

Huntersville - FORD Project.

Post-it® Fax Note	7671	Date	10/27/98	# of pages	7
To	Nancy Scott	From	Bill Hecutt		
Co./Dept.	ASO - ENVIRO DIV.	Co.	NC DENR		
Phone #		Phone #	733-0692	ext	260
Fax #	716-6939	Fax #			

Tues. 10/27/98

Nancy -

Attached ARE CORRESPONDENCES FROM E TO DUKE POWER -
AFTER YOU HAVE HAD A CHANCE TO LOOK THEM OVER,
PLEASE GIVE ME A CALL. I AM SENDING YOU THESE
INTEROFFICE MAIL TOO. THANKS!

Bill Hecutt

733-0692

ext. 260

Phoned:

Peggy Jackson

716-~~(6947)~~ WRONG

Post-it® Fax Note	7671	Date	10/27/98	# of pages	3
To	NANCY SCOTT	From	Bill Hocutt		
Co./Dept.	ASO - ENVIRO DIV.	Co.	NC DENR		
Phone #		Phone #	733-0692	ext	260
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733-0692

ext. 260

AS - Another memo of interest. (Horn letter)
 B.A.

Phoned:

Peggy JACKSON

716-6949 WRONG



August 18, 1998

Mr. James F. Haun, President
SunStar Inc.
8848-J Red Oak Boulevard
Charlotte, NC 28217

*Jim -
I made this copy for you -
Perhaps you would like
to show this to Dexter.
This is really the first time Duke
has stated in writing that they
have placed pond ash in a SWS
STRUCTURAL FILL
Bill H.*

Duke Energy Corporation
Ash Management
400 South Tryon Street
P.O. Box 1002
Charlotte, NC 28201-1002
(704) 382-4568 FAX

Re: Closure Requirements for Huntersville - Ford Project
Certificate of Compliance and Deed Recordation



Dear Mr. Haun,

Per our contract agreement, page 8, Section 4.2, the Owner agrees to provide evidence to Duke Energy 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 of this rule has been enclosed and highlighted. It should be noted that compliance with these sections of the State regulations has been agreed to by the Owner in our contract signed by you on November 25, 1997. This letter is to remind 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 soil cover. Duke completed this soil cover on August 14, 1998. I will submit to you copies of all density reports on the ash and soil cover if required. Enclosed is a sample of a Closure letter to complete and send to the State.

Section .1707 requires deed recordation of the 75,137 total tons of ash placed on the site location as specified on the Acknowledge and Consent Form (copy attached) within 90 days of the project completion. This project will be completed when the Sediment Detention pond has been finished. This total volume of ash includes 66,157 tons of silo ash and 8980 tons of pond ash. Notarization is required.

Please advise if I can be of any assistance with the above requirements. Please copy me on all compliance documents to the State. Duke Energy would again like to thank you for allowing us to participate in this project. Please consider us for any future property development needs.



Duke Energy Corporation
Ash Management
400 South Tryon Street
P.O. Box 1002
Charlotte, NC 28201-1002
(704) 382-4568 FAX

October 22, 1998

North Carolina Department of Environment and Natural Resources
401 Oberlin Road
Suite 150
Raleigh, NC 27605



Attention: Mr. William R. Hocutt
Solid Waste Division

Re: Letter Dated October 7, 1998 Concerning Huntersville-Ford Coal Structural Fill Site

Dear Mr. Hocutt,

In response to your letter asking whether Duke Power placed coal combustion by-products in the 25 foot zone from any property boundary, we respond as follows: Duke excluded placement of any conditioned silo ash in the 25 foot zone adjacent to any property boundary not owned by SunStar Inc. at the time of coal ash placement. We did place a waste treatment sludge, pond ash, which falls under, and is allowed by, our Coal Ash Reuse Permit No. W0000452 issued by NCDENR - Water Quality Division, in the 25 foot zone adjacent to the Highway 21 NCDOT right-of-way.

Please refer to our August 21, 1998 letter to Dexter Matthews (attached) that addresses compliance with Section .1700 requirements for Duke's future coal ash structural fill projects.

I hope that this answers your question and if I can be of any further assistance, please contact me at your convenience. My office telephone is 864-885-4205.

