

- Doc. Ex. 645 -

**OCTOBER 2005 QUARTERLY EFFECTIVENESS
MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
March 24, 2006**

1 BACKGROUND

Asheville Dyeing and Finishing (AD&F) removed one waste tetrachloroethene (PCE) underground storage tank (UST) and one virgin PCE UST in April 1985 from their site located in Swannanoa, North Carolina (Drawings 1 and 2). The location of the former waste PCE UST was designated as a hazardous waste management unit (HWMU) by the North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM).

An administrative Order of Consent (AOC) was issued to AD&F by the DWM on October 11, 1990. The AOC required AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. The HWMU was closed by AD&F in late 1992 and seven phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater downgradient of the HWMU. The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and SVE effluent air and groundwater quality trends.

2 REMEDIAL ACTIVITIES

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

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The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and ¾-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

2.3 System Performance

From July 27, 2006 through October 19, 2005, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past three months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

On October 19, 2005, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 670 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 485 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

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3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in October 2005 are presented below.

3.1 Groundwater Sampling

3.1.1 General

MSE performed the October 2005 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i. However, for this monitoring event, MSE representatives collected groundwater samples from all the on-site and off-site monitoring wells, except MW-1 and RW-1. The wells were sampled to determine the current groundwater conditions both on and off the site.

3.1.2 Groundwater Flow

Groundwater elevations were measured from all groundwater monitoring wells except MW-1 and RW-1. The data collected is summarized on Table 1. Using this data, MSE has prepared groundwater contour maps for the shallow and intermediate aquifer horizons (Drawings 4 and 5). Drawing 6 shows the water table elevations of the wells completed in the fractured bedrock zone. This zone was not contoured because the wells are completed within different water bearing fracture sets.

Drawing 4 depicts groundwater flow at the water table. The influence of the two SVE systems can be seen with the mounding of the water table beneath the building and at monitoring well nests MW-5 and MW-6. Overall, the groundwater is flowing toward the southeast, to the Swannanoa River at a gradient of approximately 0.02 feet per foot. Within the intermediate zone, the groundwater flows in the same direction, at the same gradient.

3.1.3 Groundwater Sampling and Analytical Results

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan and the samples were transported under chain-of-custody to Paradigm Analytical Laboratories, Inc. located in Wilmington, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B. Samples collected from monitoring wells MW-22 and MW-23, located adjacent to the debris pile, were also analyzed for the presence of priority pollutant metals and semi-volatile organic compounds (SVOCs) according to the SW-846 Method 8270.

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Laboratory analytical results and chain-of-custody records for the October 2005 groundwater sampling event are included as Appendix A and summarized in Drawings 7 through 10 and Table 2. Historical data for the effectiveness monitoring wells listed above are included as Table 3. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

The DWM Hazardous Waste Section (HWS) uses the North Carolina Groundwater Quality Standards (NCGWQS) as a guideline for groundwater impacted with VOCs. Samples collected from wells MW-22 and MW-23, adjacent to the debris pile, contained detectable concentrations of antimony. A NCGWQS has not been established for this metal. No VOCs were detected at concentrations at or above the laboratory practical quantitation limit (PQL). Two SVOCs were detected in each well, including bis(2-ethylhexyl) phthalate and phenol.

The primary constituents of concern present in groundwater include PCE and its biodegradation products of trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE), and trans-1,2-DCE. Of these compounds, only PCE and TCE are present at concentrations exceeding their respective NCGWQS.

MSE has prepared estimated isoconcentration maps for the PCE in the shallow, intermediate, and deep aquifers (Drawings 7, 8, and 9). The extent of PCE impact above NCGWQS extends from the AD&F facility to the Swannanoa River and widens out with depth within the fractured bedrock unit.

MSE also prepared an isoconcentration map showing the distribution of TCE in the intermediate zone, where most of the NCGWQS exceedences occur. The downgradient extent of TCE impacted groundwater is similar to the PCE but more limited laterally. This can be expected since this compound is present due to the biodegradation of the PCE.

PCE was detected in 22 of the 39 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations range from 283 $\mu\text{g/L}$ (MW-6s) to 0.89 $\mu\text{g/L}$ (MW-2s). TCE was present in 9 samples at concentrations above the NCGWQS of 2.8 $\mu\text{g/L}$. The TCE concentrations ranged from 16.5 $\mu\text{g/L}$ (MW-6s) to 5.42 $\mu\text{g/L}$ (MW-14i). Cis-1,2-DCE was not present in any of the wells at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$.

Of note during this sampling event was the presence of PCE in upgradient wells MW-2s and MW-2i. Concentrations of PCE ranged from 0.89 $\mu\text{g/L}$ (MW-2s) to 1.37 $\mu\text{g/L}$ (MW-2i), exceeding the NCGWQS of 0.7 $\mu\text{g/L}$. These wells should be resampled in April 2006 to confirm the presence of the PCE.

During this sampling event, petroleum-fuel-related compounds were detected in samples at various locations both on and off the site. Some of these compounds were also detected in one of the laboratory method blanks at similar concentrations. The analytical results detailing the concentrations of these petroleum-fuel-related compounds are summarized on Table 2. None of the samples contained concentrations of these compounds exceeding NCGWQSs, where established.

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3.2 Air Sampling

Previously, air sampling was conducted on a monthly basis. However, since removal rates have stabilized, air samples are now being collected on an annual basis. Historical air sample analytical results are summarized on Tables 4 to 6.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations decreased in all but nine of the groundwater monitoring wells that were also sampled in October 2004, when the last large scale sampling event was conducted. PCE concentrations increased in four of these monitoring wells over the same period. TCE concentrations remained very similar to concentrations observed in the October 2004 event.

PCE was detected in upgradient wells MW-2s and MW-2i at concentrations above the NCGWQS. The wells will be resampled in April 2006 to confirm these results.

TCE and cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

5 CONCLUSIONS AND RECOMMENDATIONS

PCE concentrations decreased in all but nine of the groundwater monitoring wells that were also sampled in October 2004, when the last large scale sampling event was conducted. PCE concentrations increased in four of these monitoring wells over the same period. The largest concentration increase was noted in well OW-2i (46 µg/L). The sharpest decrease was noted in well MW-3i (17 µg/L). PCE was detected in upgradient wells MW-2s and MW-2i at concentrations above the NCGWQS. The wells will be resampled in April 2006 to confirm these results.

Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance. In addition, quarterly air and groundwater sampling should be continued to monitor the performance and effectiveness of the remediation systems.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

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6 LIMITATIONS

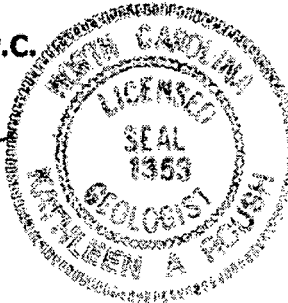
The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kathleen A. Roush, L.G.
Principal Geologist



MINERAL SPRINGS ENVIRONMENTAL, P.C.

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Exhibit I-8

2006-04-15 – January 2006 Semi-Annual Post-Closure Care Groundwater Monitoring Report

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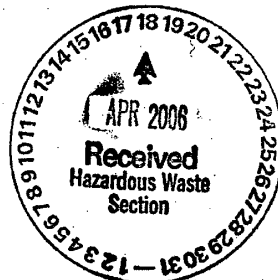


JANUARY 2006 SEMI-ANNUAL POST- CLOSURE CARE GROUNDWATER MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663

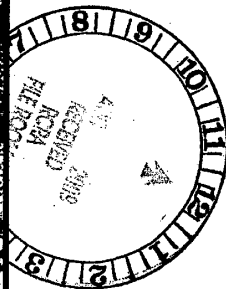
APRIL 15, 2006

MSE JOB NO. 123



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Appendix	Groundwater Laboratory Analytical Results and Chain-of-Custody
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**JANUARY 2006 SEMI-ANNUAL POST-CLOSURE CARE
GROUNDWATER MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY**

Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
April 15, 2006

1 INTRODUCTION

Mineral Springs Environmental, P.C. (MSE) has completed the January 2006 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by Water Applications & Systems Corporation, the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and two observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subpart F and G.

2 FIELD ACTIVITIES

2.1 Water Level Measurements

On January 26, 2006, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and two observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map, using water level data collected from the shallow monitoring wells is shown on Drawing 3. As shown on Drawing 3, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. The operation of the system has resulted in some slight mounding of groundwater in this area.

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An estimated water table contour map, using water level data collected from the intermediate depth monitoring wells is shown on Drawing 4. As shown on Drawing 4, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater levels in the deep wells are shown on Drawing 5. MSE has contoured these values. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that groundwater is also flowing toward the southwest within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. A total of three well volumes were purged from each monitoring well prior to collecting the groundwater samples. On January 26, 2006, groundwater samples were collected from the monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Paradigm Analytical Laboratories, Inc. (Paradigm) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 GROUNDWATER ANALYTICAL RESULTS

The laboratory analytical report for the January 2006 groundwater sampling event is contained in the Appendix and summarized in Table 2. As summarized, no VOCs were detected in the sample collected from MW-2s. PCE was detected in samples collected from MW-12s, MW-12i, and MW-13s at concentrations of 41.5 micrograms per liter ($\mu\text{g/L}$), 17.5 $\mu\text{g/L}$, and 14.7 $\mu\text{g/L}$, respectively. These concentrations exceed the North Carolina Groundwater Quality Standard (NCGWQS) for PCE of 0.7 $\mu\text{g/L}$. Several additional compounds were detected at low concentrations which are not typical of this site. These compounds will be reviewed during the next sampling event.

Trichloroethene (TCE) was not detected in any of the samples at a concentration exceeding the NCGWQS of 2.8 $\mu\text{g/L}$. TCE was present in the sample collected from well MW-12i (1.17 $\mu\text{g/L}$). Cis-1,2-dichloroethene (DCE) was detected in samples collected from MW-12s (3.2 $\mu\text{g/L}$), MW-12i (4.312 $\mu\text{g/L}$), and MW-13s (2.41 $\mu\text{g/L}$) at concentrations below the NCGWQS of 70 $\mu\text{g/L}$. Historical groundwater results are summarized in Table 2.

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Former Asheville Dyeing and Finishing Facility*

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- Doc. Ex. 656 -**4 SUMMARY**

MSE includes the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater flow in the shallow, intermediate, and deep groundwater bearing zones is toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- No target compounds were detected in the groundwater sample collected from background well MW-2s.
- PCE was detected in the groundwater samples from MW-12s, MW-12i, and MW-13s at concentrations above the NCGWQS. However, these concentrations were lower than the concentrations observed in the January 2005 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-12i, and MW-13s were either below the laboratory practical quantitation limits or below their respective NCGWQS.

MSE will conduct the next semi-annual post-closure monitoring event in July 2006.

5 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard
Kirk B. Pollard, L.G.
Principal



MINERAL SPRINGS ENVIRONMENTAL, P.C.

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Former Asheville Dyeing and Finishing Facility

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Exhibit I-9

2006-05-16 – January 2006 Quarterly
Effectiveness Monitoring Report

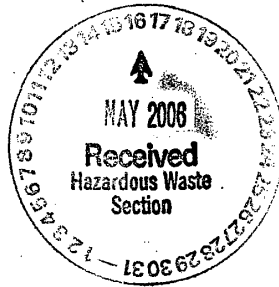
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JANUARY 2006 QUARTERLY EFFECTIVENESS MONITORING REPORT

**FORMER ASHEVILLE DYEING AND FINISH-
ING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOA, BUNCOMBE COUNTY,
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MAY 16, 2006
MSE JOB NO. 123



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JANUARY 2006 QUARTERLY EFFECTIVENESS
MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
May 16, 2006

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This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and groundwater quality trends.

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2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

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The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and 3/4-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

2.3 System Performance

From July 27, 2006 through October 19, 2005, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past three months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

On January 26, 2006, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 670 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 485 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

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Former Asheville Dyeing and Finishing Facility*

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3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in January 2006 are presented below.

3.1 Groundwater Sampling

3.1.1 General

MSE performed the January 2006 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i.

3.1.2 Groundwater Flow

Groundwater elevations were measured from all groundwater monitoring wells except MW-1 and RW-1. The data collected is summarized on Table 1. Using this data, MSE has prepared groundwater contour maps for the shallow and intermediate aquifer horizons (Drawings 4 and 5). Drawing 6 shows the water table elevations of the wells completed in the fractured bedrock zone. This zone was not contoured because the wells are completed within different water bearing fracture sets.

Drawing 4 depicts groundwater flow at the water table. The influence of the two SVE systems can be seen with the mounding of the water table beneath the building and at monitoring well nests MW-5 and MW-6. Overall, the groundwater is flowing toward the southeast, to the Swannanoa River at a gradient of approximately 0.02 feet per foot. Within the intermediate zone, the groundwater flows in the same direction, at the same gradient.

3.1.3 Groundwater Sampling and Analytical Results

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan and the samples were transported under chain-of-custody to Paradigm Analytical Laboratories, Inc. located in Wilmington, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B.

Laboratory analytical results and chain-of-custody records for the January 2006 groundwater sampling event are included as Appendix A and summarized in Drawings 7 through 9 and Table 2. Historical data for the effectiveness monitoring wells listed above are included as Table 3. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

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The DWM Hazardous Waste Section (HWS) uses the North Carolina Groundwater Quality Standards (NCGWQS) as a guideline for groundwater impacted with VOCs. The primary constituents of concern present in groundwater include PCE and its biodegradation products of trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE). Of these compounds, only PCE and TCE are present at concentrations exceeding their respective NCGWQS.

MSE has prepared estimated isoconcentration maps for the PCE in the shallow and intermediate (Drawings 7 and 8). PCE was detected in 12 of the 14 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations ranged from 377 $\mu\text{g/L}$ (MW-6s) to 1.68 $\mu\text{g/L}$ (MW-4s). TCE was present in 4 samples at concentrations above the NCGWQS of 2.8 $\mu\text{g/L}$. The TCE concentrations ranged from 11.7 $\mu\text{g/L}$ (MW-11i) to 3.56J $\mu\text{g/L}$ (OW-2i). Cis-1,2-DCE was not present in any of the wells at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$.

During this sampling event, petroleum-fuel-related compounds were detected in samples at various locations both on and off the site. Some of these compounds were also detected in one of the laboratory method blanks at similar concentrations. The analytical results detailing the concentrations of these petroleum-fuel-related compounds are summarized on Table 2. None of the samples contained concentrations of these compounds exceeding NCGWQSs, where established.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations decreased or remained the same in 10 of the 14 of the groundwater monitoring wells that were also sampled as compared to the results for the same wells sampled in October 2005. PCE concentrations increased slightly in groundwater samples collected from monitoring wells MW-12s, MW-11i and MW-6s. TCE concentrations remained very similar to concentrations observed in the October 2005 event.

TCE and cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

5 CONCLUSIONS AND RECOMMENDATIONS

PCE concentrations decreased in all but three of the groundwater monitoring wells that were also sampled in October 2005. Increases in PCE concentrations detected in monitoring well MW-12s, MW-11i and MW-6s do not appear to be significant and will monitored during the next quarterly event. Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*May 16, 2006
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expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance. In addition, quarterly groundwater sampling should be continued to monitor the performance and effectiveness of the remediation systems.

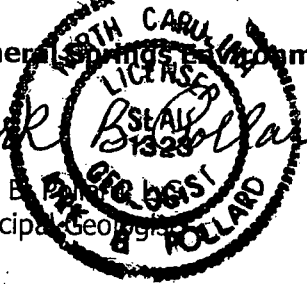
6 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk Ballard
Kirk Ballard
Principal Geologist



MINERAL SPRINGS ENVIRONMENTAL, P.C.

January 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility

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Exhibit I-10

2006-08-25 – July 2006 Semi-Annual Post-Closure Care Groundwater Monitoring Report

- Doc. Ex. 667 -



JULY 2006 SEMI-ANNUAL POST- CLOSURE CARE GROUNDWATER MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
AUGUST 25, 2006
MSE JOB NO. 123



Prepared For:
MR. JOHN COYNE
WATER APPLICATIONS & SYSTEMS CORPORATION
14950 HEATHROW FOREST PARKWAY, SUITE 200
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186



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Table 1	Water Level Measurements – July 25, 2006
Table 2	Historical Groundwater Analytical Results

APPENDIX

Appendix	Groundwater Laboratory Analytical Results and Chain-of-Custody
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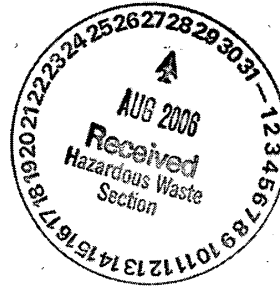
- Doc. Ex. 669 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

August 25, 2006

Mr. Carl Utterback,
 Hazardous Waste Section
 NCDENR, Division of Waste Management
 1646 Mail Service Center
 Raleigh, NC 27699-1646



Subject: **July 2006 Semi-Annual Post-Closure Care
 Groundwater Monitoring Report
 Former Asheville Dyeing and Finishing Facility
 Swannanoa, North Carolina
 NCD 070 619 663
 MSE Job 123**

Dear Mr. Utterback:

Attached are three copies of the July 2006 Semi-Annual Post-Closure Care Groundwater Monitoring Report for the site referenced above. If you have any questions regarding the attached report or the site, please contact either of the undersigned at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads 'Kirk B. Pollard'.

Kirk B. Pollard, L.G.
 Principal Geologist

123/July. 06 Semi/kp

- Doc. Ex. 670 -

**JULY 2006 SEMI-ANNUAL POST-CLOSURE CARE
GROUNDWATER MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY**

Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
August 25, 2006

1 INTRODUCTION

Mineral Springs Environmental, P.C. (MSE) has completed the July 2006 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by Water Applications & Systems Corporation, the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and two observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subpart F and G.

2 FIELD ACTIVITIES

2.1 Water Level Measurements

On July 25, 2006, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and two observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map, using water level data collected from the shallow monitoring wells is shown on Drawing 3. As shown on Drawing 3, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. The operation of the system has resulted in some slight mounding of groundwater in this area.

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An estimated water table contour map, using water level data collected from the intermediate depth monitoring wells is shown on Drawing 4. As shown on Drawing 4, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater levels in the deep wells are shown on Drawing 5. MSE has contoured these values. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that groundwater is also flowing toward the southwest within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. A total of three well volumes were purged from each monitoring well prior to collecting the groundwater samples. On July 25, 2006, groundwater samples were collected from the monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Research & Analytical Laboratories, Inc. (R&A) in Kernersville, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 GROUNDWATER ANALYTICAL RESULTS

The laboratory analytical report for the July 2006 groundwater sampling event is contained in the Appendix and summarized in Table 2. As summarized, no VOCs were detected in the sample collected from MW-2s. PCE was detected in samples collected from MW-12i, and MW-13s at concentrations of 32 micrograms per liter ($\mu\text{g/L}$), and 41 $\mu\text{g/L}$, respectively. These concentrations exceed the North Carolina Groundwater Quality Standard (NCGWQS) for PCE of 0.7 $\mu\text{g/L}$.

Trichloroethene (TCE) was not detected in any of the samples at a concentration exceeding the laboratory practical quantitation limit. Cis-1,2-dichloroethene (DCE) was detected in the sample collected from MW-13s (8.50 $\mu\text{g/L}$) at concentrations below the NCGWQS of 70 $\mu\text{g/L}$. Historical groundwater results are summarized in Table 2.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*July 2006 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*August 25, 2006
Page 2*

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4 SUMMARY

MSE includes the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater flow in the shallow, intermediate, and deep groundwater bearing zones is toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- No target compounds were detected in the groundwater sample collected from background well MW-2s.
- PCE was detected in the groundwater samples from MW-12i and MW-13s at concentrations above the NCGWQS. However, these concentrations were slightly higher than the concentrations observed in the January 2005 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-12i, and MW-13s were either below the laboratory practical quantitation limits or below their respective NCGWQS.

MSE will conduct the next semi-annual post-closure monitoring event in January 2007.

5 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard
Principal Geologist



MINERAL SPRINGS ENVIRONMENTAL, P.C.

July 2006 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

August 25, 2006
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Exhibit I-11

2006-10-03 – July 2006 Quarterly
Effectiveness Monitoring Report

- Doc. Ex. 674 -



JULY 2006 QUARTERLY EFFECTIVENESS MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOA, BUNCOMBE COUNTY,
NORTH CAROLINA

NCD 070 619 663

OCTOBER 3, 2006

MSE JOB NO. 123



Prepared For:

MR. RODNEY HUERTER

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Drawing 5	Tetrachloroethene Isoconcentration Map – Intermediate Zone (July 2006)

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Table 1	July 2006 Groundwater Analytical Results
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APPENDICES

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
Appendix B	Groundwater Concentration Versus Time Graphs

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**JULY 2006 QUARTERLY EFFECTIVENESS
MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
October 3, 2006**

1 BACKGROUND

Asheville Dyeing and Finishing (AD&F) removed one waste tetrachloroethene (PCE) underground storage tank (UST) and one virgin PCE UST in April 1985 from their site located in Swannanoa, North Carolina (Drawings 1 and 2). The location of the former waste PCE UST was designated as a hazardous waste management unit (HWMU) by the North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM).

An administrative Order of Consent (AOC) was issued to AD&F by the DWM on October 11, 1990. The AOC required AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. The HWMU was closed by AD&F in late 1992 and seven phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater downgradient of the HWMU. The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and groundwater quality trends.

2 REMEDIAL ACTIVITIES

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

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The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and ¾-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

2.3 System Performance

From April 2006 through July 2006, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past three months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

During July 2006, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 670 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 485 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

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Former Asheville Dyeing and Finishing Facility*

*October 3, 2006
Page 2*

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3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in July 2006 are presented below.

3.1 Groundwater Sampling

3.1.1 General

MSE performed the July 2006 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i.

3.1.2 Groundwater Flow

Groundwater levels were only obtained from the wells sampled during this event. Therefore water level contour maps were not developed for this report. However, historical water flow has consistently been toward the south in both the shallow and intermediate aquifer. MSE does not find reason to suggest the groundwater flow direction has changed.

3.1.3 Groundwater Sampling and Analytical Results

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan and the samples were transported under chain-of-custody to Research & Analytical Laboratories, Inc. located in Kernersville, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B.

Laboratory analytical results and chain-of-custody records for the July 2006 groundwater sampling event are included as Appendix A and summarized in Drawings 4 and 5 and Table 1. Historical data for the effectiveness monitoring wells listed above are included as Table 2. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

The DWM Hazardous Waste Section (HWS) uses the North Carolina Groundwater Quality Standards (NCGWQS) as a guideline for groundwater impacted with VOCs. The primary constituents of concern present in groundwater include PCE and its biodegradation products of cis-1,2-dichloroethene (cis-1,2-DCE). Of these two compounds, only PCE was present at concentrations exceeding it's respective NCGWQS.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*July 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*October 3, 2006
Page 3*

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MSE has prepared estimated isoconcentration maps for the PCE in the shallow and intermediate (Drawings 4 and 5). PCE was detected in 9 of the 14 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations ranged from 221 $\mu\text{g/L}$ (OW-2i) to 7.9 $\mu\text{g/L}$ (MW-6i). Cis-1,2-DCE was not present in any of the wells at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations decreased in 10 of the 14 groundwater monitoring wells that were sampled as compared to the results for the same wells sampled in April 2006. PCE concentrations increased slightly in groundwater samples collected from monitoring wells MW-12i. TCE concentrations were not detected in any wells during the July 2006 event.

Cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

5 CONCLUSIONS AND RECOMMENDATIONS

PCE concentrations increased in one of the groundwater monitoring wells and decreased in the remaining wells that were also sampled in April 2006. Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance. In addition, quarterly groundwater sampling should be continued to monitor the performance and effectiveness of the remediation systems.

6 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully,
Mineral Springs Environmental, P.C.

Kirk B. Pollard
Kirk B. Pollard, P.E., P.G.C.E., Geologist



MINERAL SPRINGS ENVIRONMENTAL, P.C.

July 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility

October 3, 2006
Page 4

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Exhibit I-12

2007-01-17 – October 2006 Quarterly
Effectiveness Monitoring Report

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Mary



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

January 17, 2007



Mr. Carl Utterback
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: **October 2006 Quarterly Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Mr. Utterback:

Attached are three copies of the October 2006 Quarterly Effectiveness Monitoring Report for the site referenced above. Mineral Springs Environmental, P.C. collected samples from all but one of the groundwater monitoring wells (MW-1) to develop a current picture of the site groundwater conditions. This includes the two groundwater monitoring wells adjacent to the debris pile. The results of this sampling are included in the report.

If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

Kirk B. Pollard

Kirk B. Pollard, L.G.
Principal Geologist

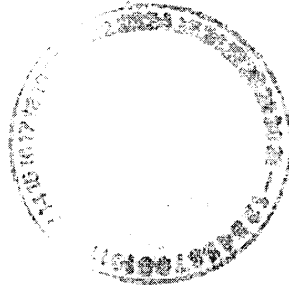
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- Doc. Ex. 683 -



OCTOBER 2006 QUARTERLY EFFECTIVENESS MONITORING REPORT

FORMER ASHEVILLE DYEING AND FINISH-
ING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663



JANUARY 19, 2007
MSE JOB NO. 123

Prepared For:
MR. RODNEY HEURTER
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MINERAL SPRINGS ENVIRONMENTAL, P.C.
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919.261.8186



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Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
Appendix B	Groundwater Concentration Versus Time Graphs

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**OCTOBER 2006 QUARTERLY EFFECTIVENESS
MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
January 19, 2007**

1 BACKGROUND

Asheville Dyeing and Finishing (AD&F) removed one waste tetrachloroethene (PCE) underground storage tank (UST) and one virgin PCE UST in April 1985 from their site located in Swannanoa, North Carolina (Drawings 1 and 2). The location of the former waste PCE UST was designated as a hazardous waste management unit (HWMU) by the North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM).

An administrative Order of Consent (AOC) was issued to AD&F by the DWM on October 11, 1990. The AOC required AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. The HWMU was closed by AD&F in late 1992 and seven phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater downgradient of the HWMU. The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and SVE effluent air and groundwater quality trends.

2 REMEDIAL ACTIVITIES

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

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2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and 3/4-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

2.3 System Performance

From July 2006 through October 2006, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past three months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

On October 25, 2006, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 650 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 480 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in October 2006 are presented below.

3.1 Groundwater Sampling

3.1.1 General

MSE performed the October 2006 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i. However, for this monitoring event, MSE representatives collected groundwater samples from all the on-site and off-site monitoring wells, except MW-1. The wells were sampled to determine the current groundwater conditions both on and off the site.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*October 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*January 19, 2007
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3.1.2 Groundwater Flow

Groundwater elevations were measured from all groundwater monitoring wells except MW-1. The data collected is summarized on Table 1. Using this data, MSE has prepared groundwater contour maps for the shallow and intermediate aquifer horizons (Drawings 4 and 5). Drawing 6 shows the water table elevations of the wells completed in the fractured bedrock zone. This zone was not contoured because the wells are completed within different water bearing fracture sets.

Drawing 4 depicts groundwater flow at the water table. The influence of the two SVE systems can be seen with the mounding of the water table beneath the building and at monitoring well nests MW-5 and MW-6. Overall, the groundwater is flowing toward the southeast, to the Swannanoa River at a gradient of approximately 0.02 feet per foot. Within the intermediate zone, the groundwater flows in the same direction, at the same gradient.

3.1.3 Groundwater Sampling and Analytical Results

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan and the samples were transported under chain-of-custody to Research & Analytical Laboratories, Inc. located in Kernersville, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B. Samples collected from monitoring wells MW-22 and MW-23, located adjacent to the debris pile, were also analyzed for the presence of priority pollutant metals and semi-volatile organic compounds (SVOCs) according to the SW-846 Method 8270.

Laboratory analytical results and chain-of-custody records for the October 2006 groundwater sampling event are included as Appendix A and summarized in Drawings 7 through 10 and Table 2. Historical data for the effectiveness monitoring wells listed above are included as Table 3. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

The DWM Hazardous Waste Section (HWS) uses the North Carolina Groundwater Quality Standards (NCGWQS) as a guideline for groundwater impacted with VOCs. Samples collected from wells MW-22 and MW-23, adjacent to the debris pile, contained detectable concentrations of cadmium, chromium, copper, nickel and zinc. The concentrations for the five compounds did not exceed their respective NCGWQS. No VOCs were detected at concentrations at or above the laboratory practical quantitation limit (PQL). One SVOC was detected in well MW-23, diisoamylene.

The primary constituents of concern present in groundwater include PCE and its biodegradation products of trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE), and trans-1,2-DCE. Of these compounds, only PCE and TCE are present at concentrations exceeding their respective NCGWQS.

MSE has prepared estimated isoconcentration maps for the PCE in the shallow, intermediate, and deep aquifers (Drawings 7, 8, and 9). The extent of PCE impact above NCGWQS extends from the AD&F facility to the Swannanoa River within the shallow and intermediate aquifers. The extent of PCE impact within the deep aquifer is restricted to the well located slightly north of the facility.

MSE also prepared an isoconcentration map showing the distribution of TCE in the intermediate zone, where most of the NCGWQS exceedences occur. The TCE impact was only identified in wells RW-1 and MW-11i. No offsite wells indicated TCE concentrations above the NCGWQS.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

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PCE was detected in 17 of the 40 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations range from 1,900 $\mu\text{g/L}$ (RW-1) to 7.8 $\mu\text{g/L}$ (MW-5s). TCE was present in 5 samples at concentrations above the NCGWQS of 2.8 $\mu\text{g/L}$. The TCE concentrations ranged from 170 $\mu\text{g/L}$ (PW-1) to 14 $\mu\text{g/L}$ (MW-20d). Cis-1,2-DCE was not present in any of the wells at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$.

3.2 Air Sampling

Previously, air sampling was conducted on a monthly basis. However, since removal rates have stabilized, air samples are now being collected on a bi-annual basis. Historical air sample analytical results are summarized on Tables 4 to 6.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations decreased in all but five of the groundwater monitoring wells that were also sampled in October 2005, when the last large scale sampling event was conducted. PCE concentrations increased in five of these monitoring wells over the same period. PW-1 was sampled during this event and indicated the presence of PCE at a concentration of 1,900 $\mu\text{g/L}$. TCE concentrations remained very similar to concentrations observed in the October 2005 event.

TCE and cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

5 CONCLUSIONS AND RECOMMENDATIONS

PCE concentrations decreased in all but five of the groundwater monitoring wells that were also sampled in October 2005, when the last large scale sampling event was conducted. PCE concentrations increased in five of these monitoring wells over the same period. The largest concentration increase was noted in well MW-14s (114 $\mu\text{g/L}$). The sharpest decrease was noted in well MW-6d (BQL).

Based on the extensive amount of analytical data collected to date, MSE recommends that the remediation effectiveness sampling program be adjusted to semi-annually. This event will coincide with the required Post-Closure Care Semi-Annual sampling event performed in January and July. It is our understanding this effective monitoring is voluntary and does not require plan modifications with the Hazardous Waste Section.

Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*October 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*January 19, 2007
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6 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard



Kirk B. Pollard, L.G.
Principal Engineer

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*October 2006 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*January 19, 2007
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Exhibit I-13

2007-07-23 – January 2007 Semi-Annual Post-Closure Care Groundwater Monitoring Report

- Doc. Ex. 692 -

Mary



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

January 23, 2007

Mr. Carl Utterback,
 Hazardous Waste Section
 NCDENR, Division of Waste Management
 1646 Mail Service Center
 Raleigh, NC 27699-1646



Subject: **January 2007 Semi-Annual Post-Closure Care
 Groundwater Monitoring Report
 Former Asheville Dyeing and Finishing Facility
 Swannanoa, North Carolina
 NCD 070 619 663
 MSE Job 123**

Dear Mr. Utterback:

Attached are three copies of the January 2007 Semi-Annual Post-Closure Care Groundwater Monitoring Report for the site referenced above. If you have any questions regarding the attached report or the site, please contact either of the undersigned at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
 Principal Geologist

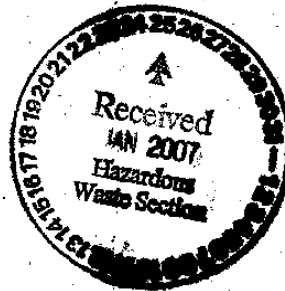
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- Doc. Ex. 693 -



JANUARY 2007 SEMI-ANNUAL POST- CLOSURE CARE GROUNDWATER MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
JANUARY 23, 2007
MSE JOB NO. 123



Prepared For:
MR. RODNEY HEURTER
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HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
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919.261.8186



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Drawing 2	Site Map
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Table 1	Water Level Measurements – January 4, 2007
Table 2	Historical Groundwater Analytical Results

APPENDIX

Appendix	Groundwater Laboratory Analytical Results and Chain-of-Custody
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- Doc. Ex. 695 -

**JANUARY 2007 SEMI-ANNUAL POST-CLOSURE CARE
GROUNDWATER MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY**

Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
January 23, 2007

1 INTRODUCTION

Mineral Springs Environmental, P.C. (MSE) has completed the January 2007 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by Water Applications & Systems Corporation, the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and two observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subpart F and G.

2 FIELD ACTIVITIES

2.1 Water Level Measurements

On January 4, 2007, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and two observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map, using water level data collected from the shallow monitoring wells is shown on Drawing 3. As shown on Drawing 3, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. The operation of the system has resulted in some slight mounding of groundwater in this area.

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An estimated water table contour map, using water level data collected from the intermediate depth monitoring wells is shown on Drawing 4. As shown on Drawing 4, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater levels in the deep wells are shown on Drawing 5. MSE has contoured these values. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that groundwater is also flowing toward the southwest within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. A total of three well volumes were purged from each monitoring well prior to collecting the groundwater samples. On January 4, 2007, groundwater samples were collected from the monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Research & Analytical Laboratories, Inc. (R&A) in Kernersville, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 GROUNDWATER ANALYTICAL RESULTS

The laboratory analytical report for the January 2007 groundwater sampling event is contained in the Appendix and summarized in Table 2. As summarized, no VOCs were detected in the sample collected from MW-2s. PCE was detected in samples collected from MW-12s, MW-12i, and MW-13s at concentrations of 23 micrograms per liter ($\mu\text{g/L}$), 9.9 $\mu\text{g/L}$ and 52 $\mu\text{g/L}$, respectively. These concentrations exceed the North Carolina Groundwater Quality Standard (NCGWQS) for PCE of 0.7 $\mu\text{g/L}$.

Trichloroethene (TCE) was not detected in any of the samples at a concentration exceeding the laboratory practical quantitation limit. Cis-1,2-dichloroethene (DCE) was detected in the sample collected from MW-13s (16 $\mu\text{g/L}$) at a concentration below the NCGWQS of 70 $\mu\text{g/L}$. Historical groundwater results are summarized in Table 2.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2007 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*January 23, 2007
Page 2*

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4 SUMMARY

MSE includes the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater flow in the shallow, intermediate, and deep groundwater bearing zones is toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- No target compounds were detected in the groundwater sample collected from background well MW-2s.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. However, the concentrations in MW-12s and MW-12i were slightly lower than the concentrations observed in the July 2006 sampling event. While the concentration for MW-13s was slightly higher.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-12i, and MW-13s were either below the laboratory practical quantitation limits or below their respective NCGWQS.

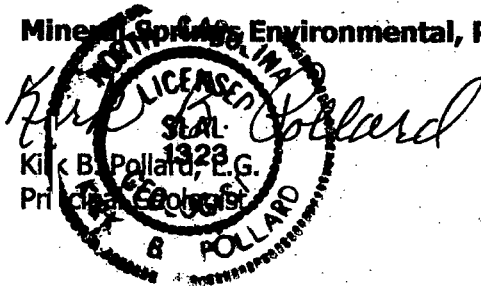
MSE will conduct the next semi-annual post-closure monitoring event in July 2007.

5 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



MINERAL SPRINGS ENVIRONMENTAL, P.C.

January 2007 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

January 23, 2007
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Exhibit I-14

2007-07-10 – Assessment Workplan

- Doc. Ex. 699 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

July 10, 2007

Mr. Carl Utterback
Department of Environment and Natural Resources
Hazardous Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646



Subject: **Assessment Workplan
Former Asheville Dyeing & Finishing Site
Swannanoa, Buncombe County, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Mr. Utterback:

Mineral Springs Environmental (MSE) has prepared the following workplan for your review. The workplan details the methods to be used to assess the Northrup Dump Area ("Northrup Area"), French Drain and provide a Site Conceptual Model report for the total site. Based on our review of previous documents and understanding of the site, further vertical or horizontal assessment provides no economical benefit for the site. Furthermore, the groundwater plume is being reduced by the ongoing voluntary remediation system installed in 1998.

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

A handwritten signature in cursive script that reads 'Kirk B. Pollard'.

Kirk B. Pollard, L.G.
Senior Geologist

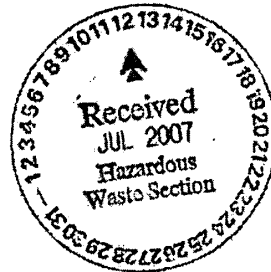
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- Doc. Ex. 700 -



ASSESSMENT WORKPLAN

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663



JULY 10, 2007
MSE JOB NO. 123

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Drawing 1	Topographic Site Map
Drawing 2	Site Map

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**ASSESSMENT WORKPLAN
FORMER ASHEVILLE DYEING & FINISHING SITE
WARREN WILSON COLLEGE ROAD
Swannanoa, Buncombe County, North Carolina
July 10, 2007**

1 INTRODUCTION

1.1 Site Information

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawing 1) -- has been subjected to seventeen (17) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these seventeen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. It is our recollection that DWM's Hazardous Waste Section ("HWS") issued a correspondence in the late 1990s that stated the extent of groundwater impact from the HWMU had been essentially defined.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mentioning that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, the groundwater plume continues to be defined. As previously mentioned, the plume configuration has remained the same during the preceding seventeen (17) years of assessment and sampling, and overall groundwater concentrations have decreased.

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

- Doc. Ex. 703 -

During April 2007, the DWM's most recently assigned project manager for the Facility requested Water Applications & Systems Corporation ("WASC") to submit this workplan to assess the environmental impact of the Northrup Area that was identified during the January 2005 RCRA Facility Assessment (hereinafter, the "Request").³ An Environmental Indicators Survey ("EIS") will be performed as a component of the proposed assessment activities. At the conclusion of the proposed activities, WASC will submit a Site Conceptual Model ("SCM") Report that will address the currently requested assessment, previously completed assessments, and remediation activities conducted to date.

The request included a recommendation to conduct a current evaluation of the construction, geometry, and integrity of a drain pipe that DWM indicates "was thought" to be involved in the events of 1971 that resulted in AD&F entering the AOC.⁴ Attempts will be made to obtain information on the construction and configuration of the French Drain and collect a representative sample to document the soil conditions adjacent to the drain.

1.2 Purpose

WASC contracted with Mineral Springs Environmental PC (MSE) to perform the assessment of the Northrup Area, which will consist of delineating the area and installing one (1) additional monitoring well ("MW") between it and the adjacent Bee Tree Creek. MSE will generate a SCM after concluding the assessment activities. The SCM will (1) describe the groundwater assessment and remediation activities performed to date, (2) describe the geologic and hydrogeologic characteristics of the site, and (3) present the results of the EIS that will be performed for the surrounding area. Additionally, reasonable steps will be taken to evaluate the French Drain located to the south and east of the onsite building. It should be noted that samples that the NCDENR obtained from the Northrup Area during a May 1985 inspection showed no specific contaminants of concern ("COC").⁵

1.3 Scope of Work for Northrup Area

Due to the overgrown condition of the Northrup Area, the following scope of work is proposed;

- Remove the ground cover from on top of the landfill;
- Perform surface geophysical survey (attempt to locate potential subsurface anomalies);
- Excavate trenches in the areas with anomalies, if any;
- Conduct profiling & sampling of trenches associated with action incident to anomalies, as mentioned above - again, if any; and,
- Install one (1) MW between the Northrup Area and Bee Tree Creek (down-gradient).

1.3.1 Geophysical Survey

Prior to performing any work activities the ground cover and small trees will be cleared using a bush hog cutting device attached to a tractor. This will provide an open area to perform the geophysical survey. The geophysical investigation will be performed to delineate the approximate footprint of the landfill area and to locate areas containing geophysical anomalies.

³ Letter from Carl Utterback, DWM, to Rodney Huerter, Director of Environmental Affairs, WASC, April 5, 2007.

⁴ *Id.* at n.2 of Further Assessment Items attachment.

⁵ Booz Allen Hamilton, *RCRA Facility Assessment Report* No. R04804-1 68-W-02-17 at 38.

MINERAL SPRINGS ENVIRONMENTAL PC

Assessment Workplan
Former AD&F Site

July 10, 2007
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Geophysical Survey Investigations, PLLC (GSI), will conduct the geophysical survey across the Northrup Area. The geophysical investigation will consist of conducting an electromagnetic (EM31) ground conductivity survey. Prior to data acquisition, GSI will set up a 20-foot by 20-foot survey grid across the geophysical area using measuring tapes, pin flags, and marking paint. Geophysical data points and cultural features such as roads, buildings, utility poles, etc., will be referenced using this survey grid coordinate system.

EM31 apparent ground conductivity and inphase (metal detection) data will be simultaneously collected at approximately 5-foot intervals along survey lines spaced 10 feet apart. If possible, the survey lines will be oriented approximately perpendicular to the known axis of the landfill.

The EM31 instrument may be able to detect subsurface anomalies to a maximum depth of approximately 15 feet. The EM31 data will be digitally collected and downloaded to a field computer and processed into color, contoured conductivity and in-phase maps. Although the EM31 results will not provide thickness or depth of debris information, the results should delineate the perimeters of areas containing subsurface anomalies.

1.3.2 Excavation Activities and Soil Sampling Program

Based on the results of the geophysical survey, steps will be taken to perform intrusive sampling adjacent to areas warranting additional investigation. The number of excavation areas will be dependent on field conditions encountered. Each excavation will be profiled according to material encountered. The soil encountered will be bagged and scanned with a photoionization device for the presence of total volatilized organic compounds. Up to two soil samples will be collected from each excavation. The collected soil samples will be analyzed for the presence of volatile organic compounds. The VOCs will be analyzed according to SW-846 Methods 8260. Harvi?

Sampling will be conducted in accordance with the site Sampling and Analysis Plan (SAP) and EPA's Standard Operating Procedure (SOP) entitled *Environmental Investigations Standard Operating Procedures and Quality Assurance Manual*. Guidelines in the EPA SOP for sample containers, chain-of-custody protocol, sample order, analytical methods, decontamination methods, etc. will be utilized for soil and/or water sampling.

1.3.3 Groundwater Assessment Program

A single shallow groundwater monitoring well will be installed at a point between the Northrup Area and Bee Tree Creek (see Drawing 2). The well will be constructed of Schedule 40 PVC and will be equipped with 10 feet of 0.010 slotted well screen. Once the well is installed a groundwater sample will be obtained and analyzed for the presence of VOCs.

Sampling will be conducted in accordance with the site SAP and EPA's Standard Operating Procedure (SOP) entitled *Environmental Investigations Standard Operating Procedures and Quality Assurance Manual*. Guidelines in the EPA SOP for sample containers, chain-of-custody protocol, sample order, analytical methods, decontamination methods, etc. will be utilized for soil and/or water sampling.

MINERAL SPRINGS ENVIRONMENTAL PC

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1.4 Scope of Work for French Drain

In order to assess the French drain steps will be taken to collect a single soil sample at the point where the French drain terminated at the time of the original incident, or as close as possible (downgradient). This sample will be analyzed for the presence of VOCs according to SW-846 Method 8260. The sample will be collected with a drill rig capable of extending to the required depth to collect the sample and in accordance with the site SAP.

2 ENVIRONMENTAL INDICATORS SURVEY

An EIS will be performed to determine the presence of receptors within the surrounding area. This survey will consist of determining the presence of drinking water wells, adjacent populations, schools, daycares and other items that could be affected within 1,000 feet of the extent of the groundwater plume. This survey results will be included in the SCM Report.

3 SITE CONCEPTUAL MODEL REPORT

A SCM Report will be prepared and submitted to HWM. The report will provide a thorough discussion of the groundwater plume geometry, geology underlying the site and the hydrogeologic parameters. Data collected adjacent to the Northrup Area will also be included within the report. The results of the EIS survey will also be included in this report.

4 MATERIAL HANDLING AND SEGREGATION

Should excavation of trenches in the Northrup Area be required, steps will be taken to containerize any regulated materials encountered, which will subsequently be profiled and properly disposed, in accordance with State and federal standards.

5 DECONTAMINATION PROCEDURES

A decontamination pad will be constructed at the site to prevent the spread of potential impact. The pad will either be placed on concrete or asphalt, depending upon availability. The pad will be bermed using hay bales and then lined with visqueen. Water generated during decontamination activities will be captured and disposed of in a manhole at the facility which discharges to the Asheville POTW.

Excavation equipment such as backhoe and trackhoe buckets will be decontaminated prior to excavating in the Northrup Area or when entering an area with no impact, based on field screening methods. The bucket and any other excavation equipment will be decontaminated at the decon pad using a power washer in accordance with the protocol outlined in the site SAP and EPA SOP. The water will be contained and treated. Sampling equipment such as spoons, hand augers, drilling equipment etc. will be decontaminated using the methods outlined in the EPA SOP.

MINERAL SPRINGS ENVIRONMENTAL PC

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6 SCHEDULE

Once the workplan has been reviewed by the Section and approved, work task will commence. The overall field activities and analysis of samples will take approximately five to six weeks to complete. The environmental indicator survey can be completed in two to three weeks. The SCM report will take approximately three months to complete once all the data and surveys have been completed.

7 SITE HEALTH AND SAFETY

A site-specific health and safety plan (HASP) will be prepared by MSE personnel to be utilized by MSE personnel. Subcontractors working within the exclusion area will either prepare their own equivalent HASP or follow the MSE plan. Site workers will have received OSHA 40-hour training as specified in Title 29 CFR 1910.120 with eight-hour refresher training within the last year.

