



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

September 29, 2004

Ms. Brenda E. Brickhouse
Director – Environmental Services Section
Progress Energy Carolinas, Inc.
3932 New Hill-Holleman Rd.
New Hill, NC 27562

Subject: Reuse and Disposal of Coal Mill Rejects

Dear Ms. Brickhouse,

In reference to your letter dated September 15, 2004 to Mr. James Coffey, Chief of the Solid Waste Section, I would like to make the following comments regarding the present and alternative management practice of coal mill rejects:

- Coal mill rejects, if disposed of in a landfill would require a (new or revised) permit according to *15A NCAC 13B Solid Waste Rules [Solid Waste Rules]*. This facility would be considered an industrial landfill and would be permitted under the *.0500 Solid Waste Rules*. Refer to *.0503 (2)(d)(ii)* for requirements, which are specific to an industrial landfill.
- Coal mill rejects are not considered a coal combustion by-product according to the definition in the *.1700 Requirements for Beneficial Use of Coal Combustion By-Products*. Structural fills containing coal mill rejects could not be built under the *Solid Waste Rules*.
- Recovered material is not subject to regulation as a solid waste. Please refer to the North Carolina General Assembly statute *130A-309.05(c)* in order to determine if these coal mill rejects qualify as a recovered material.
- If the coal mill rejects were to be used as daily cover for landfills, the landfill permit would have to be amended by the Solid Waste Section.
- Management of coal mill rejects in a wastewater pond would involve permitting by the Division of Water Quality (DWQ). The DWQ can be contacted at 919-733-7015.

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Please contact me at 919-733-0692 with questions or comments regarding this letter. I can also be contacted by email at ellen.lorscheider@ncmail.net.

Sincerely,

Ellen Lorscheider
Permitting Hydrogeologist
Solid Waste Section

Cc: Jim Coffey, SWS
Jim Barber, SWS