



North Carolina Department of Environment and Natural Resources
Division of Land Resources
Land Quality Section

James D. Simons, PG, PE
Director and State Geologist

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

January 25, 2010

Permit No.	Date	DIN
18-12	January 29, 2010	9500

Mr. B. Henry Taylor, PE
Duke Energy Corporation
EC11Y / PO Box 1006
Charlotte, NC 28201-1006

RECEIVED
January 29, 2010
Solid Waste Section
Asheville Regional Office

Re: Marshall Steam Plant
Duke Energy Corporation
Phase 1 Proposed Landfill
Catawba County

APPROVED DOCUMENT
Division of Waste Management
Solid Waste Section
Date **February 26, 2010** By **LY Frost**

Dear Mr. Taylor:

This is in response to your submission dated November 24 and 25, 2009, received on December 2, 2009 of plans, specifications and design data for construction of Phase 1 of a proposed landfill at the subject plant site. The proposed landfill area encompasses 135.2 acres immediately south of Island Point Road and generally north of Latitude: 35.6211 degrees within the watershed of the current active ash pond dam (CATAW-054) located at Latitude: 35.6060 degrees, Longitude: -80.9602 degrees. This submittal was made in compliance with the Dam Safety Law of 1967. The plans, specifications and design data submitted were prepared under the supervision of Mr. Kenneth R. Daly, PE and Mr. Jason S. Reeves, PE.

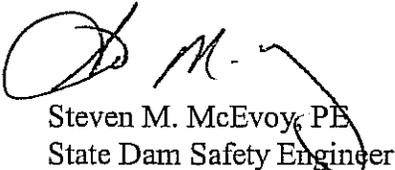
Upon review of this submittal, it has been determined that development of the Phase 1 landfill as described, which is to have a service life of approximately five years, does not fall under jurisdiction of the Dam Safety Law of 1967. Therefore written approval from the Division of Land Resources is not required for Phase 1 Landfill construction.

The Army Corps of Engineers and the Water Quality Section of this Department should be contacted to determine if additional permits are required. Also, the erosion and sediment control program having jurisdiction should be contacted to determine permit requirements. In any case, sediment must be prevented from entering the waters of the state or flowing onto neighboring property.

Mr. B. Henry Taylor, PE
Marshall Steam Plant
Duke Energy Corporation
Phase 1 Proposed Landfill
January 25, 2010
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Please contact Mr. Zahid Khan, Regional Engineer, Land Quality Section, 610 East Center Ave., Suite 301, Mooresville, North Carolina 28115, telephone number (704) 663-1699, or me at telephone number (919) 733-4574 should you have any questions concerning this matter.

Sincerely,



Steven M. McEvoy, PE
State Dam Safety Engineer
Land Quality Section

SMM/JCR

cc: Mr. Kenneth R. Daly, PE, Design Engineer
Mr. Jason S. Reeves, PE, Design Engineer
Mr. Zahid Khan, Land Quality Regional Engineer
Surface Water Protection Supervisor
Mr. Dexter Matthews, Director – Division of Waste Management

File Name: CATAW-____20100125_Phase1Landfill-Response_Marshall Steam Plant