8 CONCLUSION

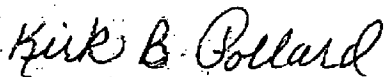
The Facility has been subjected to seventeen (17) years of continuous assessment and sampling in connection with PCE. During this time, the plume configuration has remained the same, while the overall groundwater concentrations have decreased. The substantial risk that further assessment activities will create 'conduits', which will (1) allow vertical / cross-zone migration, and (2) abrogate the positive results achieved to date, indicates the detriments associated with 'chasing' an additional part per billion. The ongoing remediation and contaminant source reduction at the Facility has proven, and remains effective. Accordingly, we believe no benefit will result from further vertical or horizontal assessment. The risks in performing additional assessment activities are sufficiently strong to warrant caution and restraint.

9 SUBMITTAL

The opinions and procedures outlined in this workplan report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of Water Applications & Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental



Kirk B. Pollard, L.G.
President

MINERAL SPRINGS ENVIRONMENTAL PC

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Exhibit I-15

2007-08-01 – Combined January and April 2007
Quarterly Effectiveness Monitoring Report

- Doc. Ex. 708 -



COMBINED JANUARY AND APRIL 2007 QUARTERLY EFFECTIVENESS MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOA, BUNCOMBE COUNTY,
NORTH CAROLINA

NCD 070 619 663
AUGUST 1, 2007

MSE JOB NO. 123



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**COMBINED JANUARY AND APRIL 2007 QUARTERLY
EFFECTIVENESS MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
August 1, 2007**

1 BACKGROUND

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawings 1 and 2) -- has been subjected to seventeen (17) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these seventeen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. DWM's Hazardous Waste Section ("HWS") issued a correspondence in 1997 that stated (1) the extent of groundwater impact from the HWMU had been essentially defined and (2) no further assessment was required as a result of the release from the HWMU.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mention that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, the groundwater plume continues to be defined. As previously mentioned, the plume configuration has remained

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

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the same during the preceding seventeen (17) years of assessment and sampling, and overall groundwater concentrations have decreased.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and groundwater quality trends.

2 REMEDIAL ACTIVITIES

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and 3/4-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

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Former Asheville Dyeing and Finishing Facility*

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2.3 System Performance

From October 2006 through April 2006, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past three months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

During April 2007, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 650 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 480 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in January and April 2007 are presented below.

3.1 Groundwater Sampling

3.1.1 General

MSE has performed the January and April 2007 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i.

3.1.2 Groundwater Flow

Groundwater levels were only obtained from the wells sampled during this event. Therefore water level contour maps were not developed for this report. However, historical water flow has consistently been toward the south in both the shallow and intermediate aquifer. MSE does not find reason to suggest the groundwater flow direction has changed.

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3.1.3 Groundwater Sampling and Analytical Results

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan. The January 2007 samples were transported under chain-of-custody to Research & Analytical Laboratories, Inc. located in Kernersville, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B. The April 2007 samples were transported under chain-of-custody to Paradigm (SGS) Analytical Laboratories, Inc. located in Wilmington, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B.

Laboratory analytical results and chain-of-custody records for the January and April groundwater sampling event are included as Appendix A and summarized in Drawings 4 through 7 and Tables 1 and 2. Historical data for the effectiveness monitoring wells listed above are included as Table 3. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

The DWM Hazardous Waste Section (HWS) uses the North Carolina Groundwater Quality Standards (NCGWQS) as a guideline for groundwater impacted with VOCs. The primary constituents of concern present in groundwater include PCE and its biodegradation products of trichloroethene (TCE).

MSE has prepared estimated isoconcentration maps for the PCE in the shallow and intermediate (Drawings 4 through 7). During the January 2007 sampling event, PCE was detected in 12 of the 14 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations ranged from 415 $\mu\text{g/L}$ (MW-6s) to 6.5 $\mu\text{g/L}$ (MW-5s). During the April 2007 sampling event, PCE was detected in 13 of the 14 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations ranged from 191 $\mu\text{g/L}$ (OW-2i) to 2.4 $\mu\text{g/L}$ (MW-4s). TCE was present in monitoring wells MW-5i, MW-6s, MW-6i, MW-11i and OW-2i during both sampling events at concentrations exceeding the NCGWQS of 2.8 $\mu\text{g/L}$.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations decreased or remained the same in 10 of the 14 groundwater monitoring wells that were sampled as compared to the results for the same wells sampled in October 2006. PCE concentrations increased slightly in the groundwater samples collected from monitoring wells MW-4s, MW-5i, MW-12i and MW-15s. TCE concentrations were detected in five of the 14 monitoring wells during the April 2007 event. Cis-1,2 - Dichloroethene (Cis-1,2-DCE) was also detected at concentrations above the laboratory practical quantitation limit, but below it's NCGWQS.

TCE and Cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

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5 CONCLUSIONS AND RECOMMENDATIONS

PCE concentrations increased in four of the groundwater monitoring wells and decreased in the remaining wells that were also sampled in April 2007. Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance. In addition, semi-annual groundwater sampling should be continued to monitor the performance and effectiveness of the remediation systems.

6 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,
Mineral Springs Environmental PC

Kirk B. Pollard

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Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*Combined Jan-April 2007 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

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Exhibit I-16

2007-09-13 – July 2007 Semi-Annual Post-Closure Care Groundwater Monitoring Report

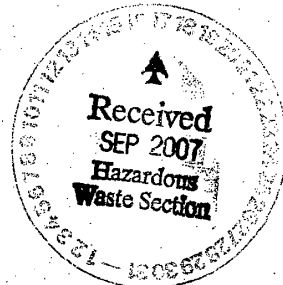
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JULY 2007 SEMI-ANNUAL POST- CLOSURE CARE GROUNDWATER MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
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SEPTEMBER 13, 2007
MSE JOB NO. 123



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TABLES

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APPENDIX

Appendix	Groundwater Laboratory Analytical Results and Chain-of-Custody
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**JULY 2007 SEMI-ANNUAL POST-CLOSURE CARE
GROUNDWATER MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY**

Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
September 13, 2007

1 INTRODUCTION

Mineral Springs Environmental, P.C. (MSE) has completed the July 2007 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by Water Applications & Systems Corporation, the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and two observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subpart F and G.

2 FIELD ACTIVITIES

2.1 Water Level Measurements

On July 26, 2007, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and two observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map, using water level data collected from the shallow monitoring wells is shown on Drawing 3. As shown on Drawing 3, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. The operation of the system has resulted in some slight mounding of groundwater in this area.

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An estimated water table contour map, using water level data collected from the intermediate depth monitoring wells is shown on Drawing 4. As shown on Drawing 4, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations in the deep wells are shown on Drawing 5. MSE has not contoured these values. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that groundwater is also flowing toward the southwest within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. A total of three well volumes were purged from each monitoring well prior to collecting the groundwater samples. On July 26, 2007, groundwater samples were collected from the monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Paradigm Analytical Laboratories, Inc. (Paradigm) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 GROUNDWATER ANALYTICAL RESULTS

The laboratory analytical report for the July 2007 groundwater sampling event is contained in the Appendix and summarized in Table 2. As summarized, no VOCs were detected in the sample collected from MW-2s. PCE was detected in samples collected from MW-12s, MW-12i, and MW-13s at concentrations of 23.5 micrograms per liter ($\mu\text{g/L}$), 31.6 $\mu\text{g/L}$ and 139 $\mu\text{g/L}$, respectively. These concentrations exceed the North Carolina Groundwater Quality Standard (NCGWQS) for PCE of 0.7 $\mu\text{g/L}$.

Cis-1,2-dichloroethene (DCE) was not detected in any of the samples at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$. Trichloroethene (TCE) was detected in the sample collected from MW-13s (16 $\mu\text{g/L}$) at a concentration exceeding the NCGWQS of 2.8 $\mu\text{g/L}$. Historical groundwater results are summarized in Table 2.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*July 2007 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

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4 SUMMARY

MSE includes the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater flow in the shallow, intermediate, and deep groundwater bearing zones is toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- No target compounds were detected in the groundwater sample collected from background well MW-2s.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentrations in all three wells were slightly higher than the January 2007 sampling results.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-12i, and MW-13s were either below the laboratory practical quantitation limits or at or below their respective NCGWQS.

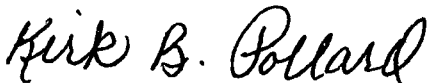
MSE will conduct the next semi-annual post-closure monitoring event in January 2008.

5 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*July 2007 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

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2008-02-20 – October 2007 Quarterly
Effectiveness Monitoring Report

- Doc. Ex. 723 -



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February 20, 2008

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Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Received
FEB 2008
Hazardous
Waste Section

Subject: **October 2007 Quarterly Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Mr. Utterback:

Attached are three copies of the October 2007 Quarterly Effectiveness Monitoring Report for the site referenced above. Mineral Springs Environmental, P.C. collected samples from all but one of the groundwater monitoring wells (MW-1) to develop a current picture of the site groundwater conditions. This includes the two groundwater monitoring wells adjacent to the debris pile. The results of this sampling are included in the report.

If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Principal Geologist

123/Qty/Oct 2007/kr

- Doc. Ex. 724 -



OCTOBER 2007 QUARTERLY EFFECTIVENESS MONITORING REPORT

FORMER ASHEVILLE DYEING AND FINISH-
ING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663

FEBRUARY 20, 2008

MSE JOB NO. 123



Prepared For:

MR. RODNEY HEURTER
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- Doc. Ex. 725 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

February 20, 2008

Mr. Rodney Heurter
Water Applications and Systems Corporation
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Houston, TX 77032

Subject: **October 2007 Quarterly Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Mr. Heurter:

Attached is a copy of the October 2007 Quarterly Effectiveness Monitoring Report for the site referenced above. Mineral Springs Environmental, P.C. collected samples from all but one of the groundwater monitoring wells (MW-1) to develop a current picture of the site groundwater conditions. The results of this sampling are included in the report. Three copies of this report have been forwarded to the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Hazardous Waste Section. An additional copy has been sent to the facility to keep on file, as required.

If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Principal Geologist

123/Qtblys/Oct 2007 /kp

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**OCTOBER 2007 QUARTERLY EFFECTIVENESS
MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
January 28, 2008**

1 BACKGROUND

Asheville Dyeing and Finishing (AD&F) removed one waste tetrachloroethene (PCE) underground storage tank (UST) and one virgin PCE UST in April 1985 from their site located in Swannanoa, North Carolina (Drawings 1 and 2). The location of the former waste PCE UST was designated as a hazardous waste management unit (HWMU) by the North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM).

An administrative Order of Consent (AOC) was issued to AD&F by the DWM on October 11, 1990. The AOC required AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. The HWMU was closed by AD&F in late 1992 and seven phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater downgradient of the HWMU. The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and SVE effluent air and groundwater quality trends.

2 REMEDIAL ACTIVITIES

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

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2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and 3/4-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

2.3 System Performance

From July 2007 through October 2007, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past three months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

On October 25, 2007, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 650 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 480 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in October 2007 are presented below.

3.1 Groundwater Sampling

3.1.1 General

MSE performed the October 2007 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i. However, for this monitoring event, MSE representatives collected groundwater samples from all the on-site and off-site monitoring wells, except MW-1. The wells were sampled to determine the current groundwater conditions both on and off the site.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

October 2007 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility

February 20, 2008
Page 2

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3.1.2 Groundwater Flow

Groundwater elevations were measured from all groundwater monitoring wells except MW-1. The data collected is summarized on Table 1. Using this data, MSE has prepared groundwater contour maps for the shallow and intermediate aquifer horizons (Drawings 4 and 5). Drawing 6 shows the water table elevations of the wells completed in the fractured bedrock zone. This zone was not contoured because the wells are completed within different water bearing fracture sets.

Drawing 4 depicts groundwater flow at the water table. The influence of the two SVE systems can be seen with the mounding of the water table beneath the building and at monitoring well nests MW-5 and MW-6. Overall, the groundwater is flowing toward the southeast, to the Swannanoa River at a gradient of approximately 0.017 feet per foot. Within the intermediate zone, the groundwater flows in the same direction, at the same gradient.

3.1.3 Groundwater Sampling and Analytical Results

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan and the samples were transported under chain-of-custody to Research & Analytical Laboratories, Inc. located in Kernersville, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B.

Laboratory analytical results and chain-of-custody records for the October 2007 groundwater sampling event are included as Appendix A and summarized in Drawings 7 through 9 and Table 2. Historical data for the effectiveness monitoring wells listed above are included as Table 3. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

The primary constituents of concern present in groundwater include PCE and its biodegradation products of trichloroethene (TCE) and cis-1,2-dichloroethene (cis-1,2-DCE). Of these compounds, only PCE and TCE are present at concentrations exceeding their respective NCGWQS. The TCE impact was identified in wells MW-14s, MW-5i, MW-6i, MW-11i, MW-14i, OW-2i and MW-20d.

MSE has prepared estimated isoconcentration maps for the PCE in the shallow, intermediate, and deep aquifers (Drawings 7, 8, and 9). The extent of PCE impact above NCGWQS extends from the AD&F facility to the Swannanoa River within the shallow and intermediate aquifers. The extent of PCE impact within the deep aquifer is restricted to the well located slightly north of the facility.

PCE was detected in 23 of the 39 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations range from 166 $\mu\text{g/L}$ (MW-11i) to 0.77 $\mu\text{g/L}$ (MW-6d). TCE was present in seven samples at concentrations above the NCGWQS of 2.8 $\mu\text{g/L}$. The TCE concentrations ranged from 10.70 $\mu\text{g/L}$ (MW-11i) to 3.31 $\mu\text{g/L}$ (MW-5i). Cis-1,2-DCE was not present in any of the wells at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations decreased in all but 11 of the groundwater monitoring wells that were also sampled in October 2006, when the last large scale sampling event was conducted. PCE was identified for the first time in monitoring wells MW-10s, MW-10i and MW-23s. TCE concentrations remained very similar to concentrations observed in the October 2006 event.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*October 2007 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*February 20, 2008
Page 3*

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TCE and cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

5 CONCLUSIONS AND RECOMMENDATIONS

PCE concentrations decreased in all but 11 of the groundwater monitoring wells that were also sampled in October 2006, when the last large scale sampling event was conducted. PCE concentrations increased in 11 of these monitoring wells over the same period. PCE was identified for the first time in monitoring wells MW-10s, MW-10i and MW-23s.

Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance.

6 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*October 2007 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*February 20, 2008
Page 4*

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Exhibit I-18

2008-02-14 – January 2008 Semi-Annual Post-Closure Care Groundwater Monitoring Report

- Doc. Ex. 733 -



JANUARY 2008 SEMI-ANNUAL POST- CLOSURE CARE GROUNDWATER MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663

FEBRUARY 14, 2008
MSE JOB NO. 123

Received
FEB 2008
Hazardous
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Table 1	Water Level Measurements – January 15, 2008
Table 2	Historical Groundwater Analytical Results

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Appendix	Groundwater Laboratory Analytical Results and Chain-of-Custody
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- Doc. Ex. 735 -**JANUARY 2008 SEMI-ANNUAL POST-CLOSURE CARE
GROUNDWATER MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY**

Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
February 14, 2008

1 INTRODUCTION

Mineral Springs Environmental, P.C. (MSE) has completed the January 2008 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by Water Applications & Systems Corporation, the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and two observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subpart F and G.

2 FIELD ACTIVITIES**2.1 Water Level Measurements**

On January 15, 2008, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and two observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map, using water level data collected from the shallow monitoring wells is shown on Drawing 3. As shown on Drawing 3, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. The operation of the system has resulted in some slight mounding of groundwater in this area.

- Doc. Ex. 736 -

An estimated water table contour map, using water level data collected from the intermediate depth monitoring wells is shown on Drawing 4. As shown on Drawing 4, groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that groundwater is also flowing toward the southwest within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. A total of three well volumes were purged from each monitoring well prior to collecting the groundwater samples. On January 15, 2008, groundwater samples were collected from the monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Paradigm Analytical Laboratories, Inc. (Paradigm) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 GROUNDWATER ANALYTICAL RESULTS

The laboratory analytical report for the January 2008 groundwater sampling event is contained in the Appendix and summarized in Table 2. As summarized, no VOCs were detected in the sample collected from MW-2s. PCE was detected in samples collected from MW-12s, MW-12i, and MW-13s at concentrations of 15 micrograms per liter ($\mu\text{g/L}$), 35.4 $\mu\text{g/L}$ and 302 $\mu\text{g/L}$, respectively. These concentrations exceed the North Carolina Groundwater Quality Standard (NCGWQS) for PCE of 0.7 $\mu\text{g/L}$.

Cis-1,2-dichloroethene (DCE) was not detected in any of the samples at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$. Trichloroethene (TCE) was detected in the sample collected from MW-13s (5.3 $\mu\text{g/L}$) at a concentration exceeding the NCGWQS of 2.8 $\mu\text{g/L}$. Historical groundwater results are summarized in Table 2.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2008 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*February 14, 2008
Page 2*

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4 SUMMARY

MSE includes the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater flow in the shallow, intermediate, and deep groundwater bearing zones is toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- No target compounds were detected in the groundwater sample collected from background well MW-2s.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentrations in MW-12i and MW-13 were slightly higher than the July 2007 sampling results.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-12i, and MW-13s were either below the laboratory practical quantitation limits or at or below their respective NCGWQS.

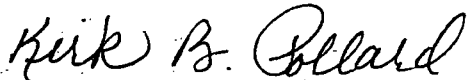
MSE will conduct the next semi-annual post-closure monitoring event in July 2008.

5 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of Water Applications and Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2008 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*February 14, 2008
Page 3*

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Exhibit I-19

2008-11-11 – Combined January and April 2008
Quarterly Effectiveness Monitoring Report

- Doc. Ex. 739 -



COMBINED JANUARY AND APRIL 2008 QUARTERLY EFFECTIVENESS MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663

NOVEMBER 11, 2008
MSE JOB NO. 123

Received
NOV 2008
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DRAWINGS

Drawing 1	Topographic Site Map
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Drawing 6	Tetrachloroethene Isoconcentration Map – Intermediate Zone (January 2008)
Drawing 7	Tetrachloroethene Isoconcentration Map – Intermediate Zone (April 2008)



- Doc. Ex. 741 -

4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

November 11, 2008

Ms. Mary Siedlecki
 Hazardous Waste Section
 NCDENR, Division of Waste Management
 1646 Mail Service Center
 Raleigh, NC 27699-1646



Subject: **Combined January and April 2008 Quarterly
 Effectiveness Monitoring Report
 Former Asheville Dyeing and Finishing Facility
 Swannanoa, North Carolina
 NCD 070 619 663
 MSE Job 123**

Dear Ms. Siedlecki:

Attached are three copies of the combined January and April 2008 Quarterly Effectiveness Monitoring Report for the site referenced above. Mineral Springs Environmental, P.C. collected samples from 14 groundwater monitoring wells to develop a current picture of the site groundwater conditions. The results of this sampling are included in the report.

If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

Kirk B. Pollard

Kirk B. Pollard, L.G.
 Principal Geologist

123/Qtlly/Jan-April 2008/kp

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Appendix B Groundwater Concentration Versus Time Graphs

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COMBINED JANUARY AND APRIL 2008 QUARTERLY
EFFECTIVENESS MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
November 11, 2008

1 BACKGROUND

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawings 1 and 2) -- has been subjected to seventeen (17) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these seventeen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. DWM's Hazardous Waste Section ("HWS") issued a correspondence in 1997 that stated (1) the extent of groundwater impact from the HWMU had been essentially defined and (2) no further assessment was required as a result of the release from the HWMU.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mention that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, the groundwater plume continues to be defined. As previously mentioned, the plume configuration has remained

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

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the same during the preceding eighteen (18) years of assessment and sampling, and overall groundwater concentrations have decreased.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and groundwater quality trends.

2 REMEDIAL ACTIVITIES

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and 3/4-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*Combined Jan-April 2008 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*November 11, 2008
Page 2*

- Doc. Ex. 745 -**2.3 System Performance**

From October 2007 through April 2008, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past six months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

During April 2008, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 653 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 485 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in January and April 2008 are presented below.

3.1 Groundwater Sampling**3.1.1 General**

MSE has performed the January and April 2008 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i.

3.1.2 Groundwater Flow

Groundwater levels were only obtained from the wells sampled during this event. Therefore water level contour maps were not developed for this report. However, historical water flow has consistently been toward the south in both the shallow and intermediate aquifer. MSE does not find reason to suggest the groundwater flow direction has changed.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*Combined Jan-April 2008 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

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Page 3*

- Doc. Ex. 746 -**3.1.3 Groundwater Sampling and Analytical Results**

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan. The January 2008 and April 2008 samples were transported under chain-of-custody to Paradigm (SGS) Analytical Laboratories, Inc. located in Wilmington, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B.

Laboratory analytical results and chain-of-custody records for the January and April groundwater sampling event are included as Appendix A and summarized in Drawings 4 through 7 and Tables 1 and 2. Historical data for the effectiveness monitoring wells listed above are included as Table 3. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

The DWM Hazardous Waste Section (HWS) uses the North Carolina Groundwater Quality Standards (NCGWQS) as a guideline for groundwater impacted with VOCs. The primary constituents of concern present in groundwater include PCE and its biodegradation products of trichloroethene (TCE).

MSE has prepared estimated isoconcentration maps for the PCE in the shallow and intermediate (Drawings 4 through 7). During the January 2008 sampling event, PCE was detected in 14 of the 14 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations ranged from 235 $\mu\text{g/L}$ (MW-11i) to 1.45 $\mu\text{g/L}$ (MW-4s). During the April 2008 sampling event, PCE was detected in 13 of the 14 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations ranged from 384 $\mu\text{g/L}$ (MW-13S) to 2.51 $\mu\text{g/L}$ (MW-4s). TCE was present in monitoring wells MW-6s, MW-6i, MW-11i, MW-13s and OW-2i during one or both sampling events at concentrations exceeding the NCGWQS of 2.8 $\mu\text{g/L}$.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations decreased or remained the same in four of the 14 groundwater monitoring wells that were sampled in January 2008 as compared to the results for the same wells sampled in October 2007. PCE concentrations increased slightly in the groundwater samples collected from monitoring wells MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i. PCE concentrations decreased or remained the same in nine of the 14 groundwater monitoring wells that were sampled in April 2008 as compared to the results for the same wells sampled in January 2008. PCE concentrations increased slightly in the groundwater samples collected from monitoring wells MW-4s, MW-4i, MW-5s, MW-13s and OW-2i.

TCE and Cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*Combined Jan-April 2008 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*November 11, 2008
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5 CONCLUSIONS AND RECOMMENDATIONS

PCE concentrations increased in five of the groundwater monitoring wells and decreased in the remaining wells that were also sampled in April 2007. Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance. In addition, groundwater sampling should be continued to monitor the performance and effectiveness of the remediation systems.

6 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,
Mineral Springs Environmental PC

Kirk B. Pollard

Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*Combined Jan-April 2008 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

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Exhibit I-20

2008-08-26 – July 2008 Semi-Annual Post-Closure Care Groundwater Monitoring Report

- Doc. Ex. 749 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

August 26, 2008

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646



Subject: July 2008 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123

Dear Ms. Siedlecki:

Please find attached three copies of the *July 2008 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 750 -



JULY 2008 SEMI-ANNUAL POST- CLOSURE CARE GROUNDWATER MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
AUGUST 26, 2008
MSE JOB NO. 123



Prepared For:
MR. RODNEY HEURTER
WASC LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186



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Drawing 3	Estimated Water Table Contour Map (July 2008)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (July 2008)
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Table 2	Historical Groundwater Analytical Results

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Appendix	Groundwater Laboratory Analytical Results and Chain-of-Custody
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**July 2008 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
August 26, 2008**

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the July 2008 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by WASC, LLC., the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G.

2 Field Activities

2.1 Water Level Measurements

On July 22, 2008, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is

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migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On July 22, 2008, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Paradigm Analytical Laboratories, Inc. (Paradigm) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 Groundwater Analytical Results

The laboratory analytical report for the July 2008 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results are also summarized in Table 2.

Consistent with previous sampling events, VOCs were not detected in the sample collected from MW-2s. PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from MW-12s (11 µg/L), MW-12i (40.4 µg/L), and MW-13s (595 µg/L).

Consistent with recent sampling events, cis-1,2-dichloroethene (DCE) was not detected at a concentration above the NCGWQS of 70 µg/L in samples collected from three of the four wells (MW-2s, MW-12s, MW-12i). For the first time since February 2004, it was detected above the standard in MW-13s (92 µg/L) which could be the result of biodegradation activities.

Trichloroethene (TCE) was again detected at a concentration above the NCGWQS of 2.8 µg/L in the sample collected from MW-13s (11.6 µg/L).

4 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

MINERAL SPRINGS ENVIRONMENTAL, P.C.

July 2008 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

August 26, 2008
Page 2

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- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- No target compounds were detected in the groundwater sample collected from background well MW-2s.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentrations in MW-12i and MW-13 are slightly higher than during the January 2008 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s and MW-12i were either below the laboratory practical quantitation limits or at or below their respective NCGWQS. The sample collected from MW-13s exhibited concentrations that exceed the standards for both compounds.

MSE will conduct the next semi-annual post-closure monitoring event in January 2009.

5 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*July 2008 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*August 26, 2008
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Exhibit I-21

2008-10-31 – Assessment Report

- Doc. Ex. 756 -



ASSESSMENT REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
OCTOBER 31, 2008**

MSE JOB NO. 123

Received
OCT 2008
Hazardous
Waste Section

Prepared For:

**MR. RODNEY HEURTER
WASC LLC**

**4760 WORLD HOUSTON PARKWAY, SUITE 100
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**MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186**



- Doc. Ex. 757 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

October 31, 2008

Ms. Mary Siedlecki
 Department of Environment and Natural Resources
 Hazardous Waste Section
 1646 Mail Service Center
 Raleigh, North Carolina 27699-1646

Subject: **Assessment Report
 Former Asheville Dyeing & Finishing Site
 Swannanoa, Buncombe County, North Carolina
 NCD 070 619 663
 MSE Job 123**

Dear Ms. Siedlecki:

Mineral Springs Environmental (MSE) has prepared the following Assessment Report for the former Asheville Dyeing & Finishing facility in Swannanoa for your review. The report describes the geology, hydrogeology and chemical quality of the underlying groundwater. The report also presents a discussion of environmental indicators within the adjacent area of the site. The report describes the assessment activities for the Northrop Dump area and the historical French Drain. Based on our review of previous documents and understanding of the site, further vertical or horizontal assessment provides no economical benefit for the site nor would further investigative efforts produce any relevant new data to support additional "source" information. Furthermore, the groundwater plume is being reduced by the ongoing voluntary remediation system installed in 1998.

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
 Senior Geologist



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**SITE CONCEPTUAL MODEL REPORT
FORMER ASHEVILLE DYEING & FINISHING SITE
WARREN WILSON COLLEGE ROAD**

Swannanoa, Buncombe County, North Carolina

October 31, 2008

1 INTRODUCTION

1.1 Site Information

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawing 1) -- has been subjected to approximately eighteen (18) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these eighteen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. It is our recollection that DWM's Hazardous Waste Section ("HWS") issued a correspondence in the late 1990s that stated the extent of groundwater impact from the HWMU had been essentially defined.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mentioning that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, which is the result of long-term monitoring, the groundwater plume is adequately defined. As previously mentioned, the plume configuration has remained the same during the preceding eighteen (18) years of assessment and sampling, and overall groundwater concentrations have decreased.

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

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1.1.1 DWM 2007 Groundwater Assessment Request

On April 5, 2007, the DWM sent a letter to WASCO LLC ("WASCO"; formerly known as Water Applications & Systems Corporation, which is obligated to indemnify Culligan International as to certain matters at the Facility) in which the DWM stated that "AD&F must develop" and submit a workplan to assess the "areal and vertical extent of the contaminant plume" that is within the scope of "releases discovered in 1984 from the two [former USTs] and the spill of tetrachloroethylene (PCE) that reportedly occurred in 1971 [sic]" (hereinafter, the "Request"). See Letter from Carl Utterback, DWM, to Rodney Huerter, Dir. of Env'tl. Affairs, WASCO, April 5, 2007 (as described below, the spill actually occurred during 1976 ("1976 PCE Spill")).

The Request specified that the ultimately submitted workplan must include a groundwater assessment plan. The DWM stated that the groundwater assessment plan should include (1) a Site Conceptual Model ("SCM"), which should illustrate the groundwater flow direction across the site; (2) environmental indicators, which should identify potential liabilities related to offsite contamination; and (3) an "investigation of [solid waste management units (SWMU)] . . . identified as requiring additional assessment in the [July 29, 2004] RCRA Facility Assessment ("RFA"), and an implementation schedule.

The request also included a "Further Assessment Items" list, which the DWM stated "need to be discussed or addressed regarding the overall assessment of the site" (the "Discussion List"). The Discussion List identified seven items, including: (1) stating "AD&F must determine how far the contamination has migrated in both the vertical and horizontal plane"; (2) stating "AD&F should determine the construction and geometry of the drain pipe as well as the integrity of the pipe" that was involved in the 1976 PCE Spill; (3) requiring a RCRA Facility Investigation of the dump area that is designated as Solid Waste Management Unit No. 14 (the "Northrop Dump"), "as recommended" during the RFA; (4) requiring installation of additional monitoring wells that "would detect contamination that may be originating from the [Northrop Dump] and migrating toward Beetree Creek"; (5) requesting a description of the current status of the five production wells located at the Owens manufacturing facility ("Owens Wells"); (6) requesting additional information regarding the Owens Wells, to supplement the information requested in Item No. 6, "if available"; and (7) a status report on the "investigation of the unidentified source [north of the manufacturing facility]."

1.1.2 July 2007 Groundwater Assessment Workplan

On July 10, 2007, Mineral Springs Environmental PC (MSE) submitted a workplan that addressed the groundwater assessment and included, among other items, (1) installation of a groundwater monitoring well, and completion of a geophysical survey and soil sampling in the Northrop Dump; (2) soil sampling at the location of the former French Drain, and (3) an Environmental Indicators Survey ("EIS"), intended to determine the presence of receptors within the surrounding area.

The workplan was approved in December 2007 by DWS, which suggested that "all existing monitoring wells should be sampled and analyzed for comparison to historical data." The DWS further suggested its interest in learning of "the construction and geometry" of the pipe that was related to the 1976 PCE Spill. The DWS recited language from the RFA which it stated may potentially require further sampling in the Northrop Dump area. As explained in this document, the workplan was conducted during April 2008 through September 2008.

MINERAL SPRINGS ENVIRONMENTAL PC

*Assessment Report
Former AD&F Site*

*October 31, 2008
Page 2*

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1.2 Ownership

The site was originally operated from approximately 1952 until 1962 by Amcel Propulsion, Inc. ("Amcel"). Amcel sold the property to Celanese Corporation of America ("Celanese") during March 1962. Celanese, in turn, sold the property to Northrop Carolina, Inc. ("Northrop"; affiliated with Northrop Corporation), which also acquired the contiguous property immediately north of the Facility. Northrop reportedly used the property as a manufacturing facility for pyrotechnics during the 1960s and early 1970s. During June 1971, Northrop sold the property upon which the Facility is located to M. Lowenstein & Sons, Inc. ("Lowenstein"); and the contiguous property immediately to the north of the Facility to Airtronics—the contiguous property is now referred to as the Chemtronics Superfund Site ("Chemtronics Site"), for which Northrop is a responsible party, along with Celanese.

Lowenstein, which held a controlling interest in Wamsutta Mills, operated a textile manufacturing operation at the Facility until March 3, 1976, when it sold the property to Winston Mills, Inc. ("Winston Mills"). At some point after the March 1976 sale, Asheville Dyeing & Finishing ("AD&F") acquired Winston Mills, and was in turn acquired by McGregor Corporation ("McGregor"). McGregor sold the assets of Winston Mills to Anvil Knitwear, Inc. ("Anvil") on December 29, 1994. Anvil operated the Facility as a textiles dyeing and finishing operation. Anvil sold the property to Dyna Diggr during December 2007, and the facility is currently vacant with the exception of some equipment.

McGregor was a subsidiary of Astrum International Corporation ("Astrum"), as was Culligan International ("Culligan"). Although Culligan neither owned, operated, contributed any material or waste whatsoever, and was not otherwise associated with the property, the asset sales agreement between McGregor and Anvil provided a guaranty "to the buyers of the sellers' obligations" by both Culligan and Astrum. Culligan oversaw the voluntary remediation of the PCE matter since approximately the mid 1990s. In accordance with a 2004 Stock Purchase Agreement between WASCO and CDRC Holding S.à.r.l., WASCO indemnifies CDRC as to certain matters associated at the Facility as they relate to specific Culligan obligations.

1.3 Site Use History

During the 1970s, AD&F conducted a double knit manufacturing process (related to the production of t-shirts) at the Facility. As part of the process, a solution of tetrachloroethene (PCE), also known as 'perchlorehtene' was used in a dry cleaning process. Two underground storage tanks were used at the Facility, one to store the raw PCE and the other to store used PCE, which was disposed offsite. The area where the dry cleaning activities took place was in the central portion of the manufacturing facility. The tanks were closed by removal in 1985 and soil sampling conducted beneath the tank locations indicated the presence of PCE and other related compounds. Of note; samples collected in 1984 from production wells located on the Charles Owen facility and south of the Facility, revealed the presence of chlorinated solvents. The presence of these solvents was ultimately referenced back to the AD&F operation. These wells—the Owens Wells—are no longer in use.

On August 12, 1976 a reported spill consisting of "50 gallons of 10% solution of [PCE] . . . and 200 gallons of essentially 100% solution" of PCE occurred within the manufacturing building of the AD&F facility. See N.C. Dept. of Natural & Economic Resources, Report of Investigation:

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Beetree Creek/Swannanoa River Fish Kill, Aug. 1976, at 4 (attached to Memorandum from M.W. Puette, Enforcement Administrator, N.C. Div. of Env'tl. Mgmt., to L.P. Benton, Jr., Chief, Water Quality Section, Oct. 18, 1976) ("1976 DNER Report"). The spilled material entered floor drains which subsequently discharged to an eight inch French drain located south and along the manufacturing facility. The drain ultimately discharged to Bee Tree Creek located to the east of the facility. Based on this occurrence, a small amount of dry cleaning solution entered Bee Tree Creek. The residual material was subsequently remediated.

It is our understanding as part of an investigation associated with the Chemtronics Site, representatives of Northrop acknowledged the Northrop Dump. In 1985 the Northrop Dump area was subsequently investigated by the North Carolina Health Section. Mr. Grover Nicholson concluded that the site was not an immediate hazard to the environment and the dump site might best be handled by including it in the Chemtronics remedial action.

2 ENVIRONMENTAL SETTING

2.1 Geologic and Hydrogeologic

2.1.1 Regional Geology

The Town of Swannanoa and Buncombe County are located within the Blue Ridge Physiographic province. The region is characterized by varied topography ranging from moderately broad valleys adjoining subdued hills to highly dissected rugged mountains. Elevations range from less than 1,500 feet to more than 5,900 feet above mean sea level.

Tributaries to one major river basin drain the region. The Swannanoa River flows westward into the French Broad River of the Tennessee River Basin. Streams exhibit moderate slopes and drainage is generally good. The region is underlain by a variety of metamorphic rocks, although meta-graywacke and muscovite biotite schist is predominate in Buncombe County according to information from the Geologic Map of North Carolina (1985). Greater detail is available from the Geologic Map of the Oteen Quadrangle, North Carolina (1972) which describes the bedrock in the Bee Tree Creek Valley as a garnetiferous Mica-Schist. Structurally, the rocks are generally oriented northeastward; however, considerable variations occur.

Bedrock in the region is overlain by some combination of topsoil, alluvial deposits and saprolite. Nevertheless, saprolite derived from the in-situ weathering of bedrock, is the predominant overburden material in the region. The saprolite typically ranges in thickness from a few inches to more than 100 feet in areas of subdued relief.

2.1.2 Site Geology

The facility is situated in a relatively broad stream valley at an elevation approximately 2,200 feet above sea level. Surface drainage from the site is to the southeast toward Bee Tree Creek and the Swannanoa River. Bee Tree Creek is located approximately 1,000 feet east of the facility and the Swannanoa River is approximately 1,900 feet south of the site.

Based on a geologic cross section (prepared by Aquaterra (see Appendix A)) of the site and properties to the south, the site is underlain by a series of saprolite with areas of alluvium and fill material, weathered rock and bedrock. The saprolite is comprised of silty sand and sandy silt.

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The saprolite ranges in thickness from 30 to 45 feet below land surface (BLS). Alluvial material is interspersed in areas of the site in the form of cobble zones. Underlying the saprolite specifically on the site is a zone of highly weathered rock. The weathered rock is not as prevalent in offsite borings. The weathered rock ranges in thickness from 10 to 25 feet thick. Below the weathered rock is a fractured mica schist. The bedrock extends to depths of 600 feet BLS.

2.1.3 Hydrogeology

2.1.3.1 Regional Hydrogeology

The climate in Buncombe County is considered temperate. The approximate average annual precipitation is between 39 inches and 56 inches per year, most of which is in the form of rain (Trapp, 1970). Bee Tree Creek runs adjacent to the site and drains into the Swannanoa River, which flows westward to the French Broad River. The French Broad River lies within the Tennessee River Drainage Basin.

Hydrogeologic units have been defined on the basis of rock type (e.g., muscovite-schist and igneous intrusives) (Daniel 1987). Many of the hydrogeologic units in Buncombe County owe their porosity and permeability to secondary structures such as fractures, joints and solution cavities. Well yields in Buncombe County range from 3 to 20 gallons per minute, with some yields reportedly as high as 60 gallons per minute (Trapp, 1970). In general, wells screened in bedrock have greater yields than those screened in the overlying unconsolidated sediments.

2.1.3.2 Site Specific Hydrogeology

There are two distinct hydrogeologic units beneath the site. These two hydrogeologic units consist of the unconsolidated saprolite, weathered bedrock/fractured bedrock. These units are interconnected and exhibit their own unique hydrogeologic characteristics.

A shallow aquifer lies within the unconsolidated saprolite to a depth of 30 to 45 feet BLS. Depth to water in this unconfined aquifer has ranged from 7.60 (MW-2s) to 19.67 (MW-7s) feet BLS during the July 21, 2008 groundwater sampling event. The depth to water level for the off site unconfined aquifer ranged from 4.20 (MW-16s) and 12.71 (MW-18s). Regarding the weathered rock/bedrock, depth to water level ranged from 3.31 (MW-17d) to 27.84 (MW-6d).

Groundwater beneath the site has historically shown to be flowing in a southeasterly direction in response to a hydraulic gradient of approximately 0.02 feet per foot (see Drawings 2-4). Based on the water levels for shallow and deep wells across the area of the groundwater contaminant plume, a downward groundwater flow occurs onsite and an upward groundwater flow occurs offsite near the Swannanoa River. Hydraulic conductivity values across the site vary between .00036 to .000048 centimeters per second. The groundwater seepage velocity across the site has been determined to be approximately 70 feet per year. Based on data obtained from a pumping test conducted in 1993, transmissivity (T) values for onsite shallow wells ranged from 1,790 to 13,160 gallons per day per foot (g/d/ft). The values for storativity (S) ranged from 2.613E-3 to 4.71E-2. In the intermediate wells, the values of T ranged from 540 to 7,330 g/d/ft and the values for S ranged from 8.00E-4 to 4.51E-2. The deep well values ranged from 920 to 9,335 g/d/ft and S ranged from 6.86E-4 to 4.5E-3.

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2.2 Surface Water

Bee Tree Creek is the eastern most property boundary for the AD&F facility. The creek is classified as a C stream by the North Carolina Surface Water Section in the area adjacent to the AD&F facility. Bee Tree Creek discharges to two ponds located on the property to the south. It is or understanding, the ponds are used for makeup water in the Charles Owen manufacturing facility. In addition the ponds are used for recreational purposes. One of the ponds discharges to the Swannanoa River. The Swannanoa River subsequently discharges to the French Broad River and is classified as a C stream. The stream is a fast flowing stream with steep banks. The river is approximately 200 feet wide.

2.3 Water Supply

A large percentage of the surrounding properties obtain their source of drinking water from the City of Asheville's water supply. The subject site and adjacent properties to the north, east and west are also connected to the City's water supply. The Charles Owen manufacturing facility and Charles Owen Recreational Park located to the south also are connected to the City water supply. In addition, properties along Warren Wilson College Road have access to the City water supply and appear to be connected. However, two former drinking water wells were identified to the west of the site. These wells are currently used for irrigational purposes.

MSE performed a water search of properties located across the Swannanoa River. Using a 1500 foot radius at a location just south of the river, a reconnaissance was conducted. This location was selected based on the fact the contaminant plume has been identified at a location north of the river. During the survey several drinking water wells were identified on the south side of the Swannanoa River. A total of seven wells were identified and are primarily greater than 1,000 feet from the river. One well was identified at a relatively new residence located at Riparian Way and directly across the river from the Charles Owen facility. Based on observations during the survey residences located on the western section of Davidson Road, certain residences are connected to City water based on the presence of water meters. The waterlines appear to run along New Salem Road. The waterlines are not present along Davidson east of Linn Garden Lane. Drawing 5 shows the drinking water well locations and Table 1 summarizes the water usage.

3 Site Assessment Activities

3.1 Site Assessment and Remediation

Since 1988 a total of 40 monitoring wells have been installed at the site to assess the groundwater quality (see Drawing 6). These wells have been installed through seven phases of groundwater assessment programs. In addition, approximately 18 years of periodic sampling has been performed across the site. Since 1998, an onsite voluntary remediation system has been in operation and was designed to reduce the source of groundwater impact. During the assessment program the only contaminants identified have been PCE and the breakdown compounds cis1,2 dichloroethene and trichloroethene. One other compound, dichloropropane

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has also been detected consistently throughout the sampling events. This compound is a tracer associated with PCE product.

Historically, the PCE plume has been identified to be present in a narrow lenticular shaped plume and originates from two distinct locations. These locations are an unknown source located north of the facility and defined by well cluster MW-4 and the former UST area defined as the hazardous waste management unit. The plumes appear to have commingled. The presence of chlorinated solvents has been identified in the unconsolidated soil, weathered rock interface and the fractured bedrock.

In the shallow unconsolidated soil PCE concentrations obtained in October 2007 and April 2008, a small area centered around MW-6s exhibited concentration in excess of 100 parts per billion (ppb). The area of this impact measures approximately 170 feet wide by 360 feet long and is onsite. The remaining shallow wells exhibit concentrations of PCE between 47.4 (MW-14s) and 1.47 (MW-4s) (see Drawing 7). The total shallow plume dimensions are approximately 624 feet wide by 1,840 feet wide. The down gradient extent of the plume appears to be defined by the two recreational ponds.

Based on the groundwater obtained in October 2007 and April 2008, the intermediate groundwater PCE plume exhibits dimensions of 435 feet wide by 1,920 feet long (see Drawing 8). The PCE concentrations range from a high of 265 ppb in OW-2i to a low of 11.4 ppb (MW-5i). Again as with the shallow plume the highest concentrations are located on the subject site. Regarding the deep PCE, impact was only detected in MW-6d and MW-20d at concentrations of 0.77 ppb and 17.8 ppb during the October 2007 sampling event (see Drawing 9). Both these wells are located on the AD&F property. Only 1,2 dichloropropane—a compound that is not a biodegradation derivative of PCE/TCE, which is the express scope of the Request—was detected in offsite wells at a concentration exceeding it's cleanup standard. The compound was detected at 1.99 ppb in monitoring well MW-14d.

3.2 Solid Waste Management Unit Assessment

3.2.1 Northrop Dump

The results of the activities related to the Northrop Dump indicate there is no significant change from information contained within the N.C. Dept. of Human Resources, Div. of Health Service's ("DOH") April 3, 1986 Site Investigation Report, which was submitted to Ms. Denise Bland, the EPA's North Carolina CERCLA Project Officer ("1986 Health Services Report"). That report detailed observations and findings of the DOH's May 1985 site inspection, and stated the Northrop Dump is "not presently a contamination threat to surrounding surface water and groundwater."

Due to the overgrown condition of the Northrop Dump, the following scope of work was performed;

- Removed the ground cover from on top of the landfill;
- Performed surface geophysical survey (attempt to locate potential subsurface anomalies);
- Conducted general profiling & sampling of areas identified as anomalies, as appropriate.

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3.2.1.1 Geophysical Survey

Prior to performing any sampling / profiling activities, the ground cover and small trees were cleared using a bush hog cutting device attached to a tractor and other manual devices. This provided an open area to perform the geophysical survey. The geophysical investigation was performed to delineate the approximate footprint of the landfill area and to locate areas containing geophysical anomalies.

Geophysical Survey Investigations, PLLC (GSI), conducted the geophysical survey across the Northrop Dump. The geophysical investigation consisted of conducting an electromagnetic (EM31) ground conductivity survey and metal detection (EM-61) survey. Prior to data acquisition, GSI established a 20-foot by 20-foot survey grid across the geophysical area using measuring tapes, pin flags, and marking paint. The grid measured approximately 280 feet wide by 260 feet long. Geophysical data points and cultural features such as roads, buildings, utility poles, etc., were referenced using this survey grid coordinate system.

EM31 apparent ground conductivity and in-phase (metal detection) (EM-61) data was simultaneously collected at approximately 5-foot intervals along survey lines spaced 10 feet apart. The survey lines were oriented approximately perpendicular to the known axis of the landfill.

The EM31 and EM-61 instrument is able to detect subsurface anomalies to a maximum depth of approximately 15 feet and eight feet respectively. The data was digitally collected and downloaded to a field computer and processed into color, contoured conductivity and in-phase maps. Although the results will not provide thickness or depth of debris information, the results should delineate the perimeters of areas containing subsurface anomalies.