Sincerely,

William H. Lindsay, Project Manager
Coal Ash Management Group

.cc Mr. Jim Haun, SunStar, Inc. (w/o attachment)
Mr. Steve Immel, Duke Energy
Mr. Larry Evans, Duke Energy



NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT



October 7, 1998

JAMES B. HUNT JR.
GOVERNOR

Mr. William H. Lindsay, Project Manager
Duke Energy
Coal Ash Management Group
400 South Tryon Street
P.O. Box 1002
Charlotte, NC 28201-1002

WAYNE MCDEVITT
SECRETARY

Reference: August 18, 1998 letter from Mr. William H. Lindsay of Duke Energy to Mr. James F. Haun, President of Sun Star Inc. and landowner of Huntersville - Ford coal ash structural fill site.

WILLIAM L. MEYER
DIRECTOR

Dear Mr.Lindsay:

In the reference letter, you reminded Mr. Haun that he agreed in the contract between he and Duke Energy that he would provide evidence to Duke Energy of compliance with NC DENR Solid Waste Management Rules 15A NCAC 13B Rule .1706, entitled "Closure of Structural Fill Facilities" and Rule .1707, entitled "Recordation of Structural Fill Facilities". Also, your letter states that Duke <Energy>has complied with all other rules of Section .1700.

Your letter furnishes information that a total of 75,137 tons of ash were placed on the site. This total was stated to be composed of 66,157 tons of silo ash and 8,980 tons of pond ash. The Division of Waste Management has a question concerning placement of these coal combustion by-products (CCBPs) on the Huntersville - Ford structural fill site. We would appreciate your informing us if any of these by-products were placed within twenty five feet of any property boundary which is addressed in Rule .1704(a)(6). Please mail your response to me at The Division of Waste Management; 401 Oberlin Road, Suite 150; Raleigh, NC 27605. Thank you.

Sincerely,

William R. Hocutt

cc: James C. Coffey

c:wp6docs/letter/dukpw10.98

August 21, 1998

Dexter Matthews
North Carolina Department of Environment
and Natural Resources
Solid Waste Section
P.O. Box 27687
Raleigh, N. C. 27611-7687

SUBJECT: NC Solid Waste Management Rules
Section .1700 - Requirements For Beneficial Use
Of Coal Combustion By-Products
Duke Energy Coal Ash Reuse Projects
File: 006021

Mr. Matthews:

This letter is in response to our meeting of July 31, 1998 concerning the use of a "wastewater treatment sludge" ("ponded" coal ash) in coal combustion by-products ("dry" coal ash) structural fill projects for which notification has been submitted under 15A NCAC 13B, Section .1700 of the NC Solid Waste Rules (Requirements For Beneficial Use Of Coal Combustion By-Products). We would like to thank you for your time and cooperation in addressing these issues.

Duke Energy believes that, as stated in your April 14, 1998 letter to Larry D. Evans, the Section .1700 coal ash rules, which regulate the use of "dry" coal ash in structural fills, fail to regulate the use of wastewater treatment sludge ("ponded" coal ash) from Duke's ash ponds in structural fills. As a result, coal combustion by-products as addressed in the Section .1700 rules refer to "dry" coal ash and not "ponded" coal ash. Nevertheless, Duke understands your concern about both types of coal ash being utilized in the same project. Duke would like to use both "dry" coal ash and "ponded" coal ash in structural fill projects for which notification has been submitted under Section .1700 of the Solid Waste Rules. The need for the use of "ponded" coal ash in these projects is based on the availability of "dry" coal ash. Most coal ash applications are contracted to be completed within a very tight time period. In order to meet the contracted schedule, "ponded" coal ash must occasionally be used as a secondary source in the event that "dry" coal ash is not available in sufficient quantity for the project(s). Therefore, while Duke believes the

Section .1700 rules do not apply to “ponded” coal ash, Duke will, in the spirit of cooperation, agree to meet all of the requirements of Section .1700 of the Solid Waste Rules for any “ponded” ash placed in structural fill projects for which notification has been made under the Section .1700 rules. This includes:

- Including “ponded” coal ash on future structural fill notifications (volumes to be used, source, and TCLP results).
- Compliance with all buffer requirements for future structural projects.
- Compliance with the recordation requirements for future structural projects.
- Including “ponded” coal ash in future annual reports.

Duke re-evaluated the impact of the 25-foot buffer from property boundary (Section .1704(a)(6) of the Solid Waste Rules) on future coal ash reuse projects. Although the buffer will continue to impact the feasibility of some future projects, Duke decided that, in the order to use “ponded” coal ash in Section .1700 structural fill projects, the buffer requirement will be complied with. However, there is one situation in which the boundary buffer is simply unworkable. Under the current requirement the boundary buffer must be complied with even for a single project involving several separately owned parcels in which coal ash is to be placed across boundary lines onto the several different properties. This would result in the project having one or more 50-foot strips of earth/soil in the middle of the fill area. Duke believes this limitation provides no environmental protection, is unreasonable, and would render most multiple property projects unfeasible. To remedy this situation, Duke requests that Section .1704(a)(6) of the Solid Waste Rules be revised to read:

“Within 25 feet of any property boundary, except with the written consent of the adjoining property owner(s).”

