
Environmental Protection - Waste Protection

LDE/E03967

cc: Thomas W. Smith, President
B. V. Belk Investments, Inc.
4400 Park Road
Suite 300
Charlotte, NC 28209

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Solid Waste Management



James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
William L. Meyer, Director

April 10, 1996

Mr. Larry Evans, Scientist
Electric System Support Department
Duke Power Company
13339 Hagers Ferry Road
Huntersville, NC 28078-7929

Subject: Coal fly ash structural fill at B. V. Belk Investments' Port Village Business Park property, located on NC Highway 150 near the I-77 intersection (Iredell County); scheduled to begin approximately May 1, 1996.

Dear Mr Evans:

We are in receipt of your March 28, 1996 notification and the requested supplemental information received April 9, 1996 for constructing the subject structural fill beginning on approximately May 1, 1996 and with anticipated completion by approximately December 31, 1996. The information submitted satisfies the requirements for coal ash structural fill activities as set forth in Solid Waste Management Rules 15A NCAC 13B Section .1700 concerning beneficial use of coal combustion by-products.

As previously agreed to between Duke Power and the Solid Waste Management Division, Duke Power is accepting the responsibility of informing the landowner(s) of their responsibility should any groundwater contamination occur due to this structural fill activity.

Sincerely,

Dexter R. Mathews, Chief
Solid Waste Section
Solid Waste Management Division

cc: Julian Foscue
Anthony Foster
Bill Hocutt
Larry S. Harper
John P. Nerison

c:wp6doc/letter/evans.11

Duke Power Company
Electric System Support
13339 Hagers Ferry Road
Huntersville, NC 28078-7929



DUKE POWER

March 28, 1996

William Hocutt
North Carolina Department of Environmental,
Health and Natural Resources
Solid Waste Section
401 Oberline Road
Suite 150
Raleigh, NC 27605

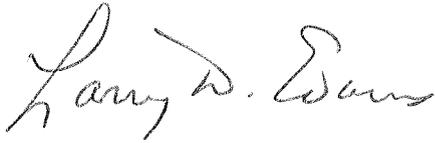
SUBJECT: Structural Fill Notification
Port Village Business Park
B. V. Belk Investments
File: GS-707.02 (Fossil)

Mr. Hocutt:

In accordance with Section .1706 of the Solid Waste Management Rules (Requirements For Beneficial Use Of Coal Combustion By-Products), please find attached the required written notification for the referenced structural fill project. Please note that this project utilizes greater than 10,000 cubic yards of coal combustion by-products, therefore construction plans are included.

In addition, please note that the submittal of this notification is being done as a courtesy to B. V. Belk Investments and compliance with all requirements of the applicable regulations for this structural fill project is the responsibility of B. V. Belk Investments. This assignment of responsibility for compliance is addressed in the contract between B. V. Belk Investments and Duke Power Company.

If you have any questions concerning the notification, please contact me at 704-875-5956.

A handwritten signature in cursive script that reads "L. D. Evans". The signature is written in black ink on a white background.

L. D. Evans, Scientist
Environmental Protection - Waste Protection

LDE/E03967

Attachments

cc: Thomas W. Smith, President
B. V. Belk Investments. Inc.
4400 Park Road
Suite 300
Charlotte, NC 28209