The Geophysical Investigation report is attached as Appendix B. The EM-31 and EM-61 surveys provided reliable results in delineating the perimeter of buried metallic waste and areas containing significant or large metal objects. The report further indicates that the metallic waste is centered near grid coordinates X=130, Y=130 and comprises an area of approximately 19,500 square feet. The highest amplitude anomalies are likely areas containing large buried metal objects or areas containing the highest concentration of metal objects or debris (such as grid coordinates X=87 Y=160; X=100 Y=113; X=150 Y=105; and X=208 Y=102). In addition, the EM-31 data was influenced by the large concentration of metallic surface metallic material. Appendix B Figures 4 thru 6 show the results of the geophysical survey.

3.2.1.2 Northrop Dump Profiling and Soil Sampling

Based on the results of the geophysical survey, steps were taken to perform evaluative investigatory activities. Between March 31, 2008 and April 4, 2008, a total of 17 grid locations were evaluated employing a "surgical" sampling technique (e.g., lifts not exceeding six inches). The evaluation locations are shown on Drawing 10. A brief description of the material identified in each location is presented below. Photographs of the investigation are contained in Appendix C.

Grid Location 70/170	Native soil and rocks with a few pieces of metal (angle iron) were encountered. Groundwater encountered around 4.5 feet.
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Grid Location 80/200	Some native soil mixed with concrete block. Approximately 18 inches below surface a green powder was encountered.
Grid Location 100/230	Native soil mixed with rebar, angle iron with concrete blocks mixed with wire, plastic and bottles.
Grid Location 130/180	Native soil, two drums lying flat in the location, metal, plastic wire rebar and block were also encountered.
Grid Location 150/150	Block, metal, rebar, rocks and native soil was found in this location. Two types of solid material were observed. One material was red and the second was white in color.
Grid Location 180/110	Metal, plastic paint cans blue green paint. White ash powder, Tire, metal and some soil. 55 gallon drums were present in the location, likely containerized general plant refuse and debris.
Grid Location 170/100	Several drums observed; variously marked "Naval Ammunitions (Crane Indiana)" "Class B Poison" and "Di Nitro Toluene."
Grid Location 60/95	Corrugated metal pipe, small drum, and black plastic, red murky water.
Grid Location 105/105	Numerous 55 gallon size drums with larger outer rims, concrete and rebar.
Grid Location 110/155	Yellow type solid material, concrete, rebar and drums.
Grid Location 120/90	55 gallon drums with material in them, strong odor.
Grid Location 130/75	15 to 20 lids indicated Sodium Nitrate, blocks were present in the location along with red dye material.
Grid Location 150/75	Large concentration of 55 gallon drums with labels indicating Di Nitro Toluene. Other labels indicate mixture tech blend-m, Lot 9 645 Dr, 78, 95, 550.
Grid Location 150/110	55 gallon drums identified with placards "Do Not Drop" and Di Nitro Toluene labeling were present in the location.

In addition to the above, several containers labeled "magnesium atomized potassium" were also present and interspersed through the areas. In addition, areas of diffused metal were present in some of the sampling areas.

A total of 13 representative soil samples were collected from various points in the Northrop Dump area and analyzed for the presence of chemicals of concern. The sampling locations were labeled according to the grid spacing designation. The soil and water samples are comprised of grab samples from the sampling areas. The analytical results are contained in Appendix D and summarized in Table 2 (Table 1 provides the results as well as the North Carolina Soil Screening

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Levels as provided in the "Guidelines for Establishing Remediation Goals at RCRA Hazardous Waste Sites"). The compounds detected are typically associated with heavy petroleum or cutting oils. Several metal compounds were also detected in samples collected from the excavated trenches. The primary metal compounds detected consisted of chromium, lead, magnesium, nickel and zinc.

Based on our review of the data, the results suggest that the primary material disposed within the Northrop Dump represents a combination of byproduct of a metal cutting operation and suspected containerized general plant refuse and debris. Inorganic metal compounds, heavy oil and minor chlorinated solvents are typical compounds associated with metal cutting activities. Labels and markings that were observable on the partially buried drums in the Northrop Dump area indicate the original contents may have been used as accelerants to propel the flares or allow a reaction, which is consistent with the manufacturing of roadway and or military flares that was historically conducted by Northrop. It is likely that the observed drums were emptied as part of Northrop's manufacturing processes and then used for disposal of other waste.

McGregor entities historically indicated that they did not contribute to the Northrop Dump, and initiated communications with Northrop to communicate its liability for all investigative and remedial actions that may be required, and sought Northrop's voluntary cooperation. In addition, several communications from regulatory agency representatives reflect the observation that Northrop is wholly and properly the responsible party for any future actions associated with the Northrop Dump—in addition to the 1986 Health Services Report, this verbiage is contained within the RFA, and the Request. The 1986 Health Services Report stated that, because any wastes in the Northrop Dump arguably "originated with Northrop Carolina," any future required action would "best be handled by including it in the Chemtronics . . . [CERCLA] remedial action." The 2008 Geophysical Survey of the Northrop Dump is in accord with the previous regulatory agency representations as to both its origins and resulting liability being properly associated with Northrop.

3.2.1.3 Groundwater Assessment Program

A single shallow groundwater monitoring well MW-24s was installed at a point between the Northrop Dump and Bee Tree Creek (see Drawing 6). The well was constructed of Schedule 40 PVC and was equipped with 15 feet of 0.010 slotted well screen. The well was installed to a total depth of 21 feet. Once the well was installed and properly developed, a groundwater sample was obtained and analyzed for the presence of VOCs, SVOCs and inorganic compounds. In addition, previously installed monitoring wells MW-22s and MW-23s were also sampled for the presence of the above mentioned compounds.

No compounds were present in the sample from MW-24s, which was installed down-gradient from the Northrop Dump, between it and Beetree Creek. In fact, only the groundwater sample obtained from monitoring well MW-22s—which is upgradient of the Northrop Dump—indicated the presence of compounds above the North Carolina Groundwater Quality Standard (NCGWQS). Four inorganic compounds, chromium, lead, nickel and selenium were detected. No other compounds were detected above the NCGWQS in any of the wells. The analytical results are contained in Appendix D and summarized in Table 3.

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3.3 Scope of Work for French Drain

The French Drain is an eight inch slotted pipe that runs the entire length of the building and discharges to the City of Asheville sewer system. The drain was installed at the time the building was constructed as a mechanism to divert water to prevent the building from flooding. The depth of the drain is approximately five to 15 feet below ground surface. The exact construction is unknown, although it is believed that the slotted section, as with typical French Drain construction, was limited to the area of the building, and was connected to solid piping from that point. While the piping system allowed discharge to Beetree Creek during 1976, the Winston Mills managers believe the line was attached to the sewer piping that fed to the local wastewater treatment plant. See 1986 Health Services Report. As part of its 1976 investigation, the DNER's Water Quality Section reviewed Facility plans that showed "plant sewerlines [sic] and their relation to the corrugated surface and groundwater drainage pipe." See 1976 DNER Report at 2. At some point prior to 2004, the line that formerly discharged to Beetree Creek was "capped . . . [and] joined to the facility's POTW sewerage line. See RFA, at 36. The location of the French drain is shown in Drawing 6.

As part of the 2008 assessment, a single soil sample was collected at the point where the French Drain terminated at the time of the original incident, or as close as possible (down-gradient). The sample was collected at the sewer discharge point and is shown on Drawing 7, and the analytical results are contained in Appendix E. This sample was analyzed for the presence of VOCs according to SW-846 Method 8260. Only one compound, acetone, was detected in the sample at concentrations above the laboratory practical quantitation limits. The concentration was 47 ppb, and there is no clean-up value associated with soil samples for this parameter. Acetone is a well documented laboratory relic associated with the SW-846 Method 8260 analytical method used. Additionally, acetone is not a biodegradation derivative of PCE/TCE.

4 CONCLUSION

The Facility has been subjected to eighteen (18) years of continuous assessment and sampling in connection with PCE. During this time, the plume configuration has remained the same, while the overall groundwater concentrations have decreased. The substantial risk that further assessment activities will create 'conduits', which will (1) allow vertical / cross-zone migration, and (2) abrogate the positive results achieved to date, indicates the detriments associated with 'chasing' an additional part per billion.

The ongoing remediation and contaminant source reduction at the Facility has proven to be, and remains, effective. Accordingly, we believe no benefit will result from further vertical or horizontal assessment. The risks in performing additional assessment activities—which, as explained above, may likely exacerbate the situation by inducing migration—are sufficiently strong to warrant caution and restraint. No additional data to support identification of contributory sources or further delineation of the existing groundwater will be derived from continued investigative efforts.

Regarding the Northrop Dump area, rusted drums were identified and extremely minor impact to the soil was identified. This is consistent with the historical record, most notably the verbiage of the 1986 Health Services Report. Several communications from regulatory agency representatives reflect the observation that Northrop is the responsible party for any situation associated with the

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Northrop Dump area—in addition to the 1986 Health Services Report, language to this effect is included in both the RFA and the Request. The 1986 Health Services Report stated that, because any wastes in the Northrop Dump arguably “originated with Northrop Carolina,” any future required action would “best be handled by including it in the Chemtronics . . . [CERCLA] remedial action.” The 2008 Geophysical Survey of the Northrop Dump is consistent with the previous regulatory agency representations as to both its origins and resulting liability being properly associated with Northrop.

5 SUBMITTAL

The opinions and procedures outlined in this workplan report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of WASCO LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental

Kirk B. Pollard

Kirk B. Pollard, L.G.
President

MINERAL SPRINGS ENVIRONMENTAL PC

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Exhibit I-22

2009-03-23 – October 2008 Quarterly
Effectiveness Monitoring Report

- Doc. Ex. 772 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

March 23, 2009

Ms. Mary Siedlecki
 Hazardous Waste Section
 NCDENR, Division of Waste Management
 1646 Mail Service Center
 Raleigh, NC 27699-1646



Subject: **October 2008 Quarterly Effectiveness Monitoring Report
 Former Asheville Dyeing and Finishing Facility
 Swannanoa, North Carolina
 NCD 070 619 663
 MSE Job 123**

Dear Ms. Siedlecki:

Attached are three copies of the October 2008 Quarterly Effectiveness Monitoring Report for the site referenced above. Mineral Springs Environmental, P.C. collected samples from all but one of the groundwater monitoring wells (MW-1) to develop a current picture of the site groundwater conditions. This includes the two groundwater monitoring wells adjacent to the debris pile. The results of this sampling are included in the report.

If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads 'Kirk B. Pollard'.

Kirk B. Pollard, L.G.
 Principal Geologist

123/Qty/Oct 2008/kr

- Doc. Ex. 773 -

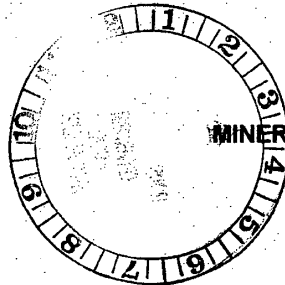


OCTOBER 2008 QUARTERLY EFFECTIVENESS MONITORING REPORT

FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
MARCH 23, 2009
MSE JOB NO. 123



Prepared For:
MR. RODNEY HUERTER
WASC LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032



MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186



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Appendix B	Groundwater Concentration Versus Time Graphs

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**OCTOBER 2008 QUARTERLY EFFECTIVENESS
MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
March 23, 2009**

1 BACKGROUND

Asheville Dyeing and Finishing (AD&F) removed one waste tetrachloroethene (PCE) underground storage tank (UST) and one virgin PCE UST in April 1985 from their site located in Swannanoa, North Carolina (Drawings 1 and 2). The location of the former waste PCE UST was designated as a hazardous waste management unit (HWMU) by the North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM).

An administrative Order of Consent (AOC) was issued to AD&F by the DWM on October 11, 1990. The AOC required AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. The HWMU was closed by AD&F in late 1992 and seven phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater downgradient of the HWMU. The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and SVE effluent air and groundwater quality trends.

2 REMEDIAL ACTIVITIES

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

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2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and 3/4-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

2.3 System Performance

From July 2007 through October 2008, RS-1 and RS-2 continued normal operation with no system shutdowns occurring in the past three months. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Additionally, the effluent discharge flow rate from each SVE blower is measured monthly using an anemometer.

On October 25, 2008, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) was approximately 650 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The flow rate associated with the SVE blower discharge from RS-2 (SVE 2) was approximately 480 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

3 REMEDIATION SYSTEM EFFECTIVENESS

The effectiveness of each groundwater remediation system is evaluated by testing the PCE content in the groundwater samples collected from the monitoring wells. The analytical results for the groundwater samples collected in October 2008 are presented below.

3.1 Groundwater Sampling

3.1.1 General

MSE performed the October 2008 groundwater sampling event to monitor the effectiveness of the on-going voluntary groundwater remediation systems. The effectiveness of the remediation systems is evaluated by monitoring the groundwater monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i. However, for this monitoring event, MSE representatives collected groundwater samples from all the on-site and off-site monitoring wells, except MW-1. The wells were sampled to determine the current groundwater conditions both on and off the site.

MINERAL SPRINGS ENVIRONMENTAL P.C.

*October 2008 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

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Page 2*

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3.1.2 Groundwater Flow

Groundwater elevations were measured from all groundwater monitoring wells except MW-1. The data collected is summarized on Table 1. Using this data, MSE has prepared groundwater contour maps for the shallow and intermediate aquifer horizons (Drawings 4 and 5). Drawing 6 shows the water table elevations of the wells completed in the fractured bedrock zone. This zone was not contoured because the wells are completed within different water bearing fracture sets.

Drawing 4 depicts groundwater flow at the water table. The influence of the two SVE systems can be seen with the mounding of the water table beneath the building and at monitoring well nests MW-5 and MW-6. Overall, the groundwater is flowing toward the southeast, to the Swannanoa River at a gradient of approximately 0.017 feet per foot. Within the intermediate zone, the groundwater flows in the same direction, at the same gradient.

3.1.3 Groundwater Sampling and Analytical Results

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan and the samples were transported under chain-of-custody to Research & Analytical Laboratories, Inc. located in Kernersville, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B.

Laboratory analytical results and chain-of-custody records for the October 2008 groundwater sampling event are included as Appendix A and summarized in Drawings 7 through 9 and Table 2. Historical data for the effectiveness monitoring wells listed above are included as Table 3. Graphs showing historical trends of effectiveness monitoring wells are included in Appendix B.

The primary constituents of concern present in groundwater include PCE and its biodegradation products of trichloroethene (TCE) and cis-1,2-dichloroethene (cis-1,2-DCE). Of these compounds, only PCE and TCE are present at concentrations exceeding their respective NCGWQS.

MSE has prepared estimated isoconcentration maps for the PCE in the shallow, intermediate, and deep aquifers (Drawings 7, 8, and 9). The extent of PCE impact above NCGWQS extends from the AD&F facility to the Swannanoa River within the shallow and intermediate aquifers. The extent of PCE impact within the deep aquifer is restricted to the well located slightly north of the facility.

PCE was detected in 27 of the 39 samples collected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$). Concentrations range from 400 $\mu\text{g/L}$ (MW-13s) to 0.830 $\mu\text{g/L}$ (MW-16d). TCE was present in eleven samples (MW-5i, MW-6s, MW-6i, MW-11i, MW-13s, MW-14s, MW-14i, MW-16s, MW-20s, MW-20d and OW-2i) at concentrations above the NCGWQS of 2.8 $\mu\text{g/L}$. The TCE concentrations ranged from 16.0 $\mu\text{g/L}$ (MW-16s) to 3.27 $\mu\text{g/L}$ (MW-5i). Cis-1,2-DCE was not present in any of the wells at a concentration exceeding the NCGWQS of 70 $\mu\text{g/L}$.

4 GROUNDWATER QUALITY TRENDS

PCE concentrations increased in a majority of the groundwater monitoring wells that were also sampled in October 2007, when the last large scale sampling event was conducted. TCE concentrations remained very similar to concentrations observed in the October 2007 event.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

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TCE and cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

5 CONCLUSIONS AND RECOMMENDATIONS

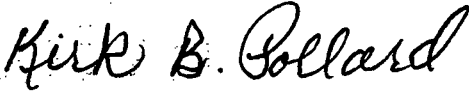
PCE concentrations increased slightly in the majority of the groundwater monitoring wells that were also sampled in October 2007, when the last large scale sampling event was conducted. Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE and other VOCs located on the AD&F property. Continued reduction in source area contaminant concentrations is expected to reduce the horizontal and vertical migration of the contaminants of concern. MSE recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance.

6 LIMITATIONS

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*October 2008 Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*March 23, 2009
Page 4*

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Exhibit I-23

2009-03-18 – January 2009 Semi-Annual Post-Closure Care Groundwater Monitoring Report

- Doc. Ex. 781 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

March 18, 2009

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Received
MAR 2009
Hazardous
Waste Section

Subject: January 2009 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123

Dear Ms. Siedlecki:

Please find attached three copies of the *January 2009 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

Kirk B. Pollard

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 782 -



**JANUARY 2009
SEMI-ANNUAL POST-
CLOSURE
CARE GROUNDWATER
MONITORING REPORT**

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
MARCH 18, 2009
MSE JOB NO. 123**

MINERAL SPRINGS ENVIRONMENTAL, P.C.

**Prepared For:
MR. RODNEY HEURTER
WASC LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032**

**MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186**



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4 Summary	2
5 Limitations	3

DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Site Map
Drawing 3	Estimated Water Table Contour Map (January 2009)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (January 2009)
Drawing 5	Estimated Groundwater Flow – Deep Zone (January 2009)

TABLES

Table 1	Water Level Measurements – January 28, 2009
Table 2	Historical Groundwater Analytical Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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**January 2009 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility**
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
March 18, 2009

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the January 2009 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by WASC, LLC., the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G.

2 Field Activities

2.1 Water Level Measurements

On January 28, 2009, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is

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migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On January 28, 2009, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Paradigm Analytical Laboratories, Inc. (Paradigm) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 Groundwater Analytical Results

The laboratory analytical report for the January 2009 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 μ g/L in samples collected from MW-2s (5.93 μ g/L), MW-12s (29.9 μ g/L), MW-12i (15.4 μ g/L), and MW-13s (471 μ g/L).

Cis-1,2-dichloroethene (DCE) was not detected at a concentration above the NCGWQS of 70 μ g/L in the four wells sampled.

Trichloroethene (TCE) was again detected at a concentration above the NCGWQS of 2.8 μ g/L in the sample collected from MW-13s (7 μ g/L).

4 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

January 2009 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

March 18, 2009
Page 2

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Additionally, the calculated hydraulic gradients are consistent with past determinations.

- PCE was detected in the groundwater sample collected from background well MW-2s.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentration in MW-12s was slightly higher than during the January 2008 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s and MW-12i were either below the laboratory practical quantitation limits or at or below their respective NCGWQS. The sample collected from MW-13s exhibited concentrations that exceed the standards for TCE.

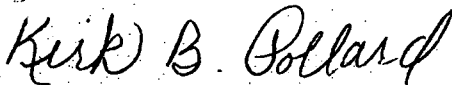
MSE will conduct the next semi-annual post-closure monitoring event in January 2009.

5 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2009 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*March 18, 2009
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2010-02-16 – January 2010 Semi-Annual Post-Closure Care Groundwater Monitoring Report

- Doc. Ex. 788 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

February 16, 2010

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646



Subject: January 2010 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123

Dear Ms. Siedlecki:

Please find attached three copies of the *January 2010 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 789 -

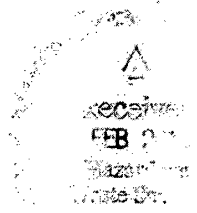


**JANUARY 2010
SEMI-ANNUAL POST-
CLOSURE
CARE GROUNDWATER
MONITORING REPORT**

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663**

FEBRUARY 16, 2010

MSE JOB NO. 123



Prepared For:

MR. RODNEY HEURTER

WASC LLC

4760 WORLD HOUSTON PARKWAY, SUITE 100

HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.

4600 MINERAL SPRINGS LANE

RALEIGH, NORTH CAROLINA, 27616

919.261.8186



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DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Site Map
Drawing 3	Estimated Water Table Contour Map (January 2010)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (January 2010)
Drawing 5	Estimated Groundwater Flow – Deep Zone (January 2010)

TABLES

Table 1	Water Level Measurements – January 14, 2010
Table 2	Historical Groundwater Analytical Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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- Doc. Ex. 791 -**January 2010 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
February 16, 2010****1 Introduction**

Mineral Springs Environmental, P.C. (MSE) has completed the January 2010 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by WASC, LLC., the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G.

2 Field Activities**2.1 Water Level Measurements**

On January 14, 2010, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is

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migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per feet. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On January 14, 2010, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to SGS Analytical Laboratories (SGS) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 Groundwater Analytical Results

The laboratory analytical report for the January 2010 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from MW-12s (7.54 µg/L), MW-12i (36 µg/L), and MW-13s (149 µg/L).

Neither cis-1,2-dichloroethene (DCE) or trichloroethene (TCE) were detected at concentrations above the NCGWQS of 70 µg/L or 2.8 µg/L, respectively, in the four wells sampled.

4 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

January 2010 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

February 16, 2010
Page 2

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- Regarding the upgradient monitoring well MW-2s, no compounds were detected at concentrations in excess of the LPQL.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentration in MW-12s was slightly higher than during the July 2009 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-13s and MW-12i were either below the laboratory practical quantitation limits (LPQL) or at or below their respective NCGWQS.
- MSE will conduct the next semi-annual post-closure monitoring event in July 2010.

5 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard

Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2010 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*February 16, 2010
Page 3*

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Exhibit I-25

2010-06-14 – Surface Water and
Groundwater Sampling Workplan

- Doc. Ex. 795 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

June 14, 2010

Ms. Mary Siedlecki
Department of Environment and Natural Resources
Hazardous Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Received
JUN 2010
Hazardous
Waste Section

Subject: **Surface Water and Groundwater Sampling Work plan
Former Asheville Dyeing & Finishing Site
Swannanoa, Buncombe County, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Ms. Siedlecki:

Mineral Springs Environmental (MSE) has prepared the following workplan for your review. The workplan details the methods to be used to conduct surface water sampling and additional groundwater sampling in relation to the above mentioned site. Analytical results for monitoring wells MW-18s and MW-18d have historically shown below laboratory detection limits for tetrachloroethene, indicating the compound has not reached these specific locations. As such sampling across the Swannanoa River does not appear to be warranted at this time. This is further supported by the fact an upward vertical gradient exist between MW-18d and MW-18s and also the fact the Swannanoa River is a receiving or discharge water body.

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Senior Geologist

- Doc. Ex. 796 -

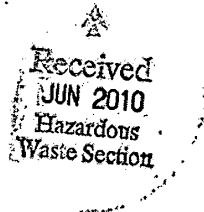


SURFACE WATER AND GROUNDWATER SAM- PLING WORKPLAN

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663**

JUNE 14, 2010

MSE JOB NO. 123



Prepared For:

MR. RODNEY HEURTER

WASC LLC

4760 WORLD HOUSTON PARKWAY, SUITE 100

HOUSTON, TEXAS, 77032

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DRAWINGS

Drawing 1	Topographic Site Map
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**SURFACE WATER AND GROUNDWATER SAMPLING WORKPLAN
FORMER ASHEVILLE DYEING & FINISHING SITE
WARREN WILSON COLLEGE ROAD
Swannanoa, Buncombe County, North Carolina
June 14, 2010**

1 INTRODUCTION

The North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM) issued a memorandum to Asheville Dyeing and Finishing Company (AD&F) on December 22, 2009 (Memorandum). The Memorandum, which was sent to WASCO, LLC (WASCO), announced DWM's formal evaluation of AD&F's status under Environmental Indicator Event Codes CA725 and CA750 for the former AD&F facility located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina (Site; Drawing 1). The evaluation reportedly indicated that certain data gaps needed to be addressed and requested the submittal of a work plan to address the data gaps.

As explained in Section 1.1 of this work plan, WASCO is not, and never has been an owner or operator of the Site, but has continued Culligan International Company's (Culligan) voluntary operation of the groundwater remediation system (System) at the Site, pursuant to certain and limited indemnification obligations between WASCO and Culligan. In continuation of the long history of good relations WASCO has developed with DWM at the Site as a result of its operation of the System, WASCO has retained Mineral Springs Environmental PC to develop and submit this work plan, which addresses DWM's request in the Memorandum to collect certain surface water and groundwater samples at the Site.

1.1 Site Information

The Site was originally developed by Amcel Propulsion, Inc. during approximately 1952. Amcel sold several tracts in Swannanoa Township, including the Site, to Celanese Corporation of America on March 2, 1962. On October 1, 1965, Celanese sold the properties, including the Site, to Northrop Carolina, Inc. (which also owned neighboring property that is currently referred to as the Chemtronics Superfund site, for which the U.S. EPA named Northrop Grumman Systems Corporation as one of three viable potentially responsible parties).

Northrop sold the Site to M. Lowenstein & Sons, Inc. on June 14, 1971. M. Lowenstein & Sons sold the Site to Winston Mills, Inc. on March 3, 1976. An unincorporated division of Winston Mills—AD&F—operated the Site. AD&F removed one waste tetrachloroethene (PCE) underground storage tank (UST) and one virgin PCE UST from the Site in April 1985 (Drawings 1 and 2). DWM designated the location of the former waste PCE UST as a hazardous waste management unit (HWMU).

In 1986, McGregor Corporation acquired Winston Mills. On August 29, 1990, Winston Mills entered into an Administrative Order on Consent, Docket No. 89-249 (AOC) with DWM to address conditions associated with the former hazardous waste underground storage tank. The AOC required AD&F to close the HWMU, address the horizontal and vertical extent of

- Doc. Ex. 799 -

groundwater impact, and submit a Part A application under 40 C.F.R. §§ 270.70–270.73. The HWMU was closed by AD&F in late 1992, and the DWM certified closure in March 1993.

Seven phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. The Hazardous Waste Section, in a correspondence issued in 1997, documented the extent of groundwater impact from the HWMU had been essentially defined and no further assessment was required as a result of the release from the HWMU.

McGregor and Winston Mills sold the Site to Anvil Knitwear, Inc. on January 28, 1995. Astrum International Corporation was the parent corporation of both Anvil and McGregor. Astrum and Culligan International, which was a separate subsidiary of Astrum, were both identified as guarantors for Winston Mills. During 1998, United States Filter Corporation (USFC; now known as WASCO) acquired Culligan as a subsidiary. As a result of the acquisition, DWM directed USFC to file a Part A permit application.

In 1998, Culligan installed a combination air sparge (AS) and soil vacuum extraction (SVE) system to remediate the groundwater downgradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations. The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001, Culligan installed a second remediation system (RS-2) to the north of RS-1 to address groundwater impact associated with an unidentified source.

During 2004, USFC sold Culligan, but retained certain limited obligations to indemnify Culligan (which includes the potential for WASCO to transfer operation of the System back to Culligan at an unspecified time in the future, with no further association by WASCO with the System). Anvil sold the Site to Dyna-Diggr, LLC on December 18, 2007. During September 2008, WASCO was requested to submit an amended EPA Form 8700-23 to reflect the change in property ownership. Although it is solely the operator of the remediation system, WASCO complied with the request—as detailed above, neither WASCO nor its indemnitee Culligan were ever owners or operators of the Site.

In summary, PCE has not been used at the site since the early 1980s, and the USTs used to store the waste and raw PCE were also removed during that time, and the secondary soil source was excavated. Based on the most recent groundwater data the groundwater plume continues to be defined. Over the last twenty (20) years of assessment and sampling the plume configuration has remained the same, and overall groundwater concentrations have decreased.

1.2 Purpose

Mineral Springs Environmental PC (MSE) was contracted to perform surface water sampling of Beetree Creek, Owens Ponds and the Swannanoa River. In addition, groundwater sampling will be performed on monitoring wells MW-18s and MW-18d during the next scheduled groundwater sampling event.

MINERAL SPRINGS ENVIRONMENTAL PC

*Surface Water and Groundwater Work plan
Former AD&F Site*

*June 14, 2010
Page 2*

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1.3 SURFACE WATER SAMPLING PROGRAM

1.3.1 Charles Owens Recreational Ponds

A total of two samples will be obtained from each pond (see Drawing 2). The ponds will be divided into halves and a representative sample will be obtained from each half of the pond. Prior to conducting the sampling, each pond will be sounded to determine the depth. Accessing the pond with a boat, the surface water samples requested in the Memorandum will be collected. The samples will be analyzed for the presence of volatile organic compounds (VOCs) according to SW-846 Method 8260.

1.3.2 Swannanoa River

A total of three surface water samples will be obtained from the Swannanoa River (see Drawing 2) using the appropriate sampling device. One sample will be obtained from a location up stream from the Charles Owens Recreational facility. The second sample will be obtained from a location near monitoring well cluster MW-18 and one sample will be obtained from a location slightly down steam from the Owens facility. The samples will be analyzed for the presence of VOCs according to SW-846 Method 8260.

1.3.3 Bee Tree Creek

One surface water sample will be obtained from Bee Tree Creek (see Drawing 2), near the outfall of the French Drain using the appropriate sampling device. The sample will be analyzed for the presence of VOCs according to SW-846 Method 8260.

1.4 GROUNDWATER SAMPLING

Monitoring wells MW-18s and 18d will be added to the list of wells to be sampled on an annual basis. The samples will be analyzed for the presence of VOCs according to SW-846 Method 8260. The sample will be collected in accordance with the site SAP.

2 SCHEDULE

Once the work plan has been reviewed by the Section and approved, work task will commence. The overall field activities and analysis of samples will take approximately two to three days to complete. The report will take approximately one month to complete once all the data has been completed.

3 SITE HEALTH AND SAFETY

A site-specific health and safety plan (HASP) will be prepared by MSE personnel to be utilized by MSE personnel. Subcontractors working within the exclusion area will either prepare their own equivalent HASP or follow the MSE plan. Site workers will have received OSHA 40-hour training as specified in Title 29 CFR 1910.120 with eight-hour refresher training within the last year.

MINERAL SPRINGS ENVIRONMENTAL PC

*Surface Water and Groundwater Work plan
Former AD&F Site*

*June 14, 2010
Page 3*

- Doc. Ex. 801 -

4 SUBMITTAL

The opinions and procedures outlined in this workplan report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of WASC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental PC

Kirk B. Pollard

Kirk B. Pollard, L.G.
President

MINERAL SPRINGS ENVIRONMENTAL PC

*Surface Water and Groundwater Work plan
Former AD&F Site*

*June 14, 2010
Page 4*

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Exhibit I-26

2011-01-10 – July 2010 Semi-Annual Post-Closure Groundwater Monitoring Report

- Doc. Ex. 803 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

January 10, 2011

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: July 2010 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123



Dear Ms. Siedlecki:

Please find attached three copies of the *July 2010 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

Kirk B. Pollard

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 804 -



**JULY 2010
SEMI-ANNUAL POST-
CLOSURE
CARE GROUNDWATER
MONITORING REPORT**

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
JANUARY 10, 2011**

MSE JOB NO. 123

Prepared For:
MR. RODNEY HEURTER
WASC LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186



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DRAWINGS

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Drawing 2	Site Map
Drawing 3	Estimated Water Table Contour Map (July 2010)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (July 2010)
Drawing 5	Estimated Groundwater Flow – Deep Zone (July 2010)

TABLES

Table 1	Water Level Measurements – July 2010
Table 2	Historical Groundwater Analytical Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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- Doc. Ex. 806 -

**July 2010 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
January 10, 2011**

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the July 2010 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by WASC, LLC., the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G.

2 Field Activities

2.1 Water Level Measurements

On July 27, 2010, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.017 feet per feet. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is

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migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per feet. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On July 27, 2010, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. During this sampling event, groundwater samples were also obtained from monitoring wells MW-18s and MW-18d. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to SGS Analytical Laboratories (SGS) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 Groundwater Analytical Results

The laboratory analytical report for the July 2010 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from MW-12s (98.8 µg/L), MW-12i (23.4 µg/L), and MW-13s (88.5 µg/L).

Neither cis-1,2-dichloroethene (DCE) or trichloroethene (TCE) were detected at concentrations above the NCGWQS of 70 µg/L or 2.8 µg/L, respectively, in the four wells sampled.

No compounds of concern were detected in either monitoring well MW-18s or MW-18d at concentrations in excess of the NCGWQS.

4 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

MINERAL SPRINGS ENVIRONMENTAL, P.C.

July 2010 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

JANUARY 10, 2011
Page 2

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- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- Regarding the upgradient monitoring well MW-2s, no compounds were detected at concentrations in excess of the LPQL.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentration in MW-12s was higher than during the January 2010 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-13s and MW-12i were either below the laboratory practical quantitation limits (LPQL) or at or below their respective NCGWQS.
- No compounds of concern were detected in either monitoring well MW-18s or MW-18d at concentrations in excess of the NCGWQS.
- MSE will conduct the next semi-annual post-closure monitoring event in January 2011.

5 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.



Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*July 2010 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

JANUARY 10, 2011
Page 3

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Exhibit I-27

2011-02-08 – Surface Water Sampling Report

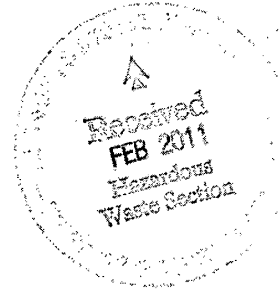
- Doc. Ex. 810 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

February 8, 2011

Ms. Mary Siedlecki
Department of Environment and Natural Resources
Hazardous Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646



Subject: **Surface Water Sampling Report
Former Asheville Dyeing & Finishing Site
Swannanoa, Buncombe County, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Ms. Siedlecki:

Mineral Springs Environmental PC has prepared the following report on behalf of WASCO LLC for your review. The report details the result of the surface water sampling in relation to the above mentioned site and pursuant to the June 14, 2010 Surface Water and Groundwater Sampling Workplan and July 15 supplemental clarifications.

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

A handwritten signature in cursive script that reads 'Kirk B. Pollard'.

Kirk B. Pollard, L.G.
Senior Geologist

- Doc. Ex. 811 -



SURFACE WATER SAM- PLING REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
FEBRUARY 8, 2011**

MSE JOB NO. 123

Prepared For:
MR. RODNEY HEURTER
WASCO LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
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DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Site Map

APPENDIX

Appendix A	Surface Water Analytical Results
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**SURFACE WATER SAMPLING REPORT
FORMER ASHEVILLE DYEING & FINISHING SITE
WARREN WILSON COLLEGE ROAD
Swannanoa, Buncombe County, North Carolina
February 8, 2011**

1 INTRODUCTION

The North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM) issued a memorandum to Asheville Dyeing and Finishing Company (AD&F) on December 22, 2009 (Memorandum). The Memorandum, which was sent to WASCO, LLC (WASCO), announced DWM's formal evaluation of AD&F's status under Environmental Indicator Event Codes CA725 and CA750 for the former AD&F facility located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina (Site; Drawing 1). The evaluation reportedly indicated that certain data gaps needed to be addressed and requested the submittal of a work plan to address the data gaps. On June 14, 2010, Mineral Springs Environmental PC (MSE) submitted the requested Surface Water and Groundwater Sampling Workplan to DWM (Workplan). On July 15, 2010, MSE also provided supplemental clarifications in response to a July 6, 2010 DWM request. DWM affirmatively responded to the supplemental clarification on July 16.

This report describes the surface water sampling program actions taken pursuant to the Workplan. As noted in Section 2.2, none of the surface water samples collected indicated the presence of volatile organic compounds (VOCs) at concentrations above the laboratory practical quantitation limit. Accordingly, the analytical results indicate the activities associated with the Site have not impacted (and are not impacting) the surrounding surface water bodies.

As explained in Section 1.1 of this work plan, WASCO is not, and never has been an owner or operator of the Site, but it has voluntarily operated the groundwater remediation system (System) at the Site.

1.1 Site Information

The Site was originally developed by Amcel Propulsion, Inc. during approximately 1952. Amcel sold several tracts in Swannanoa Township, including the Site, to Celanese Corporation of America on March 2, 1962. On October 1, 1965, Celanese sold the properties, including the Site, to Northrop Carolina, Inc. (which also owned neighboring property that is currently referred to as the Chemtronics Superfund site, for which the U.S. EPA named Northrop Grumman Systems Corporation as one of three viable potentially responsible parties).

Northrop sold the Site to M. Lowenstein & Sons, Inc. on June 14, 1971. M. Lowenstein & Sons sold the Site to Winston Mills, Inc. on March 3, 1976. An unincorporated division of Winston Mills—AD&F—operated the Site. AD&F removed one waste tetrachloroethene (PCE) underground storage tank (UST) and one virgin PCE UST from the Site in April 1985 (Drawings 1 and 2). DWM designated the location of the former waste PCE UST as a hazardous waste management unit (HWMU).

- Doc. Ex. 814 -

In 1986, McGregor Corporation acquired Winston Mills. On August 29, 1990, Winston Mills entered into an Administrative Order on Consent, Docket No. 89-249 (AOC) with DWM to address conditions associated with the former hazardous waste underground storage tank. The AOC required AD&F to close the HWMU, address the horizontal and vertical extent of groundwater impact, and submit a Part A application under 40 C.F.R. §§ 270.70-270.73. The HWMU was closed by AD&F in late 1992, and the DWM certified closure in March 1993.

Seven phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. The Hazardous Waste Section, in a correspondence issued in 1997, documented the extent of groundwater impact from the HWMU had been essentially defined and no further assessment was required as a result of the release from the HWMU.

McGregor and Winston Mills sold the Site to Anvil Knitwear, Inc. on January 28, 1995. Astrum International Corporation was the parent corporation of both Anvil and McGregor. Astrum and Culligan International, which was a separate subsidiary of Astrum, were both identified as guarantors for Winston Mills. During 1998, United States Filter Corporation (USFC; now known as WASCO, LLC) acquired Culligan as a subsidiary. As a result of the acquisition, DWM directed USFC to file a Part A permit application.

In 1998, Culligan installed a combination air sparge (AS) and soil vacuum extraction (SVE) system to remediate the groundwater downgradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations. The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001, Culligan installed a second remediation system (RS-2) to the north of RS-1 to address groundwater impact associated with an unidentified source.

During 2004, USFC sold Culligan, but retained a qualified obligation to indemnify Culligan for certain matters. Anvil sold the Site to Dyna-Diggr, LLC on December 18, 2007. During September 2008, WASCO was requested to submit an amended EPA Form 8700-23 to reflect the change in property ownership. Although it is solely the operator of the remediation system, WASCO complied with the request—as detailed above, neither WASCO nor its indemnitee Culligan were ever owners or operators of the Site.

In summary, PCE has not been used at the site since the early 1980s, and the USTs used to store the waste and raw PCE were also removed during that time, and the secondary soil source was excavated. Based on the most recent groundwater data the groundwater plume continues to be defined. Over the last twenty (20) years of assessment and sampling the plume configuration has remained the same, and overall groundwater concentrations have decreased.

Mineral Springs Environmental PC (MSE) was contracted to perform surface water sampling of Beetree Creek, Owens Ponds and the Swannanoa River.

2 SURFACE WATER SAMPLING PROGRAM

This section describes the surface water sampling program actions taken pursuant to the Workplan. As noted in Section 2.2, None of the surface water samples collected indicated the presence of VOCs at concentrations above the laboratory practical quantitation limit.

MINERAL SPRINGS ENVIRONMENTAL PC

*Surface Water Sampling Report
Former AD&F Site*

*February 8, 2011
Page 2*

- Doc. Ex. 815 -

2.1 Surface Water Sample Locations

2.1.1 Charles Owens Recreational Ponds

A total of two samples were obtained from each pond (see Drawing 2). The ponds were divided into halves and a representative samples were obtained from each half of the pond. Prior to conducting the sampling, each pond was sounded to determine the depth. The ponds were determined to be approximately three to four feet deep. The sampling device was lowered to a point approximately one foot from the bottom of the pond and the sample was collected from that depth. The samples were analyzed for the presence of VOCs according to SW-846 Method 8260.

2.1.2 Swannanoa River

A total of three surface water samples were obtained from the Swannanoa River (see Drawing 2) using the appropriate sampling device. One sample was obtained from a location up stream from the Charles Owens Recreational facility. The second sample was obtained from a location near monitoring well cluster MW-18 and one sample was obtained from a location slightly down steam from the Owens facility. Prior to conducting the sampling, each sample location was sounded to determine the depth. The sampling device was lowered to a point approximately one foot from the bottom of the sampling locations and each sample was collected from that depth. The samples were analyzed for the presence of VOCs according to SW-846 Method 8260.

2.1.3 Bee Tree Creek

One surface water sample was obtained from Bee Tree Creek (see Drawing 2), near the outfall of the French Drain using the appropriate sampling device. Prior to conducting the sampling, the sampling location was sounded to determine the depth. The sampling device was lowered to a point approximately one foot from the bottom of the sampling location and the sample was collected from that depth. The sample was be analyzed for the presence of VOCs according to SW-846 Method 8260.

2.2 Surface Water Analytical Results

None of the surface water samples collected indicated the presence of VOCs at concentrations above the laboratory practical quantitation limit. The analytical results are contained in Appendix A.

3 CONCLUSIONS AND RECOMMENDATIONS

The analytical results for the surface water samples pursuant to the Workplan failed to indicate the presence of VOCs. Therefore it should reasonably be concluded that activities associated with the AD&F have not impacted, and are not impacting, the surrounding surface water bodies. Based on these findings no further surface water sampling activities are warranted.

MINERAL SPRINGS ENVIRONMENTAL PC

*Surface Water Sampling Report
Former AD&F Site*

*February 8, 2011
Page 3*

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4 SUBMITTAL

The opinions and procedures outlined in the Workplan and this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of WASCO, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental PC

Kirk B. Pollard

Kirk B. Pollard, L.G.
President

MINERAL SPRINGS ENVIRONMENTAL PC

*Surface Water Sampling Report
Former AD&F Site*

*February 8, 2011
Page 4*

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Exhibit I-28

2011-06-13 – January 2011 Semi-Annual Post-Closure Groundwater Monitoring Report

- Doc. Ex. 818 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

June 13, 2011

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

↑
RECEIVED
JUN 2011
Hazardous
Waste Section

Subject: January 2011 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123

Dear Ms. Siedlecki:

Please find attached two copies of the *January 2011 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 819 -



JANUARY 2011 SEMI-ANNUAL POST-CLOSURE CARE GROUNDWATER MONITORING REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663**

JUNE 13, 2011

MSE JOB NO. 123

Received
JUN 2011
Hazardous
Waste Section

Prepared For:

MR. RODNEY HEURTER

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DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Site Map
Drawing 3	Estimated Water Table Contour Map (January 2011)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (January 2011)
Drawing 5	Estimated Groundwater Flow – Deep Zone (January 2011)

TABLES

Table 1	Water Level Measurements – January 2011
Table 2	Historical Groundwater Analytical Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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**January 2011 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility**
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
June 13, 2011

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the January 2011 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by WASC, LLC., the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G.

2 Field Activities**2.1 Water Level Measurements**

On January 24, 2011, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per feet. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is

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migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per foot. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On January 24, 2011, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to SGS Analytical Laboratories (SGS) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 Groundwater Analytical Results

The laboratory analytical report for the January 24, 2011 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from MW-12s (19.9 µg/L), MW-12i (35.9 µg/L), and MW-13s (166 µg/L).

Neither cis-1,2-dichloroethene (DCE) or trichloroethene (TCE) were detected at concentrations above the NCGWQS of 70 µg/L or 2.8 µg/L, respectively, in the four wells sampled.

4 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

January 2011 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

June 13, 2011
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- Regarding the upgradient monitoring well MW-2s, no compounds were detected at concentrations in excess of the LPQL.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentration in MW-12s was lower than during the July 2010 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-13s and MW-12i were either below the laboratory practical quantitation limits (LPQL) or at or below their respective NCGWQS.
- MSE will conduct the next semi-annual post-closure monitoring event in July 2011.

5 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard

Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*January 2011 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*June 13, 2011
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2011-10-24 – July 2011 Semi-Annual
Groundwater Monitoring Report

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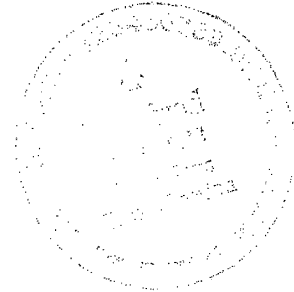


4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

October 24, 2011

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: July 2011 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123



Dear Ms. Siedlecki:

Please find attached three copies of the *July 2011 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in cursive script that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 826 -



JULY 2011 SEMI-ANNUAL POST-CLOSURE CARE GROUNDWATER MONITORING REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
OCTOBER 24, 2011
MSE JOB NO. 123**

Prepared For:
MR. RODNEY HUERTER
WASC LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186



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DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Site Map
Drawing 3	Estimated Water Table Contour Map (July 2010)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (July 2010)
Drawing 5	Estimated Groundwater Flow – Deep Zone (July 2010)
Drawing 6	Tetrachloroethene Concentration Map

TABLES

Table 1	Water Level Measurements – July 2010
Table 2	Historical Groundwater Analytical Results
Table 3	Remediation Effectiveness Well Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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**July 2011 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility**
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
October 24, 2011

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the July 2011 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). MSE was contracted by WASC, LLC., the responsible party for the site. The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. In addition, other onsite wells were sampled to document the effectiveness of the groundwater remediation system. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G.

2 Field Activities**2.1 Water Level Measurements**

On July 20, 2011, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per feet. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

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An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.018 feet per feet. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However; the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On July 20, 2011, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. During this sampling event, groundwater samples were also obtained from monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-15s, OW-1i and OW-2i. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to SGS Analytical Laboratories (SGS) in Wilmington, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 Groundwater Analytical Results

The laboratory analytical report for the July 2010 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results for the Post Closure Care wells are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from Post Closure Care Wells MW-12s (24.8 µg/L), MW-12i (49.9 µg/L), and MW-13s (111 µg/L) (see Drawing 6).

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from Remediation Effectiveness Wells MW-4s (2.21 µg/L), MW-12i (49.9 µg/L), MW-4s (2.21 µg/L), MW-4i (15.7 µg/L), MW-5s (10.3 µg/L), MW-5i (19.7 µg/L), MW-6s (134 µg/L), MW-6i (28 µg/L), MW-7s (2.49 µg/L), MW-11i (207 µg/L), MW-15s (16.2 µg/L), OW-1i (20 µg/L), and OW-2i (248 µg/L) (see Drawing 6). Groundwater results for the Remediation Effectiveness Wells are summarized in Table 3.