Duke expects that it could take as long as two years to revise this regulation, given the Administrative Procedure Act requirements. We hope that the Department, and the Division of Solid Waste in particular, would support such a revision to the rules.

Based on our meeting of July 31, 1998 and your April 14, 1998 letter to Larry D. Evans, it is Duke’s understanding that the Solid Waste Section’s concern is with the utilization of “ponded” coal ash in structural fill projects for which notification has been submitted under Section .1700 of the Solid Waste Rules, and that it recognizes the Water Quality Section’s authority to solely regulate those structural fill projects in which “ponded” coal ash is used exclusively. Please respond if this is incorrect.

Once again, I would like to thank you for your time and cooperation in working with us to address and appropriately resolve these issues that are important to the success of Duke's coal ash reuse program. If you have any questions or require any additional information, please contact Larry Evans at 704-875-5956.

Mark E. Hollis, CHMM
Director, Environmental Protection
Duke Power Group Environment, Health and Safety

LDE/08981

CC: J. C. Coffey, NC Solid Waste Section

bc: J. W. Calhoun (EC11E)
G. D. Blevins (EC10D)
H. S. Davidson (EC12ZA)
A. M. Grooms
J. E. Harwood (PB05D)
S. J. Immel (WC32A)
J. W. McAlister (PB05D)
G. S. Rice (PB05E)
M. A. Ruhe
N. H. Taylor (EC12I)

Copy - original signed by J. Coffey -

Duke
Power

April 14, 1998

Mr. Larry D. Evans, Scientist
Duke Power, Environmental Protection
13339 Hagers Ferry Road
Huntersville, NC 28078-7929

Subject: Annual Summary of Coal Combustion By-Products Generation
and Use for the Period of July 1, 1997 - June 30, 1998. This
Summary is Due by October 1, 1998.

Dear Mr. Evans:

This letter is being sent to you well in advance of the subject October 1, 1998 annual summary deadline. The purpose is to prevent a recurrence of the problems encountered with your summary for the July 1, 1996 - June 30, 1997 annual summary year. You have reported that the tonnages of combustion by-products you included for that year were in some instances mixtures of ponded ("wet") and non-ponded ("dry") ash materials rather than one hundred percent "dry" ash. It has now been several weeks since you last contacted us following unsuccessful attempts by you to subtract the ponded ash from your reported tonnages for that year.

The Division of Waste Management (DWM) had always assumed that the Duke Power structural fill projects were being built totally with ash which had never been placed in a pond, i.e. "dry" ash. This was a reasonable assumption since the .1700 Coal Ash rules were written following intra departmental meeting(s) which failed to place the Division of Water Quality's ponded ash under the same rules as those covering "dry" ash. A sentence stating the restriction to the use of "dry" ash only in structural fill projects was to have been placed in the rules but apparently did not occur due to an oversight. However, it is my recollection that Duke Power preferred maintaining separate regulations for "wet" and "dry" ash. Duke Power was always represented in those rule writing meetings. The Division of Water Quality continues to have the responsibility of regulating ponded ("wet") ash and the Division of Waste Management regulates the non-ponded ("dry") ash.

Mr. Larry D. Evans
April 14, 1998
Page 2

Please note that Rule .1703(a)(4) states that the Notification Notice shall contain at a minimum " 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**". None of the notifications received to date included TCLP data identified as being obtained on ponded ash. The latest (1996 -1997) annual summary is the only Duke Power summary to date that states ponded ash was utilized in structural fill projects. The DWM would appreciate your confirming (or correcting) the conclusion that during the 1994 - 1995 and the 1995 - 1996 summary periods Duke Power did not utilize any ash from ponds in constructing structural fills. We have a similar question about the .1708 (Other Uses) categories . Were any ponded ash tonnages included in the .1708 category of use for those two summary periods?

When your July 1, 1997 - June 30, 1998 annual summary is prepared, please show precisely any amounts of ponded ash which may have been utilized as described in the Section .1700 Rules. Also, please contact either me at 919-733-0692, extension 255 or Bill Hocutt at extension 260 to arrange a meeting with the DWM for discussion of these issues.

Sincerely,

James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

cc: Dexter Matthews
Phil Prete
Julian Foscue
Terry Dover

c:wp6docs/letter/ash97-8.rpt