

SWIFT CREEK
ReUse Tech.

MEMORANDUM

August 1, 2002

To: Jim Coffey

From: Bill Hocutt

Fac/Perm/Co ID #	Date	Doc ID#
Non-Permitted	10/05/01	DIN 15272

CCB0057

Reference: July 17, 2002 letter from Robert J. Waldrop of ReUse Technology ("ReUse") to Jim Coffey of DENR (the "Division") describing their arguments concerning a Notice of Violation (NOV) issued on April 4, 2002 to ReUse on the Swift Creek CCB Structural Fill Site. Their letter also presents their proposed steps to be taken to correct the Division's cited concerns on this project.

This memorandum is being written for the purpose of supplying the DENR Field Operations personnel of the Division's position and findings in relation to ReUse's proposed effort(s) to resolve the NOV issued on this project. The following paragraphs summarize this into a form suitable for direct inclusion in a letter to be generated by the Field Operations Group for transmittal to ReUse.

The Division is in agreement that Reuse shall install an alternative RCP to the west of the site, parallel to highway 301, as long as it is not in contact with or under the coal ash on the site. The purpose is to reroute the highway surface drainage away from the fill in the newly installed pipe. This will allow execution by ReUse of the additional requirement that the existing RCP be permanently plugged sufficient to prevent leachate from the fill and/or highway drainage from entering that existing pipe which has been installed under the fill. The additional clarification information relating to the exact location of the new, alternative RCP that is promised in the July 17, 2002 ReUse letter is duly noted and expected.

The Division continues to have concern as to whether the required one foot separation between ash and the ground water (as stipulated in the November 11, 1991 structural fill agreement conditions) is realized in the area where the original ditch was located, especially at the discharge point at the swamp. The Division is in agreement with the effort by ReUse to establish the relationship of the placement of the RCP to the original ditch and coincidentally the separation of the ash from ground water at that location. Further, it is believed that more than one boring will be required to prove that the pipe is indeed located in the original ditch. Several borings located on a line perpendicular to the pipe may well be required to establish that the contour of the ditch has been located. Further borings at least one additional location along the existing pipe (at a point further into the fill area) may be required to confirm that the ditch/pipe locations coincide and that the separation from ground water satisfies the one foot requirement. ReUse is reminded of their agreement to provide the Division with notification of when it will do this work to permit the scheduling of a Division representative to be on site during the investigation.

cc: Mark Fry
Brent Rockett
Ben Barnes

Subject: ReUSE

Date: Thu, 12 Dec 2002 14:53:20 -0500

From: Ben Barnes <ben.barnes@ncmail.net>

To: Bill Hocutt <william.hocutt@ncmail.net>, Jim Barber <Jim.Barber@ncmail.net>, MARK FRY <MARK.FRY@ncmail.net>

I spoke to Bob Waldrop today and some interesting things have been discovered during their drilling of the Swift Creek site.

1. The old pipe was not installed in the original ditch
2. The ditch was apparently back filled with soil
3. The area around the old pipe was back filled with soil
4. Ground water or perched water has risen into the ash fill
5. Apparently the level of the swamp has risen since the fill operations began.
6. They are waiting for a drop box to be delivered so that work on the diversion drainage pipe can be completed.
7. They are planning to install more piezometers next week to try to determine what is happening on the site.
8. They plan to submit a plan to deal with the problem once they have determined the causes, and hope to have a meeting around the first of January. Bob said he will call next week.

Bob is as they say "concerned"

Any actions other than giving them a couple of weeks to respond let me know. Mark Poindexter probably needs to be in the loop on this.

Ben

Subject: ReUse

Date: Mon, 06 Jan 2003 14:36:02 -0500

From: Ben Barnes <wooster@coastalnet.com>

To: "James.C.Coffey" <James.C.Coffey@ncmail.net>, Mark Fry <MARK.FRY@ncmail.net>, BARBER JIM <JIM.BARBER@ncmail.net>, Bill Hocutt <william.hocutt@ncmail.net>, Mark.Poindexter@ncmail.net

As I think you are all aware of by now, ReUse Technology has found some major problems at the Swift Creek site in Nash County. Waldrop has said that he will get in touch with us regarding setting up a meeting, but I think we need to meet and decide on a response to the new information. Perhaps next week. Let me know what is a convenient date.

Thanks
Ben

Subject: [Fwd: ReUse]

Date: Thu, 23 Jan 2003 13:50:47 -0500

From: Jim Barber <Jim.Barber@ncmail.net>

Organization: NC Dept. of Environment and Natural Resources

To: JAMES COFFEY <JAMES.C.COFFEY@ncmail.net>,

MARK POINDEXTER <MARK.POINDEXTER@ncmail.net>,

MARK FRY <MARK.FRY@ncmail.net>,

WILLIAM HOCUTT <WILLIAM.HOCUTT@ncmail.net>, nscott@mail.jus.state.nc.us

Hey folks;

Here is Ben Barnes e-mail concerning the swift creek ccb site in Nash County. If you would confirm with me that 6 Feb. 2003 at 1pm is fine, I will inform Ben B..

Nancy;

According to Ben, in conversations with Bob Waldrop, there are some concerns on Waldrops' part about the site conditions they encountered during their investigation many months ago. Don't know where this meeting is going to go. Can you attend.

thank you
jim barber

Subject: ReUse

Date: Thu, 23 Jan 2003 09:30:06 -0500

From: Ben Barnes <wooster@coastalnet.com>

To: BARBER JIM <JIM.BARBER@ncmail.net>

Jim,

I spoke to Waldrop today and he confirmed that Feb 6 at 1:00pm is OK for a meeting. If you will let everyone in the office know I will appreciate it. Also, they are bringing their lawyer so we probably will need to bring Nancy Scott. If you will call her I would appreciate it.

Ben