MINERAL SPRINGS ENVIRONMENTAL, P.C.

July 2011 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

October 24, 2011
Page 2

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Neither cis-1,2-dichloroethene (DCE) or trichloroethene (TCE) were detected at concentrations above the NCGWQS of 70 µg/L or 2.8 µg/L, respectively, in the four post closure wells. However, TCE was detected at concentrations above the NCGWQS in monitoring wells MW-5i, MW-6s and OW-2i.

4 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- Regarding the upgradient monitoring well MW-2s, no compounds were detected at concentrations in excess of the LPQL.
- PCE was detected in the groundwater samples from Post Closure Care Wells MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentrations ranged from 24.8 micrograms per liter (ug/l) in MW-12s to 111 ug/l in MW-13s.
- PCE was detected in the groundwater samples from MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-15s, OW-1s and OW-2i at concentrations above the NCGWQS. The concentrations ranged from 2.21 ug/l in MW-4s to 248 ug/l in OW-2i.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-13s and MW-12i were either below the laboratory practical quantitation limits (LPQL) or at or below their respective NCGWQS. TCE was detected at concentrations in excess of the NCGWQS in monitoring wells MW-5i, MW-6s and OW-2i.
- MSE will conduct the next semi-annual post-closure monitoring event in January 2011.

5 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in

MINERAL SPRINGS ENVIRONMENTAL, P.C.

July 2011 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility

October 24, 2011
Page 3

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its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard

Kirk B. Pollard, L.G.
Principal Geologist

MINERAL SPRINGS ENVIRONMENTAL, P.C.

*July 2011 Post-Closure Care Monitoring Report
Former Asheville Dyeing and Finishing Facility*

*October 24, 2011
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2013-03-21 – January 2012 GWMR

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JANUARY 2012 SEMI-ANNUAL POST-CLOSURE CARE GROUNDWATER MONITORING REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
MARCH 21, 2013
MSE JOB NO. 123**

Prepared For:
MR. RODNEY HUERTER
WASC LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186



- Doc. Ex. 834 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

March 21, 2013

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: January 2012 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123

Dear Ms. Siedlecki:

Please find attached three copies of the *January 2012 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in black ink that reads 'Kirk B. Pollard'. The signature is written in a cursive, flowing style.

Kirk B. Pollard, L.G.
Principal Geologist

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DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Site Map
Drawing 3	Estimated Water Table Contour Map (January 2012)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (January 2012)
Drawing 5	Estimated Groundwater Flow – Deep Zone (January 2012)
Drawing 6	Tetrachloroethene Concentration Map (January 2012)

TABLES

Table 1	Water Level Measurements – January 2012
Table 2	Historical Groundwater Analytical Results
Table 3	Remediation Effectiveness Well Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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**January 2012 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility**
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
March 21, 2013

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the January 2012 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. In addition, other onsite wells were sampled to document the effectiveness of the groundwater remediation system. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G. During the event, additional onsite wells were sampled to document the effectiveness of the groundwater remediation system.

In addition to the above, included in this report is a summary of the groundwater analytical results obtained during the October 2011 groundwater sampling event. During the event, all monitoring wells were sampled to document the groundwater quality.

2 January 2012 Field Activities

2.1 Water Level Measurements

On January 31, 2012, MSE visited the site to collect groundwater samples from 15 monitoring wells (MW-2s, MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per feet. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in

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gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per feet. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On January 31, 2012, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. During this sampling event, groundwater samples were also obtained from monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-15s, OW-1i and OW-2i. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Environmental Conservation Laboratories (ENCO) in Cary, North Carolina.. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

2.3 Groundwater Analytical Results

The laboratory analytical report for the January 2012 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results for the Post Closure Care wells are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from Post Closure Care Wells MW-12s (42 µg/L), MW-12i (14 µg/L), and MW-13s (130 µg/L) (see Drawing 6).

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from Remediation Effectiveness Wells MW-5s (6.5 µg/L), MW-5i (12 µg/L), MW-6s (200 µg/L), MW-6i (20 µg/L), MW-7s (0.11 µg/L), MW-11i (140 µg/L), MW-15s (17 µg/L), OW-1i (9.6 µg/L), and OW-2i (530

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µg/L) (see Drawing 6). Groundwater results for the Remediation Effectiveness Wells are summarized in Table 3.

Neither *cis*-1,2-dichloroethene (DCE) or trichloroethene (TCE) were detected at concentrations above the NCGWQS of 70 µg/L or 2.8 µg/L, respectively, in the four post closure wells. However, TCE was detected at concentrations above the NCGWQS in monitoring wells MW-6s, MW-11i and OW-2i.

5 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- Regarding the upgradient monitoring well MW-2s, no compounds were detected at concentrations in excess of the LPQL.
- PCE was detected in the groundwater samples from Post Closure Care Wells MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentrations ranged from 14 micrograms per liter (ug/l) in MW-12i to 130 ug/l in MW-13s.
- PCE was detected in the groundwater samples from MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-15s, OW-1s and OW-2i at concentrations above the NCGWQS. The concentrations ranged from below the practical quantitation limit in MW-4s and MW-4i to 530 ug/l in OW-2i.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-13s and MW-12i were either below the laboratory practical quantitation limits (LPQL) or at or below their respective NCGWQS. TCE was detected at concentrations in excess of the NCGWQS in monitoring wells MW-11i, MW-6s and OW-2i.
- MSE will conduct the next semi-annual post-closure monitoring event in July 2012.

- Doc. Ex. 839 -

6 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard



Kirk B. Pollard, L.G.
Principal

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Exhibit I-31

2013-03-21 – July 2012 GWMR

- Doc. Ex. 841 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.82

March 21, 2013

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: July 2012 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123

Dear Ms. Siedlecki:

Please find attached three copies of the *July 2012 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in black ink that reads "Kirk B. Pollard". The signature is written in a cursive style with a large, looped "K" and "P".

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 842 -



JULY 2012 SEMI-ANNUAL POST-CLOSURE CARE GROUNDWATER MONITORING REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
MARCH 21, 2013
MSE JOB NO. 123**

Prepared For:
MR. RODNEY HUERTER
WASC LLC
4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
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919.261.8186



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DRAWINGS

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Drawing 3	Estimated Water Table Contour Map (July 2012)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (July 2012)
Drawing 5	Estimated Groundwater Flow – Deep Zone (July 2012)
Drawing 6	Tetrachloroethene Concentration Map (July 2012)

TABLES

Table 1	Water Level Measurements – July 2012
Table 2	Historical Groundwater Analytical Results
Table 3	Remediation Effectiveness Well Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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- Doc. Ex. 844 -

**July 2012 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility**

Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
March 21, 2013

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the July 2012 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. In addition, other onsite wells were sampled to document the effectiveness of the groundwater remediation system. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G. During the event, additional onsite wells were sampled to document the effectiveness of the groundwater remediation system.

In addition to the above, included in this report is a summary of the groundwater analytical results obtained during the October 2011 groundwater sampling event. During the event, all monitoring wells were sampled to document the groundwater quality.

2 January 2012 Field Activities

2.1 Water Level Measurements

On July 12, 2012, MSE visited the site to collect groundwater samples from 15 monitoring wells (MW-2s, MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.017 feet per feet. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in

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gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per feet. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On July 12, 2012, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. During this sampling event, groundwater samples were also obtained from monitoring wells MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-15s, OW-1i and OW-2i. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Environmental Conservation Laboratories (ENCO) in Cary, North Carolina.. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

2.3 Groundwater Analytical Results

The laboratory analytical report for the January 2012 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results for the Post Closure Care wells are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from Post Closure Care Wells MW-12s (46 µg/L), MW-12i (36 µg/L), and MW-13s (160 µg/L) (see Drawing 6).

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from Remediation Effectiveness Wells MW-4i (8.1 µg/L), MW-5s (7.2 µg/L), MW-5i (12 µg/L), MW-6s (60 µg/L), MW-6i (30 µg/L), MW-11i (200 µg/L), MW-15s (7.4 µg/L), OW-1i (12 µg/L), and OW-2i (920

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µg/L) (see Drawing 6). Groundwater results for the Remediation Effectiveness Wells are summarized in Table 3.

Neither *cis*-1,2-dichloroethene (DCE) or trichloroethene (TCE) were detected at concentrations above the NCGWQS of 70 µg/L or 2.8 µg/L, respectively, in the four post closure wells. However, TCE was detected at concentrations above the NCGWQS in monitoring wells MW-6s, MW-11i and OW-2i.

5 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.
- Regarding the upgradient monitoring well MW-2s, no compounds were detected at concentrations in excess of the LPQL.
- PCE was detected in the groundwater samples from Post Closure Care Wells MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentrations ranged from 14 micrograms per liter (ug/l) in MW-12i to 130 ug/l in MW-13s.
- PCE was detected in the groundwater samples from MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-15s, OW-1s and OW-2i at concentrations above the NCGWQS. The concentrations ranged from below the practical quantitation limit in MW-4s to 920 ug/l in OW-2i.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-13s and MW-12i were either below the laboratory practical quantitation limits (LPQL) or at or below their respective NCGWQS. TCE was detected at concentrations in excess of the NCGWQS in monitoring wells MW-11i, MW-6s and OW-2i.
- MSE will conduct the next semi-annual post-closure monitoring event in January 2013.

- Doc. Ex. 847 -

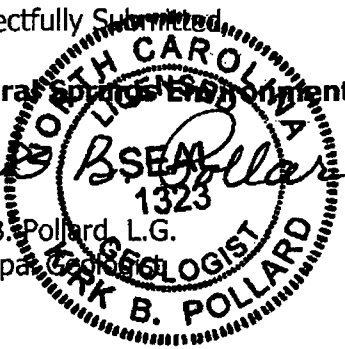
6 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted

Mineral Springs Environmental, P.C.

Kirk B. Pollard



Kirk B. Pollard, L.G.
Principal Engineer

- Doc. Ex. 848 -

Exhibit I-32

2013-03-05 – January 2013 GWMR

- Doc. Ex. 849 -



JANUARY 2013 SEMI-ANNUAL POST-CLOSURE CARE GROUNDWATER MONITORING REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663
MARCH 5, 2013
MSE JOB NO. 123**

Prepared For:
MR. RODNEY HEURTER
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4760 WORLD HOUSTON PARKWAY, SUITE 100
HOUSTON, TEXAS, 77032

MINERAL SPRINGS ENVIRONMENTAL, P.C.
4600 MINERAL SPRINGS LANE
RALEIGH, NORTH CAROLINA, 27616
919.261.8186



- Doc. Ex. 850 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

March 5, 2013

Ms. Mary Siedlecki
Hazardous Waste Section
NCDENR, Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: January 2013 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123

Dear Ms. Siedlecki:

Please find attached two copies of the *January 2013 Semi-Annual Post-Closure Care Groundwater Monitoring Report* for the former Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina. If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in black ink that reads "Kirk B. Pollard". The signature is written in a cursive, flowing style.

Kirk B. Pollard, L.G.
Principal Geologist

- Doc. Ex. 851 -

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DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Site Map
Drawing 3	Estimated Water Table Contour Map (January 2013)
Drawing 4	Estimated Groundwater Flow – Intermediate Zone (January 2013)
Drawing 5	Estimated Groundwater Flow – Deep Zone (January 2013)

TABLES

Table 1	Water Level Measurements – January 2013
Table 2	Historical Groundwater Analytical Results

APPENDIX

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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- Doc. Ex. 852 -

**January 2013 Semi-Annual Post-Closure Care
Groundwater Monitoring Report
Former Asheville Dyeing and Finishing Facility**

Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
March 5, 2013

1 Introduction

Mineral Springs Environmental, P.C. (MSE) has completed the January 2013 semi-annual post-closure groundwater monitoring activities at the former Asheville Dyeing and Finishing (AD&F) site in Swannanoa, North Carolina (Drawing 1). The semi-annual monitoring activities included collecting depth to groundwater measurements from 34 monitoring wells and 2 observation wells. Groundwater samples were collected from one hydraulically upgradient (background) monitoring well (MW-2s) and three monitoring wells (MW-12s, MW-12i, and MW-13s) located hydraulically downgradient from the former waste tetrachloroethene (PCE) underground storage tank (UST). Drawing 2 indicates the locations of the monitoring wells, the former UST, and other relevant site features. Groundwater monitoring activities were conducted in accordance with the requirements of the current Post-Closure Care Plan (PCCP), the approved Sampling and Analysis Plan, and applicable requirements of 40 CFR 265, Subparts F and G.

2 Field Activities

2.1 Water Level Measurements

On January 30, 2013, MSE visited the site to collect groundwater samples from four monitoring wells (MW-2s, MW-12s, MW-12i, and MW-13s). Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1).

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per foot. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4) and indicates groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of

- Doc. Ex. 853 -

approximately 0.019 feet per feet. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

2.2 Groundwater Sampling Activities

After collecting the depth to groundwater measurements, the wells were purged using new disposable polyethylene bailers and new nylon rope. Three well volumes were purged from each monitoring well before collecting the groundwater samples. On January 24, 2011, groundwater samples were collected from monitoring wells MW-2s, MW-12s, MW-12i, and MW-13s. Samples were decanted into pre-labeled, laboratory supplied containers, packed on ice and shipped to Environmental Conservation Laboratories (ENCOM) in Cary, North Carolina. The groundwater samples were analyzed for volatile organic compounds (VOCs) in accordance with EPA SW-846 Method 8260B.

3 Groundwater Analytical Results

The laboratory analytical report for the January 30, 2013 groundwater sampling event is contained in the Appendix and is summarized in Table 2. Historical groundwater results are also summarized in Table 2.

PCE was detected at concentrations that exceed the North Carolina Groundwater Quality Standard (NCGWQS) of 0.7 µg/L in samples collected from MW-12s (38 µg/L), MW-12i (40 µg/L), and MW-13s (120 µg/L).

Neither cis-1,2-dichloroethene (DCE) or trichloroethene (TCE) were detected at concentrations above the NCGWQS of 70 µg/L or 2.8 µg/L, respectively, in the four wells sampled.

4 Summary

Based on the data in this report, MSE offers the following summary of field activities and associated analytical results:

- Groundwater elevation data indicates that groundwater continues to flow in the shallow, intermediate, and deep groundwater bearing zones toward the southeast. This is consistent with previous groundwater flow determinations. Additionally, the calculated hydraulic gradients are consistent with past determinations.

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- Regarding the upgradient monitoring well MW-2s, no compounds were detected at concentrations in excess of the LPQL.
- PCE was detected in the groundwater samples from MW-12s, MW-12i and MW-13s at concentrations above the NCGWQS. The concentration in MW-12s and MW-13s were lower than during the July 2012 sampling event.
- Concentrations of TCE and DCE observed in wells MW-12s, MW-13s and MW-12i were either below the laboratory practical quantitation limits (LPQL) or at or below their respective NCGWQS.
- MSE will conduct the next semi-annual post-closure monitoring event in July 2013.


5 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASC LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully Submitted,

Mineral Springs Environmental, P.C.

Kirk B. Pollard
 Kirk B. Pollard, L.G.
 Principal Geologist



MINERAL SPRINGS ENVIRONMENTAL, P.C.

- Doc. Ex. 855 -

Exhibit I-33

2013-05-22 – Remediation Effectiveness Report

- Doc. Ex. 856 -



REMEDIATION EFFECTIVENESS MONITORING REPORT

**FORMER ASHEVILLE DYEING AND
FINISHING FACILITY
WARREN WILSON COLLEGE ROAD
SWANNANOVA, BUNCOMBE COUNTY,
NORTH CAROLINA
NCD 070 619 663**

MAY 22, 2013

MSE JOB NO. 123

Prepared For:

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- Doc. Ex. 857 -

**REMIATIONEFFECTIVENESS MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
May 31, 2013**

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DRAWINGS

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Drawing 2	Site Map
Drawing 3	Layout of Air Sparge and Soil Vapor Extraction Systems
Drawing 4	Tetrachloroethene Isoconcentration Map – Shallow Zone (July 2012)
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TABLES

Table 1	July 2012 Groundwater Analytical Results
Table 2	Historical Groundwater Analytical Results

APPENDICES

Appendix A	Groundwater Laboratory Analytical Results and Chain-of-Custody
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- Doc. Ex. 858 -

**REMIEDIATION EFFECTIVENESS MONITORING REPORT
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
Warren Wilson College Road
Swannanoa, Buncombe County, North Carolina
May 31, 2013**

The former Asheville Dyeing & Finishing (AD&F) facility located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina (see Drawings 1 and 2) has been subjected to approximately thirty-seven years of continuous assessment in connection with an August 12, 1976 spill of product tetrachloroethene ("PCE"), and approximately twenty-two of continuous sampling and remediation related to PCE. Over the course of the twenty-two year period, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

On April 10, 2013, the Department requested this report, in part as a result of an "increasing trend in PCE concentration relative to the January 2012 monitoring event."

1 Background

As identified in various historical records, the property associated with the AD&F facility was formerly part of a larger tract (which includes the current Chemtronics Superfund Site) that was owned and operated by various entities such as Amcel Propulsion, Celanese Corp., Northrop, and Wamsutter. An open question remains as to the use of PCE by these entities as part of their operations, whether in relation to textile operations or as a degreaser, repellent or other industrial application. Winston Mills, Inc. acquired a portion of the larger tract and one of its divisions, AD&F, operated two underground storage tanks at the site - one waste and one product PCE tank. Both tanks were removed on March 23, 1985, and AD&F eliminated the use of PCE.

In 1988, the Department conducted inspections related to PCE that ultimately resulted in the Department issuing an Administrative Order of Consent to Winston Mills, effective as of August 29, 1990, in which the former waste UST was designated as the sole applicable "Waste Management Unit."¹ The Order required Winston Mills to close the Unit and address the horizontal and vertical extent of any related PCE groundwater impact from the Unit. During October 1992, Winston Mills removed approximately 102 tons of soil from the location of the former UST (along with historical underground piping that was not removed with the tanks in 1985). The Department certified closure of the tanks on March 10, 1993.

It bears mention that the surrounding area uses drinking water supplied by the City of Asheville.

¹ N.C. Dep't of Env't, Health & Natural Res., Solid Waste Mgmt. Div., Haz. Waste Sec., Administrative Order on Consent, Docket No. 89-249 (Aug. 29, 1990), Stipulation No. 6. One virgin PCE UST was also removed by AD&F during April 1985.

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Since 1992, seven separate phases of groundwater assessment (all documented in various reports submitted to the Department) have been conducted to delineate the extent of PCE-impacted groundwater.² Additionally, a Health Based Risk Assessment report was submitted to the Department on October 6, 1995. The Department issued a correspondence in 1997 that stated: (i) the extent of groundwater impact from the Unit had been essentially defined; and (ii) no further assessment was required as a result of the alleged release from the Unit.

During the period of November 1997–January 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the Unit. The installation of this system was voluntary and not installed due to federal or state regulations.³ The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet (Drawing 3). In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source.

Despite concentration undulations from time to time (such as that noted in the Department's April 10, 2013 letter, with respect to OW-2i) there has been a decreasing trend related to observed PCE concentrations associated with all monitoring wells — significantly, those wells in the area of, and down-gradient from, the Unit.

In summary:

- PCE has not been used at the site since the early 1980s,
- the USTs used to store both the waste and product PCE were removed in early 1985,
- the soil and underground piping associated with the former UST locations were excavated,
- based on the most recent groundwater data, the groundwater plume continues to be defined (as previously mentioned, the plume configuration has remained essentially the same during the preceding twenty-two years of assessment, sampling and remediation), and
- overall groundwater concentrations have decreased.

This report documents performance and effectiveness of the remediation systems, groundwater sampling activities, the associated analytical results and groundwater quality trends.

² Additional background information related to the site is contained within the various reports that have been previously submitted to the Department, including, but not limited to, the October 31, 2008 Assessment Report.

³ See letter from Gray B. Stephens, NCDENR, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

- Doc. Ex. 860 -

2 Remedial Activities

2.1 Remediation System #1 (RS-1)

RS-1, the original remediation system, consists of 13 2-inch diameter AS points installed to an average depth of 36 feet below land surface (BLS) (Drawing 3). The AS points, constructed of stainless steel screens with galvanized piping, are connected to an air compressor capable of supplying a total of 42 cubic feet per minute (CFM) of compressed air. The SVE component of the system is comprised of a 24-inch diameter central hub with four radiating SVE trenches augmenting the AS system. The hub is constructed of a corrugated metal pipe with two feet of slotted screen at the bottom of the pipe that extends approximately 17 feet BLS.

The SVE trenches are four feet wide and nine feet deep and extend approximately 100 feet north, 70 feet south, 175 feet east, and 115 feet west from the central hub. In addition, two four-inch diameter SVE wells were incorporated into the SVE system. The central hub and trenches are connected to a SVE blower and are currently removing air from the vadose zone.

2.2 Remediation System #2 (RS-2)

In May 2001, a second remediation system, RS-2 was installed to remediate a previously identified area of groundwater impact originating to the north of the manufacturing facility. Nineteen AS points were installed in the area east and northeast of the existing manufacturing building (Drawing 3). Generally, the 19 AS points were installed in two separate rows. The AS points were equipped with a 1-foot stainless steel screen and ¾-inch galvanized pipe riser.

In addition to the AS points, 21 SVE wells were installed along the east and portions of the northeast and southwest building walls to restrict vapors from entering the building (Drawing 3). The SVE wells were installed to depths of between 10 and 12 feet BLS and constructed of 2-inch PVC with five feet of 0.10-inch mechanically slotted screen. Additionally, one SVE trench approximately 530 feet long, was installed to assist in the removal of volatilized PCE from the subsurface.

Air, introduced into the aquifer through the additional AS points, is generated by a rotary screw air compressor capable of providing 2 to 5 CFM per well at a delivery pressure of 25 pounds per square inch (PSI). The SVE blower capable of generating 10 inches of mercury vacuum at a rate of 500 CFM was installed to extract the volatilization air.

2.3 System Performance

Both RS-1 and RS-2 are designed to run continuously, with little shutdown time. Operation and maintenance activities are conducted monthly to optimize remediation system performance. Typically, the flow rate associated with the SVE blower discharge from RS-1 (SVE 1) ranges from approximately 653 to 660 CFM with a temperature of approximately 30 degrees Centigrade at approximately 4.5 inches of mercury. The

- Doc. Ex. 861 -

typical flow rate associated with the SVE blower discharge from RS-2 (SVE 2) ranges from approximately 485 to 490 CFM with a temperature of approximately 32 degrees Centigrade at approximately 3.5 inches of mercury.

3 Remediation System Effectiveness

The effectiveness of each groundwater remediation system is evaluated by testing the PCE concentrations in the groundwater samples collected from various monitoring wells at the facility. The analytical results for the groundwater samples collected in July 2012 are presented below.

3.1 Groundwater Sampling

3.1.1 General

The July 2012 voluntary groundwater monitoring event included sampling from fifteen wells: MW-2s, MW-4s, MW-4i, MW-5s, MW-5i, MW-6s, MW-6i, MW-7s, MW-11i, MW-12s, MW-12i, MW-13s, MW-15s, OW-1i and OW-2i. Prior to sampling, depth to groundwater measurements were collected from 34 monitoring wells and 2 observation wells using an electronic water level probe. Groundwater elevations were calculated by subtracting the depth to water measurement from the pre-determined top of casing elevation (Table 1 of the July 2012 report).

3.1.2 Groundwater Flow

An estimated water table contour map was developed using water level data collected from the shallow monitoring wells (Drawing 3 of the July 2012 report) and indicates that groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.017 feet per feet. This flow direction is consistent with previous flow directions calculated for the shallow monitoring wells. There is a slight decrease in gradient immediately beneath the southern end of the facility, which is likely due to the operation of the air sparge groundwater remediation system. System operation has resulted in slight groundwater mounding in this area.

An estimated water table contour map was developed using water level data collected from the intermediate depth monitoring wells (Drawing 4 of the July 2012 report) and indicates groundwater is migrating in a southeasterly direction below the site at a hydraulic gradient of approximately 0.019 feet per feet. This flow direction is consistent with previous flow directions calculated for this unit and with the groundwater flow direction observed in the water table wells.

Groundwater elevations and contours in the deep wells are shown on Drawing 5 of the July 2012 report. However, the wells within the deep unit are screened across individual fractures within the bedrock material. This may likely impact the groundwater elevation data obtained. The groundwater elevation data indicates that deep groundwater is also flowing toward the southeast within the fractured bedrock unit.

- Doc. Ex. 862 -**3.1.3 Groundwater Sampling and Analytical Results**

The groundwater samples were collected in accordance with procedures outlined in the site Sampling and Analysis Plan. The July 2012 samples were transported under chain-of-custody to Environmental Conservation Laboratories, Inc. located in Cary, North Carolina and analyzed for volatile organic compounds (VOCs) according to SW-846 Method 8260B.

Laboratory analytical results and chain-of-custody records for the July 2012 groundwater sampling event are included as Appendix A and summarized in Tables 1. Historical data for the effectiveness monitoring wells listed above are included as Table 2.

The Department's Hazardous Waste Section uses the North Carolina Groundwater Quality Standards (NCGWQS) as a guideline for groundwater impacted with VOCs. The primary constituents of concern present in groundwater include PCE and trichloroethene (TCE), a biodegradation product of PCE.

Mineral Springs has prepared an estimated isoconcentration map for the PCE in the shallow groundwater aquifer (Drawings 4). During the July 2012 sampling event:

- PCE was detected at concentrations at or above the NCGWQS of 0.7 micrograms per liter ($\mu\text{g/L}$) in 12 of the 15 samples collected. Concentrations ranged from 920 $\mu\text{g/L}$ (OW-2i) to 7.2 $\mu\text{g/L}$ (MW-5s).
- TCE was present in monitoring wells MW-6i, MW-11i and OW-2i during the sampling event at concentrations exceeding the NCGWQS of 2.8 $\mu\text{g/L}$.

4 Groundwater Quality Trends

PCE concentrations decreased or remained the same in 11 of the 15 groundwater monitoring wells that were sampled in July 2012 as compared to the results for the same wells sampled in April 2012. PCE concentrations increased slightly in the groundwater samples collected from monitoring wells MW-5s, MW-12s, OW-1i and OW-2i. Although the concentration in OW-2i represents an increase over January 2012 concentrations, historical data for this well, particularly when interpreted in conjunction with historical data for all other wells and the 1992 closure of the Unit, appears to suggest that the increase is an anomaly.

TCE and Cis-1,2-DCE are breakdown products of PCE and their presence indicates that biodegradation is occurring. The absence of vinyl chloride indicates that conditions are not favorable for the complete breakdown of the PCE to the final degradation products of carbon dioxide and water.

- Doc. Ex. 863 -

5 Conclusions & Recommendations

Since the start up of the groundwater remediation system, PCE concentrations have decreased significantly in all wells. An isoconcentration map (Drawing 5) depicting the shallow aquifer has been prepared that illustrates the PCE concentrations in July 1994. When compared to Drawing 4, the contaminant concentrations and symmetry has change since the startup of the system. The greatest reductions have occurred in the wells sampled which are located in the recognized source areas. Comparing the highest PCE concentrations for monitoring wells MW-13s (8,900 ug/l), MW-6s (4,200 ug/l), MW-4i (4,700 ug/l) and MW-4s (2,600 ug/l) to the July 2012 groundwater results, the following percentage of PCE reduction can be calculated. Between 98 to 100 percent reduction can be calculated since the start of the remediation systems for the above noted wells. Reductions are also occurring in other wells.

It is important to note, the concentrations in both the intermediate aquifer and deeper aquifer have also been reduced in a large number of wells. In addition, no significant concentration increases have been noted in offsite wells.

Implementation of the remediation systems meets the ultimate objective of the Resource Conservation and Recovery Act, which is corrective action of impacted groundwater. RS-1 and RS-2 should continue to be operated to further reduce the concentrations of PCE related to the Unit. Continued reduction in source area contaminant concentrations is expected to reduce potential horizontal and vertical migration of the contaminants of concern. Mineral Springs recommends that monthly operation and maintenance checks be continued to facilitate optimum system performance. Periodic groundwater sampling should be continued to monitor the performance and effectiveness of the remediation system.

6 Limitations

The opinions included in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data collected on the days specified using the methods described. If additional data becomes available, we request the opportunity to review and modify the conclusions and recommendations included in this report, if warranted. This report is for the sole use of WASCO LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental, P.C.

Respectfully submitted,
Mineral Springs Environmental PC
Kirk B. Pollard
Kirk B. Pollard, 1323
Principal Geologist



MINERAL SPRINGS ENVIRONMENTAL, P.C.

- Doc. Ex. 864 -

Respondent's Exhibit J
**Excerpts¹ from WASCO's Response to the
Section's First Request for Admissions**

¹ This exhibit contains excerpted material for the sake of brevity.

- Doc. Ex. 865 -

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

COUNTY OF WAKE

13 EHR 18253

WASCO LLC

Petitioner,

and

DYNA-DIGGR, LLC

Intervenor

v.

N.C. DEPT OF ENVIRONMENT AND
NATURAL RESOURCES, DIVISION OF
WASTE MANAGEMENT

Respondent.

PETITIONER'S RESPONSES TO
RESPONDENT'S FIRST REQUEST
FOR ADMISSIONS TO WASCO LLC

Pursuant to the North Carolina Rules of Civil Procedure ("*Rules of Civil Procedure*") and Chapter 150B of the North Carolina General Statutes, and Chapter 3 of Title 26 of the N. C. Administrative Code ("*Hearing Procedures*"), petitioner WASCO LLC hereby responds to respondent N.C. Department of Environment and Natural Resources, Division of Waste Management *First Request for Admissions* to WASCO (each individually numbered request herein is a "*Request*" and the aggregated total of each Request herein is collectively the "*Requests*").

DEFINED TERMS FOR PURPOSES OF THESE RESPONSES

Capitalized terms used in WASCO's responses to these Requests (each a "*Response*" and collectively the "*Responses*") and WASCO's General Objections and Reservations will have the following meanings, unless otherwise specified in an applicable Response:

"*Act*" means the North Carolina Solid Waste Management Act, N.C.G.S. §§ 130A-290 to -310.77, as amended.

"*Anvil Knitwear*" means Anvil Knitwear, Inc. (inclusive of all its directors, members, managers, officers and employees), which (i) was the owner and actual operator of the Facility from approximately January 28, 1995 through December 17, 2007, and (ii) upon information and belief, was an affiliate entity of Winston Mills.

"*Contested Case*" means this contested case proceeding related to the alleged erroneous classification of WASCO as "operator" of the Facility under the State Program.

- Doc. Ex. 866 -

"State Rules" means the rules set forth in Subchapter 13A of Title 15A of the State's Administrative Code that implement the Act.

Unless otherwise specified, all regulatory terms used in these interrogatories (e.g., hazardous waste, hazardous waste facility, hazardous waste management, manifest, operator, solid waste, solid waste management facility, etc.) will have the meaning ascribed to such terms in the Act.

RESPONSES TO REQUEST FOR ADMISSIONS

1. *John Coyne signed an EPA Form 8700-23 (also known as a Part A Permit Application) on November 29, 2004, in his capacity as Petitioner's Director of Environmental Affairs.*

RESPONSE:

Admitted.

2. *John Coyne signed his name underneath a box labeled "Signature of operator, owner, or an authorized representative."*

RESPONSE:

Admitted, but denied that he signed as owner, operator, or an authorized representative of operator or owner.

3. *John Coyne signed his name on the same page as a certification stating: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

RESPONSE:

Admitted.

4. *John Coyne read and understood the instructions accompanying the above-referenced EPA Form 8700-23 before signing it.*

RESPONSE:

Denied that he understood such instructions to the extent they state or imply that Petitioner was an owner or operator of the Facility.

- Doc. Ex. 867 -

5. *At the time John Coyne signed the above-referenced EPA Form 8700-23, he was acting as a duly authorized agent or employee of Petitioner.*

RESPONSE:

Admitted.

6. *At the time John Coyne signed the EPA Form 8700-23, his job duties included making decisions regarding Petitioner's compliance with environmental laws.*

RESPONSE:

Denied.

7. *Petitioner admitted "under penalty of law" that it was an "operator" of the Facility in the above-referenced EPA Form 8700-23 signed by John Coyne in 2004.*

RESPONSE:

Denied.

8. *Mineral Springs Environmental, P.C. was authorized by Petitioner to submit the above-referenced EPA Form 8700-23 signed by John Coyne to Respondent on Petitioner's behalf.*

RESPONSE:

Admitted that Mineral Springs was authorized by Petitioner and Anvil Knitwear, the actual owner and operator of the Facility, to submit the Form 8700-23 signed by John Coyne to Respondent, but denied that Petitioner's authorization was as owner or operator of the Facility.

9. *John Coyne signed an EPA Form 8700-13 (also known as a RCRA Subtitle C Site Identification Form or Hazardous Waste Report) on April 6, 2006, in his capacity as Petitioner's Director of Environmental Affairs.*

RESPONSE:

Admitted.

10. *With regard to the above-referenced EPA Form 8700-13, John Coyne signed his name on the same page as a certification stating: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware*

- Doc. Ex. 868 -

that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

RESPONSE:

Admitted.

11. *John Coyne read and understood the instructions accompanying the above-referenced EPA Form 8700-13 before signing it.*

RESPONSE:

Denied that he understood such instructions to the extent they state or imply that Petitioner was an owner or operator of the Facility.

12. *At the time John Coyne signed the above-referenced EPA Form 8700-13, he was acting as a duly authorized agent or employee of Petitioner.*

RESPONSE:

Admitted.

13. *At the time John Coyne signed the EPA Form 8700-13, his job duties included making decisions regarding Petitioner's compliance with environmental laws.*

RESPONSE:

Denied.

14. *Mineral Springs Environmental, P.C. was authorized by Petitioner to submit the above-referenced EPA Form 8700-13 signed by John Coyne to Respondent on Petitioner's behalf.*

RESPONSE:

Admitted that Mineral Springs was authorized by Petitioner and by Anvil Knitwear, the actual owner and operator of the Facility, to submit the Form 8700-13, signed by John Coyne to Respondent, but denied the Petitioner's authorization was as owner or operator of the Facility.

15. *Rodney Huerter signed an EPA Form 8700-23 (also known as a Part A Permit Application) on August 18, 2008, in his capacity as Petitioner's Director of Environmental Affairs.*

RESPONSE:

Admitted.

- Doc. Ex. 869 -

16. *Rodney Huerter signed his name underneath a box labeled "Signature of operator, owner, or an authorized representative."*

RESPONSE:

Admitted, but denied that he signed as owner, operator or authorized representative of operator or owner.

17. *Rodney Huerter signed his name on the same page as a certification stating: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. For the RCRA Hazardous Waste Part A Permit Application, all operator(s) and owner(s) must sign (see 40 CFR 270.10(b) and 270.11)."*

RESPONSE:

Admitted.

18. *Rodney Huerter read and understood the instructions accompanying the above-referenced EPA Form 8700-23 before signing it.*

RESPONSE:

Denied that he understood such instructions to the extent they state or imply that Petitioner was an owner or operator of the Facility.

19. *At the time Rodney Huerter signed the above-referenced EPA Form 8700-23, he was acting as a duly authorized agent or employee of Petitioner.*

RESPONSE:

Admitted.

20. *At the time Rodney Huerter signed the above-referenced EPA Form 8700-23, his job duties included making decisions regarding Petitioner's compliance with environmental laws.*

RESPONSE:

Denied.

- Doc. Ex. 870 -

21. *Petitioner admitted "under penalty of law" that it was an "operator" of the Facility in the EPA Form 8700-23 signed by Rodney Huerter in 2008.*

RESPONSE:

Denied.

22. *Mineral Springs Environmental, P.C. was authorized by Petitioner to submit the above-referenced EPA Form 8700-23 signed by Rodney Huerter to Respondent on Petitioner's behalf.*

RESPONSE:

Admitted that Mineral Springs was authorized by Petitioner and Anvil Knitwear, the actual owner and operator of the Facility, to submit the Form 8700-23 signed by Rodney Huerter to Respondent, but denied that Petitioner's authorization was as owner or operator of the Facility.

23. *Petitioner hired or contracted with Mineral Springs Environmental, P.C. for Mineral Springs Environmental, P.C. to serve as the primary contact with Respondent on Petitioner's behalf.*

RESPONSE:

Denied.

24. *Petitioner directed the work of Kirk Pollard related to the Facility for the period of time between June 15, 1998 and present.*

RESPONSE:

Denied.

25. *Petitioner directed the work of Kirk Pollard related to the Facility for the period of time between September 30, 2004 and present.*

RESPONSE:

Denied.

26. *Petitioner directed the work of Mineral Springs Environmental, P.C. related to the Facility for the period of time between June 15, 1998 and present.*

RESPONSE:

Denied.

- Doc. Ex. 871 -

27. *Petitioner directed the work of Mineral Springs Environmental, P.C. related to the Facility for the period of time between September 30, 2004 and present.*

RESPONSE:

Denied.

28. *Petitioner supplied financial assurance to Respondent in the form of a \$350,000.00 Certificate of Insurance for Closure or Post-Closure Care at the Facility in 1999 on behalf of Culligan International Company for the purpose of Culligan International Company's compliance with Subpart H of 40 CFR Parts 264 and 265.*

Admitted that a certificate of insurance related to post-closure care was issued to United States Filter Corporation as insured and notice of the policy was sent to DENR, but denied that Culligan or Petitioner ever intended or agreed to provide such policy as an owner or operator of the Facility.

29. *Petitioner represented to Respondent on behalf of Culligan International Company on March 29, 1999 that Petitioner intended "to pursue a good faith approach in the continued remediation of the [Facility]," including to address deep aquifer contamination and off-site contamination, to identify all sources of contamination such as the French drain system, and to pursue an administrative agreement with Respondent regarding corrective action.*

RESPONSE:

Denied.

30. *Petitioner did not object to Culligan International Company's October 26, 2004 representation to Respondent that Petitioner was "assuming liability" for the Facility as of the September 30, 2004 sale date, despite being copied on that letter.*

RESPONSE: WASCO objects to this request on the grounds that it is vague. Without waiving that objection, WASCO admits that at least one WASCO employee was copied on the letter that is referenced, and WASCO is unaware of any communication made on its behalf shortly after its receipt sent in response.

31. *Petitioner supplied financial assurance to Respondent on its own behalf following the September 30, 2004 sale of Culligan International Company.*

RESPONSE:

Admitted that WASCO provided the referenced financial mechanism but denied that WASCO ever intended or agreed to provide such financial mechanisms as owner or operator of the Facility.

- Doc. Ex. 872 -

32. *Petitioner has updated and renewed the financial assurance on file with Respondent multiple times during the time period between September 30, 2004 and present.*

RESPONSE:

Admitted that WASCO has amended the Letter of Credit from time to time, but denied that by doing so WASCO ever intended or agreed that such update was provided as owner or operator of the Facility.

33. *Petitioner did not object to an April 5, 2007 letter from Respondent asserting that Petitioner was subject to regulation under 40 CFR 265.93(d)(4), adopted by reference at 15A NCAC 13A .0110(f), which requires an "owner or operator" to characterize a groundwater plume.*

RESPONSE:

Denied.

34. *In response to Respondent's April 5, 2007 letter, Petitioner submitted an Assessment Workplan, conducted assessment work, and submitted an Assessment Report through Mineral Springs Environmental, P.C., between July 2007 and October 2008.*

RESPONSE:

Admitted that Mineral Springs submitted an Assessment Workplan, conducted assessment work and submitted an Assessment Report between July 2007 and October 2008, but denied that such tasks were submitted by, or on behalf of Petitioner as owner or operator of the Facility.

35. *Petitioner did not object to Respondent's characterization of Petitioner as the "current responsible party" in at least five RCRA Inspection Reports transmitted to Petitioner between June 27, 2006 and January 8, 2009, despite the opportunity to do so.*

RESPONSE: WASCO objects to this request on the grounds that it is vague. Further responding, WASCO cannot admit or deny this Request due to the fact that after an investigation it cannot confirm that it received the referenced RCRA Inspection Reports.

36. *Petitioner did not object to the representations of Mineral Springs Environmental, P.C. that Petitioner was "the responsible party for the site" in at least nine Semi-Annual Post-Closure Care Groundwater Monitoring Reports submitted to Respondent on Petitioner's behalf between March 11, 2005 and March 18, 2009, despite the opportunity to do so.*

RESPONSE: WASCO objects to this request on the grounds that it is vague. Without waiving that objection, WASCO is unaware of any written communication it made during the time frame indicated regarding the content of the reports that are referenced. Further responding WASCO denies that any language in any Mineral Springs Environmental report implicates liability for WASCO as an operator of the Facility.

- Doc. Ex. 873 -

37. *Petitioner submitted at least 11 Quarterly Effectiveness Monitoring Reports to Respondent through Mineral Springs Environmental, P.C. between February 14, 2005 and March 23, 2009.*

RESPONSE:

Admitted that Mineral Springs submitted Quarterly Effectiveness Monitoring Reports during the referenced period, however, upon reasonable inquiry, Petitioner lacks sufficient information or knowledge to admit or deny that 11 such reports were submitted during the time frame indicated. Further responding, Petitioner denies that Mineral Springs submitted any information on its behalf as an operator of the Facility.

38. *The above-referenced Quarterly Effectiveness Monitoring Reports were based on groundwater sampling ordered, directed, or paid for by Petitioner.*

RESPONSE:

Petitioner admits that it paid certain costs for Monitoring Reports due to perceived contractual obligations associated with the Facility but denies that it ordered or directed any activities at the Facility that would implicate liability for WASCO as an operator of the Facility.

39. *Since its September 30, 2004 sale of Culligan International Company, Petitioner, through Mineral Springs Environmental, P.C., has directly operated two groundwater remediation systems at the Facility and has performed maintenance and monitoring of the concrete cap.*

RESPONSE:

Denied.

40. *Petitioner is the only entity that has been in charge of investigation, corrective action, and other remediation work at the Facility for the period of time between September 30, 2004 and present.*

RESPONSE:

Denied

41. *Petitioner has "manage[d], direct[ed], or conduct[ed] . . . decisions about compliance with environmental regulations" at the Facility.*

RESPONSE:

Denied.

- Doc. Ex. 874 -

42. *Petitioner has "manage[d], direct[ed], or conduct[ed] operations specifically related to pollution" at the Facility.*

RESPONSE:

Denied.

43. *A portion of the Facility has been used in the management of hazardous waste.*

RESPONSE:

Admitted.

44. *The Facility is currently contaminated with residual amounts of volatile organic compounds.*

RESPONSE:

Admitted that monitoring conducted by Mineral Springs in the past twelve month period indicates concentrations of PCE in the groundwater at certain locations at the Facility.

45. *The real property or a portion of the real property located at 850 Warren Wilson Road, Swannanoa, North Carolina 28778 that is the subject of the instant Contested Case is a "landfill," as that term is used in N.C.G.S. § 130A-290(a)(16).*

RESPONSE:

WASCO objects to this request on the grounds that it constitutes a legal conclusion, which is not a proper basis for requests for admissions.

46. *The real property or a portion of the real property located at 850 Warren Wilson Road, Swannanoa, North Carolina 28778 that is the subject of the instant Contested Case is a "disposal facility," as that term is used in N.C.G.S. § 130A-290(a)(16).*

RESPONSE:

WASCO objects to this request on the grounds that it constitutes a legal conclusion, which is not a proper basis for requests for admissions.

47. *The real property or a portion of the real property located at 850 Warren Wilson Road, Swannanoa, North Carolina 28778 that is the subject of the instant Contested Case is a "facility," as that term is used in 15A NCAC 13A .0102(c)(1).*

- Doc. Ex. 875 -

RESPONSE:

WASCO objects to this request on the grounds that it constitutes a legal conclusion, which is not a proper basis for requests for admissions.

48. *In the event that a court were to provide a final judgment declaring that Petitioner is not an "operator" for purposes of the State Hazardous Waste Program, Petitioner would not be entitled to a return of its financial assurance until another owner or operator demonstrates its compliance with the financial assurance requirements of the State Hazardous Waste Program.*

RESPONSE:

Denied.

49. *Petitioner has never held a certificate of authority to do business in the State of North Carolina.*

RESPONSE:

Admitted as to WASCO itself. Otherwise, and in light of the overly broad definition of "Petitioner" used by Respondent, WASCO lacks sufficient information or knowledge to admit or deny this request.

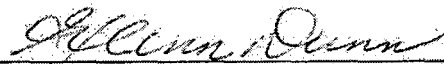
50. *Petitioner filed the instant Contested Case Petition more than 30 days after you received in the mail the August 16, 2013 Letter from Respondent.*

RESPONSE:

WASCO objects to this request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and solely regards a jurisdictional issue that was rendered moot by the Order denying Respondent's motion to dismiss. Without waiving these objections, admitted.

Dated: February 18, 2014

POYNER SPRUILL LLP



H. Glenn Dunn
N.C. State Bar #7697
P.O. Box 1801
Raleigh, NC 27601-1801 / (919) 783-2842

Daniel J. Biederman, Sr.
Biederman & Associates
25 East Washington, Suite 700
Chicago, IL 60602

Attorneys for Petitioner – WASCO LLC

- Doc. Ex. 876 -

Respondent's Exhibit K

**2004-10-14 to 2004-10-19 – Contract between
Mineral Springs Environmental, P.C.
and WASCO, signed by John Coyne**

- Doc. Ex. 877 -



4600 Mineral Springs Lane, Raleigh, NC 27616 • 919.261.8186 • 919.261.8299 Fax

October 12, 2004

Mr. John Coyne
Director – Environmental Affairs
Veolia Water North America
14950 Heathrow Forest Parkway, Suite 200
Houston, Texas 77032

Subject: **Master Services Agreement
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
MSE Job 123**

Dear John:

I appreciated being able to meet you on September 29 and discuss the project. We are planning to conduct the semi-annual groundwater-sampling event the week of October 25, 2004. I have attached some information regarding the draft Administrative Order on Consent that was being negotiated with the State in 2003.

