



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

May 16, 2014

Sent Via Email - BWaldrop@fcsi.biz

Mr. Robert Waldrop
Full Circle Solutions Inc.
President and CEO
665 Molly Lane, Suite 100
Woodstock, Georgia 30189

Sent Via Email - dave.franchina@klgates.com

Mr. David Franchina *on behalf of ReUse Technology Inc. and Goldman Sachs*
K&L Gates
Hearst Tower
214 North Tryon Street
47th Floor
Charlotte, NC 28202

Re: *Warning Notice*
Swift Creek CCB Structural Fill, Battleboro, Nash County
CCB0057
DIN 21032

Dear Mr. Waldrop and Mr. Franchina,

The Solid Waste Section has completed a review of the *Assessment Monitoring Report December 3-4, 2013* dated March 2014 (DIN 21009) and received via email on April 8, 2014 for the Swift Creek CCB Structural Fill.

Historical and recent groundwater monitoring results for the Swift Creek CCB Structural Fill indicates groundwater contamination and exceedances of the NC 2L Groundwater Standards. Full Circle Solutions Inc. submitted the *Swift Creek Monitoring Plan – Dewatering Program* dated September 2007 (DIN 13981), and the Solid Waste Section approved this plan in October 2007 (DIN 13989). An intercepting cut-off drain was installed along the western portion of the facility in 2008. The goal of the corrective measure was to intercept groundwater flowing from west to east and therefore reduce the groundwater levels in that area of the facility. The effectiveness of the corrective measure was monitored through measuring water levels within the groundwater piezometers at the facility and continued semiannual groundwater and surface water monitoring. Based upon data collected over the years since the installation, the corrective measure appears to have (1) reduced the amount of groundwater level fluctuation; (2) demonstrated a general decreasing trend of several constituents of concern within certain areas of the facility, and (3) produced surface water sampling locations that have not indicated any contamination.

However, the required minimum two foot separation between the ash and the seasonal high groundwater

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table is still not complete since there are continued NC 2L Groundwater Standard exceedances within the shallow groundwater at the facility.

As a result of the continued NC 2L Groundwater Standard exceedances at the facility, an additional corrective measure will be required to be implemented. *Within 90 days of receipt of this letter*, please submit a completed groundwater corrective action application selecting a proposed remedy and two contingency plans for this facility. Please select a remedy that will control the migration of contaminated groundwater to prevent unacceptable impacts to the adjacent groundwater and surface waters and to reduce the overall groundwater contamination at the facility. For consistency within the Solid Waste Section, please submit the following within your application: (1) list and describe the proposed selected remedy; (2) list two contingency plans if the proposed selected remedy is deemed ineffective; (3) provide a site map designating the locations of the piezometers, groundwater monitoring wells, and surface water monitoring locations; (4) provide any draft conceptual schematics/figures/plans relating to the proposed selected remedy; and (5) provide a copy of the facility's closure plan.

After the Solid Waste Section approves the proposed selected remedy and the two contingency plans in writing, a submittal of a Groundwater Corrective Action Plan (CAP) will be required *within 90 days* of Solid Waste Section approval. The Solid Waste Section will review the submitted Groundwater Corrective Action Plan (CAP) and must approve, or request additional information prior to its implementation.

If you have any questions or concerns regarding this letter, please feel free to contact me at 919-707-8294 or by email at jaclynne.drummond@ncdenr.gov. Thank you in advance for your anticipated cooperation with this matter.

Sincerely,



Jaclynne Drummond
Compliance Hydrogeologist
Solid Waste Section, Division of Waste Management
NCDENR

cc sent via email: Michael Scott, Solid Waste Section Chief
Dennis Shackelford, Eastern District Supervisor
Ellen Lorscheider, Solid Waste Section Planning and Program Branch Supervisor
Ben Barnes, Environmental Senior Specialist
Elizabeth Werner, Permitting Hydrogeologist