

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

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



June 24, 1997

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

Subject: Coal fly ash structural fill at the E. J. Bill Simpson Property located between Bluefield Road and NC Highway 150 near the I-77 intersection in Iredell County. The project is scheduled to begin July 1, 1997.

Dear Mr Evans:

We are in receipt of your June 16, 1997 notification for constructing the subject structural fill estimated to be completed by February 28, 1998. We had some questions arise within the Division about details which are not included in the construction plans submitted with your notification. The June 23, 1997 telephone conversation between Bill Hocutt and Mr. Larry Harper has answered most of those questions satisfactorily. The major remaining problem is the absence of set back dimensioning on the plans confirming compliance with the Solid Waste Management 15A NCAC 13B Section .1700 Rules. Mr Harper has assured us that the project setbacks will be as specified in the .1700 rules and the Division is therefore satisfied that the information that has been received meets the requirements of notification.

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 structural fill activity.

Please understand that the Division of Waste Management is continuing to interpret the .1700 Rules as in the past and has not altered its interpretation of the rules even though your company is insisting that the Division alter its position on this matter. Therefore, this project is to be treated by the Division the same as previous projects have been treated.

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Raleigh, North Carolina 27611-7687
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Electric System Support
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Huntersville, NC 28078-7929



DUKE POWER

June 16, 1997

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
E. J. Bill Simpson Property
Record No.: 006021 MS

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.

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".

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

LDE/06977

Attachments

STRUCTURAL FILL NOTIFICATION

Duke Power Company E. J. Bill Simpson Property

The proposed project will utilize approximately 120,000 cubic yards of fly ash in a structural fill application to develop the property for marketing. The property is located between Bluefield Road and 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 July 1, 1997 and to be completed on February 28, 1998. 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

ACKNOWLEDGMENT AND CONSENT

**STATE OF NORTH CAROLINA
COUNTY OF IREDELL**

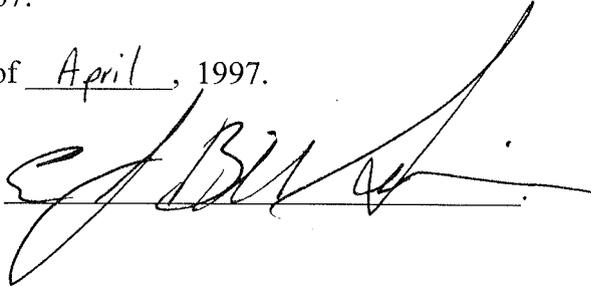
Pursuant to the provisions of G. S. 130A-294 and 15A NCAC 13B .1703, we state that we are the Owners of the following described property:

DISC Book 955 PAGE 345 11.7017 ACRES
TAX Parcel MAP 29 Block A Parcel 12
DB 936 PG. 878 3.5464 ACRES

We further acknowledge and consent to the use of coal combustion products as structural fill on the above described property. We agree to record this development in accordance with 15A NCAC 13B .1707.

Signed this 24th day of April, 1997.

Property owner signature:



**State of North Carolina
County of Iredell**

I, a Notary Public in the for said County and State aforesaid, do hereby certify that E.J. Bill Simpson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial seal, this 24th day of April, 1997.

Wanda B. Eisele
Notary Public

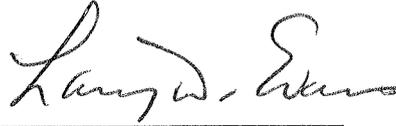
My Commission Expires: June 18, 2001

MARSHALL STEAM STATION

TCLP ANALYSIS RESULTS

<u>PARAMETER</u>	<u>RESULTS (MG/L)</u>
Silver	0.1
Barium	0.49
Cadmium	<0.01
Chromium	<0.02
Lead	<0.09
Arsenic	<0.06
Selenium	<0.06
Mercury	<0.001

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

A handwritten signature in black ink, appearing to read "Larry D. Evans". The signature is written in a cursive style with a horizontal line underneath it.

Larry D. Evans