I have attached two copies of the proposed Master Services Agreement between Mineral Springs Environmental and Water Systems and Applications Corporation (WSAC). Work will be conducted in accordance with the attached fee schedule and terms and conditions. If this agreement is acceptable, sign both copies and mail one copy back to me. If you have any questions or comments please feel free to give me a call. Mineral Springs appreciates the opportunity to provide environmental services to WSAC and looks forward to continuing our working relationship.

Sincerely,

Mineral Springs Environmental

A handwritten signature in cursive script that reads 'Kathleen A. Roush'.

Kathleen A. Roush, L.G.
Senior Geologist

Attachments: **Master Services Agreement
Terms and Conditions
Fee Schedule**

MSA – Veolia/kr

- Doc. Ex. 878 -

MASTER CONSULTING SERVICES AGREEMENT

THIS AGREEMENT, made this 19 day of October, 2004, by and between Mineral Springs Environmental, 4600 Mineral Springs Drive, Raleigh, North Carolina, 27616, (hereinafter "MSE") and Water Systems and Applications Corporation (hereinafter "Client").

WITNESSETH:

WHEREAS, Client desires certain work to be performed and accomplished at or in conjunction with a formerly owned facility, and WHEREAS, MSE, having represented that it has the necessary skill and expertise to perform and accomplish such work, desires to do such work.

Now, therefore in consideration of the attached terms and conditions herein contained, the parties hereto agree that work at the former Asheville Dyeing and Finishing facility will be performed in accordance with these terms and conditions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written and continuing in full force and effect from that date unless terminated earlier by mutual agreement or as described in the terms and conditions:

Mineral Springs Environmental

By: Kathleen A. Roush
Kathleen A. Roush, L.G.
Senior Geologist

Applications & Systems Corporation
Water Systems and Applications Corp.

By: John C. Coyne

John C Coyne
Printed Name

DIRECTOR - Environmental Affairs
Title

- Doc. Ex. 879 -

MINERAL SPRINGS ENVIRONMENTAL STANDARD FEE SCHEDULE

The following schedule outlines rates which will be charged for time spent for project management, field activities, consultation, project activities, travel, report preparation, etc. Rates effective through December 31, 2004.

<u>PERSONNEL</u>	<u>Rate Per Hour</u>
Word Processing	\$35.00
CAD Operator	\$45.00
Environmental Technician	\$50.00
Senior Environmental Technician	\$60.00
Staff Level Professional	\$65.00
Project Level Professional I	\$75.00
Project Level Professional II	\$85.00
Senior Level Professional I	\$90.00
Senior Level Professional II	\$100.00
<u>MISCELLANEOUS</u>	<u>Rate Per Unit</u>
Mileage	\$0.50 per mile
Expenses (hotel, meals, supplies)	Cost plus 15%
Subcontracted Services	Cost plus 15%
<u>EQUIPMENT</u>	
Organic Vapor Analyzer	\$130 per day
Disposable Bailers	\$20.00 each
Water Level Probe	\$10.00 per day
Gloves	\$18.00 per box
Locks	\$15.00 each
Oil/Water Probe	\$60.00 per day
Groundwater Pumps	\$160.00 per day
pH/Temperature/Conductivity Meter	\$20.00 per day
Anemometer	\$20.00 per day

Rental equipment charged at rental cost plus 15%.

- Doc. Ex. 880 -

MINERAL SPRINGS ENVIRONMENTAL TERMS AND CONDITIONS

Mineral Springs is an independent consultant and agrees to provide Client, for its sole benefit and exclusive use, consulting services set forth in our proposal. Nothing herein, expressed or implied, is intended to confer any right or remedy under or by reason of this Contract on any person other than the parties hereto.

1. STANDARD OF CARE. Mineral Springs will perform its services using that degree of care and skill ordinarily exercised under similar conditions by reputable members of our profession practicing in the same or similar locality. NO OTHER WARRANTY, EXPRESS OR IMPLIED, IS MADE OR INTENDED BY OUR PROPOSAL OR BY OUR ORAL OR WRITTEN REPORTS.

2. INSURANCE. Mineral Springs maintains insurance coverage as follows:

- Professional Liability Insurance - \$1,000,000
- Comprehensive General Liability Insurance - \$1,000,000 Aggregate, \$1,000,000 Each Occurrence
- Automobile Liability - \$1,000,000 Combined Single Limit
- Workman's Compensation Insurance - Statutory
- Excess Liability - \$1,000,000 Umbrella Each Occurrence
- Contractors Pollution Liability - \$1,000,000 Aggregate, \$1,000,000 Per Claim

3. PAYMENT TERMS. Client agrees to pay our invoice upon receipt. If payment is not received within 30 days from the invoice date, Client agrees to pay a service charge on the past due amount at the prevailing legal rate, including reasonable attorney's fees, if collected through an attorney. No deductible shall be made from our invoice on account of liquidated damages or other sums withheld from payments to contractors or others. Either party may terminate this Agreement without cause upon 30 days written notice to the other party. In the event Client requests termination prior to completion, Client agrees to pay Mineral Springs for all costs incurred plus reasonable charges associated with termination of the work.

4. PROFESSIONAL LIABILITY. Client agrees that Mineral Springs' liability to Client or any third party due to any negligent professional acts, errors or omissions or breach of contract will be limited to an aggregate of \$50,000 or our total fee, whichever is greater. If Client prefers to have higher limits of professional liability, we agree to increase the limit to a maximum of \$1,000,000 upon Client's written request at the time of accepting our proposal, providing that Client agrees to pay an additional consideration of ten percent of our total fee, or \$500, whichever is greater. The additional charge for the higher liability limit is because of the greater risk assumed by us and is not a charge for additional professional liability insurance.

5. SITE OPERATION. Mineral Springs field personnel are trained to initiate field testing, drilling and/or sampling within a reasonable distance of each designated location. Our field personnel will avoid hazards or utilities that are visible to them at the site. If we are advised or given data in writing that reveal the presence or potential presence of underground or overground obstructions, such as utilities, we will give special instructions to our field personnel. Mineral Springs is not responsible for any damage or losses due to undisclosed or unknown surface or subsurface conditions, owned by Client or third parties. Except as a result of our sole negligence, Client agrees to indemnify us from any such claims, suits or losses, including reasonable attorney's fees, resulting therefrom. We will take reasonable precautions to minimize damage to the property caused by our operations. Our fee does not include any cost of restoration due to any damage that may result. If Client desires us to repair such damage, we will comply and add the cost to our fee.

Client will arrange for right-of-entry to the property for the purpose of the agreed services. Client represents that it possesses necessary permits and licenses required for its activities at the site. Field tests or boring locations described in our report or shown on sketches are based on specific information furnished by others or estimates made in the field by our personnel. These locations, depths or elevations should be considered as approximations unless otherwise stated in our proposal or report.

6. UNFORESEEN CONDITIONS AND OCCURRENCES. It is possible that changed conditions or unforeseen conditions or occurrences may be encountered which could substantially alter the necessary services or the risks involved in completing our services. If this occurs, we will promptly notify and consult with Client, but will act based on our sole judgement where risk to our personnel is involved. Possible actions could include the completion of the original Scope of Services in accordance with the procedures originally intended in our Proposal (if practicable in our sole judgement), terminate the services effective on the date specified by us in writing, or agree with Client to modify the Scope of Services and the estimate of charges to include study of the unforeseen conditions or occurrences, with revision agreed in writing.

7. MINERAL SPRINGS FIELD PERSONNEL. The presence of our field personnel, either full-time or part-time, will be for the purpose of providing observation and field testing of specific aspects of the project as authorized by Client. Should a contractor, not retained by us, be involved in the project, Client will advise contractor that our services do not include supervision or direction of the actual work of the contractor, his employees or agents. Client will also inform contractor that the presence of our field personnel or observation or testing by us will not relieve the contractor of his responsibilities for performing the work in accordance with the plans and specifications.

If a contractor (other than a subcontractor of Mineral Springs) is involved in the project, Client agrees that, in accordance with generally accepted construction practices, the contractor will be solely and completely responsible for working conditions on the job site, including safety of all persons and property during performance of the work, and compliance with OSHA regulations, and that these requirements will apply continuously and not be limited to normal working hours. It is agreed that we will not be responsible for job safety on the project and that we do not have the duty or right to stop the work of the contractor.

- Doc. Ex. 881 -

8. CLIENT DISCLOSURE*. Client agrees to advise us upon execution of the Agreement of any hazardous substances or any other condition, known or that should be known by Client, existing in, on, or near the site that present a potential danger to human health, the environment, or equipment. Client agrees to provide continuing information as it becomes available to the Client in the future. By virtue of entering this Agreement or of providing services hereunder, we do not assume control of or responsibility for the site or the person in charge of the site, or undertake responsibility for reporting to any federal, state or local police agencies any conditions at the site that may present a potential danger to public health, safety or the environment. Client agrees to notify the appropriate federal, state or local public agencies as required by law, or otherwise to disclose, in a timely manner, any information that may be necessary to prevent any danger to health, safety, or the environment.

9. ENVIRONMENTAL INDEMNITY. Client shall indemnify, defend and save harmless Mineral Springs and all its employees, agents, and representatives from any and all claims, demands, suits, actions, proceeds, loss, cost and damages of every kind of description, including reasonable attorney's fees and litigation expenses which may be brought or made against or incurred by Mineral Springs on account of loss of or damage to any property or to any injuries or death of any person, caused by, arising out of, or contributed to, by reason of any act, omission, fault, mistake or negligence of Client, its employees, agents, representatives, or Client's, other contractors or their employees, agents or representatives in connection with or incident to the proposal, the performance of the work. Client's obligation of this section shall not extend to any liability caused by the sole negligence or willful misconduct of Mineral Springs or employees, agents or representatives. Client's indemnity herein shall extend to Mineral Springs' attorney's fees and consultant's fees.

Client will defend, hold harmless and indemnify Mineral Springs from and against any and all claims, actions, allegations, penalties, and damages caused by*:

- Client's violation of any federal, state or local state, regulation or ordinance relating to the disposal, use, or storage of toxic or hazardous substances, wastes, or constituents, and/or any other federal, statute or local statute, regulation or ordinance relating to protection of the environment, including, without limitation, statutes, regulations or ordinances relating to petroleum and petroleum products;
- Client's undertaking of or arrangement for the handling, removal, treatment, storage, transportation or disposal of toxic or hazardous substances or wastes or their constituents, or petroleum and/or petroleum products, found or identified at the site;
- Toxic or hazardous substances or wastes, or their constituents, and/or petroleum or petroleum products, introduced or present at the site before or after Mineral Springs completion of the services herein;
- Any allegation that Mineral Springs is a handler, generator, operator, treater or storer, transporter, or disposer of hazardous waste under the Resource Conservation and Recovery Act of 1976, as amended, or any other similar federal, state or local regulation or law.

10. SAMPLE DISPOSAL AND EQUIPMENT. Test specimens or samples generally are consumed or substantially altered during testing and are disposed of immediately upon completion of tests. *In the event that samples contain hazardous constituents, we will return such samples to Client, or using a manifest signed by Client as generator, we will have samples transported to a location selected by Client for final disposal. Client agrees to pay all costs associated with the storage, transport, and disposal of samples. Client recognizes and agrees that we are acting as a bailee and at no time assume title to said materials.

We will attempt to clean our field equipment that may become contaminated in the conduct of our services. Occasionally, such equipment cannot be completely decontaminated because of the type of hazardous materials encountered. If this occurs, it will be necessary to dispose of the equipment in a manner similar to that indicated for the hazardous samples and to charge Client as described above. Client agrees to pay the fair market value of any such equipment.

11. FORCE MAJEURE. If Mineral Springs is delayed at any time in the progress of the work by any negligent or willful act of the Client, by any act of another contractor of the Client, by adverse weather conditions not reasonably anticipated, unavoidable casualties, or by any other cause beyond Mineral Springs' control or by delay authorized by the Client pending arbitration, the time for completion of the work shall be extended for a time equal to the time of such delay.

In the event either party to this agreement is rendered unable wholly or in part by a force majeure to carry out its obligation under this agreement, other than its obligations to make payments due, then the party affected by force majeure shall give written notice with explanation to the other party promptly. Following such notice, the effective obligations of the party giving notice shall be suspended only during the continuance of the force majeure, providing due diligence is demonstrated in seeking remedy to the cause.

The term "force majeure" as employed herein shall mean, acts of God, acts of public enemies, wars, blockades, insurrections, riots, epidemics, landslides, lightening, earthquakes, fires, storms, floods, washouts, civil disturbances, explosions, labor disputes, inability with reasonable diligence to obtain materials and any other cause not within the reasonable control of the party claiming a suspension despite their due diligence. In the event any situation constituting "force majeure" causes suspension of the work for a period of fifteen consecutive days or more, Client will have the right to take over said work and complete it at Client's expense.

MINERAL SPRINGS ENVIRONMENTAL

Terms and Conditions

*Page 2 of 3
9/04*

- Doc. Ex. 882 -

12. DOCUMENTS. Mineral Springs will furnish to Client the agreed upon number of reports and supporting documents. These instruments of service are furnished for Client's sole use in connection with the project or work provided for in this Agreement. For any other purpose, all documents generated by us under this Agreement, shall remain the sole property of Mineral Springs. If Client desires to provide our report to a third party, we will agree provided Client obtains written acceptance from the third party to be bound by these terms and conditions.

Client agrees that all documents furnished to Client or Client's agents or designees, if not paid for, will be returned upon demand and will not be used by Client for any purpose whatsoever. Client further agrees that documents provided by Mineral Springs pursuant to this Agreement will not be used at any location or for any project not expressly provided for in this Agreement without our written approval. The documents we furnish to Client are intended to be relied upon in their entirety and are intended for Client's exclusive reliance and internal use and not for advertising or other type of general distribution or publication. Client agrees to obtain our written permission for any exception. Any unauthorized use or distribution shall be at Client's sole risk and without liability to Mineral Springs.

Client shall furnish documents or information reasonably within Client's control and deemed necessary by us for proper performance of our services. We may rely upon Client-provided documents in performing the services required under this Agreement; however, we assume no responsibility or liability for their accuracy. Client-provided documents will remain the property of Client.

13. CLAIMS. The parties agree to attempt to resolve any dispute without resort to litigation. However, in the event a claim is made that results in litigation, and the claimant fails to prevail, then the claimant shall pay all costs incurred in defending the claim, including reasonable attorney's fees. The claim will be considered proven if the judgement obtained and retained through any applicable appeal is at least ten percent greater than the sum offered to resolve the matter prior to the commencement of trial.

14. CONFIDENTIALITY. Mineral Springs will maintain as confidential any documents or information provided by Client indicated to be confidential and will not release, distribute or publish to any third party without prior permission from Client unless compelled by order of a court or regulatory body of competent jurisdiction.

15. SURVIVAL. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between Client and Mineral Springs shall survive the completion of the services and the termination of this Agreement.

16. OTHER. In the event that any provision of this Agreement is found to be unenforceable, the other provisions shall remain in full force and effect. This Agreement, the attached documents and those incorporated herein constitute the entire Agreement between the parties and cannot be changed except by a written instrument signed by both the parties. This Agreement shall be governed in all respects by the laws of the State of North Carolina.

*Applies only if toxic or hazardous substances or constituents are involved or encountered.

- Doc. Ex. 883 -

Respondent's Exhibit L
Internal Communications Involving WASCO

- Doc. Ex. 884 -

Exhibit L-1

1999-02-11 – Letter from Mid-Atlantic
Associates, P.A. to WASCO

- Doc. Ex. 885 -

MID-ATLANTIC
ASSOCIATES, P.A.
Engineering & Environmental Solutions

409 Rogers View Court / Raleigh / North Carolina / 27610
800-486-7568 / 919-250-9918 / 919-250-9950 Facsimile
www.maaonline.com

February 11, 1999

Mr. Jason Pontnack
US Filters/Culligan
One Culligan Parkway
Northbrook, IL 60062-6209

Reference: **FEBRUARY 18, 1999 MEETING WITH HAZARDOUS
WASTE SECTION
FORMER ASHEVILLE DYEING AND FINISHING FACILITY
SWANNANOVA, NORTH CAROLINA
MID-ATLANTIC PROJECT NO. 097R0562**

Dear Mr. Pontnack:

As we discussed this morning, please find below the following potential topics to be discussed during our upcoming meeting with the Hazardous Waste Section.

- Introduce new company and philosophy;
- Summarize Activities/Assessment Activities conducted to-date;
- Discuss the installation of remediation system;
- Discuss the groundwater analytical data for remediation effectiveness;
- Discuss the snap shot analysis for groundwater samples collected in October;
- Discuss the approach for proceeding forward without the preparation of Post-Closure (Part B) Permit Application;
- Indicate desire for alternative mechanisms for proceeding forward with work task. Open up discussion for State to discuss alternative mechanics used previously
- Need to set the stage for using Risk Based/Natural Attenuation Methodology for remediation of other off-site impact; and
- Discuss documentation need in State file to avoid permit.

- Doc. Ex. 886 -

*February 18, 1999 Meeting with Hazardous Waste Section
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina*

*February 11, 1999
Page 2*

Once you have received, please review and call me for further discussions. In addition, we would appreciate an update on the following invoices:

Mid-Atlantic Invoice No. 3006 Amount \$9,521.64

Mid-Atlantic Invoice No. 3067 Amount \$7,319.92

If you should have any questions or need any additional information, please do not hesitate to call me at (919) 250-9918.

Sincerely,

MID-ATLANTIC ASSOCIATES, P.A.

Kirk B. Pollard

Kirk B. Pollard
Senior Project Manager

KBP/kps

L99-1492

MID-ATLANTIC
ASSOCIATES, P.A.
Engineering & Environmental Solutions

- Doc. Ex. 887 -

Exhibit L-2

2004-10-29 – Email chain between John Coyne,
Kirk Pollard, and Robert LaBoube

- Doc. Ex. 888 -

Page 1 of 2

K. Pollard Mineral Springs Environmental

From: "Coyne, John" <John.Coyne@veoliawaterna.com>
To: "K. Pollard Mineral Springs Environmental" <kpollard@nc.rr.com>
Sent: Friday, October 29, 2004 2:13 PM
Subject: RE: New Part A

Bless you kind Sir....

John C. Coyne
 Director - Environmental Affairs
 Veolia Water North America
 14950 Heathrow Forest Parkway suite 200
 Houston, TX 77032
 Phone 281-985-5544
 Fax 281-442-9014
 Cell 936-443-5696
john.coyne@veoliawaterna.com NEW !!

-----Original Message-----

From: K. Pollard Mineral Springs Environmental
 [mailto:kpollard@nc.rr.com]
Sent: Friday, October 29, 2004 2:07 PM
To: Coyne, John
Subject: Re: New Part A

John: We will take care of the Part A submittal. We sent one last year for Culligan. Have a good weekend. Kirk

----- Original Message -----

From: "Coyne, John" <John.Coyne@veoliawaterna.com>
To: "Robert LaBoube (E-mail)" <Robert.LaBoube@culligan.com>; "K. Pollard Mineral Springs Environmental (E-mail)" <kpollard@nc.rr.com>
Sent: Friday, October 29, 2004 12:46 PM
Subject: FW: New Part A

> Hello gentlemen... please note below from Larry Stanley. If you could
 > send
 > me that current versions to work off of, that would be most appreciated.
 > Looks like the word is getting out there Bob.
 >
 > Thanks. have a good weekend...
 >
 >
 > John C. Coyne
 > Director - Environmental Affairs
 > Veolia Water North America
 > 14950 Heathrow Forest Parkway suite 200

- Doc. Ex. 889 -

Page 2 of 2

> Houston, TX 77032
> Phone 281-985-5544
> Fax 281-442-9014
> Cell 936-443-5696
> john.coyne@veoliawaterna.com NEW !!
>
>
> -----Original Message-----
> From: Larry Stanley [mailto:Larry.Stanley@ncmail.net]
> Sent: Friday, October 29, 2004 10:17 AM
> To: john.coyne@veoliawaterna.com
> Subject: New Part A
>
>
> John,
>
> I recently received a letter from Mr. Bob Laboube indicating that
> WASC is now responsible for RCRA issues at the former Asheville Dyeing
> and Finishing facility in Swannanoa, NC. I think you were previously
> involved with this site, and I met you at a meeting in our office two or
> three years ago.
>
> Besides letting you know that Bob had contacted us, I also need to
> remind you that WASC must submit a new Part A permit application with
> updated operator and contact information. Culligan submitted updated
> site identification information in late 2003. It's the same form, you
> just have to check the appropriate box at the top of the first page. A
> copy of the form can be obtained from an EPA website
> (<http://www.epa.gov/epaoswer/hazwaste/data/form8700/forms.htm#parta>).
> Either Bob Laboube or Mineral Springs should have most of the
> information needed to complete the form.
>
> Regards,
> Larry Stanley
>

- Doc. Ex. 890 -

Exhibit L-3

2004-11-23 – Fax from Mineral Springs
Environmental, P.C. to WASCO

- Doc. Ex. 891 - Mineral Springs Environmental

4600 Mineral Springs Lane, Raleigh, North Carolina 27616
(919) 261-8186
(919) 261-8299 Facsimile

LETTER OF TRANSMITTAL

To: Johri Coyne Project No. _____
Water Applications & Systems Corp Project AD & F
Date 11/23/04

- Reports For information and files Mail
- Correspondence For comment and approval Express
- Other Returned for correction Messenger

Copies	Date	Description
1		Part A Application

Comments:
Please find attached an amended Part A
for the AD & F site. Please in the space
designated. Return to us and I will
then get Arvil to sign.

Thanks Kirk

- Doc. Ex. 892 -

Exhibit L-4

2006-02-27 – Email from
John Coyne to Kirk Pollard

- Doc. Ex. 893 -

2005 Haz Waste Report

Page 1 of 1

Kirk Pollard

From: Coyne, John [John.Coyne@veoliawaterna.com]
Sent: Monday, February 27, 2006 3:57 PM
To: kpollard@nc.rr.com
Subject: 2005 Haz Waste Report

Hey Kirk...

The fine folks at the NC DENR sent the 2005 Report package to the site, then called me, and forwarded it here. Arrived today. Want me to send it to you (for completion)?

John C. Coyne
Director - Environmental Affairs
Veolia Water North America
14950 Heathrow Forest Parkway suite 200
Houston, TX 77032
Phone 281-985-5544
Fax 281-985-5595
Cell 936-443-5696
john.coyne@veoliawaterna.com

Confidentiality Note: This email message and any attachments to it are intended only for the named recipients and may contain legally privileged and/or confidential information. If you are not one of the intended recipients, please do not duplicate or forward this email message and immediately delete it from your computer.

- Doc. Ex. 894 -

Exhibit L-5

2006-02-27 – Email chain between
John Coyne and Kirk Pollard

- Doc. Ex. 895 -

Message

Page 1 of 2

Kirk Pollard

From: Coyne, John [John.Coyne@veoliawaterna.com]
Sent: Monday, February 27, 2006 7:04 PM
To: K. Pollard Mineral Springs Environmental
Subject: RE: 2005 Haz Waste Report

I'll see if I can make it... And I will UPS the NCDENR information in the morning...

John C. Coyne
 Director - Environmental Affairs
 Veolia Water North America
 14950 Heathrow Forest Parkway suite 200
 Houston, TX 77032
 Phone 281-985-5544
 Fax 281-985-5595
 Cell 936-443-5696
 john.coyne@veoliawaterna.com

Confidentiality Note: This email message and any attachments to it are intended only for the named recipients and may contain legally privileged and/or confidential information. If you are not one of the intended recipients, please do not duplicate or forward this email message and immediately delete it from your computer.

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Monday, February 27, 2006 5:24 PM
To: Coyne, John
Subject: Re: 2005 Haz Waste Report

Bring it on. By the way the Haz Boys and Girls want to come to the site on March 16th, 2006. Come if you would like and we will have a big throw down. I can handle, but if just want to see the site one more time come on.

----- Original Message -----

From: Coyne, John
To: K. Pollard Mineral Springs Environmental (kpollard@nc.rr.com)
Sent: Monday, February 27, 2006 3:56 PM
Subject: 2005 Haz Waste Report

Hey Kirk...

The fine folks at the NC DENR sent the 2005 Report package to the site, then called me, and forwarded it here. Arrived today. Want me to send it to you (for completion)?

John C. Coyne
 Director - Environmental Affairs
 Veolia Water North America
 14950 Heathrow Forest Parkway suite 200
 Houston, TX 77032
 Phone 281-985-5544
 Fax 281-985-5595

1/30/2014

833

- Doc. Ex. 896 -

Message

Page 2 of 2

Cell 936-443-5696
john.coyne@veoliawatema.com

Confidentiality Note: This email message and any attachments to it are intended only for the named recipients and may contain legally privileged and/or confidential information. If you are not one of the intended recipients, please do not duplicate or forward this email message and immediately delete it from your computer.

1/30/2014

834

- Doc. Ex. 897 -

Exhibit L-6

2006-02-28 – Fax from John Coyne
to Kirk Pollard with letter from
the Hazardous Waste Section

- Doc. Ex. 898 -



MEMORANDUM

John C. Coyne
Director
Environmental Affairs

14950 Heathrow Forest Parkway
Houston, TX 77032

Tel: 281-985-5544
Fax: 281-442-9014
Cell: 936-443-5696
john.coyne@veoliawatema.com

Date: *2/28/2006*
To: *Kirk Pollard*
Copy:
Subject: *HAZ WASTE Report*

as we discussed...

Thanks

John Coyne

- Doc. Ex. 899 -



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

February 10, 2006

Dear BRS Filer:

Re: 2005 Hazardous Waste Report

Your facility is/was listed in the North Carolina Hazardous Waste database as a Large Quantity Generator (LQG) and/or a Treatment, Storage, or Disposal Facility (TSDF) during the calendar year 2005. Because of this designation you may be required to fill out a 2005 Hazardous Waste Report (enclosed).

To determine if your facility is required to file a 2005 Hazardous Waste Report, please read the instructions on Page iii of the booklet. North Carolina has no additional state-specific requirements or exemptions that would change your facility's status. Notice that if you are a TSDF you are required to submit a 2005 Hazardous Waste Report regardless of your generator status. Also remember that you may be considered a TSDF based on disposal activity at your facility (post-closure permit or post-closure care).

If you determine that your facility is not required to submit a 2005 Hazardous Waste Report you must submit a letter of explanation to the address listed below on or before March 15, 2006. You are also required to submit a revised Site Identification Form (located near the back of the booklet) with this letter.

If your facility is required to submit a 2005 Hazardous Waste Report please read all the instructions carefully. There were no changes in reporting requirements and forms for the 2005 Hazardous Waste Report.

The 2005 Hazardous Waste Report must be submitted April 15, 2006 if you are not filing electronically. The 2003 Hazardous Waste Report must be submitted by May 1, 2006 if you are filing electronically. The submittal must be made to:

Jim Edwards
NC Hazardous Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646

Any questions should be directed to Jim Edwards at 919 508-8539 (Jim.Edwards@ncmail.net), Larry Wilson at 919 508-8573 (Larry.Wilson@ncmail.net), or Helen Cotton at 919 508-8537 (Helen.Cotton@ncmail.net).

Sincerely,

Elizabeth W. Cannon
Elizabeth W. Cannon, Chief

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone 919-733-4996 \ FAX 919-715-3605 \ Internet <http://wastenotnc.org>

An Equal Opportunity / Affirmative Action Employer -- Printed on Dual Purpose Recycled Paper

- Doc. Ex. 900 -**ELECTRONIC REPORTING**

This year, as in the past, electronic reporting is available. There are two reporting options available for electronic data submission to the State of North Carolina. Both software packages require Windows 95 or higher operating systems and both operate best when Adobe Acrobat 4.0 or higher is installed. Both are primarily distributed through the Internet but may be obtained on CD or a diskette by calling Larry Wilson at 919-508-8573.

Environmental Support Solutions has developed a free reporting software program called Waste Reported. The software is easy to use and flexible with a step by step interview process for first time users and a very short reports as well as a page by page data entry interface for more experienced reporters. The Waste Reporter data entry software may be downloaded at:

<http://www.environ.com/partners/NC/NCWR.htm>

The State of Florida has also developed a reporting software package called BRState. While this software is generally not as user friendly as Waste Reporter, some sites may find some features of the software useful for managing large or complex reports. The BRState data entry and management software and instructions may be downloaded at:

http://www.dep.state.fl.us/waste/categories/hazardous/pages/BRS_data.htm

To file electronically you must submit a disk or CD with your facility information and a completed signed paper copy of the Site Identification Form.

TRAINING

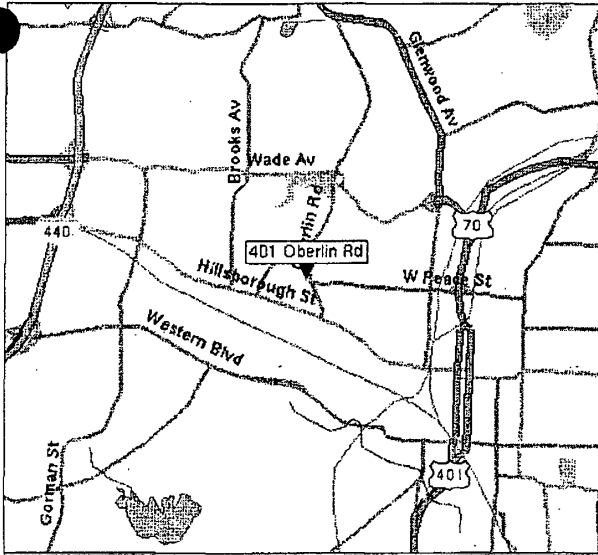
The North Carolina Hazardous Waste Section will conduct training for the 2005 Hazardous Waste Report on Thursday, March 9, 2006. This training will begin at 12:30 and will last approximately 3 hours. The training will be held in the Basement Conference Rooms at 401 Oberlin Road, Suite 150, Raleigh, NC.

Maps are located on page 3 of this information. Free parking is available across the street from the 401 Oberlin Road Building.

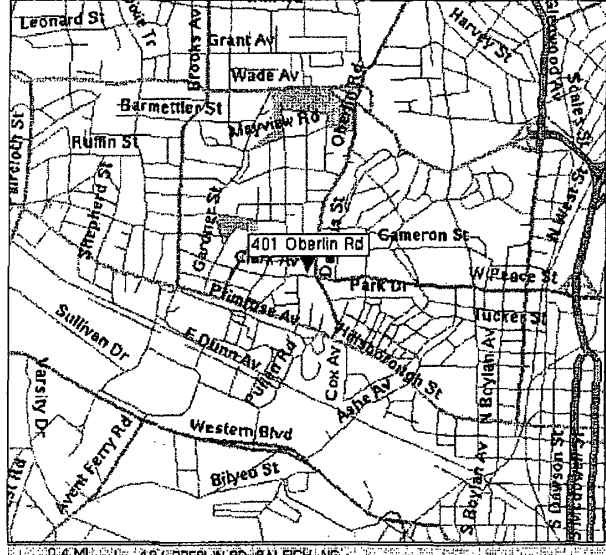
The training will consist of the following:

- General Overview
- Changes to the forms and codes
- Filling out the forms
- Electronic filing
- Questions

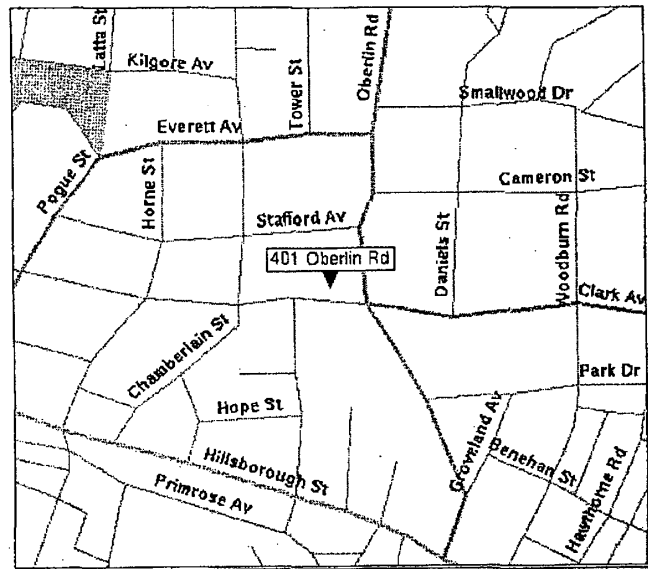
- Doc. Ex. 901 -



0.7 MI 401 OBERLIN RD, RALEIGH, NC
Map by MAPS ON US (R)
©1984-2001 TeleAtlas N.A.m., Switchboard, Use subject to LICENSE.



0.4 MI 401 OBERLIN RD, RALEIGH, NC
Map by MAPS ON US (R)
©1984-2001 TeleAtlas N.A.m., Switchboard, Use subject to LICENSE.



0.1 MI 401 OBERLIN RD, RALEIGH, NC
Map by MAPS ON US (R)
©1984-2001 TeleAtlas N.A.m., Switchboard, Use subject to LICENSE.

- Doc. Ex. 902 -



October 2005

2005 Hazardous Waste Report

Instructions and Forms

EPA Form 8700-13 A/B

(OMB #2050-0024; Expires 10/31/2007)

- Doc. Ex. 903 -

Exhibit L-7

2006-04-05 – Fax from Mineral Springs
Environmental, P.C. to John Coyne

- Doc. Ex. 904 -

Mineral Springs Environmental, P.C.

4600 Mineral Springs Lane, Raleigh, North Carolina 27616

(919) 261-8186

(919) 261-8299 Facsimile

LETTER OF TRANSMITTAL

To: John Coyne

Project No. 123

Project AD & F

Date 4-5-06

- Reports For information and files Mail
- Correspondence For comment and approval Express
- Other Returned for correction Messenger

Copies	Date	Description
1	4/5/06	Hazardous Waste Report

Comments:

John please sign as operator
I will then send on for Anvil folks
to sign as owner.

- Doc. Ex. 905 -

Exhibit L-8

2006-09-15 to 2006-09-20 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 906 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]
 Sent: Wednesday, September 20, 2006 11:23 AM
 To: Huerter, Rodney
 Subject: Re: AD&F Swannanoa site

Hey Rodney: I am sure you will see on the old Part A that a rep from the facility will need to sign the Part A. I will be glad to forward to them and get the document to the state once they have signed off. Just send to me and I will send to the appropriate person at Anvil Knitware. Talk with you soon.
 Kirk

----- Original Message -----

From: "Huerter, Rodney" <Rodney.Huerter@veoliawaterna.com>
 To: "K. Pollard Mineral Springs Environmental" <kpollard@nc.rr.com>
 Sent: Friday, September 15, 2006 9:42 AM
 Subject: RE: AD&F Swannanoa site

> Kirk: We have requested and just rec'd a Part A that I will complete
 > and get back to the state. You don't need to worry about that. John
 > did attempt to call you yesterday while he was back in our office. We
 > will be retaining his service for a while, and so there is not a hard
 > break on the site. Additionally, since John and I actually live no
 > more than a half-mile from each other and are good friends, I will
 > always have a line to any background / interpretive information I
 > require.
 >
 > My contact info is listed below. I am going to be unavailable for the
 > balance of today, so I would recommend that when John is in the office
 > next week, he and I call you and the three of us talk at that time.
 > I'll get you
 > the information in advance, so that we don't miss you. Have a good
 > weekend.
 >
 > Rodney G. Huerter
 > VWNA EHS&S
 > 14950 Heathrow Forest Pkwy, Ste. 200
 > Houston, TX 77032
 >
 > 281-985-5547 (office) / 936-648-3162 (mobile)
 >
 > Rodney.Huerter@veoliawaterna.com
 > <mailto:Rodney.Huerter@veoliawaterna.com>
 >
 > Excellence is not an act - it is a habit. Aristotle
 >
 > Confidentiality Notice: Confidentiality Notice: This e-mail and any
 > attachments to it are intended only for the named recipients and may
 > contain confidential information. If you are not one of the intended
 > recipients, please do not duplicate or forward this e-mail message and
 > immediately delete it from your computer. Your assistance in this
 > matter is greatly appreciated and will help to ensure that our lawyers
 > remain grunted and at
 > a distance, which is where we like to keep them. Thank you.

- Doc. Ex. 907 -

>

>

>

From: K. Pollard Mineral Springs Environmental
[mailto:kpollard@nc.rr.com]

> Sent: Fri 9/15/2006 8:31 AM

> To: rodney.huerter@veoliawaterna.com

> Subject: AD&F Swannanoa site

>

>

> Hey Rodney: Wanted to drop you a quick email to say hello, I

> understand

> from

> John that you and I will be working together on the AD&F site in

> Swannanoa.

> I look forward to working with you on this project and look forward to

> meeting you. I would like to get your telephone number so I can speak

> directly with you to officially introduce myself. My contact information

> is

> Phone 919 261-8186, cell 919 740-0339, fax 919 261-8299. Please send me

> your

> telephone number or call.

>

> Since John's departure we will need to modify a document with the

> state.

> The

> document is called a Part A which shows contact changes and is required to

> be resubmitted if changes occur. I will get the ball rolling on the

> document. Just to let you know we will be on site conducting an annual

> full

> sampling event the week of October 23, 2006 if you would like to come up

> and

> take a tour of the facility. Beautiful time to be in the North Carolina

> Mountains.

>

> Look forward again to the opportunity to work with you. Hope you have

> a great weekend. Kirk

>

- Doc. Ex. 908 -

Exhibit L-9

2006-11-15 – Email from Kirk
Pollard to Rodney Huerter

- Doc. Ex. 909 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: December Invoice and additional 2007 budget
Date: Wednesday, November 15, 2006 6:55:30 AM

Hey Rodney: As requested I have estimated the total for the next invoice which will be issued around December 1, 2006. The estimated amount will be 7,578.75. In addition, I have calculated some numbers for potential work that I foresee being required by the Hazardous Waste Section in 2007. This work will involve additional groundwater assessment in areas designated as Solid Waste Management Units. As part of this work an updated receptor survey will be performed. I feel we should budget between \$175,000 and \$200,000. This work is in addition to the normal O&M and sampling activities. Hope you have a good day. Please call if you have questions. Kirk

- Doc. Ex. 910 -

Exhibit L-10

2007-01-17 – Letter from Mineral Springs
Environmental, P.C. to WASCO

- Doc. Ex. 911 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

January 17, 2007

Mr. Rodney Heurter
Water Applications and Systems Corporation
14950 Heathrow Forest Parkway, Suite 200
Houston, TX 77032

Subject: **October 2006 Quarterly Effectiveness Monitoring Report
Former Asheville Dyeing and Finishing Facility
Swannanoa, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Mr. Heurter:

Attached is a copy of the October 2006 Quarterly Effectiveness Monitoring Report for the site referenced above. Mineral Springs Environmental, P.C. collected samples from all but one of the groundwater monitoring wells (MW-1) to develop a current picture of the site groundwater conditions. The results of this sampling are included in the report. Three copies of this report have been forwarded to the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Hazardous Waste Section. An additional copy has been sent to the facility to keep on file, as required.

If you have any questions regarding the attached report or the site, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental, P.C.

A handwritten signature in black ink that reads "Kirk B. Pollard".

Kirk B. Pollard, L.G.
Principal Geologist

123/Qtlys/Oct 2006 /kp

- Doc. Ex. 912 -

Exhibit L-11

2007-05-02 – Email from
Rodney Huerter to Kirk Pollard

- Doc. Ex. 913 -

From: [Huerter, Rodney](#)
To: [K. Pollard Mineral Springs Environmental](#)
Subject: FW: Asheville Dyeing & Finishing - NCD 070 619 663
Date: Wednesday, May 02, 2007 10:41:00 AM
Attachments: [AD&F - MW Nos 14s, 14i, 14d.xls](#)

FYI. I left you a v/mail with a request re information that will help me in discussing this with Coyne.

In conjunction with reviewing Carl's letter, I have done a lot of reviewing of past reports (*trying to see if there are any clues as to what could have prompted his requested scope to have been so seemingly overbroad*). One item in the Conclusions & Recommendations section of the Oct 2006 Quarterly Effectiveness Monitoring Report (*a reference to MW-14s, Sec. 5 at page 4, 1st para.*) caught my eye. Because there was no corresponding historical data with which to compare the MW-14s data, perhaps Carl could have read the statement to mean a 114 ug/L increase had occurred, which was not the case - while there was an increase over the Oct 2005 results, it was actually statistically on par with the Oct 2004 results. Further, the results show there was a decrease in both MW-14i and MW-14d. (See *attached breakout of the results for MW Nos. 14s/i/d*).

Obviously, I cannot be certain that comment prompted some of the Agency's requests for broadening the scope - but I also cannot discount the potential that it may have been a contributing factor. What I would like to do in the future is to make sure that any such comments are couched in a manner that clarifies its relevance. Out of curiosity, what prompted the change from Paradigm Analytical Labs (Wilmington) to Research & Analytical Labs (Kernersville)? (e.g., distance, response time, economics, etc.)

R. G. Huerter
 281-985-5547 (office) / 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: Huerter, Rodney
Sent: Wednesday, May 02, 2007 10:03 AM
To: 'carl.utterback@ncmail.net'
Subject: Asheville Dyeing & Finishing - NCD 070 619 663

Carl:

It was good speaking with you this morning. As we discussed, Kirk Pollard contacted me, wondering when I was going to call him re your Apr. 5, 2007 letter, in which you requested a groundwater assessment plan by May 30. However, I did not / have not receive(d) the letter you sent (*Kirk did fax me a copy of the letter he received*). Based on that, I requested the deadline to be extended until Jun. 29, 2007. You indicated that would not be a problem, and asked me to send you a letter. Please advise if this e-mail will not suffice for the purposes of your request.

Rodney G. Huerter
 Director, Environmental Affairs
 Water Applications & Systems Corp.
 14950 Heathrow Forest Pkwy, Ste. 200, Houston, TX 77032

281-985-5547 (office)
 281-985-5595 (fax)
 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

- Doc. Ex. 914 -

Excellence is not an act - it is a habit. *Aristotle*

Confidentiality Notice: This e-mail and any attachments to it are intended only for the named recipients and may contain confidential information. If you are not one of the intended recipients, please do not duplicate or forward this e-mail message and immediately delete it from your computer. Your assistance in this matter is greatly appreciated and will help to ensure that our lawyers remain grunted and at a distance, which is how we prefer to keep them. Thank you.

- Doc. Ex. 915 -

Exhibit L-12

2007-03-13 to 2007-05-02 – Email chain
between John Coyne and Rodney Huerter

- Doc. Ex. 916 -

From: [Creig Coyne](mailto:Creig_Coyne)
To: [Huerter, Rodney](mailto:Huerter_Rodney)
Subject: RE:
Date: Wednesday, May 02, 2007 5:45:34 PM

I had the IDEM letter printed off for review... saw/found it this evening and could not find record of a response to you... Sorry if my earlier note was a repeat.

I don't have much on AD&F here at the house. I can stop by the office later this week if needed. Basically, we (WASCo) were just cruising along, doing the quarterly monitoring, and waiting on further direction on the RFA... we'd been in that holding pattern for quite some time. Kirk will have to shed some light on the impetus for all of this "define and delineate" crapola. We have been prepared to negotiate the RFA work for some time. It is no surprise. The RFA scope, with further SWMU/HWMU investigation was budgeted for, but not the additional delineation work. Plume migration, fate-and-transport models, and other investigative and delineation efforts have not been requested by the State at any time during my involvement with the site, going back to 1998. Have the levels jumped/spiked?

Let me know when we need to huddle up, and I'll make myself available... adios amigo...

Creig Coyne
 Owner
 Creighton Services, LLC
 936-443-5696
creig@creightonservices.com
www.creightonservices.com

-----Original Message-----

From: Huerter, Rodney [mailto:Rodney.Huerter@veoliawaterna.com]
Sent: Tuesday, May 01, 2007 7:25 PM
To: creig@creightonservices.com
Subject: RE:

Don't sweat that one - I called the agency directly after I ed-u-ma-cated myself on the situation back in March. The operative mission is AD&F.

R

From: Creig Coyne [mailto:creig@creightonservices.com]
Sent: Tue 5/1/2007 6:59 PM
To: Huerter, Rodney
Subject: RE: Culligan Lemon Grove

Hello Mr. Rodney... can you forward to me an electronic copy of the Jan-07 quarterly report. I'd like to look at it before providing any response to the IDEM letter. I have doubts about Ms. Klika-Sanders expertise and sense of 'reasonableness'. Her name is not familiar, and we may have another newbie (gonna-change-the-World-one-UST-at-a-time person on our hands). I will be available to discuss this or any other matter this week.

Thanks for following up on the Gladewater belt press... I had talked to Chris Meeks' underling a few weeks ago, and he indicated the asking price was "around \$30K". We may be able to find a buyer... you never know. I may drive up to Gladewater later this week for a look-see.

Thanks again, and I'll talk to you later.

Creig Coyne
 Owner

- Doc. Ex. 917 -

Creighton Services, LLC
 936-443-5696
creig@creightonservices.com
www.creightonservices.com

-----Original Message-----

From: Huerter, Rodney [mailto:Rodney.Huerter@veoliawaterna.com]
Sent: Thursday, March 15, 2007 1:12 PM
To: Creig Coyne
Cc: admin@creightonservices.com
Subject: RE: Culligan Lemon Grove

Thanks - sorry for delay in response - it's been a crazy week (VE Annual Rpt due, Q1-07 updates due, dippity doo, etc) This attached commo re Custodis (Brazil, IN) showed up and I also need to bug you about some background to the IDEM comments on pp 1-2.

R. G. Huerter
 281-985-5547 (office) / 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: Creig Coyne [mailto:creig@creightonservices.com]
Sent: Tuesday, March 13, 2007 9:33 PM
To: Huerter, Rodney
Cc: admin@creightonservices.com
Subject: Culligan Lemon Grove

Rodney –

I have read through the information you forwarded. I reviewed the figures and tables, as well as the recent and historical correspondence. *{Yes, I actually read it all}*

Anyhoo...I can consolidate my various thoughts on the matter thusly:

1. I do not see the need to interact with Louder, either directly or indirectly (via Diana B. and MWH Global), at all. The County, via J. Clay, sent Louder the "do as I say" letter back on October 24th, 2006. The letter included as "60 day" stipulation as well. The County wants the additional well... I'm suggesting that you let the County beat on him (Louder), and simply not worry about what the lease/transactional documents contain. His letter is all that is needed. WASC never dragged its feet about the additional well installation. In fact, WASC generated the idea and proposed the compromise, as previous negotiations with the Culligan management team had "died on Committee floor". I'd submit that WASC was actively seeking to push the project forward, not stall it.

- Doc. Ex. 918 -

1. Repeatedly remind the County (and J. Clay), whether in letters, emails, conversation, or smoke signals that BTEX, PAHs, and/or other hydrocarbon-related contaminants have NEVER been of concern at this site. MTBE is the only COC, and even though State regulated, not a menace to anyone's health. {If this was in LA/Oakland/Long Beach/Compton, would we even be discussing it?}. You may want to spend a few nickels and have Diana search for site's in CA that have granted NFA with similar site conditions. It happens...

2. RE: Clay's 2/20/07 letter... suggest to him, most logically through Diana, that you'd appreciate it if he (and other department members) refrain from referring to the existing MWs as being "improperly screened". This is simply incorrect. Certainly at the time of installation, they were installed per industry standards, bisecting the water table (and all like that!). The hydraulic conductivity of the underlying surficial aquifer is extremely low... it takes hours, if not days for the MWs to recharge. You don't need a hydrogeology degree to understand that groundwater moves very slowly through this zone, both vertically and laterally. Therefore, if a MW is purged prior to being sampled, there is absolutely no way that groundwater from above the screened interval DOES NOT enter the MW. Is there groundwater above the screened interval in the site's existing MWs. Apparently. When the wells are purged prior to be sampled, does groundwater from this zone (above the screened interval) enter the MW. Absolutely. This may not be textbook perfect, but it certainly does not render the data collected as useless. The analytical data is reported in part per billion. PPBs, and never a hit of anything else. Hmmm. Seems to me that if there were hydrocarbons, dissolved or otherwise in that zone above the screened interval, you'd see at least a blip, huh? Now, I will concede that the ~12' of water table residing over MWs such as #2 and #3 is more than "negligible", per Figure 2. However, the groundwater elevations above the screened interval in some MWs, such as #5 and #7, are somewhat negligible. Bottom line is I believe it to be a technical argument that does not play out to be relevant in the overall evaluation, considering the hydrogeology and lone COC. {i.e. is the County "right" from a technical perspective? Yah. Does it really matter in the overall evaluation? Not really}

3. Historically, there has not been much of a trend with regard to groundwater flow direction. Therefore, I would not let anyone be too concerned with "off site" contamination. I recall that the site is in what could be visualized as a "bowl", or depression zone, with erratic flow patterns historically.

I will be available this week if you wish to discuss. Sorry for the informal nature of this email also.

I want to see reason and rational thinking prevail here (even if county and state agencies are involved), as the current effort at hand is not truly geared toward concerns about public health. C'mon, Man. This site should be on an annual monitoring program, as it presents no real threat to anything (or anyone).

John Creig Coyne
 Owner
 Creighton Services, LLC

- Doc. Ex. 919 -

936-443-5696
creig@creightonservices.com
www.creightonservices.com

- Doc. Ex. 920 -

Exhibit L-13

2007-05-03 – Email from Kirk Pollard
to Rodney Huerter with draft letter

- Doc. Ex. 921 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Response to April 5, 2007
Date: Thursday, May 03, 2007 2:15:40 PM
Attachments: April 2007 Letter.doc

Here is my response to the April 5, 2007 letter. Please call once you have had a chance to review my letter.

- Doc. Ex. 922 -

May 3, 2007

Mr. Rodney Huerter
Water Applications & System Corporation
14950 Heathrow Forest Parkway
Suite 200
Houston, TX 77032

Reference: Former Asheville Dyeing and Finishing
Swannanoa, North Carolina
EPA ID # NCD 070 619 663
MSE Job # 123

Dear Mr. Huerter:

Recently, a letter dated April 5, 2007 was sent to your office regarding the Asheville Dyeing & Finishing (AD&F) facility from the North Carolina Division of Waste Management (NCDWM). Essentially the letter is indicating the next steps for the site is to perform confirmation sampling and additional assessment activities adjacent to the identified Solid Waste Management Units (SWMU) and Areas of Concern (AOCs). The SWMUs and AOCs were identified in a RCRA Facility Assessment (RFA) prepared by EPA Region IV and NCDWM. The NCDWM is requesting that a Site Conceptual Model which provides information on the geology, hydrogeology, contaminant plumes, environmental receptors and other pertinent information be prepared and submitted. Prior to the preparation of the SCM document, a groundwater assessment plan must be prepared. The assessment plan should include the completion of the SCM, identified environmental indicators/receptors, investigation of SWMUs and an implementation schedule. On May 2, 2007, you requested a written response which provides information on the reason for the letter and concerns regarding the letter. Please find the response below.

It is important that certain background be provided to assist with your review and conversations with John Coyne on May 4, 2007. In the late 1990s the NCDWM issued a letter that indicated the groundwater contaminant plume was essentially defined (current monitoring well network). At that point, the state and EPA could request that a Part B Post Closure Permit be obtained. In order to avoid this request, the responsible party (Culligan/ US Filters/ Water Applications & Systems Corporation), based on recommendations from myself and legal council, began discussions with the NCDWM to either perform remediation through an agreed upon document (Administrative Order by Consent (AOC)) or other mechanism. During this time the EPA passed rules allowing companies to pursue assessment and remediation under alternative mechanisms to the PART B. In 2002 the NCDWM issued a draft AOC among other things the order required the completion of a SCM and RFA. The draft order was reviewed by Bob Laboube and

- Doc. Ex. 923 -

Brian Clark and was discussed in a meeting with NCDWM in 2003. The out come of that meeting was the agency was in new territory regarding the AOC and that Culligan would be willing to assist by voluntarily submitting documents along the lines of those presented above. Subsequently in 2004, EPA scheduled the completion of the RFA. The draft report was reviewed by Brain Clark, Bob Laboube, John Coyne, and a Mineral Springs Environmental (MSE) representative. Basically with revisions the final RFA report was issued later in 2004. As a side note in 2005, the contact representatives for the state changed. They subsequently sent to John Coyne, a new draft AOC version for review indicating they were again pursuing the AOC path. In March 2006, the new contacts Mary Siedlecki and Carl Utterback, visited the site to become familiar with the site. Evidently, the state has decided to address certain issues as the SWMU assessment under a less formula scenario by the issuance of the April 2007 letter. It is my opinion this letter was generated as a result of the cumulative discussions that have taken place and described above and is not indicative of any current data or actions taken by WASC.

After review of the April 2007, the focus of the letter is assessment activities at the dump area SWMU # 14 and to provide additional information on certain areas that will assist the NCDWM with further review. This action should be seen as a positive and the generation of this data could prevent additional assessment in these areas. In addition, certain other areas such as the product lines inside the building were not discussed in the letter. Regarding the comments concerning additional horizontal and vertical extent assessment, the opinion is we stand steady that the assessment has been completed down gradient of the hazardous waste management unit and that even though contaminants have been identified in wells vertically, that additional vertical assessment provides no economic benefit. It is apparent that discussion should be generated with the state regarding previous work and generated correspondences. Basically, it is important to have one-on-one discussions with the state representatives to educate them on the past work, get their input on the scope of work and to assist with a flexible working relationship. Please be advised much of the data the state is requesting has previously been submitted or is readily available.

If you should have questions or require additional information, please do not hesitate to call me at 919-261-8186

Sincerely,
Mineral Springs Environmental PC

*comment > fractional rock geology
stay away from deep rock drilling*

Kirk B. Pollard
President

*check change 10/6 line
100-2480 no alt
100-248000 enigma
100-248000 enigma*

- Doc. Ex. 924 -

Exhibit L-14

2007-05-03 – Email chain between
Rodney Huerter and Kirk Pollard

- Doc. Ex. 925 -

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Subject: RE: Response to April 5, 2007
Date: Thursday, May 03, 2007 2:48:00 PM

K: I left you a v/mail on your cell. I was not asking for a formal response of the type you crafted and sent to me. Instead, I need your input as to each of the specific requirements / requests in the agency's letter. Again - I do not need formal communications from you - I need unpolished feedback . . . it can be scratched out on a piece of paper and faxed to me if need be.

For instance, there are seven specific 'additional assessment' items. I need your input / feedback on each of those: do you agree or disagree with the agency's request? If you agree, why (tell me why it's a good idea or necessary from the standpoint of remediation / geology). If you disagree with the agency, tell me why you disagree. If it's something that can be supported by comparing past and current analytical results, then include those to help me understand how you are basing your assertions.

The same process applies for any such detailed items in the main body of the Apr 5 letter.

This will help us (1) identify those items that are already sufficiently covered / addressed and not in need of our throwing additional expense at them, (2) zero in on what's important, and (3) minimize the time required for a future conf call when the three of us (you, Coyne, and me) chat.

R. G. Huerter
281-985-5547 (office) / 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Thursday, May 03, 2007 2:12 PM
To: Huerter, Rodney
Subject: Response to April 5, 2007

Here is my response to the April 5, 2007 letter. Please call once you have had a chance to review my letter.

- Doc. Ex. 926 -

Exhibit L-15

2007-05-03 – Email from Kirk
Pollard to Rodney Huerter

- Doc. Ex. 927 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Response to letter
Date: Thursday, May 03, 2007 4:33:29 PM
Attachments: October 2006 Oterly.doc
October 2005 Oterly.doc
Oct 2006 Tables.xls
October 2004 Oterly.doc

Rodney let me first address the items specified as further items:

1 We have already had correspondence from the agency that indicates the groundwater plume is defined both horizontally and vertically. I strongly disagree with this item. They should supply a rationale for why they feel the plume is not defined horizontally and what is the economic benefit for drilling deeper on the Owens property.

2. Concerning the pipe that discharged to Beetree Creek. I feel we should try and generate this data. This may be an important step in not performing additional assessment.

3. This item unfortunately is the big ticket item for the state. The dump is an unknown and warrants additional investigation and possible cleanup. I feel this item will not be something they concede on.

4. We can install one more additional well between the creek and Beetree Creek. This may downgrade the overall risk of the dump area.

5. The data for the wells is located in the state files, significant data was generated as part of the previous assessment on these wells. I think we should go ahead and submit the data to assist with their concern. The new contacts probably don't understand all that has taken place regarding the wells.

6. Again some of this data is available and can be sent to them to ease their minds. I agree we should resubmit the information.

7. The effectiveness of the remediation is ongoing. That is why we submit reports. Regarding the additional assessment we can submit some data collected that may not be in their files that would help put this issue to bed. If additional investigation is conducted I would suggest only installing shallow wells. I think they do need the Site Conceptual Model to help them understand all the data that has been collected for the site over the years.

Regarding the letter itself, I feel strongly that the vertical and horizontal extent of the impact has been defined. Therefore I would suggest we argue strongly the assessment has been completed.

I agree that the Site Conceptual Model should be performed to assist the state with the full picture of all the assessment that has taken place. As part of this assessment the environmental indicators should be identified. This will help with the overall risk of the site. The RFA is required the SWMUs have been identified. Again the dump is the big ticket item. I feel we should focus our efforts toward any assessment/remediation in this area. The other areas may require limited sampling and may be ruled out or not require remediation.

I think we should focus our overall energy toward eliminating the dump as a problem area at this time. The other important piece is to determine the environmental indicators. Then we should submit the Site Conceptual Model. This may not preclude the state from requiring additional data but at least gives a starting point.

Also keep in mind as a side issue Anvil will soon be at a point where they will be moving out of the building and the site will be up for sale.

Rodney I hope this helps. Rodney please call me on my cell phone. I will be available to discuss the issues presented above. Thanks-Kirk

- Doc. Ex. 928 -

Exhibit L-16

2007-06-27 – Email from Kirk
Pollard to Rodney Huerter

- Doc. Ex. 929 -

From: [K. Pollard Mineral Springs Environmental](#)
To: [Huerter, Rodney](#)
Subject: AD&F Assessment Workplan
Date: Tuesday, June 26, 2007 7:54:05 AM
Attachments: [HWS Assessment Workplan.doc](#)

Rodney Please find attached the text for the Assessment Workplan for your review. Baring major rewrites the document should be delivered by Friday if not before. I have 1 map which will show the proposed well location at the dump into CADD. I will fax a copy to you when ready. If you would put your changes and additions in red. I can review and easily change for the final document. Thanks Kirk

- Doc. Ex. 930 -

Exhibit L-17

2007-06-20 to 2007-06-27 – Email from Kirk Pollard to Rodney Huerter forwarding email chain with the Hazardous Waste Section

- Doc. Ex. 931 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]
 Sent: Tuesday, June 26, 2007 7:49 AM
 To: Huerter, Rodney
 Subject: Fw: end of June?

email from Carl Utterback for your files

----- Original Message -----

From: <CARL.UTTERBACK@ncmail.net>
 To: <kpollard@nc.rr.com>
 Sent: Thursday, June 21, 2007 12:53 PM
 Subject: Re: end of June?

> Hey Kirk,
 > 1 or 2 week extension should not be a problem, but I will need an
 > official request from the facility with a short discussion of delays,
 > what's been accomplished, what is left to do, etc. Rodney Huerter sent
 > me an email request before and that worked OK.

>
 > Thanks,
 > Carl

>
 > -----Original Message-----
 > From: kpollard@nc.rr.com
 > Date: Jun 20, 2007 17:04
 > To: <CARL.UTTERBACK@ncmail.net>
 > Subject: Re: end of June?

> Carl I am working hard on getting it to you by the end of June. I may
 > need a
 > little extra time. I will let you know. I may need 10 extra days. If
 > this is
 > Ok let me know. Thanks Kirk

> ----- Original Message -----
 > From: <CARL.UTTERBACK@ncmail.net>
 > To: <kpollard@nc.rr.com>
 > Sent: Wednesday, June 20, 2007 4:49 PM
 > Subject: end of June?

>
 >
 >> Kirk,
 >> Hope you are well. Just wanted to touch base and see if the
 > response
 >> for Asheville D & F is on track to be ready by the end of June.

>>
 >> Thanks,
 >> Carl

>>
 >
 >
 >

- Doc. Ex. 932 -

Exhibit L-18

2007-05-02 to 2007-06-28 – Email chain
between Kirk Pollard and Rodney
Huerter, forwarding email chain
with the Hazardous Waste Section

- Doc. Ex. 933 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Re: Asheville Dyeing & Finishing - NCD 070 619 663
Date: Thursday, June 28, 2007 2:20:51 PM

Site visit is scheduled for Friday morning at 730. I will fax as soon as I get a copy.

----- Original Message -----

From: Huerter, Rodney
To: kpollard@nc.rr.com
Sent: Thursday, June 28, 2007 3:17 PM
Subject: FW: Asheville Dyeing & Finishing - NCD 070 619 663

FYI

Rodney G. Huerter
 281-985-5547 (office) / 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: Huerter, Rodney
Sent: Thursday, June 28, 2007 12:20 PM
To: 'carl.utterback@ncmail.net'
Subject: RE: Asheville Dyeing & Finishing - NCD 070 619 663

Carl: Kirk conveyed to me that you both spoke over the course of the past week or so about the potential of an additional 2-week extension to submit the Assessment Workplan for AD&F. I am respectfully requesting that you grant such extension.

I have received and reviewed the initial draft. It references information mentioned in some particular documents that I do not have in my files for the site, and I want to ensure that I personally review the information prior to 'green-lighting' the workplan. Kirk and I spoke yesterday, and he is going to personally go to the Agency and obtain the appropriate copies for me over the course of the 7-10 days.

I greatly appreciate your consideration and authorization of this good faith request.

Rodney G. Huerter
 281-985-5547 (office) / 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: Huerter, Rodney
Sent: Wednesday, May 02, 2007 10:03 AM
To: carl.utterback@ncmail.net
Subject: Asheville Dyeing & Finishing - NCD 070 619 663

Carl:

It was good speaking with you this morning. As we discussed, Kirk Pollard contacted me, wondering when I was going to call him re your Apr. 5, 2007 letter, in which you requested a groundwater assessment plan by May 30. However, I did not / have not receive(d) the letter you sent (*Kirk did fax me a copy of the letter he received*). Based on that, I requested the deadline to be extended until Jun. 29, 2007. You indicated that would not be a problem, and

- Doc. Ex. 934 -

asked me to send you a letter. Please advise if this e-mail will not suffice for the purposes of your request.

Rodney G. Huerter
Director, Environmental Affairs
Water Applications & Systems Corp.
14950 Heathrow Forest Pkwy, Ste. 200, Houston, TX 77032

281-985-5547 (office)
281-985-5595 (fax)
936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

Excellence is not an act - it is a habit. *Aristotle*

Confidentiality Notice: This e-mail and any attachments to it are intended only for the named recipients and may contain confidential information. If you are not one of the intended recipients, please do not duplicate or forward this e-mail message and immediately delete it from your computer. Your assistance in this matter is greatly appreciated and will help to ensure that our lawyers remain grunted and at a distance, which is how we prefer to keep them. Thank you.

- Doc. Ex. 935 -

Exhibit L-19

2007-07-23- to 2007-07-31 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 936 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]

Sent: Tuesday, July 31, 2007 4:32 PM

To: Huerter, Rodney

Subject: Re: Combined January- April Quarterly Report

Changes were made to report as requested. I simply changed the sampling to semi-annual. The report should go out tomorrow.

----- Original Message -----

From: Huerter, Rodney

To: K. Pollard Mineral Springs Environmental

Sent: Tuesday, July 31, 2007 4:20 PM

Subject: RE: Combined January- April Quarterly Report

I apologize - I did receive that. I had finals that week and pretty much just fielded those items that my boss had assigned due dates for that week. When I sorted my e-mail (*I have a bunch of e-mails to cull through over the next two weeks or so*), I looked for you under 'P', not 'K'. Here're my thoughts - I amended Section 1, and have a questions as to Sec. 5 (highlighted)

My reasoning on **Sec 1** is that the draft verbiage was exactly the same as the original draft verbiage on the most recent report you sent to Carl - so it made sense to me to utilize exactly the same modification.

My question on **Sec 5** is this: does it now make sense to continue quarterly monitoring, or does semi-annual make sense at this point? Your cautionary basis to me for not changing to semi-annual was predicated on the pending nature -- at the time we last discussed the matter, in December 2006 -- of the project's scope expansion that we just got hit with over the past month. If the point was to placate the agency -- without any direct requirement being communicated by the agency -- as a show of good faith, which essentially wound up being ineffectual, does it make sense to you to continue to double-up expenses at this point? We've demonstrated -- and touted -- the effectiveness of the system, so it seems that semi-annual would be a reasonable cycle for monitoring and reporting. Am I missing something in my analysis?

Rodney G. Huerter

281-985-5547 (office) / 936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]

Sent: Tuesday, July 31, 2007 2:43 PM

To: Huerter, Rodney

Subject: Fw: Combined January- April Quarterly Report

Let's try this again. This the original email I sent

----- Original Message -----

From: K. Pollard Mineral Springs Environmental

To: Huerter, Rodney

Sent: Monday, July 23, 2007 11:28 AM

Subject: Combined January- April Quarterly Report

Hey Rodney: I thought at one point you indicated you would like to take a look at these reports. Here is a copy of the January and April combined report. I am sending by mail the drawings for your review. Thanks Kirk

- Doc. Ex. 937 -

Exhibit L-20

2007-07-23 to 2007-07-31 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 938 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]
Sent: Tuesday, July 31, 2007 4:21 PM
To: Huerter, Rodney
Subject: Re: Combined January- April Quarterly Report

I agree and suggest we change the quarterly sampling to semi-annual for the same designated wells. I would also suggest we continue to monitor all the wells annually (October). This gives us a historic snapshot for future use. We should probably prepare a correspondence to the state which outlines our rationale for the reduced sampling. I can prepare at your request.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Tuesday, July 31, 2007 4:20 PM
Subject: RE: Combined January- April Quarterly Report

I apologize - I did receive that. I had finals that week and pretty much just fielded those items that my boss had assigned due dates for that week. When I sorted my e-mail (*I have a bunch of e-mails to cull through over the next two weeks or so*), I looked for you under 'P', not 'K'. Here're my thoughts - I amended Section 1, and have a questions as to Sec. 5 (highlighted)

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Rodney G. Huerter
 281-985-5547 (office) / 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Tuesday, July 31, 2007 2:43 PM
To: Huerter, Rodney
Subject: Fw: Combined January- April Quarterly Report

Let's try this again. This the original email I sent

----- Original Message -----

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Sent: Monday, July 23, 2007 11:28 AM
Subject: Combined January- April Quarterly Report

Hey Rodney: I thought at one point you indicated you would like to take a look at these reports. Here is a copy of the January and April combined report. I am sending by mail the drawings for your review. Thanks Kirk

- Doc. Ex. 939 -

Exhibit L-21

2007-09-05 – Email from Kirk
Pollard to Rodney Huerter

- Doc. Ex. 940 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]

Sent: Wednesday, September 05, 2007 8:25 AM

To: Huerter, Rodney

Subject: Property Transaction

Rodney: As we have discussed Anvil Knitware is closing the Swannanoa operations and they are trying to sell the facility. I was recently contacted by Steve Pegg with Anvil and he indicated they had been approached about by a potential buyer. Due to Anvil's limited contact regarding the status of the PCE release at the site, Anvil is at a point where they need some assistance from us to help explain the status of the assessment and remediation activities to the buyer. Anvil has requested that I attend a meeting tentatively scheduled for September 11, 2007 to explain the status to the potential buyer. I need some guidance with regard to how much involvement WA&SC would like for me to have with assisting Anvil. I made them aware they should initiate dialogue with WA&SC. I feel confident you will be getting a call at some point regarding this overall issue and involvement from the legal counsel of WA&SC may be warranted. Thanks Kirk

- Doc. Ex. 941 -

Exhibit L-22

2007-10-04 – Email chain between
Kirk Pollard and Rodney Huerter

- Doc. Ex. 942 -

From: [Huerter, Rodney](#)
To: "[K. Pollard Mineral Springs Environmental](#)"
Subject: RE: Annual Groundwater Sampling
Date: Thursday, October 04, 2007 9:34:07 AM

yes, we will continue this procedure. How're you doing? I hope all's well. Do you happen to have Mr. Grubbs' e-mail address?

Rodney G. Huerter
281-985-5547 (office) / 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Thursday, October 04, 2007 9:20 AM
To: Huerter, Rodney
Subject: Annual Groundwater Sampling

Hey Rodney: In October of each year we have been conducting groundwater sampling of all wells onsite and offsite at the AD&F site. The rationale was to obtain historic data regarding PCE Concentration trends. Would you like us to conduct the sampling this month? Thanks Kirk

- Doc. Ex. 943 -

Exhibit L-23

2008-04-03 to 2008-04-14 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 944 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]

Sent: Monday, April 14, 2008 7:34 PM

To: Huerter, Rodney

Subject: Re: AD&F Dump Area Assessment

Haven't received the analytical data yet. We did take some pictures I will try and get them to you soon.

----- Original Message -----

From: Huerter, Rodney

To: K. Pollard Mineral Springs Environmental

Sent: Monday, April 14, 2008 4:02 PM

Subject: RE: AD&F Dump Area Assessment

K: following up; have you had an opportunity to digest the information? Additionally, do you have digital pictures of the subject area that you can forward to me?

Rodney G. Huerter
832-300-5719 (office)
713-672-8209 (fax)
936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]

Sent: Monday, April 07, 2008 9:37 AM

To: Huerter, Rodney

Subject: Re: AD&F Dump Area Assessment

Hey Rodney: Regarding the email I sent. The rules we are working under are 15 NCAC 13 A .0109 40 CFR 264.90 thru 101. The rules do not specifically speak to reporting activities. We have a lot of information to digest regarding the dump area. Once all the information is assembled then we can get together and discuss. Kirk

----- Original Message -----

From: Huerter, Rodney

To: K. Pollard Mineral Springs Environmental

Sent: Thursday, April 03, 2008 3:42 PM

Subject: RE: AD&F Dump Area Assessment

K: as we discussed yesterday, I am out of the office today (and tomorrow). I also requested that you associate any recommendations as to any notification requirements to a specific authority (in other words, a specific statutory or regulatory citation), so that we can ensure that all required information is addressed. Please get me those recommendations. I will be back in the office on Monday.

If your currently e-mailed recommendation re immediate notification (*which substantially differs from our discussion yesterday, which was to complete the inspection, identify the results and then communicate to the agency*) is triggered by statutory authority, call me on my cell phone (936-648-3162).

Do not remove any of the drums, containers, or anything else from where you find them.

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]

- Doc. Ex. 945 -

Sent: Thu 4/3/2008 8:45 AM
To: Huerter, Rodney
Subject: AD&F Dump Area Assessment

Hey Rodney: As we discussed yesterday, we are in the process of performing the dump area assessment at the AD&F site in Swannanoa, NC. Previously on March 24 and 25, 2008 a geophysical survey was conducted of the dump area. Please find below a brief summary of activities performed at the site. The purpose was to determine the presence of metal bearing items in the subsurface. The maps of the survey will be attached in a separate email. In summary the geophysical survey indicated an area 165 feet long by 195 feet wide that contained buried metal. During the site walkover several metal drums were visible on the surface along with other metallic objects.

On March 31 we began excavating test trenches to determine the presence of buried drums, other debris and collect soil samples in the test trenches. The test pit evaluation began along the southern and eastern side of the study area. In these areas scrap metal and other debris was encountered. Isolated occurrences of rusted drums and paint buckets were also encountered.

In the northern sector near MW-22, a number of various containers were revealed in the test pits. The containers extended to a depth of between 6 and 8 feet deep. The condition of the containers were from rusty to having legible designations. Several containers indicated the writing of dinitrotoluene, some containers had military type writing (Navy Ammunition Depot, Crane, Indiana). Metal casings were encountered, metal shavings of copper, brass, etc were encountered, containers with writing (metallic magnesium atomized powder were present). Solidified black type material was also encountered. A container with Class B poison labeling was encountered. All these containers were empty to containing potential water or a yellow color. In this area perhaps up to 50 to 100 drums are present. The exact number of containers is unknown. Some soil staining with colors of red, blue, green and yellow were observed. During field activities we had a hazcat kit on site to test for hazards. One container exhibited a liquid with a PH of 14. We also had a chemist on site to assist with evaluating the site for Health and Safety concerns once the drums began to be encountered. The chemist indicated much of the chemicals had a short shelf life and may have broken down. The chemist also indicated the dinitrotoluene typically exhibits a yellow color. Due to the presence of the above labels health and safety became of utmost concern. Additional test pits were dug to the south and west more drums were encountered. I just got a call from the guys in the field and they encountered a drum with solidified material and a sheen on the water. We collected a sample of this material. Data will be obtained in the next few weeks which will determine the chemical quality.

At this time the initial evaluation of the site will be completed this week. It is our recommendation that the NC Hazardous Waste Section be notified of the finds. The next steps for the site will be based on a response from the NCHWS. Please be aware the state may require an immediate response due to the presence of these containers. Based on our finds the state may find to continue on course with a more thorough evaluation of the site. With the OK from you I will inform them of our finds verbally followed by a written description of our findings. A plan of action will need to be developed should the state require an immediate response. Thanks Kirk

- Doc. Ex. 946 -

Exhibit L-24

2008-04-16 to 2008-04-29 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 947 -

From: Huerter, Rodney
To: "K. Pollard Mineral Springs Environmental"
Subject: RE:
Date: Tuesday, April 29, 2008 1:09:28 PM

K: Thanks. I will be out of the office next week, and part of the following. I will be back on the 14th. You can send the information to me either at the office or directly to my home address: 559 Stephen F. Austin Dr., Conroe, Texas, 77302. If you send it to home, I will be able to have Coyne conduct a preliminary review. Thanks

Rodney G. Huerter
 832-300-5719 (office)
 713-672-8209 (fax)
 936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Tuesday, April 29, 2008 12:59 PM
To: Huerter, Rodney
Subject: Re:

Rodney: Wanted to let you know I have the results for the sampling in the dump area. What I would like to do is send you a map of the sampling locations, a disk with pictures and the data and a summary table. I hopefully can get all this to you by early next week. You will get it all in one package and not piece milled. Thanks Kirk

----- Original Message -----

From: Huerter, Rodney
To: Kirk Pollard Mineral Springs Env'tl
Sent: Wednesday, April 16, 2008 12:56 PM

Kirk: please update my contact information (VWNA tnsf'd its HQ from Houston to Indy, and I am at a new location in Houston). All invoices and other correspondence should be sent to my attention at the address below. Also, will you please provide the Progress Energy invoices as back up to your billing to us?

Rodney G. Huerter
 Director, Environmental Affairs
 Veolia Water North America
 4760 World Houston Pkwy, Ste 100
 Houston, TX 77032

832-300-5719 (office)
 713-672-8209 (fax)
 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

Confidentiality Notice: This e-mail and any attachments to it are intended only for the named recipients and may contain

- Doc. Ex. 948 -

confidential information. If you are not one of the intended recipients, please do not duplicate or forward this e-mail message and immediately delete it from your computer. Your assistance in this matter is greatly appreciated and will help to ensure that our lawyers remain grunted and at a distance, which is how we prefer to keep them. Thank you.

- Doc. Ex. 949 -

Exhibit L-25

2008-05-14 – Email from Kirk Pollard to
Rodney Huerter, forwarding email
from the Hazardous Waste Section

- Doc. Ex. 950 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]
Sent: Wednesday, May 14, 2008 3:38 PM
To: Huerter, Rodney
Subject: Fw: former Asheville Dyeing & Finishing

Hey Rodney: I received this email today. I can simply indicate we have investigated the dump and are evaluating the data. I probably should make them aware of the fact the plant has been sold. If OK with you. This email will precipitate additional questions regarding the overall dump area data and the ownership change. As recommended previously to you a change in ownership and Part A document should be prepared and submitted to the agency's office. I think they will be requesting this document soon. Please advise. Kirk

----- Original Message -----

From: <CARL.UTTERBACK@ncmail.net>
To: <kpollard@nc.rr.com>
Cc: <mary.siedlecki@ncmail.net>
Sent: Wednesday, May 14, 2008 3:43 PM
Subject: former Asheville Dyeing & Finishing

> Hey Kirk,
> When you have a chance please give me an update on the former A D&F
> facility. Spring Allen stopped by to do an inspection recently and
> could not find anyone on site.
>
> Thanks for your help.
> Carl

- Doc. Ex. 951 -

Exhibit L-26

2008-05-14 to 2008-05-15 – Email from Kirk Pollard to Rodney Huerter, forwarding email from the Hazardous Waste Section

- Doc. Ex. 952 -

From: K. Pollard Mineral Springs Environmental [kpollard@nc.rr.com]
Sent: Thursday, May 15, 2008 5:49 AM
To: Huerter, Rodney
Subject: Fw: former Asheville Dyeing & Finishing

FYI

----- Original Message -----

From: <CARL.UTTERBACK@ncmail.net>
To: <kpollard@nc.rr.com>
Cc: <mary.siedlecki@ncmail.net>
Sent: Wednesday, May 14, 2008 3:43 PM
Subject: former Asheville Dyeing & Finishing

> Hey Kirk,
> When you have a chance please give me an update on the former A D&F
> facility. Spring Allen stopped by to do an inspection recently and
> could not find anyone on site.
>
> Thanks for your help.
> Carl

- Doc. Ex. 953 -

Exhibit L-27

2008-05-21 to 2008-05-30 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 954 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Re: Could you please what these pictures are of?
Date: Friday, May 30, 2008 9:17:04 AM

Answers to some of the request. A response from the lab will be coming in a separate email.

Regarding the sampling depth all samples were collected from 4 to 5 feet below land surface.

Regarding sample 150, this sample was obtained from the material in the excavation. Sample 150a was obtained from a reddish material identified in the area.

Hope this addresses your questions.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Thursday, May 22, 2008 5:10 PM
Subject: RE: Could you please what these pictures are of?

Great. Thanks.

Have you started to put together a draft report for your investigation of the former dump area yet? If not, I'd like to request that you do so, and get a copy to me for advanced review.

Some additional requests associated with the analytical docs you forwarded:

- I would like for you to get the acquisition depth of each of the noted samples--the depth is not identified;
- I would like to have the source / location for samples 150 and 150A identified (the values are 'off');
- I would like for you to obtain some clarification from SGS as to Special Note No. 2 ("uncertainty for all data is less than or equal to 30 percent"). What exactly does this mean (in terms that my 12-year old would understand)?
- Need lab certs and QC for analytical conducted by GEL Labs (perchlorate). Additionally, need to confirm that 70-170 and 150-150 were indeed the only two locations where perchlorate was id'ed.

I hope all's well.

Rodney G. Huerter
 832-300-5719 (office)
 713-672-8209 (fax)
 936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Wednesday, May 21, 2008 9:50 AM

- Doc. Ex. 955 -**To:** Huerter, Rodney**Subject:** Re: Could you please what these pictures are of?

Those pictures are taken at a separate site in North Carolina. Kirk

----- Original Message -----

From: Huerter, Rodney**To:** kpollard@nc.rr.com**Sent:** Wednesday, May 21, 2008 10:06 AM**Subject:** Could you please what these pictures are of?

Rodney G. Huerter
Director, Environmental Affairs
Veolia Water North America
4760 World Houston Pkwy, Ste 100
Houston, TX 77032

832-300-5719 (office)

713-672-8209 (fax)

936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

Combien vaut ce que l'on a si l'on ne s'amuse pas? *Anthony Dominick Benedetto*

Confidentiality Notice: This e-mail and any attachments to it are intended only for the named recipients and may contain confidential information. If you are not one of the intended recipients, please do not duplicate or forward this e-mail message and immediately delete it from your computer. Your assistance in this matter is greatly appreciated and will help to ensure that our lawyers remain grunted and at a distance, which is how we prefer to keep them. Thank you.

- Doc. Ex. 956 -

Exhibit L-28

2008-06-03 – Email chain between
Kirk Pollard and Rodney Huerter

- Doc. Ex. 957 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Re: emails
Date: Tuesday, June 03, 2008 8:17:39 AM

Draft report is progressing. Hopefully draft will be to you mid to late next week. Hope that is not a problem.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Tuesday, June 03, 2008 8:52 AM
Subject: RE: emails

K: You need to resend--I have only rec'd one e-mail from you, last Friday, which partially addressed the four questions (bullet points) from my 5/22 e-mail. How is your draft report coming along?

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Tue 6/3/2008 7:40 AM
To: Huerter, Rodney
Subject: emails

Rodney I sent over two emails on Monday with responses to your questions. Please confirm you received them. If not I will resend. Thanks Kirk

- Doc. Ex. 958 -

Exhibit L-29

2008-06-03 to 2008-06-10 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 959 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Re: Lab Response
Date: Tuesday, June 10, 2008 1:54:57 PM

The report is progressing and I should have the draft report ready either late this week or early next week. The way I am presenting the report is basically a detailed summary of the findings for the dump assessment. Regarding the backup, I will fax a copy of the lab certification. The remaining referenced information is in the lab data I sent down to you earlier. If you don't have I will send again. I tried several times to forward the email from the lab but it was rejected. Sorry for the delay.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Tuesday, June 10, 2008 2:45 PM
Subject: RE: Lab Response

Hi, Kirk. I hope all's well. I was wondering (1) how your draft report is progressing, and (2) whether you've sent copies of the lab back up (noted below) for my review.

Rodney G. Huerter
832-300-5719 (office)
713-672-8209 (fax)
936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Tuesday, June 03, 2008 8:44 AM
To: Huerter, Rodney
Subject: Lab Response

Email they sent evidently to large. I will try and get it to you piece mill. There response is below.

Hi, Kirk. I was out of the office yesterday, so I just got your e-mail this morning. A response to the questions follows.

- I would like for you to obtain some clarification from SGS as to Special Note No. 2 ("uncertainty for all data is less than or equal to 30 percent"). What exactly does this mean (in terms that my 12-year old would understand)?

Basically the 30% uncertainty refers to the acceptance criteria established for our data to be considered valid.

When we analyze samples on our instruments, the first thing we do is run a curve. We use known concentrations of compounds and plot the results on a curve. As we run samples,

- Doc. Ex. 960 -

we compare the results of the unknown concentration in the sample to the curve of known concentration. This is how we determine the concentration in the sample and come up with the number that we report to you.

In addition to the curve, we must also run a continuing calibration every 12 hours. This is another known concentration of the compound that we compare to the curve to make sure the instrument is still calibrated correctly. This continuing calibration must match the curve within plus or minus 30%. This is what the statement in question is referring to.

Data is still qualified and considered good as long as the continuing calibration is within that 30%. Therefore, the number reported to you could possibly be biased 30% high or low.

Need lab certs and QC for analytical conducted by GEL Labs (perchlorate).

The certification list for GE Laboratories is attached.

Also attached is the PDF of the report. The QC for the perchlorate analysis is on pages 109-110.

- Additionally, need to confirm that 70-170 and 150-150 were indeed the only two locations where perchlorate was id'ed.

No, the only sample where perchlorate was detected was 150-150. 70-170 was reported as BQL.

Let me know if there are any other questions.

Thank you,



- Doc. Ex. 961 -

Exhibit L-30

2008-06-16 – Email from Kirk
Pollard to Rodney Huerter

- Doc. Ex. 962 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Northrup Area Assessment Report
Date: Monday, June 16, 2008 2:57:51 PM

Here is a draft of the assessment report for your review. I have also included an updated table. I had planned on using the drawing I sent over for the report. Thanks Kirk

- Doc. Ex. 963 -

Exhibit L-31

2008-06-16 – Email from Kirk Pollard
to Rodney Huerter with draft report

- Doc. Ex. 964 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Northrup Area Report
Date: Monday, June 16, 2008 3:01:32 PM
Attachments: ND Assess.doc
Dump SOIL SAMPLES.xls

Sorry I hit the send instead of attachment button. Here is the report for your review. I included an updated table and had planned on using the drawing I sent over earlier. Thanks Kirk

- Doc. Ex. 965 -

June 16, 2008

Mr. Carl Utterback
Department of Environment and Natural Resources
Hazardous Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Subject: **Northrup Dump Assessment Report
Former Asheville Dyeing & Finishing Site
Swannanoa, Buncombe County, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Mr. Utterback:

Mineral Springs Environmental (MSE) has prepared the following assessment report for your review. The report details the methods to be used to assess the Northrup Dump Area ("Northrup Area").

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

Kirk B. Pollard, L.G.
Senior Geologist

123/Northrup Dump Assessment/kp

**- Doc. Ex. 966 -
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4	SUBMITTAL	5

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Tables

Table 1	Summary of Analytical Results
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Appendices

Appendix A	Geophysical Survey Investigations, PLLC Report
Appendix B	Northrup Area Photographs
Appendix C	Soil and Water Analytical Results

- Doc. Ex. 967 -

**NORTHRUP DUMP ASSESSMENT REPORT
FORMER ASHEVILLE DYEING & FINISHING SITE
WARREN WILSON COLLEGE ROAD**

Swannanoa, Buncombe County, North Carolina
June 16, 2008

1 INTRODUCTION

1.1 Site Information

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawing 1) -- has been subjected to seventeen (17) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these seventeen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. It is our recollection that DWM's Hazardous Waste Section ("HWS") issued a correspondence in the late 1990s that stated the extent of groundwater impact from the HWMU had been essentially defined.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mentioning that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, the groundwater plume continues to be defined. As previously mentioned, the plume configuration has remained the same during the preceding seventeen (17) years of assessment and sampling, and overall groundwater concentrations have decreased.

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

- Doc. Ex. 968 -

During April 2007, the DWM's most recently assigned project manager for the Facility requested Water Applications & Systems Corporation ("WASC") to submit a workplan to assess the environmental impact of the Northrup Area that was identified during the January 2005 RCRA Facility Assessment (hereinafter, the "Request").³ Other items such as performing an Environmental Indicators Survey ("EIS") were also requested as a component of the proposed assessment activities. In addition an evaluation of the French drain was also requested. At the conclusion of the proposed activities, WASC was to submit a Site Conceptual Model ("SCM") Report that will address the currently requested assessment, previously completed assessments, and remediation activities conducted to date.

The above workplan was submitted to DWM in July 2007. Please find below a report which addresses the activities performed to assess the Northrup Area. It is our understanding based on historical file information that the Northrup Area was created during the tenure of Northrup Corporation. Reportedly Northrup manufactured roadway and military flares. At the departure of the facility Northrup disposed of certain materials in the current Northrup Area.

1.2 Purpose

WASC contracted with Mineral Springs Environmental PC (MSE) to perform the assessment of the Northrup Area, which consisted at this time of delineating the area and assessing the chemical quality of the soils within the dump area. It should be noted that samples that the NCDENR obtained from the Northrup Area during a May 1985 inspection showed no specific contaminants of concern ("COC").⁴

2.0 Scope of Work for Northrup Area

Due to the overgrown condition of the Northrup Area, the following scope of work was performed;

- Removed the ground cover from on top of the landfill;
- Performed surface geophysical survey (attempt to locate potential subsurface anomalies);
- Excavated trenches in the areas with anomalies, if any;
- Conducted profiling & sampling of trenches associated anomalies, as mentioned above - if any.

2.1 Geophysical Survey

Prior to performing any intrusive activities the ground cover and small trees were cleared using a bush hog cutting device attached to a tractor and other manual devices. This provided an open area to perform the geophysical survey. The geophysical investigation was performed to delineate the approximate footprint of the landfill area and to locate areas containing geophysical anomalies.

³ Letter from Carl Utterback, DWM, to Rodney Huerter, Director of Environmental Affairs, WASC, April 5, 2007.

⁴ Booz Allen Hamilton, *RCRA Facility Assessment Report* No. R04804-1 68-W-02-17 at 38.

- Doc. Ex. 969 -

Geophysical Survey Investigations, PLLC (GSI), conducted the geophysical survey across the Northrup Area. The geophysical investigation consisted of conducting an electromagnetic (EM31) ground conductivity survey and metal detection (EM-61) survey. Prior to data acquisition, GSI established a 20-foot by 20-foot survey grid across the geophysical area using measuring tapes, pin flags, and marking paint. The grid measured approximately 280 feet wide by 260 feet long. Geophysical data points and cultural features such as roads, buildings, utility poles, etc., were referenced using this survey grid coordinate system.

EM31 apparent ground conductivity and inphase (metal detection) (EM-61) data was simultaneously collected at approximately 5-foot intervals along survey lines spaced 10 feet apart. The survey lines were oriented approximately perpendicular to the known axis of the landfill.

The EM31 and EM-61 instrument is able to detect subsurface anomalies to a maximum depth of approximately 15 feet and eight feet respectively. The data was digitally collected and downloaded to a field computer and processed into color, contoured conductivity and in-phase maps. Although the results will not provide thickness or depth of debris information, the results should delineate the perimeters of areas containing subsurface anomalies.

The Geophysical Investigation report is attached as Appendix A. To summarize the EM-31 and EM-61 surveys provided reliable results in delineating the perimeter of buried metallic waste and areas containing significant or large metal objects. The report further indicates that the metallic waste is centered near grid coordinates X=130,Y=130 and comprises an area of approximately 19,500 square feet. The highest amplitude anomalies such as grid X=87 Y=160, X=100 Y=113, X=150 Y=105 and X=208 Y=102 are probably in response to areas containing large buried metal objects or areas containing the highest concentration of metal objects or debris. In addition, the EM-31 data was influenced by the large concentration of metallic surface metallic material. Appendix A Figures 4 thru 6 show the results of the geophysical survey.

2.2 Excavation Activities and Soil Sampling Program

Based on the results of the geophysical survey, steps were taken to perform intrusive investigation activities. Between March 31, 2008 and April 4, 2008, a total of 17 grid locations were excavated. During excavation activities extreme care was taken while excavating. Each excavation point was dug in lifts not exceeding six inches. The excavation locations are shown on Drawing 2. A brief description of the material identified in each excavation is presented below. Photographs of the investigation are contained in Appendix B.

Grid Location 70/170	Native soil and rocks with a few pieces of metal (angle iron) were encountered. Groundwater encountered around 4.5 feet.
Grid Location 80/200	Some native soil mixed with block. Approximately 18 inches below surface a green powder was encountered.
Grid Location 100/230	Native soil mixed with rebar, Angle iron with concrete blocks mixed with wire, plastic and bottles

- Doc. Ex. 970 -

Grid Location 130/180	Native soil, two drums lying flat in the excavation, metal, plastic wire rebar and block were also encountered.
Grid Location 150/150	Block, metal, rebar, rocks and native soil was found in this excavation. Two types of material were observed. One material was red and the second was white in color.
Grid Location 180/110	Metal, plastic paint cans blue green paint. White ash powder, Tire, metal some soil. 55 gallon drums were present in the excavation.
Grid Location 170/100	Container identified with write Navel Ammunitions (Crane Indiana) Label on container indicated Class B Poison, Red past material, Drum contained a sweet smelling liquid with a Ph of 8 photoionization device (PID) reading of 36 parts per million. Several drums observed. 55 gallon drums with Di Nitro Toluene labeling were also present in the excavation.
Grid Location 60/95	Corrugated metal pipe, small drum, and black plastic, red murky water.
Grid Location 105/105	Numerous 55 gallon size drums with larger outer rims, concrete and rebar
Grid Location 110/155	Yellow type material, concrete, rebar and drums
Grid Location 120/90	55 gallon drums with material in them, strong odor
Grid Location 130/75	15 to 20 lids indicated Sodium Nitrate, blocks were present in the excavation along with red dye material.
Grid Location 150/75	Large concentration of 55 gallon drums with labels indicating Di Nitro Toluene. Other labels indicate mixture tech blend-m, Lot 9 645 Dr, 78, 95, 550.
Grid Location 150/110	55 gallon drums identified with placards "Do Not Drop" and Di Nitro Toluene labeling were present in the excavation

In addition to the above, several containers labeled with magnesium atomized potassium were also present and interspersed through the areas. In addition, areas of diffused metal were present in some of the excavations.

A total of 13 representative soil samples were collected from various excavation points and analyzed for the presence of chemicals of concern. The sampling locations were labeled according to the grid spacing designation. The soil sample locations are labeled as follows:

Grid Location 70/170	Grid Location 80/200	Grid Location 130/180
Grid Location 150/150	Grid Location 170/100	Grid Location 180/110
Grid Location 60/95	Grid Location 110/155	Grid Location 130/120
Grid Location 105/105	Grid Location 130/75	Grid Location 120/90

- Doc. Ex. 971 -

Grid Location 150/150A (Red Material)

One water sample was collected from grid location 120/90. The soil and water samples are comprised of grab samples from the excavations.

The analytical results are contained in Appendix C and summarized in Table 1. The corresponding Table 1 provides the results as well as the North Carolina Soil Screening Levels as provided in the "Guidelines for Establishing Remediation Goals at RCRA Hazardous Waste Sites". As summarized minor concentrations of chlorinated solvents were detected in the soil samples. Other minor concentrations of volatile organic compounds were identified in the samples as well. Three soil samples 180/110, 110/155 and 120/90 contained semi-volatile organic compounds at elevated concentrations. The compounds detected are typically associated with heavy petroleum or cutting oils. Several metal compounds were also detected in samples collected from the excavated trenches. The primary metal compounds detected consisted of chromium, lead, magnesium, nickel and zinc.

3 CONCLUSIONS

Based on our review of the data, the results suggest that the primary material disposed within the Northrup Area represent a byproduct of a metal cutting operation. Inorganic metal compounds, heavy oil and minor chlorinated solvents are typical compounds associated with metal cutting activities. Numerous drums were observed with labels di nitro toluene and lids with sodium nitrate. This material based on research may have been used as an accelerant to propel the flares or allow a reaction. Based on the above observations and analytical results, the materials disposed appear to be consistent the manufacturing of roadway and or military flares.

4 SUBMITTAL

The opinions and procedures outlined in this report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of Water Applications & Systems Corporation, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental

Kirk B. Pollard, L.G.
President

MINERAL SPRINGS ENVIRONMENTAL PC

- Doc. Ex. 972 -

Exhibit L-32

2008-06-16 to 2008-06-27 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 973 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Re: Northrup Area Report
Date: Friday, June 27, 2008 9:39:29 AM

I agree. At least you have the draft for dump area and can use in talks with legal folks.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Friday, June 27, 2008 10:32 AM
Subject: RE: Northrup Area Report

Okay, thanks. Rather than crafting and submitting one or more interim reports, I believe we should address the specific items identified in the 2007 Assessment Workplan in the final report. There are three total items required: (1) **the points mentioned in my previous e-mail, re Northrup Area** (which are specified in Section 1.3 of the Workplan, at page 2; further delineated in Sections 1.3.1, 1.3.2 and 1.3.3), (2) **the scope of work re the French Drain** (as specified in Section 1.4 of the Workplan, at page 4), and (3) **the EIS** (as specified in Section 2 of the Workplan, at page 4).

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Fri 6/27/2008 9:16 AM
To: Huerter, Rodney
Subject: Re: Northrup Area Report

Hey Rodney: Wanted to let you know we were away at the beach on vacation and came back late yesterday. I got your message.

Regarding well installation I have not officially scheduled the drilling. I can move forward with scheduling the well install.

Regarding the AOC we are technically still under the old AOC.

Regarding the assessment of the dump. I have a copy of the initial well installation and can get a copy to you. The state never received a copy, until the RFA was performed by EPA. Regarding Northrup's responsibility I will review my file to see what additional info I have. I wasn't involved in any of those discussions or prieve of those discussions with Northrup.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Wednesday, June 25, 2008 6:21 PM
Subject: RE: Northrup Area Report

Hi, Kirk. As I mentioned on the voicemail I left for you earlier this evening, here is the information I was calling to discuss:

The scope of work identified in the July 10, 2007 Assessment Workplan (generated in response to Carl Utterback's April 5, 2007 letter) stated five (5) proposed items for the former Northrup Carolina, Inc. disposal area on the property ("Northrup Area"):

- remove ground cover;

- Doc. Ex. 974 -

perform geophysical survey and "*attempt* to locate potential subsurface anomalies" (emphasis added);

- excavate trenches in the areas with anomalies", if any";
- conduct profiling & sampling of trenches incident to anomalies, if any; and
- install one (1) monitoring well between the Northrop Area and Bee Tree Creek, downgradient.

Questions

(1) Has the monitoring well been installed? if not, what is the schedule to install it?

(2) Your May 3, 2007 letter to me referred to a 2002-era draft order. You stated the draft order was reviewed by both Bob LaBoube and Brian Clarke, and subsequently discussed with the NCDWM in 2003. Your letter did not state that the draft AOC was ever formalized, rather, you wrote that Culligan was "willing to assist by voluntarily submitting documents" consistent with the draft AOC. Am I correct in interpreting that the draft AOC was never formalized, and that the August 29, 1990 AOC that NCDEHNR issued to Winston Mills, Inc. (Docket No. 89-249; noting Asheville Dyeing & Finishing as an unincorporated division) is technically in force?

(3) Several historical documents that predate Culligan's guarantor-associated liability for certain matters associated with the property (which we are currently in the process of delimiting by requesting copies of the associated asset purchase agreement and guaranty instrument upon which allegations of Culligan's liability have heretofore been alluded to) refer to the Northrop Area. Communications from attorneys associated, separately, with Anvil and McGregor refer to the Northrop Area, and mention continuing investigations. Curiously, these communications mention Aquaterra as the conducting investigations of the Northrop Area during approximately the 1994-1995 era. Even more curious is the reference to one Mr. Kirk Pollard as "the Aquaterra Branch Manager in charge of the Asheville Site." Finally, and the most curious of all for me, is a November 21, 1994 letter from Anvil's Vice President & General Counsel (Jacob Hollander) to Northrop Corporation's Chief Executive Officer (Kent Kresa), notifying Kresa that Northrop was "liable for *all costs associated with the investigation and remediation of the dump site*, as well as any other areas contaminated by Northrop's operations that we may discover during our investigation." (Emphasis added). Northrop's Senior Corporate Counsel responded that he had directed a review of Northrop's records and would contact Anvil when the review was completed.

Can you please provide some information regarding any actual or attempted investigation and/or remediation of the Northrop Area during this timeframe? I am particularly interested in any and all communications with regulatory agencies relating to this particular matter.

Rodney G. Huerter
832-300-5719 (office)
713-672-8209 (fax)
936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]

Sent: Monday, June 16, 2008 3:01 PM

To: Huerter, Rodney

Subject: Northrop Area Report

- Doc. Ex. 975 -

Sorry I hit the send instead of attachment button. Here is the report for your review. I included an updated table and had planned on using the drawing I sent over earlier. Thanks
Kirk

- Doc. Ex. 976 -

Exhibit L-33

2008-06-16 to 2008-07-14 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 977 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Re: Northrop Area Report
Date: Monday, July 14, 2008 10:22:19 AM

Hey Rodney: Sorry for the delay. We have the well installation tentatively scheduled for Monday July 21, 2008. Regarding the reports and documentation, I will be sending out a package to you early this week. Should arrive around Thursday. Hope things are good with you.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Wednesday, July 09, 2008 10:31 AM
Subject: RE: Northrop Area Report

K: Happy Wednesday. Couple of questions for you. DO you happen to have any updates regarding

(1) progress of the well installation process? and

(2) progress regarding your search for historical documents and other information associated with Aquaterra's noted investigations and remedial activities in the Northrop Dump area during the 1990s (as reported by McGregor and Anvil?)

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Fri 6/27/2008 9:16 AM
To: Huerter, Rodney
Subject: Re: Northrop Area Report

Hey Rodney: Wanted to let you know we were away at the beach on vacation and came back late yesterday. I got your message.

Regarding well installation I have not officially scheduled the drilling. I can move forward with scheduling the well install.

Regarding the AOC we are technically still under the old AOC.

Regarding the assessment of the dump. I have a copy of the initial well installation and can get a copy to you. The state never received a copy, until the RFA was performed by EPA. Regarding Northrup's responsibility I will review my file to see what additional info I have. I wasn't involved in any of those discussions or prieve of those discussions with Northrup.

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Wednesday, June 25, 2008 6:21 PM
Subject: RE: Northrop Area Report

Hi, Kirk. As I mentioned on the voicemail I left for you earlier this evening, here is the information I was calling to discuss:

The scope of work identified in the July 10, 2007 Assessment Workplan (generated in response to Carl Utterback's April 5, 2007 letter) stated five (5) proposed items for the former Northrop

- Doc. Ex. 978 -

Carolina, Inc. disposal area on the property ("Northrop Area"):

- remove ground cover;
- perform geophysical survey and "*attempt* to locate potential subsurface anomalies" (emphasis added);
- excavate trenches in the areas with anomalies", if any";
- conduct profiling & sampling of trenches incident to anomalies, if any; and
- install one (1) monitoring well between the Northrop Area and Bee Tree Creek, downgradient.

Questions

(1) Has the monitoring well been installed? if not, what is the schedule to install it?

(2) Your May 3, 2007 letter to me referred to a 2002-era draft order. You stated the draft order was reviewed by both Bob LaBoube and Brian Clarke, and subsequently discussed with the NCDWM in 2003. Your letter did not state that the draft AOC was ever formalized, rather, you wrote that Culligan was "willing to assist by voluntarily submitting documents" consistent with the draft AOC. Am I correct in interpreting that the draft AOC was never formalized, and that the August 29, 1990 AOC that NCDEHNR issued to Winston Mills, Inc. (Docket No. 89-249; noting Asheville Dyeing & Finishing as an unincorporated division) is technically in force?

(3) Several historical documents that predate Culligan's guarantor-associated liability for certain matters associated with the property (which we are currently in the process of delimiting by requesting copies of the associated asset purchase agreement and guaranty instrument upon which allegations of Culligan's liability have heretofore been alluded to) refer to the Northrop Area. Communications from attorneys associated, separately, with Anvil and McGregor refer to the Northrop Area, and mention continuing investigations. Curiously, these communications mention Aquaterra as the conducting investigations of the Northrop Area during approximately the 1994-1995 era. Even more curious is the reference to one Mr. Kirk Pollard as "the Aquaterra Branch Manager in charge of the Asheville Site." Finally, and the most curious of all for me, is a November 21, 1994 letter from Anvil's Vice President & General Counsel (Jacob Hollander) to Northrop Corporation's Chief Executive Officer (Kent Kresa), notifying Kresa that Northrop was "liable for *all costs associated with the investigation and remediation of the dump site*, as well as any other areas contaminated by Northrop's operations that we may discover during our investigation." (Emphasis added). Northrop's Senior Corporate Counsel responded that he had directed a review of Northrop's records and would contact Anvil when the review was completed.

Can you please provide some information regarding any actual or attempted investigation and/or remediation of the Northrop Area during this timeframe? I am particularly interested in any and all communications with regulatory agencies relating to this particular matter.

Rodney G. Huerter
832-300-5719 (office)
713-672-8209 (fax)
936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

- Doc. Ex. 979 -

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]

Sent: Monday, June 16, 2008 3:01 PM

To: Huerter, Rodney

Subject: Northrup Area Report

Sorry I hit the send instead of attachment button. Here is the report for your review. I included an updated table and had planned on using the drawing I sent over earlier. Thanks
Kirk

- Doc. Ex. 980 -

Exhibit L-34

2008-09-24 – Email chain between
Rodney Huerter and Kirk Pollard

- Doc. Ex. 981 -

From: [Huerter, Rodney](#)
To: "[K. Pollard Mineral Springs Environmental](#)"; "llanter@briscoinc.com"
Subject: RE: Part A application
Date: Wednesday, September 24, 2008 9:52:18 AM

I'm fine with you making the necessary changes. I will need a complete copy of the revised document, as re-submitted to Mary.

Rodney G. Huerter
832-300-5719 (office)
713-672-8209 (fax)
936-648-3162 (mobile)

Rodney.Huerter@veoliawaterna.com

-----Original Message-----

From: K. Pollard Mineral Springs Environmental [<mailto:kpollard@nc.rr.com>]
Sent: Wednesday, September 24, 2008 9:50 AM
To: Huerter, Rodney; llanter@briscoinc.com
Subject: Part A application

Rodney and Loren: I spoke with Mary Siedlecki with the Hazardous Waste Section regarding the September 22, 2008 comments each of you have received. Mary and her supervisor are ok with me making the changes to the document. However I need to have concurrence from both you guys indicating it is Ok for me to make the changes without seeing the document again. If needed I can fax the changes. I am trying to avoid the whole process of mailing to several locations for new signatures. The changes I will make is to change the status of the site from a large quantity generator to a treater, storer or disposer of hazardous waste. I also took off the reference to 10B and simply changed to 10. Please email me concurrence to send back out to the Hazardous waste section. Sorry for the trouble. Kirk

- Doc. Ex. 982 -

Exhibit L-35

2008-10-06 – Email from Kirk
Pollard to Rodney Huerter

- Doc. Ex. 983 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Update
Date: Monday, October 06, 2008 9:39:40 AM

Hey Rodney: Wanted to update you on a few issues. First the Part A document has been submitted. Appears all is OK with the state. Second regarding the report hopefully by Monday (10/13/08) the report will be at a point where I can send to you for review.

Also during our well survey activities we did find some wells across the Swannanoa River. One is right across the river. The house appeared to be relatively new. Based on tax records the house was built in 2004. City water is available on the south side of the river. However a small area including this property does not have access. Unfortunately this will get some attention from the State folks. But these are the facts. Please don't shoot the messenger

Hope all is back to normal with you and your family.
Kirk

- Doc. Ex. 984 -

Exhibit L-36

2008-10-15 – Email from Kirk
Pollard to Rodney Huerter

- Doc. Ex. 985 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Report
Date: Wednesday, October 15, 2008 8:00:58 AM

Hey Rodney: Just wanted to let you know I have some minor edits to perform due to our internal review. You should see a draft by email tomorrow. Thanks Kirk

- Doc. Ex. 986 -

Exhibit L-37

2008-10-16 – Email from Kirk Pollard to
Rodney Huerter attaching second draft of report

- Doc. Ex. 987 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Draft SCMR
Date: Thursday, October 16, 2008 9:34:49 AM
Attachments: SCMR.doc

Hey Rodney: Here is the draft report for you to review. Call if you need additional information.

- Doc. Ex. 988 -

| ~~July 10, 2007~~ October 14, 2008

| ~~Mr. Carl Utterback~~ Ms. Mary Siedlecki
 Department of Environment and Natural Resources
 Hazardous Waste Section
 1646 Mail Service Center
 Raleigh, North Carolina 27699-1646

| Subject: ~~Assessment Workplan~~ **Site Conceptual Model Report**
Former Asheville Dyeing & Finishing Site
Swannanoa, Buncombe County, North Carolina
NCD 070 619 663
MSE Job 123

| Dear Ms. ~~Mr. Siedlecki~~ Utterback:

| Mineral Springs Environmental (MSE) has prepared the following ~~workplan~~ Site Conceptual Model Report for your review. The ~~workplan~~ report describes the geology, hydrogeology and chemical quality of the underlying groundwater. The report also presents a discussion of environmental indicators within the adjacent area of the site. ~~The report describes the tails the methods to be used to assessment activities for the the Northrup Dump Area ("Northrup Area") and French Drain, and provide a Site Conceptual Model report for the total site.~~ Based on our review of previous documents and understanding of the site, further vertical or horizontal assessment provides no economical benefit for the site. Furthermore, the groundwater plume is being reduced by the ongoing voluntary remediation system installed in 1998.

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

Kirk B. Pollard, L.G.
 Senior Geologist

| ~~123/Assessment Workplan/kp~~

- Doc. Ex. 989 -

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DRAWINGS

Drawing 1	Topographic Site Map
Drawing 2	Shallow Water Table Contour Map
Drawing 3	Intermediate Water Table Contour Map
Drawing 4	Deep Water Table Contour
Drawing 5	Water Supply Map
Drawing 6	Monitoring Well Location Map
Drawing 7	Shallow PCE Isoconcentration Map
Drawing 8	Intermediate PCE Isoconcentration Map
Drawing 9	Deep PCE Isoconcentration Map
Drawing 10	Northrup Dump Excavation and Sampling Location Map

TABLES

Table 1	Water Usage
Table 2	Northrup Dump Soil Analytical Results
Table 3	Northrup Dump Groundwater Analytical Results

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APPENDIX

- Doc. Ex. 990 -

Appendix A	Aquaterra Cross-Sections
Appendix B	Northrup Dump Geophysical Survey
Appendix C	Northrup Dump Photographs
Appendix D	Soil and Water Analytical Results
Appendix E	Northrup Dump Groundwater Analytical Results
Appendix F	French Drain Soil Analytical Results

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DRAFT

- Doc. Ex. 991 -

ASSESSMENT WORKPLAN SITE CONCEPTUAL MODEL REPORT
FORMER ASHEVILLE DYEING & FINISHING SITE
WARREN WILSON COLLEGE ROAD

Swannanoa, Buncombe County, North Carolina

~~July 10, 2007~~ October 14, 2008

1 INTRODUCTION

1.1 Site Information

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawing 1) -- has been subjected to seventeen (17) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these seventeen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. It is our recollection that DWM's Hazardous Waste Section ("HWS") issued a correspondence in the late 1990s that stated the extent of groundwater impact from the HWMU had been essentially defined.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mentioning that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, the groundwater plume continues to be defined. As previously mentioned, the plume configuration has remained the same during the preceding seventeen (17) years of assessment and sampling, and overall groundwater concentrations have decreased.

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

- Doc. Ex. 992 -

During April 2007, the DWM's most recently assigned project manager for the Facility requested Water Applications & Systems Corporation ("WASC") to submit this workplan to assess the environmental impact of the Northrup Area that was identified during the January 2005 RCRA Facility Assessment (hereinafter, the "Request").³ An Environmental Indicators Survey ("EIS") will be performed as a component of the proposed assessment activities. At the conclusion of the proposed activities, WASC will submit a Site Conceptual Model ("SCM") Report that will address the currently requested assessment, previously completed assessments, and remediation activities conducted to date.

The request included a recommendation to conduct a current evaluation of the construction, geometry, and integrity of a drain pipe that DWM indicates "was thought" to be involved in the events of 1971 that resulted in AD&F entering the AOC.⁴ Attempts will be made to obtain information on the construction and configuration of the French Drain and collect a representative sample to document the soil conditions adjacent to the drain.

On July 10, 2007, Mineral Springs Environmental PC (MSE) submitted a workplan designed to assess the Northrup Area and the French Drain. The workplan was approved in December 2007 by the HWS. The data is submitted in the following site conceptual model report.

1.2 Purpose/Ownership

The site was reportedly used by Northrup as a manufacturing facility for pyrotechnics from 1964 to 1969. From 1970 until 1975, the site was owned and operated by Wamsutta, a textile manufacturer. In 1975 Wamsutta became Winston Mills and Winston Mills later became Asheville Dyeing and Finishing. In the mid 1990s, Anvil Knitwear took ownership and also operated the site as a textiles dyeing and finishing facility. Recently in 2007 Anvil Knitwear sold the facility to Dyna Diggr and the facility is currently vacant with the exception of some equipment.

1.3 Site Use History

It is our understanding as part of an investigation associated with the Chemtronics facility (a Superfund Site) operated by Northrup Carolina, representatives of Northrup acknowledged a dump area on the AD&F facility property. In 1985 the dump was subsequently investigated by the North Carolina Health Section. Mr. Grover Nicholson concluded that the site was not an immediate hazard to the environment and the dump site might best be handled by including it in the Chemtronics remedial action.

During the 1970s, a double knit manufacturing process was performed at the AD&F site. As part of the process, a solution of tetrachloroethene (PCE) was used at the site as a dry cleaning process. At the AD&F facility two underground storage tanks were used to store the raw PCE and the used PCE. The used PCE was later disposed offsite. The area where the dry cleaning activities took place was in the central portion of the manufacturing facility. The tanks were closed by removal in 1985 and soil sampling conducted beneath the tank locations indicated the presence of PCE and other related compounds. Of note; samples collected in 1984 from

³ Letter from Carl Utterback, DWM, to Rodney Huerter, Director of Environmental Affairs, WASC, April 5, 2007.

⁴ Id. at n.2 of Further Assessment Items attachment.

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production wells located on the Charles Owen facility and south of the AD&F facility, revealed the presence of chlorinated solvents. The presence of these solvents was ultimately referenced back to the AD&F facility. These wells are no long in use.

In approximately, 1976 a reported spill consisting primarily of PCE occurred within the manufacturing building of the AD&F facility. The spilled material entered floor drains which subsequently discharged to an eight inch French drain located south and along the manufacturing facility. The drain ultimately discharged to Bee Tree Creek located to the east of the facility. Based on this occurrence, a small amount of dry cleaning solution entered Bee Tree Creek. The residual material was subsequently remediated.

2 ENVIRONMENTAL SETTING

2.1 Geologic and Hydrogeologic

2.1.1 Regional Geology

The Town of Swannanoa and Buncombe County are located within the Blue Ridge Physiographic province. The region is characterized by varied topography ranging from moderately broad valleys adjoining subdued hills to highly dissected rugged mountains. Elevations range from less than 1, 500 feet to more than 5,900 feet above mean sea level.

Tributaries to one major river basin drain the region. The Swannanoa River flows westward into the French Broad River of the Tennessee River Basin. Streams exhibit moderate slopes and drainage is generally good. The region is underlain by a variety of metamorphic rocks, although meta-graywacke and muscovite biotite schist is predominate in Buncombe County according to information from the Geologic Map of North Carolina (1985). Greater detail is available from the Geologic Map of the Oteen Quadrangle, North Carolina (1972) which describes the bedrock in the Bee Tree Creek Valley as a garnetiferous Mica-Schist. Structurally, the rocks are generally oriented northeastward; however, considerable variations occur.

Bedrock in the region is overlain by some combination of topsoil, alluvial deposits and saprolite. Nevertheless, saprolite derived from the in-situ weathering of bedrock, is the predominant overburden material in the region. The saprolite typically ranges in thickness from a few inches to more than 100 feet in areas of subdued relief.

2.1.2 Site Geology

The facility is situated in a relatively broad stream valley at an elevation approximately 2,200 feet above sea level. Surface drainage from the site is to the southeast toward Bee Tree Creek and the Swannanoa River. Bee Tree Creek is located approximately 1,000 feet east of the facility and the Swannanoa River is approximately 1,900 feet south of the site.

Based on a geologic cross section (prepared by Aquaterra (see Appendix A)) of the site and properties to the south, the site is underlain by a series of saprolite with areas of alluvium and fill material, weathered rock and bedrock. The saprolite is comprised of silty sand and sandy silt. The saprolite ranges in thickness from 30 to 45 feet below land surface (BLS). Alluvial material is interspersed in areas of the site in the form of cobble zones. Underlying the saprolite specifically on the site is a zone of highly weathered rock. The weathered rock is not as

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prevalent in offsite borings. The weathered rock ranges in thickness from 10 to 25 feet thick. Below the weathered rock is a fractured mica schist. The bedrock extends to depths of 600 feet BLS.

2.1.3 Hydrogeology

2.1.3.1 Regional Hydrogeology

The climate in Buncombe County is considered temperate. The approximate average annual precipitation is between 39 inches and 56 inches per year, most of which is in the form of rain (Trapp, 1970). Bee Tree Creek runs adjacent to the site and drains into the Swannanoa River, which flows westward to the French Broad River. The French Broad River lies within the Tennessee River Drainage Basin.

Hydrogeologic units have been defined on the basis of rock type (e.g., muscovite-schist and igneous intrusives) (Daniel 1987). Many of the hydrogeologic units in Buncombe County owe their porosity and permeability to secondary structures such as fractures, joints and solution cavities. Well yields in Buncombe County range from 3 to 20 gallons per minute, with some yields reportedly as high as 60 gallons per minute (Trapp, 1970). In general, wells screened in bedrock have greater yields than those screened in the overlying unconsolidated sediments.

2.1.3.2 Site Specific Hydrogeology

There are two distinct hydrogeologic units beneath the site. These two hydrogeologic units consist of the unconsolidated saprolite, weathered bedrock/fractured bedrock. These units are interconnected and exhibit their own unique hydrogeologic characteristics.

A shallow aquifer lies within the unconsolidated saprolite to a depth of 30 to 45 feet BLS. Depth to water in this unconfined aquifer has ranged from 7.60 (MW-2s) to 19.67 (MW-7s) feet BLS during the July 21, 2008 groundwater sampling event. The depth to water level for the off site unconfined aquifer ranged from 4.20 (MW-16s) and 12.71 (MW-18s). Regarding the weathered rock/bedrock, depth to water level ranged from 3.31 (MW-17d) to 27.84 (MW-6d).

Groundwater beneath the site has historically shown to be flowing in a southeasterly direction in response to a hydraulic gradient of approximately 0.02 feet per foot (see Drawings 2-4). Based on the water levels for shallow and deep wells across the area of the groundwater contaminant plume, a downward groundwater flow occurs onsite and an upward groundwater flow occurs offsite near the Swannanoa River. Hydraulic conductivity values across the site vary between .00036 to .00048 centimeters per second. The groundwater seepage velocity across the site has been determined to be approximately 70 feet per year. Based on data obtained from a pumping test conducted in 1993, transmissivity (T) values for onsite shallow wells ranged from 1,790 to 13,160 gallons per day per foot (g/d/ft). The values for storativity (S) ranged from 2.613E-3 to 4.71E-2. In the intermediate wells, the values of T ranged from 540 to 7,330 g/d/ft and the values for S ranged from 8.00E-4 to 4.51E-2. The deep well values ranged from 920 to 9,335 g/d/ft and S ranged from 6.86E-4 to 4.5E-3.

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2.2 Surface Water

Bee Tree Creek is the eastern most property boundary for the AD&F facility. The creek is classified as a C stream by the North Carolina Surface Water Section in the area adjacent to the AD&F facility. Bee Tree Creek discharges to two ponds located on the property to the south. It is or understanding, the ponds are used for makeup water in the Charles Owen manufacturing facility. In addition the ponds are used for recreational purposes. One of the ponds discharges to the Swannanoa River. The Swannanoa River subsequently discharges to the French Broad River and is classified as a C stream. The stream is a fast flowing stream with steep banks. The river is approximately 200 feet wide.

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2.3 Water Supply

A large percentage of the surrounding properties obtain their source of drinking water from the City of Asheville's water supply. The subject site and adjacent properties to the north, east and west are also connected to the City's water supply. The Charles Owen manufacturing facility and Charles Owen Recreational Park located to the south also are connected to the City water supply. In addition, properties along Warren Wilson College Road have access to the City water supply and appear to be connected. However, two former drinking water wells were identified to the west of the site. These wells are currently used for irrigational purposes.

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MSE performed a water search of properties located across the Swannanoa River. Using a 1500 foot radius at a location just south of the river, a reconnaissance was conducted. This location was selected based on the fact the contaminant plume has been identified at a location north of the river. During the survey several drinking water wells were identified on the south side of the Swannanoa River. A total of seven wells were identified and are primarily greater than 1,000 feet from the river. One well was identified at a relatively new residence located at Riparian Way and directly across the river from the Charles Owen facility. Based on observations during the survey residences located on the western section of Davidson Road, certain residences are connected to City water based on the presence of water meters. The waterlines appear to run along New Salem Road. The waterlines are not present along Davidson east of Linn Garden Lane. Drawing 5 shows the drinking water well locations and Table 1 summarizes the water usage.

WASC contracted with Mineral Springs Environmental PC (MSE) to perform the assessment of the Northrup Area, which will consist of delineating the area and installing one (1) additional monitoring well ("MW") between it and the adjacent Bee Tree Creek. MSE will generate a SCM after concluding the assessment activities. The SCM will (1) describe the groundwater assessment and remediation activities performed to date, (2) describe the geologic and hydrogeologic characteristics of the site, and (3) present the results of the EIS that will be performed for the surrounding area. Additionally, reasonable steps will be taken to evaluate the French Drain located to the south and east of the onsite building. It should be noted that samples that the NCDENR obtained from the Northrup Area during a May 1985 inspection showed no specific contaminants of concern ("COC").⁵

⁵ Booz Allen Hamilton, RCRA Facility Assessment Report No. R04804-1 68-W-02-17 at 38.

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1.33 Scope of Work for Northrup Area Site Assessment Activities

3.1 Site Assessment and Remediation

Since 1988 a total of 40 monitoring wells have been installed at the site to assess the groundwater quality (see Drawing 6). These wells have been installed through seven phases of groundwater assessment programs. In addition, approximately 18 years of periodic sampling has been performed across the site. Since 1998, an onsite voluntary remediation system has been in operation and was designed to reduce the source of groundwater impact. During the assessment program the only contaminants identified have been PCE and the breakdown compounds cis-1,2 dichloroethene and trichloroethene. One other compound, dichloropropane has also been detected consistently throughout the sampling events. This compound is a tracer associated with PCE product.

Historically, the PCE plume has been identified to be present in a narrow lenticular shaped plume and originates from two distinct locations. These locations are an unknown source located north of the facility and defined by well cluster MW-4 and the former UST area defined as the hazardous waste management unit. The plumes appear to have comeled. The presence of chlorinated solvents has been identified in the unconsolidated soil, weathered rock interface and the fractured bedrock.

In the shallow unconsolidated soil PCE concentrations obtained in October 2007 and April 2008, a small area centered around MW-6s exhibited concentration in excess of 100 parts per billion (ppb). The area of this impact measures approximately 170 feet wide by 360 feet long and is onsite. The remaining shallow wells exhibit concentrations of PCE between 47.4 (MW-14s) and 1.47 (MW-4s) (see Drawing 7). The total shallow plume dimensions are approximately 624 feet wide by 1,840 feet wide. The down gradient extent of the plume appears to be defined by the two recreational ponds.

Based on the groundwater obtained in October 2007 and April 2008, the intermediate groundwater PCE plume exhibits dimensions of 435 feet wide by 1,920 feet long (see Drawing 8). The PCE concentrations range from a high of 265 ppb in OW-2i to a low of 11.4 ppb (MW-5i). Again as with the shallow plume the highest concentrations are located on the subject site. Regarding the deep PCE, impact was only detected in MW-6d and MW-20d at concentrations of 0.77 ppb and 17.8 ppb during the October 2007 sampling event (see Drawing 9). Both these wells are located on the AD&F property. Only 1,2 dichloropropane was detected in offsite wells at a concentration exceeding it's cleanup standard. The compound was detected at 1.99 ppb in monitoring well MW-14d.

3.2 Solid Waste Management Unit Assessment

3.2.1 Northrup Dump

Due to the overgrown condition of the Northrup Area, the following scope of work was performed:

- Removed the ground cover from on top of the landfill:

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- Performed surface geophysical survey (attempt to locate potential subsurface anomalies):
- Excavated trenches in the areas with anomalies, if any;
- Conducted profiling & sampling of trenches associated anomalies, as mentioned above - if any.

3.2.1.1 Geophysical Survey

Prior to performing any intrusive activities the ground cover and small trees were cleared using a bush hog cutting device attached to a tractor and other manual devices. This provided an open area to perform the geophysical survey. The geophysical investigation was performed to delineate the approximate footprint of the landfill area and to locate areas containing geophysical anomalies.

Geophysical Survey Investigations, PLLC (GSI), conducted the geophysical survey across the Northrup Area. The geophysical investigation consisted of conducting an electromagnetic (EM31) ground conductivity survey and metal detection (EM-61) survey. Prior to data acquisition, GSI established a 20-foot by 20-foot survey grid across the geophysical area using measuring tapes, pin flags, and marking paint. The grid measured approximately 280 feet wide by 260 feet long. Geophysical data points and cultural features such as roads, buildings, utility poles, etc., were referenced using this survey grid coordinate system.

EM31 apparent ground conductivity and inphase (metal detection) (EM-61) data was simultaneously collected at approximately 5-foot intervals along survey lines spaced 10 feet apart. The survey lines were oriented approximately perpendicular to the known axis of the landfill.

The EM31 and EM-61 instrument is able to detect subsurface anomalies to a maximum depth of approximately 15 feet and eight feet respectively. The data was digitally collected and downloaded to a field computer and processed into color, contoured conductivity and in-phase maps. Although the results will not provide thickness or depth of debris information, the results should delineate the perimeters of areas containing subsurface anomalies.

The Geophysical Investigation report is attached as Appendix B. To summarize the EM-31 and EM-61 surveys provided reliable results in delineating the perimeter of buried metallic waste and areas containing significant or large metal objects. The report further indicates that the metallic waste is centered near grid coordinates X=130,Y=130 and comprises an area of approximately 19,500 square feet. The highest amplitude anomalies such as grid X=87 Y=160, X=100 Y=113, X=150 Y=105 and X=208 Y=102 are probably in response to areas containing large buried metal objects or areas containing the highest concentration of metal objects or debris. In addition, the EM-31 data was influenced by the large concentration of metallic surface metallic material. Appendix B Figures 4 thru 6 show the results of the geophysical survey.

3.2.1.2 Excavation Activities and Soil Sampling Program

Based on the results of the geophysical survey, steps were taken to perform intrusive investigation activities. Between March 31, 2008 and April 4, 2008, a total of 17 grid locations were excavated. During excavation activities extreme care was taken while excavating. Each

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excavation point was dug in lifts not exceeding six inches. The excavation locations are shown on Drawing 10. A brief description of the material identified in each excavation is presented below. Photographs of the investigation are contained in Appendix C.

<u>Grid Location 70/170</u>	<u>Native soil and rocks with a few pieces of metal (angle iron) were encountered. Groundwater encountered around 4.5 feet.</u>
<u>Grid Location 80/200</u>	<u>Some native soil mixed with block. Approximately 18 inches below surface a green powder was encountered.</u>
<u>Grid Location 100/230</u>	<u>Native soil mixed with rebar, Angle iron with concrete blocks mixed with wire, plastic and bottles</u>
<u>Grid Location 130/180</u>	<u>Native soil, two drums lying flat in the excavation, metal, plastic wire rebar and block were also encountered.</u>
<u>Grid Location 150/150</u>	<u>Block, metal, rebar, rocks and native soil was found in this excavation. Two types of material were observed. One material was red and the second was white in color.</u>
<u>Grid Location 180/110</u>	<u>Metal, plastic paint cans blue green paint. White ash powder, Tire, metal and some soil. 55 gallon drums were present in the excavation.</u>
<u>Grid Location 170/100</u>	<u>Container identified with writing Navel Ammunitions (Crane Indiana) Label on container indicated Class B Poison, Red past material, Drum contained a sweet smelling liquid with a Ph of 8 photoionization device (PID) reading of 36 parts per million. Several drums observed. 55 gallon drums with Di Nitro Toluene labeling were also present in the excavation.</u>
<u>Grid Location 60/95</u>	<u>Corrugated metal pipe, small drum, and black plastic, red murky water.</u>
<u>Grid Location 105/105</u>	<u>Numerous 55 gallon size drums with larger outer rims, concrete and rebar.</u>
<u>Grid Location 110/155</u>	<u>Yellow type material, concrete, rebar and drums.</u>
<u>Grid Location 120/90</u>	<u>55 gallon drums with material in them, strong odor.</u>
<u>Grid Location 130/75</u>	<u>15 to 20 lids indicated Sodium Nitrate, blocks were present in the excavation along with red dye material.</u>
<u>Grid Location 150/75</u>	<u>Large concentration of 55 gallon drums with labels indicating Di Nitro Toluene. Other labels indicate mixture tech blend-m, Lot 9 645 Dr, 78, 95, 550.</u>

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Grid Location 150/110 55 gallon drums identified with placards "Do Not Drop" and Di Nitro Toluene labeling were present in the excavation

In addition to the above, several containers labeled with magnesium atomized potassium were also present and interspersed through the areas. In addition, areas of diffused metal were present in some of the excavations.

A total of 13 representative soil samples were collected from various excavation points and analyzed for the presence of chemicals of concern. The sampling locations were labeled according to the grid spacing designation. The soil sample locations are labeled as follows:

<u>Grid Location 70/170</u>	<u>Grid Location 80/200</u>	<u>Grid Location 130/180</u>
<u>Grid Location 150/150</u>	<u>Grid Location 170/100</u>	<u>Grid Location 180/110</u>
<u>Grid Location 60/95</u>	<u>Grid Location 110/155</u>	<u>Grid Location 130/120</u>
<u>Grid Location 105/105</u>	<u>Grid Location 130/75</u>	<u>Grid Location 120/90</u>
<u>Grid Location 150/150A (Red Material)</u>		

One water sample was collected from grid location 120/90. The soil and water samples are comprised of grab samples from the excavations.

The analytical results are contained in Appendix D and summarized in Table 2. The corresponding Table 1 provides the results as well as the North Carolina Soil Screening Levels as provided in the "Guidelines for Establishing Remediation Goals at RCRA Hazardous Waste Sites". As summarized minor concentrations of chlorinated solvents were detected in the soil samples. Other minor concentrations of volatile organic compounds were identified in the samples as well. Three soil samples 180/110, 110/155 and 120/90 contained semi-volatile organic compounds at elevated concentrations. The compounds detected are typically associated with heavy petroleum or cutting oils. Several metal compounds were also detected in samples collected from the excavated trenches. The primary metal compounds detected consisted of chromium, lead, magnesium, nickel and zinc.

Based on our review of the data, the results suggest that the primary material disposed within the Northrup Area represents a byproduct of a metal cutting operation. Inorganic metal compounds, heavy oil and minor chlorinated solvents are typical compounds associated with metal cutting activities. Numerous drums were observed with labels di nitro toluene and lids with sodium nitrate. This material based on research may have been used as an accelerant to propel the flares or allow a reaction. Based on the above observations and analytical results, the materials disposed appear to be consistent the manufacturing of roadway and or military flares.

2.2.1.3.

Due to the overgrown condition of the Northrup Area, the following scope of work is proposed;

- Remove the ground cover from on top of the landfill;
- Perform surface geophysical survey (attempt to locate potential subsurface anomalies);
- Excavate trenches in the areas with anomalies, if any;
- Conduct profiling & sampling of trenches associated with action incident to anomalies, as mentioned above — again, if any; and;

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- Install one (1) MW between the Northrup Area and Bee Tree Creek (down-gradient).

1.3.1 Geophysical Survey

Prior to performing any work activities the ground cover and small trees will be cleared using a bush hog cutting device attached to a tractor. This will provide an open area to perform the geophysical survey. The geophysical investigation will be performed to delineate the approximate footprint of the landfill area and to locate areas containing geophysical anomalies.

Geophysical Survey Investigations, PLLC (GSI), will conduct the geophysical survey across the Northrup Area. The geophysical investigation will consist of conducting an electromagnetic (EM31) ground conductivity survey. Prior to data acquisition, GSI will set up a 20-foot by 20-foot survey grid across the geophysical area using measuring tapes, pin flags, and marking paint. Geophysical data points and cultural features such as roads, buildings, utility poles, etc., will be referenced using this survey grid coordinate system.

EM31 apparent ground conductivity and inphase (metal detection) data will be simultaneously collected at approximately 5-foot intervals along survey lines spaced 10 feet apart. If possible, the survey lines will be oriented approximately perpendicular to the known axis of the landfill.

The EM31 instrument may be able to detect subsurface anomalies to a maximum depth of approximately 15 feet. The EM31 data will be digitally collected and downloaded to a field computer and processed into color, contoured conductivity and in-phase maps. Although the EM31 results will not provide thickness or depth of debris information, the results should delineate the perimeters of areas containing subsurface anomalies.

1.3.2 Excavation Activities and Soil Sampling Program

Based on the results of the geophysical survey, steps will be taken to perform intrusive sampling adjacent to areas warranting additional investigation. The number of excavation areas will be dependent on field conditions encountered. Each excavation will be profiled according to material encountered. The soil encountered will be bagged and scanned with a photoionization device for the presence of total volatilized organic compounds. Up to two soil samples will be collected from each excavation. The collected soil samples will be analyzed for the presence of volatile organic compounds. The VOCs will be analyzed according to SW-846 Methods 8260.

Sampling will be conducted in accordance with the site Sampling and Analysis Plan (SAP) and EPA's Standard Operating Procedure (SOP) entitled *Environmental Investigations Standard Operating Procedures and Quality Assurance Manual*. Guidelines in the EPA SOP for sample containers, chain-of-custody protocol, sample order, analytical methods, decontamination methods, etc. will be utilized for soil and/or water sampling.

1.3.3 Groundwater Assessment Program

A single shallow groundwater monitoring well MW-24s ~~will be~~ installed at a point between the Northrup Area and Bee Tree Creek (see Drawing 26). The well ~~will be~~ was constructed of Schedule 40 PVC and ~~will be~~ was equipped with ~~10-15~~ 15 feet of 0.010 slotted well screen. The well was installed to a total depth of 21 feet. Once the well is ~~is~~ was installed a groundwater sample

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will was be obtained and analyzed for the presence of VOCs, SVOCs and inorganic compounds. In addition, previously installed monitoring wells MW-22s and MW-23s were also sampled for the presence of the above mentioned compounds.

Only the groundwater sample obtained from monitoring well MW-22s indicated the presence of compounds above the North Carolina Groundwater Quality Standard. Four inorganic compounds, chromium, lead, nickel and selenium were detected. No other compounds were detected in any of the wells. The analytical results are contained in Appendix D and summarized in Table 3.

Sampling will be conducted in accordance with the site SAP and EPA's Standard Operating Procedure (SOP) entitled *Environmental Investigations Standard Operating Procedures and Quality Assurance Manual*. Guidelines in the EPA SOP for sample containers, chain-of-custody protocol, sample order, analytical methods, decontamination methods, etc. will be utilized for soil and/or water sampling.

13.34 Scope of Work for French Drain

The French drain is an eight inch slotted pipe that runs the entire length of the building and discharges to the City of Asheville sewer system. The drain was installed at the time the building was constructed as a mechanism to divert water to prevent the building from flooding. The depth of the drain is approximately five to 15 feet below ground surface. The exact construction is unknown however it is felt that once the pipe was run beyond the building the piping used was solid and not slotted. It should be noted the pipe once discharged to Bee Tree Creek as mentioned above. The location of the French drain is shown in Drawing 6.

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In order to assess the French drain steps will be taken to collect a single soil sample was collected at the point where the French drain terminated at the time of the original incident, or as close as possible (downgradient). The sample was collected at the sewer discharge point and is shown on Drawing 7. This sample will be was analyzed for the presence of VOCs according to SW-846 Method 8260. The sample will be collected with a drill rig capable of extending to the required depth to collect the sample and in accordance with the site SAP.

The analytical results are contained in Appendix E. No VOCs were detected in the sample at concentrations above the laboratory practical quantitation limits.

2 ENVIRONMENTAL INDICATORS SURVEY

An EIS will be performed to determine the presence of receptors within the surrounding area. This survey will consist of determining the presence of drinking water wells, adjacent populations, schools, daycares and other items that could be affected within 1,000 feet of the extent of the groundwater plume. This survey results will be included in the SCM Report.

3 SITE CONCEPTUAL MODEL REPORT

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A SCM Report will be prepared and submitted to HWM. The report will provide a thorough discussion of the groundwater plume geometry, geology underlying the site and the hydrogeologic parameters. Data collected adjacent to the Northrup Area will also be included within the report. The results of the EIS survey will also be included in this report.

4 MATERIAL HANDLING AND SEGREGATION

Should excavation of trenches in the Northrup Area be required, steps will be taken to containerize any regulated materials encountered, which will subsequently be profiled and properly disposed, in accordance with State and federal standards.

5 DECONTAMINATION PROCEDURES

A decontamination pad will be constructed at the site to prevent the spread of potential impact. The pad will either be placed on concrete or asphalt, depending upon availability. The pad will be bermed using hay bales and then lined with visqueen. Water generated during decontamination activities will be captured and disposed of in a manhole at the facility which discharges to the Asheville POTW.

Excavation equipment such as backhoe and trackhoe buckets will be decontaminated prior to excavating in the Northrup Area or when entering an area with no impact, based on field screening methods. The bucket and any other excavation equipment will be decontaminated at the decon pad using a power washer in accordance with the protocol outlined in the site SAP and EPA SOP. The water will be contained and treated. Sampling equipment such as spoons, hand augers, drilling equipment etc. will be decontaminated using the methods outlined in the EPA SOP.

6 SCHEDULE

Once the workplan has been reviewed by the Section and approved, work task will commence. The overall field activities and analysis of samples will take approximately five to six weeks to complete. The environmental indicator survey can be completed in two to three weeks. The SCM report will take approximately three months to complete once all the data and surveys have been completed.

7 SITE HEALTH AND SAFETY

A site-specific health and safety plan (HASP) will be prepared by MSE personnel to be utilized by MSE personnel. Subcontractors working within the exclusion area will either prepare their own equivalent HASP or follow the MSE plan. Site workers will have received OSHA 40-hour training as specified in Title 29 CFR 1910.120 with eight-hour refresher training within the last year.

84 CONCLUSION

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The Facility has been subjected to seventeen (17) years of continuous assessment and sampling in connection with PCE. During this time, the plume configuration has remained the same, while the overall groundwater concentrations have decreased. The substantial risk that further assessment activities will create 'conduits', which will (1) allow vertical / cross-zone migration, and (2) abrogate the positive results achieved to date, indicates the detriments associated with 'chasing' an additional part per billion. The ongoing remediation and contaminant source reduction at the Facility has proven, and remains effective. Accordingly, we believe no benefit will result from further vertical or horizontal assessment. The risks in performing additional assessment activities are sufficiently strong to warrant caution and restraint.

Regarding the dump area, rusted drums were identified and extremely minor impact to the soil was identified. The dump was created by Northrup employees and this occurrence is well documented in the file for this site. As such any remediation or drum extraction procedures should be the responsibility of Northrup, again as documented in the file.

95 SUBMITTAL

The opinions and procedures outlined in this workplan report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of WASC LLC ~~after Applications & Systems Corporation~~, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental

Kirk B. Pollard, L.G.

President

MINERAL SPRINGS ENVIRONMENTAL PC

~~Assessment Workplan~~ Site Conceptual Model
Former AD&F Site

~~July 10, 2007~~ October 14, 2008
Page 13

- Doc. Ex. 1004 -

Exhibit L-38

2008-10-16 to 2008-10-20 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 1005 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Re: Draft SCMR
Date: Monday, October 20, 2008 6:38:57 AM

Thanks. I feel the report is technically sound and addresses the items presented in the workplan. Kirk

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Friday, October 17, 2008 2:57 PM
Subject: RE: Draft SCMR

K: I rec'd the draft and am in the process of reviewing it. Thank you. Out of curiosity, when you sent this to me yesterday, if I had not otherwise required the pre-review that I'm conducting, would your sense have been that this was ready to submit "as is"?

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Thu 10/16/2008 9:34 AM
To: Huerter, Rodney
Subject: Draft SCMR

Hey Rodney: Here is the draft report for you to review. Call if you need additional information.

- Doc. Ex. 1006 -

Exhibit L-39

2008-10-28 – Email from Rodney Huerter to
Kirk Pollard attaching draft report

- Doc. Ex. 1007 -

From: Huerter, Rodney
To: "K. Pollard Mineral Springs Environmental"
Subject: AD&F Assessment Report--REVISED Edits, 28 Oct. 08
Date: Tuesday, October 28, 2008 10:35:59 AM
Attachments: REVISED SCMR-icc-rgH--blackline.doc

Good morning, Kirk. As promised, here's the reviewed and revised blackline document (I cleaned up some language, and I thought the red-line was getting a little to busy to effectively work with). Please call to discuss if you have any questions, or if any of the recommended editing gives you heartburn.

Naturally, should you believe that any additional modifications are warranted, I want to review the final product before it is submitted. Since the deadline to get the document to Mary is this Friday, the 31st, I believe there is sufficient time for you to review, coordinate any necessary modifications, and submit in a timely fashion.

Rodney G. Huerter
Director, Environmental Affairs
Veolia Water North America
4760 World Houston Pkwy, Ste 100
Houston, TX 77032

832-300-5719 (office)
713-672-8209 (fax)
936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

Confidentiality Notice: This e-mail and any attachments to it are intended only for the named recipients and may contain confidential information. If you are not one of the intended recipients, please do not duplicate or forward this e-mail message and immediately delete it from your computer. Your assistance in this matter is greatly appreciated and will help to ensure that our lawyers remain grunted and at a distance, which is how we prefer to keep them. Thank you.

- Doc. Ex. 1008 -

October 31, 2008

Ms. Mary Siedlecki
Department of Environment and Natural Resources
Hazardous Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Subject: **Site Conceptual Model Report
Former Asheville Dyeing & Finishing Site
Swannanoa, Buncombe County, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Ms. Siedlecki:

Mineral Springs Environmental (MSE) has prepared the following Assessment Report for the former Asheville Dyeing & Finishing facility in Swannanoa for your review. The report describes the geology, hydrogeology and chemical quality of the underlying groundwater. The report also presents a discussion of environmental indicators within the adjacent area of the site. The report describes the assessment activities for the Northrop Dump area and the historical French Drain. Based on our review of previous documents and understanding of the site, further vertical or horizontal assessment provides no economical benefit for the site nor would further investigative efforts produce any relevant new data to support additional "source" information. Furthermore, the groundwater plume is being reduced by the ongoing voluntary remediation system installed in 1998.

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

Kirk B. Pollard, L.G.
Senior Geologist

- Doc. Ex. 1009 -
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Appendix D	Soil and Water Analytical Results
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- Doc. Ex. 1010 -

SITE CONCEPTUAL MODEL REPORT FORMER ASHEVILLE DYEING & FINISHING SITE WARREN WILSON COLLEGE ROAD

Swannanoa, Buncombe County, North Carolina
October 14, 2008

1 INTRODUCTION

1.1 Site Information

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawing 1) -- has been subjected to approximately eighteen (18) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these eighteen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. It is our recollection that DWM's Hazardous Waste Section ("HWS") issued a correspondence in the late 1990s that stated the extent of groundwater impact from the HWMU had been essentially defined.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mentioning that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, which is the result of long-term monitoring, the groundwater plume is adequately defined. As previously mentioned, the plume configuration has remained the same during the preceding eighteen (18) years of assessment and sampling, and overall groundwater concentrations have decreased.

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

- Doc. Ex. 1011 -

1.1.1 DWM 2007 Groundwater Assessment Request

On April 5, 2007, the DWM sent a letter to WASCO LLC ("WASCO"; formerly known as Water Applications & Systems Corporation, which is obligated to indemnify Culligan International as to certain matters at the Facility) in which the DWM stated that "AD&F must develop" and submit a workplan to assess the "areal and vertical extent of the contaminant plume" that is within the scope of "releases discovered in 1984 from the two [former USTs] and the spill of tetrachloroethylene (PCE) that reportedly occurred in 1971 [sic]" (hereinafter, the "Request"). See Letter from Carl Utterback, DWM, to Rodney Huerter, Dir. of Env'tl. Affairs, WASCO, April 5, 2007.

The Request specified that the ultimately submitted workplan must include a groundwater assessment plan. The DWM stated that the groundwater assessment plan should include (1) a Site Conceptual Model ("SCM"), which should illustrate the groundwater flow direction across the site; (2) environmental indicators, which should identify potential liabilities related to offsite contamination; and (3) an "investigation of [solid waste management units (SWMU)] . . . identified as requiring additional assessment in the [July 29, 2004] RCRA Facility Assessment" ("RFA"), and an implementation schedule.

The request also included a "Further Assessment Items" list, which the DWM stated "need to be discussed or addressed regarding the overall assessment of the site" (the "Discussion List"). The Discussion List identified seven items, including: (1) stating "AD&F must determine how far the contamination has migrated in both the vertical and horizontal plane"; (2) stating "AD&F should determine the construction and geometry of the drain pipe as well as the integrity of the pipe" that was involved in the 1976 PCE spill; (3) requiring a RCRA Facility Investigation of the dump area that is designated as Solid Waste Management Unit No. 14 (the "Northrop Dump"), "as recommended" during the RFA; (4) requiring installation of additional monitoring wells that "would detect contamination that may be originating from the [Northrop Dump] and migrating toward Beetree Creek"; (5) requesting a description of the current status of the five production wells located at the Owens manufacturing facility ("Owens Wells"); (6) requesting additional information regarding the Owens Wells, to supplement the information requested in Item No. 6, "if available"; and (7) a status report on the "investigation of the unidentified source [north of the manufacturing facility]."

1.1.2 July 2007 Groundwater Assessment Workplan

On July 10, 2007, Mineral Springs Environmental PC (MSE) submitted a workplan that addressed the groundwater assessment and included, among other items, (1) installation of a groundwater monitoring well, and completion of a geophysical survey and soil sampling in the Northrop Dump; (2) soil sampling at the location of the former French Drain, and (3) an Environmental Indicators Survey ("EIS"), intended to determine the presence of receptors within the surrounding area.

The workplan was approved in December 2007 by DWS, which suggested that "all existing monitoring wells should be sampled and analyzed for comparison to historical data." The DWS further suggested its interest in learning of "the construction and geometry" of the pipe that was related to the 1971 PCE spill. The DWS recited language from the RFA which it stated may potentially require further sampling in the Northrop Dump area. As explained in this document, the workplan was conducted during April 2008 through September 2008.

- Doc. Ex. 1012 -

1.2 Ownership

The site was originally operated from approximately 1952 until 1962 by Amcel Propulsion, Inc. ("Amcel"). Amcel sold the property to Celanese Corporation of America ("Celanese") during March 1962. Celanese, in turn, sold the property to Northrop Carolina, Inc. ("Northrop"; affiliated with Northrop Corporation), which also acquired the contiguous property immediately north of the Facility. Northrop reportedly used the property as a manufacturing facility for pyrotechnics during the 1960s and early 1970s. During June 1971, Northrop sold the property upon which the Facility is located to M. Lowenstein & Sons, Inc. ("Lowenstein"), and the contiguous property to Airtronics—the contiguous property is now referred to as the Chemtronics Superfund Site ("Chemtronics Site"), for which Northrop is a responsible party, along with Celanese.

Lowenstein, which held a controlling interest in Wamsutta Mills, operated a textile manufacturing operation at the Facility until March 3, 1976, when it sold the property to Winston Mills, Inc. ("Winston Mills"). At some point after the March 1976 sale, Asheville Dying & Finishing ("AD&F") acquired Winston Mills, and was in turn acquired by McGregor Corporation ("McGregor"). McGregor sold the assets of Winston Mills to Anvil Knitwear, Inc. ("Anvil") on December 29, 1994. Anvil operated the Facility as a textiles dyeing and finishing operation. Anvil sold the property to Dyna Diggr during December 2007, and the facility is currently vacant with the exception of some equipment.

McGregor was a subsidiary of Astrum International Corporation ("Astrum"), as was Culligan International ("Culligan"). Although Culligan neither owned, operated, contributed any material or waste whatsoever, and was not otherwise associated with the property, the asset sales agreement between McGregor and Anvil provided a guaranty "to the buyers of the sellers' obligations" by both Culligan and Astrum. Culligan oversaw the voluntary remediation of the PCE matter since approximately the mid 1990s. In accordance with a 2004 Stock Purchase Agreement between WASCO and CDRC Holding S.à.r.l., WASCO indemnifies CDRC as to certain matters associated at the Facility as they relate to specific Culligan obligations.

1.3 Site Use History

During the 1970s, AD&F conducted a double knit manufacturing process (related to the production of t-shirts) at the Facility. As part of the process, a solution of tetrachloroethene (PCE), also known as 'perchlortene' was used in a dry cleaning process. Two underground storage tanks were used at the Facility, one to store the raw PCE and the other to store used PCE, which was disposed offsite. The area where the dry cleaning activities took place was in the central portion of the manufacturing facility. The tanks were closed by removal in 1985 and soil sampling conducted beneath the tank locations indicated the presence of PCE and other related compounds. Of note; samples collected in 1984 from production wells located on the Charles Owen facility and south of the Facility, revealed the presence of chlorinated solvents. The presence of these solvents was ultimately referenced back to the AD&F operation. These wells—the Owens Wells— are no long in use.

On August 12, 1976 a reported spill consisting of "50 gallons of 10% solution of [PCE] . . . and 200 gallons of essentially 100% solution" of PCE occurred within the manufacturing building of the AD&F facility. See N.C. Dept. of Natural & Economic Resources, Report of Investigation:

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Beetree Creek/Swannanoa River Fish Kill, Aug. 1976, at 4 (attached to Memorandum from M.W. Puette, Enforcement Administrator, N.C. Div. of Env'tl. Mgmt., to L.P. Benton, Jr., Chief, Water Quality Section, Oct. 18, 1976) ("1976 DNER Report"). The spilled material entered floor drains which subsequently discharged to an eight inch French drain located south and along the manufacturing facility. The drain ultimately discharged to Bee Tree Creek located to the east of the facility. Based on this occurrence, a small amount of dry cleaning solution entered Bee Tree Creek. The residual material was subsequently remediated.

It is our understanding as part of an investigation associated with the Chemtronics Site, representatives of Northrop acknowledged the Northrop Dump. In 1985 the Northrop Dump area was subsequently investigated by the North Carolina Health Section. Mr. Grover Nicholson concluded that the site was not an immediate hazard to the environment and the dump site might best be handled by including it in the Chemtronics remedial action.

2 ENVIRONMENTAL SETTING

2.1 Geologic and Hydrogeologic

2.1.1 Regional Geology

The Town of Swannanoa and Buncombe County are located within the Blue Ridge Physiographic province. The region is characterized by varied topography ranging from moderately broad valleys adjoining subdued hills to highly dissected rugged mountains. Elevations range from less than 1,500 feet to more than 5,900 feet above mean sea level.

Tributaries to one major river basin drain the region. The Swannanoa River flows westward into the French Broad River of the Tennessee River Basin. Streams exhibit moderate slopes and drainage is generally good. The region is underlain by a variety of metamorphic rocks, although meta-graywacke and muscovite biotite schist is predominate in Buncombe County according to information from the Geologic Map of North Carolina (1985). Greater detail is available from the Geologic Map of the Oteen Quadrangle, North Carolina (1972) which describes the bedrock in the Bee Tree Creek Valley as a garnetiferous Mica-Schist. Structurally, the rocks are generally oriented northeastward; however, considerable variations occur.

Bedrock in the region is overlain by some combination of topsoil, alluvial deposits and saprolite. Nevertheless, saprolite derived from the in-situ weathering of bedrock, is the predominant overburden material in the region. The saprolite typically ranges in thickness from a few inches to more than 100 feet in areas of subdued relief.

2.1.2 Site Geology

The facility is situated in a relatively broad stream valley at an elevation approximately 2,200 feet above sea level. Surface drainage from the site is to the southeast toward Bee Tree Creek and the Swannanoa River. Bee Tree Creek is located approximately 1,000 feet east of the facility and the Swannanoa River is approximately 1,900 feet south of the site.

Based on a geologic cross section (prepared by Aquaterra (see Appendix A)) of the site and properties to the south, the site is underlain by a series of saprolite with areas of alluvium and fill material, weathered rock and bedrock. The saprolite is comprised of silty sand and sandy silt.

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The saprolite ranges in thickness from 30 to 45 feet below land surface (BLS). Alluvial material is interspersed in areas of the site in the form of cobble zones. Underlying the saprolite specifically on the site is a zone of highly weathered rock. The weathered rock is not as prevalent in offsite borings. The weathered rock ranges in thickness from 10 to 25 feet thick. Below the weathered rock is a fractured mica schist. The bedrock extends to depths of 600 feet BLS.

2.1.3 Hydrogeology

2.1.3.1 Regional Hydrogeology

The climate in Buncombe County is considered temperate. The approximate average annual precipitation is between 39 inches and 56 inches per year, most of which is in the form of rain (Trapp, 1970). Bee Tree Creek runs adjacent to the site and drains into the Swannanoa River, which flows westward to the French Broad River. The French Broad River lies within the Tennessee River Drainage Basin.

Hydrogeologic units have been defined on the basis of rock type (e.g., muscovite-schist and igneous intrusives) (Daniel 1987). Many of the hydrogeologic units in Buncombe County owe their porosity and permeability to secondary structures such as fractures, joints and solution cavities. Well yields in Buncombe County range from 3 to 20 gallons per minute, with some yields reportedly as high as 60 gallons per minute (Trapp, 1970). In general, wells screened in bedrock have greater yields than those screened in the overlying unconsolidated sediments.

2.1.3.2 Site Specific Hydrogeology

There are two distinct hydrogeologic units beneath the site. These two hydrogeologic units consist of the unconsolidated saprolite, weathered bedrock/fractured bedrock. These units are interconnected and exhibit their own unique hydrogeologic characteristics.

A shallow aquifer lies within the unconsolidated saprolite to a depth of 30 to 45 feet BLS. Depth to water in this unconfined aquifer has ranged from 7.60 (MW-2s) to 19.67 (MW-7s) feet BLS during the July 21, 2008 groundwater sampling event. The depth to water level for the off site unconfined aquifer ranged from 4.20 (MW-16s) and 12.71 (MW-18s). Regarding the weathered rock/bedrock, depth to water level ranged from 3.31 (MW-17d) to 27.84 (MW-6d).

Groundwater beneath the site has historically shown to be flowing in a southeasterly direction in response to a hydraulic gradient of approximately 0.02 feet per foot (see Drawings 2-4). Based on the water levels for shallow and deep wells across the area of the groundwater contaminant plume, a downward groundwater flow occurs onsite and an upward groundwater flow occurs offsite near the Swannanoa River. Hydraulic conductivity values across the site vary between .00036 to .000048 centimeters per second. The groundwater seepage velocity across the site has been determined to be approximately 70 feet per year. Based on data obtained from a pumping test conducted in 1993, transmissivity (T) values for onsite shallow wells ranged from 1,790 to 13,160 gallons per day per foot (g/d/ft). The values for storativity (S) ranged from 2.613E-3 to 4.71E-2. In the intermediate wells, the values of T ranged from 540 to 7,330 g/d/ft and the values for S ranged from 8.00E-4 to 4.51E-2. The deep well values ranged from 920 to 9,335 g/d/ft and S ranged from 6.86E-4 to 4.5E-3.

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2.2 Surface Water

Bee Tree Creek is the eastern most property boundary for the AD&F facility. The creek is classified as a C stream by the North Carolina Surface Water Section in the area adjacent to the AD&F facility. Bee Tree Creek discharges to two ponds located on the property to the south. It is or understanding, the ponds are used for makeup water in the Charles Owen manufacturing facility. In addition the ponds are used for recreational purposes. One of the ponds discharges to the Swannanoa River. The Swannanoa River subsequently discharges to the French Broad River and is classified as a C stream. The stream is a fast flowing stream with steep banks. The river is approximately 200 feet wide.

2.3 Water Supply

A large percentage of the surrounding properties obtain their source of drinking water from the City of Asheville's water supply. The subject site and adjacent properties to the north, east and west are also connected to the City's water supply. The Charles Owen manufacturing facility and Charles Owen Recreational Park located to the south also are connected to the City water supply. In addition, properties along Warren Wilson College Road have access to the City water supply and appear to be connected. However, two former drinking water wells were identified to the west of the site. These wells are currently used for irrigational purposes.

MSE performed a water search of properties located across the Swannanoa River. Using a 1500 foot radius at a location just south of the river, a reconnaissance was conducted. This location was selected based on the fact the contaminant plume has been identified at a location north of the river. During the survey several drinking water wells were identified on the south side of the Swannanoa River. A total of seven wells were identified and are primarily greater than 1,000 feet from the river. One well was identified at a relatively new residence located at Riparian Way and directly across the river from the Charles Owen facility. Based on observations during the survey residences located on the western section of Davidson Road, certain residences are connected to City water based on the presence of water meters. The waterlines appear to run along New Salem Road. The waterlines are not present along Davidson east of Linn Garden Lane. Drawing 5 shows the drinking water well locations and Table 1 summarizes the water usage.

3 Site Assessment Activities

3.1 Site Assessment and Remediation

Since 1988 a total of 40 monitoring wells have been installed at the site to assess the groundwater quality (see Drawing 6). These wells have been installed through seven phases of groundwater assessment programs. In addition, approximately 18 years of periodic sampling has been performed across the site. Since 1998, an onsite voluntary remediation system has been in operation and was designed to reduce the source of groundwater impact. During the assessment program the only contaminants identified have been PCE and the breakdown compounds cis1,2 dichloroethene and trichloroethene. One other compound, dichloropropane

- Doc. Ex. 1016 -

has also been detected consistently throughout the sampling events. This compound is a tracer associated with PCE product.

Historically, the PCE plume has been identified to be present in a narrow lenticular shaped plume and originates from two distinct locations. These locations are an unknown source located north of the facility and defined by well cluster MW-4 and the former UST area defined as the hazardous waste management unit. The plumes appear to have commingled. The presence of chlorinated solvents has been identified in the unconsolidated soil, weathered rock interface and the fractured bedrock.

In the shallow unconsolidated soil PCE concentrations obtained in October 2007 and April 2008, a small area centered around MW-6s exhibited concentration in excess of 100 parts per billion (ppb). The area of this impact measures approximately 170 feet wide by 360 feet long and is onsite. The remaining shallow wells exhibit concentrations of PCE between 47.4 (MW-14s) and 1.47 (MW-4s) (see Drawing 7). The total shallow plume dimensions are approximately 624 feet wide by 1,840 feet wide. The down gradient extent of the plume appears to be defined by the two recreational ponds.

Based on the groundwater obtained in October 2007 and April 2008, the intermediate groundwater PCE plume exhibits dimensions of 435 feet wide by 1,920 feet long (see Drawing 8). The PCE concentrations range from a high of 265 ppb in OW-2i to a low of 11.4 ppb (MW-5i). Again as with the shallow plume the highest concentrations are located on the subject site. Regarding the deep PCE, impact was only detected in MW-6d and MW-20d at concentrations of 0.77 ppb and 17.8 ppb during the October 2007 sampling event (see Drawing 9). Both these wells are located on the AD&F property. Only 1,2 dichloropropane—a compound that is not a biodegradation derivative of PCE/TCE, which is the express scope of the Request—was detected in offsite wells at a concentration exceeding its cleanup standard. The compound was detected at 1.99 ppb in monitoring well MW-14d.

3.2 Solid Waste Management Unit Assessment

3.2.1 Northrop Dump

The results of the activities related to the Northrop Dump indicate there is no significant change from information contained within the N.C. Dept. of Human Resources, Div. of Health Service's ("DOH") April 3, 1986 Site Investigation Report, which was submitted to Ms. Denise Bland, the EPA's North Carolina CERCLA Project Officer ("1986 Health Services Report"). That report detailed observations and findings of the DOH's May 1985 site inspection, and stated the Northrop Dump is "not presently a contamination threat to surrounding surface water and groundwater."

Due to the overgrown condition of the Northrop Dump, the following scope of work was performed;

- Removed the ground cover from on top of the landfill;
- Performed surface geophysical survey (attempt to locate potential subsurface anomalies);
- Conducted general profiling & sampling of areas identified as anomalies, as appropriate.

- Doc. Ex. 1017 -

3.2.1.1 Geophysical Survey

Prior to performing any sampling / profiling activities, the ground cover and small trees were cleared using a bush hog cutting device attached to a tractor and other manual devices. This provided an open area to perform the geophysical survey. The geophysical investigation was performed to delineate the approximate footprint of the landfill area and to locate areas containing geophysical anomalies.

Geophysical Survey Investigations, PLLC (GSI), conducted the geophysical survey across the Northrop Dump. The geophysical investigation consisted of conducting an electromagnetic (EM31) ground conductivity survey and metal detection (EM-61) survey. Prior to data acquisition, GSI established a 20-foot by 20-foot survey grid across the geophysical area using measuring tapes, pin flags, and marking paint. The grid measured approximately 280 feet wide by 260 feet long. Geophysical data points and cultural features such as roads, buildings, utility poles, etc., were referenced using this survey grid coordinate system.

EM31 apparent ground conductivity and in-phase (metal detection) (EM-61) data was simultaneously collected at approximately 5-foot intervals along survey lines spaced 10 feet apart. The survey lines were oriented approximately perpendicular to the known axis of the landfill.

The EM31 and EM-61 instrument is able to detect subsurface anomalies to a maximum depth of approximately 15 feet and eight feet respectively. The data was digitally collected and downloaded to a field computer and processed into color, contoured conductivity and in-phase maps. Although the results will not provide thickness or depth of debris information, the results should delineate the perimeters of areas containing subsurface anomalies.

The Geophysical Investigation report is attached as Appendix B. The EM-31 and EM-61 surveys provided reliable results in delineating the perimeter of buried metallic waste and areas containing significant or large metal objects. The report further indicates that the metallic waste is centered near grid coordinates X=130,Y=130 and comprises an area of approximately 19,500 square feet. The highest amplitude anomalies are likely areas containing large buried metal objects or areas containing the highest concentration of metal objects or debris (such as grid coordinates X=87 Y=160; X=100 Y=113; X=150 Y=105; and X=208 Y=102). In addition, the EM-31 data was influenced by the large concentration of metallic surface metallic material. Appendix B Figures 4 thru 6 show the results of the geophysical survey.

3.2.1.2 Northrop Dump Profiling and Soil Sampling

Based on the results of the geophysical survey, steps were taken to perform evaluative investigatory activities. Between March 31, 2008 and April 4, 2008, a total of 17 grid locations were evaluated employing a "surgical" sampling technique (e.g., lifts not exceeding six inches). The evaluation locations are shown on Drawing 10. A brief description of the material identified in each location is presented below. Photographs of the investigation are contained in Appendix C.

Grid Location 70/170	Native soil and rocks with a few pieces of metal (angle iron) were encountered. Groundwater encountered around 4.5 feet.
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Grid Location 80/200	Some native soil mixed with concrete block. Approximately 18 inches below surface a green powder was encountered.
Grid Location 100/230	Native soil mixed with rebar, angle iron with concrete blocks mixed with wire, plastic and bottles.
Grid Location 130/180	Native soil, two drums lying flat in the location, metal, plastic wire rebar and block were also encountered.
Grid Location 150/150	Block, metal, rebar, rocks and native soil was found in this location. Two types of solid material were observed. One material was red and the second was white in color.
Grid Location 180/110	Metal, plastic paint cans blue green paint. White ash powder, Tire, metal and some soil. 55 gallon drums were present in the location, likely containerized general plant refuse and debris.
Grid Location 170/100	Several drums observed; variously marked "Naval Ammunitions (Crane Indiana)" "Class B Poison" and "Di Nitro Toluene."
Grid Location 60/95	Corrugated metal pipe, small drum, and black plastic, red murky water.
Grid Location 105/105	Numerous 55 gallon size drums with larger outer rims, concrete and rebar.
Grid Location 110/155	Yellow type solid material, concrete, rebar and drums.
Grid Location 120/90	55 gallon drums with material in them, strong odor.
Grid Location 130/75	15 to 20 lids indicated Sodium Nitrate, blocks were present in the location along with red dye material.
Grid Location 150/75	Large concentration of 55 gallon drums with labels indicating Di Nitro Toluene. Other labels indicate mixture tech blend-m, Lot 9 645 Dr, 78, 95, 550.
Grid Location 150/110	55 gallon drums identified with placards "Do Not Drop" and Di Nitro Toluene labeling were present in the location.

In addition to the above, several containers labeled "magnesium atomized potassium" were also present and interspersed through the areas. In addition, areas of diffused metal were present in some of the sampling areas.

A total of 13 representative soil samples were collected from various points in the Northrop Dump area and analyzed for the presence of chemicals of concern. The sampling locations were labeled according to the grid spacing designation. The soil and water samples are comprised of grab samples from the sampling areas. The analytical results are contained in Appendix D and summarized in Table 2 (Table 1 provides the results as well as the North Carolina Soil Screening

- Doc. Ex. 1019 -

Levels as provided in the "Guidelines for Establishing Remediation Goals at RCRA Hazardous Waste Sites"). The compounds detected are typically associated with heavy petroleum or cutting oils. Several metal compounds were also detected in samples collected from the excavated trenches. The primary metal compounds detected consisted of chromium, lead, magnesium, nickel and zinc.

Based on our review of the data, the results suggest that the primary material disposed within the Northrop Dump represents a combination of byproduct of a metal cutting operation and suspected containerized general plant refuse and debris. Inorganic metal compounds, heavy oil and minor chlorinated solvents are typical compounds associated with metal cutting activities. Labels and markings that were observable on the partially buried drums in the Northrop Dump area indicate the original contents may have been used as accelerants to propel the flares or allow a reaction, which is consistent with the manufacturing of roadway and or military flares that was historically conducted by Northrop. It is likely that the observed drums were emptied as part of Northrop's manufacturing processes and then used for disposal of other waste.

McGregor entities historically indicated that they did not contribute to the Northrop Dump, and initiated communications with Northrop to communicate its liability for all investigative and remedial actions that may be required, and sought Northrop's voluntary cooperation. In addition, several communications from regulatory agency representatives reflect the observation that Northrop is wholly and properly the responsible party for any future actions associated with the Northrop Dump—in addition to the 1986 Health Services Report, this verbiage is contained within the RFA, and the Request. The 1986 Health Services Report stated that, because any wastes in the Northrop Dump arguably "originated with Northrop Carolina," any future required action would "best be handled by including it in the Chemtronics . . . [CERCLA] remedial action." The 2008 Geophysical Survey of the Northrop Dump is in accord with the previous regulatory agency representations as to both its origins and resulting liability being properly associated with Northrop.

3.2.1.3 Groundwater Assessment Program

A single shallow groundwater monitoring well MW-24s was installed at a point between the Northrop Dump and Bee Tree Creek (see Drawing 6). The well was constructed of Schedule 40 PVC and was equipped with 15 feet of 0.010 slotted well screen. The well was installed to a total depth of 21 feet. Once the well was installed and properly developed, a groundwater sample was obtained and analyzed for the presence of VOCs, SVOCs and inorganic compounds. In addition, previously installed monitoring wells MW-22s and MW-23s were also sampled for the presence of the above mentioned compounds.

No compounds were present in the sample from MW-24s, which was installed down-gradient from the Northrop Dump, between it and Beetree Creek. In fact, only the groundwater sample obtained from monitoring well MW-22s—which is upgradient of the Northrop Dump—indicated the presence of compounds above the North Carolina Groundwater Quality Standard. Four inorganic compounds, chromium, lead, nickel and selenium were detected. No other compounds were detected in any of the wells. The analytical results are contained in Appendix D and summarized in Table 3.

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3.3 Scope of Work for French Drain

The French Drain is an eight inch slotted pipe that runs the entire length of the building and discharges to the City of Asheville sewer system. The drain was installed at the time the building was constructed as a mechanism to divert water to prevent the building from flooding. The depth of the drain is approximately five to 15 feet below ground surface. The exact construction is unknown, although it is believed that the slotted section, as with typical French Drain construction, was limited to the area of the building, and was connected to solid piping from that point. While the piping system allowed discharge to Beetree Creek during 1976, the Winston Mills managers believe the line was attached to the sewer piping that fed to the local wastewater treatment plant. See 1986 Health Services Report. As part of its 1976 investigation, the DNER's Water Quality Section reviewed Facility plans that showed "plant sewerlines [sic] and their relation to the corrugated surface and groundwater drainage pipe." See 1976 DNER Report at 2. At some point prior to 2004, the line that formerly discharged to Beetree Creek was "capped . . . [and] joined to the facility's POTW sewerage line. See RFA, at 36. The location of the French drain is shown in Drawing 6.

As part of the 2008 assessment, a single soil sample was collected at the point where the French Drain terminated at the time of the original incident, or as close as possible (down-gradient). The sample was collected at the sewer discharge point and is shown on Drawing 7, and the analytical results are contained in Appendix E. This sample was analyzed for the presence of VOCs according to SW-846 Method 8260. No VOCs were detected in the sample at concentrations above the laboratory practical quantitation limits.

4 CONCLUSION

The Facility has been subjected to eighteen (18) years of continuous assessment and sampling in connection with PCE. During this time, the plume configuration has remained the same, while the overall groundwater concentrations have decreased. The substantial risk that further assessment activities will create 'conduits', which will (1) allow vertical / cross-zone migration, and (2) abrogate the positive results achieved to date, indicates the detriments associated with 'chasing' an additional part per billion.

The ongoing remediation and contaminant source reduction at the Facility has proven to be, and remains, effective. Accordingly, we believe no benefit will result from further vertical or horizontal assessment. The risks in performing additional assessment activities—which, as explained above, may likely exacerbate the situation by inducing migration—are sufficiently strong to warrant caution and restraint. No additional data to support identification of contributory sources or further delineation of the existing groundwater will be derived from continued investigative efforts.

Regarding the Northrop Dump area, rusted drums were identified and extremely minor impact to the soil was identified. This is consistent with the historical record, most notably the verbiage of the 1986 Health Services Report. Several communications from regulatory agency representatives reflect the observation that Northrop is the responsible party for any situation associated with the Northrop Dump area—in addition to the 1986 Health Services Report, language to this effect is included in both the RFA and the Request. The 1986 Health Services Report stated that, because any wastes in the Northrop Dump arguably "originated with Northrop Carolina," any future required action would "best be handled by including it in the Chemtronics . . . [CERCLA] remedial

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action." The 2008 Geophysical Survey of the Northrop Dump is consistent with the previous regulatory agency representations as to both its origins and resulting liability being properly associated with Northrop.

5 SUBMITTAL

The opinions and procedures outlined in this workplan report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of WASCO LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental

Kirk B. Pollard, L.G.
President

DRAFT

- Doc. Ex. 1022 -

Exhibit L-40

2008-10-27 to 2008-10-28 – Email from
Rodney Huerter to Kirk Pollard
attaching draft report

- Doc. Ex. 1023 -

From: [Huerter, Rodney](#)
To: [K. Pollard Mineral Springs Environmental](#)
Subject: RE:
Date: Tuesday, October 28, 2008 11:22:11 PM
Attachments: [2d REVISED SCMR-icc-rgh--blackline.doc](#)

K: see attached 2d revision > slight mods on pages 2 and 3, and change we discussed earlier re the cover letter (changing from Site Conceptual Model Report to "Assessment Report").

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Tue 10/28/2008 10:18 AM
To: Huerter, Rodney
Subject: Re:

Got it. Report looks fine to me. I will procede with completing the appendix and getting the report in final form.

----- Original Message -----

From: [Huerter, Rodney](#)
To: [K. Pollard Mineral Springs Environmental](#)
Sent: Monday, October 27, 2008 5:50 PM

K: after having a free moment to consider the matter, there is no real value in holding back your review of the attached revisions (one is red-line, showing all of our edits; the other is a clean version--easier to read) while I wait on Coyne's feedback (we both edited separately, and the attached version represents both of our edits combined).

R

Rodney G. Huerter
 Director, Environmental Affairs
 Veolia Water North America
 4760 World Houston Pkwy, Ste 100
 Houston, TX 77032

832-300-5719 (office)
 713-672-8209 (fax)
 936-648-3162 (mobile)
Rodney.Huerter@veoliawaterna.com

Combien vaut ce que l'on a si l'on ne s'amuse pas? *Anthony Dominick Benedetto*

Confidentiality Notice: This e-mail and any attachments to it are intended only for the named recipients and may contain confidential information. If you are not one of the intended recipients, please do not duplicate or forward this e-mail message and immediately delete it from your computer. Your assistance in this matter is greatly appreciated and will help to ensure that our lawyers remain grunfled and at a distance, which is how we prefer to keep them. Thank you.

- Doc. Ex. 1024 -

October 31, 2008

Ms. Mary Siedlecki
Department of Environment and Natural Resources
Hazardous Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Subject: Assessment **Site Conceptual Model Report
Former Asheville Dyeing & Finishing Site
Swannanoa, Buncombe County, North Carolina
NCD 070 619 663
MSE Job 123**

Dear Ms. Siedlecki:

Mineral Springs Environmental (MSE) has prepared the following Assessment Report for the former Asheville Dyeing & Finishing facility in Swannanoa for your review. The report describes the geology, hydrogeology and chemical quality of the underlying groundwater. The report also presents a discussion of environmental indicators within the adjacent area of the site. The report describes the assessment activities for the Northrop Dump area and the historical French Drain. Based on our review of previous documents and understanding of the site, further vertical or horizontal assessment provides no economical benefit for the site nor would further investigative efforts produce any relevant new data to support additional "source" information. Furthermore, the groundwater plume is being reduced by the ongoing voluntary remediation system installed in 1998.

If you have any questions, please contact me at (919) 261-8186.

Sincerely,

Mineral Springs Environmental PC

Kirk B. Pollard, L.G.
Senior Geologist

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- Doc. Ex. 1026 -

SITE CONCEPTUAL MODEL REPORT FORMER ASHEVILLE DYEING & FINISHING SITE WARREN WILSON COLLEGE ROAD

Swannanoa, Buncombe County, North Carolina
October 14, 2008

1 INTRODUCTION

1.1 Site Information

The former Asheville Dyeing & Finishing ("AD&F") facility -- located at 850 Warren Wilson College Road in Swannanoa, Buncombe County, North Carolina ("Facility"; see Drawing 1) -- has been subjected to approximately eighteen (18) years of continuous assessment and sampling in connection with the April 1985 removal of one (1) waste tetrachloroethene ("PCE") underground storage tank ("UST"), which North Carolina Department of Environment & Natural Resources' Division of Waste Management ("DWM") designated as a hazardous waste management unit ("HWMU").¹ During these eighteen years, the plume configuration has remained the same, while the overall groundwater concentrations have decreased.

The DWM issued an Administrative Order of Consent ("AOC") to AD&F on October 11, 1990, requiring AD&F to close the HWMU and address the horizontal and vertical extent of groundwater impact. AD&F closed the HWMU in late 1992. Since that time, seven (7) separate phases of groundwater assessment have been conducted to delineate the extent of PCE-impacted groundwater. It is our recollection that DWM's Hazardous Waste Section ("HWS") issued a correspondence in the late 1990s that stated the extent of groundwater impact from the HWMU had been essentially defined.

In 1998, a combination air sparge (AS) and soil vacuum extraction (SVE) system was installed to remediate the groundwater down-gradient of the HWMU. The installation of this system was voluntary and not installed due to federal or state regulations.² The remediation system (RS-1) was restricted to the groundwater impact identified on the AD&F property and encompasses an area measuring approximately 50,000 square feet. In 2001 a second remediation system (RS-2) was installed to the north of RS-1 to address groundwater impact associated with an unidentified source. It bears mentioning that the surrounding area uses drinking water supplied by the City of Asheville.

In summary, PCE has not been used at the site since the 1980s, the USTs used to store the waste and raw PCE were removed, and the secondary soil source has also been excavated. Based on the most recent groundwater data, which is the result of long-term monitoring, the groundwater plume is adequately defined. As previously mentioned, the plume configuration has remained the same during the preceding eighteen (18) years of assessment and sampling, and overall groundwater concentrations have decreased.

¹ One (1) virgin PCE UST was also removed by AD&F during April 1985.

² See letter from Gray B. Stephens, HWS, to Steve Pegg, AD&F, Aug. 17, 1998 (Voluntary Groundwater Remediation Program) (commending AD&F and Culligan for "implementing voluntary remediation at the site").

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1.1.1 DWM 2007 Groundwater Assessment Request

On April 5, 2007, the DWM sent a letter to WASCO LLC ("WASCO"; formerly known as Water Applications & Systems Corporation, which is obligated to indemnify Culligan International as to certain matters at the Facility) in which the DWM stated that "AD&F must develop" and submit a workplan to assess the "areal and vertical extent of the contaminant plume" that is within the scope of "releases discovered in 1984 from the two [former USTs] and the spill of tetrachloroethylene (PCE) that reportedly occurred in 1971 [sic]" (hereinafter, the "Request"). See Letter from Carl Utterback, DWM, to Rodney Huerter, Dir. of Env'tl. Affairs, WASCO, April 5, 2007 (as described below, the spill actually occurred during 1976 ("1976 PCE Spill")).

The Request specified that the ultimately submitted workplan must include a groundwater assessment plan. The DWM stated that the groundwater assessment plan should include (1) a Site Conceptual Model ("SCM"), which should illustrate the groundwater flow direction across the site; (2) environmental indicators, which should identify potential liabilities related to offsite contamination; and (3) an "investigation of [solid waste management units (SWMU)] . . . identified as requiring additional assessment in the [July 29, 2004] RCRA Facility Assessment" ("RFA"), and an implementation schedule.

The request also included a "Further Assessment Items" list, which the DWM stated "need to be discussed or addressed regarding the overall assessment of the site" (the "Discussion List"). The Discussion List identified seven items, including: (1) stating "AD&F must determine how far the contamination has migrated in both the vertical and horizontal plane"; (2) stating "AD&F should determine the construction and geometry of the drain pipe as well as the integrity of the pipe" that was involved in the 1976 PCE Spill; (3) requiring a RCRA Facility Investigation of the dump area that is designated as Solid Waste Management Unit No. 14 (the "Northrop Dump"), "as recommended" during the RFA; (4) requiring installation of additional monitoring wells that "would detect contamination that may be originating from the [Northrop Dump] and migrating toward Beetree Creek"; (5) requesting a description of the current status of the five production wells located at the Owens manufacturing facility ("Owens Wells"); (6) requesting additional information regarding the Owens Wells, to supplement the information requested in Item No. 6, "if available"; and (7) a status report on the "investigation of the unidentified source [north of the manufacturing facility]."

1.1.2 July 2007 Groundwater Assessment Workplan

On July 10, 2007, Mineral Springs Environmental PC (MSE) submitted a workplan that addressed the groundwater assessment and included, among other items, (1) installation of a groundwater monitoring well, and completion of a geophysical survey and soil sampling in the Northrop Dump; (2) soil sampling at the location of the former French Drain, and (3) an Environmental Indicators Survey ("EIS"), intended to determine the presence of receptors within the surrounding area.

The workplan was approved in December 2007 by DWS, which suggested that "all existing monitoring wells should be sampled and analyzed for comparison to historical data." The DWS further suggested its interest in learning of "the construction and geometry" of the pipe that was related to the 1976 PCE Spill. The DWS recited language from the RFA which it stated may potentially require further sampling in the Northrop Dump area. As explained in this document, the workplan was conducted during April 2008 through September 2008.

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1.2 Ownership

The site was originally operated from approximately 1952 until 1962 by Amcel Propulsion, Inc. ("Amcel"). Amcel sold the property to Celanese Corporation of America ("Celanese") during March 1962. Celanese, in turn, sold the property to Northrop Carolina, Inc. ("Northrop"; affiliated with Northrop Corporation), which also acquired the contiguous property immediately north of the Facility. Northrop reportedly used the property as a manufacturing facility for pyrotechnics during the 1960s and early 1970s. During June 1971, Northrop sold the property upon which the Facility is located to M. Lowenstein & Sons, Inc. ("Lowenstein"), and the contiguous property immediately to the north of the Facility to Airtronics—the contiguous property is now referred to as the Chemtronics Superfund Site ("Chemtronics Site"), for which Northrop is a responsible party, along with Celanese.

Lowenstein, which held a controlling interest in Wamsutta Mills, operated a textile manufacturing operation at the Facility until March 3, 1976, when it sold the property to Winston Mills, Inc. ("Winston Mills"). At some point after the March 1976 sale, Asheville Dying & Finishing ("AD&F") acquired Winston Mills, and was in turn acquired by McGregor Corporation ("McGregor"). McGregor sold the assets of Winston Mills to Anvil Knitwear, Inc. ("Anvil") on December 29, 1994. Anvil operated the Facility as a textiles dyeing and finishing operation. Anvil sold the property to Dyna Diggr during December 2007, and the facility is currently vacant with the exception of some equipment.

McGregor was a subsidiary of Astrum International Corporation ("Astrum"), as was Culligan International ("Culligan"). Although Culligan neither owned, operated, contributed any material or waste whatsoever, and was not otherwise associated with the property, the asset sales agreement between McGregor and Anvil provided a guaranty "to the buyers of the sellers' obligations" by both Culligan and Astrum. Culligan oversaw the voluntary remediation of the PCE matter since approximately the mid 1990s. In accordance with a 2004 Stock Purchase Agreement between WASCO and CDRC Holding S.à.r.l., WASCO indemnifies CDRC as to certain matters associated at the Facility as they relate to specific Culligan obligations.

1.3 Site Use History

During the 1970s, AD&F conducted a double knit manufacturing process (related to the production of t-shirts) at the Facility. As part of the process, a solution of tetrachloroethene (PCE), also known as 'perchlortene' was used in a dry cleaning process. Two underground storage tanks were used at the Facility, one to store the raw PCE and the other to store used PCE, which was disposed offsite. The area where the dry cleaning activities took place was in the central portion of the manufacturing facility. The tanks were closed by removal in 1985 and soil sampling conducted beneath the tank locations indicated the presence of PCE and other related compounds. Of note; samples collected in 1984 from production wells located on the Charles Owen facility and south of the Facility, revealed the presence of chlorinated solvents. The presence of these solvents was ultimately referenced back to the AD&F operation. These wells—the Owens Wells— are no long in use.

On August 12, 1976 a reported spill consisting of "50 gallons of 10% solution of [PCE] . . . and 200 gallons of essentially 100% solution" of PCE occurred within the manufacturing building of the AD&F facility. See N.C. Dept. of Natural & Economic Resources, Report of Investigation:

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Beetree Creek/Swannanoa River Fish Kill, Aug. 1976, at 4 (attached to Memorandum from M.W. Puette, Enforcement Administrator, N.C. Div. of Env'tl. Mgmt., to L.P. Benton, Jr., Chief, Water Quality Section, Oct. 18, 1976) ("1976 DNER Report"). The spilled material entered floor drains which subsequently discharged to an eight inch French drain located south and along the manufacturing facility. The drain ultimately discharged to Bee Tree Creek located to the east of the facility. Based on this occurrence, a small amount of dry cleaning solution entered Bee Tree Creek. The residual material was subsequently remediated.

It is our understanding as part of an investigation associated with the Chemtronics Site, representatives of Northrop acknowledged the Northrop Dump. In 1985 the Northrop Dump area was subsequently investigated by the North Carolina Health Section. Mr. Grover Nicholson concluded that the site was not an immediate hazard to the environment and the dump site might best be handled by including it in the Chemtronics remedial action.

2 ENVIRONMENTAL SETTING

2.1 Geologic and Hydrogeologic

2.1.1 Regional Geology

The Town of Swannanoa and Buncombe County are located within the Blue Ridge Physiographic province. The region is characterized by varied topography ranging from moderately broad valleys adjoining subdued hills to highly dissected rugged mountains. Elevations range from less than 1,500 feet to more than 5,900 feet above mean sea level.

Tributaries to one major river basin drain the region. The Swannanoa River flows westward into the French Broad River of the Tennessee River Basin. Streams exhibit moderate slopes and drainage is generally good. The region is underlain by a variety of metamorphic rocks, although meta-graywacke and muscovite biotite schist is predominate in Buncombe County according to information from the Geologic Map of North Carolina (1985). Greater detail is available from the Geologic Map of the Oteen Quadrangle, North Carolina (1972) which describes the bedrock in the Bee Tree Creek Valley as a garnetiferous Mica-Schist. Structurally, the rocks are generally oriented northeastward; however, considerable variations occur.

Bedrock in the region is overlain by some combination of topsoil, alluvial deposits and saprolite. Nevertheless, saprolite derived from the in-situ weathering of bedrock, is the predominant overburden material in the region. The saprolite typically ranges in thickness from a few inches to more than 100 feet in areas of subdued relief.

2.1.2 Site Geology

The facility is situated in a relatively broad stream valley at an elevation approximately 2,200 feet above sea level. Surface drainage from the site is to the southeast toward Bee Tree Creek and the Swannanoa River. Bee Tree Creek is located approximately 1,000 feet east of the facility and the Swannanoa River is approximately 1,900 feet south of the site.

Based on a geologic cross section (prepared by Aquaterra (see Appendix A)) of the site and properties to the south, the site is underlain by a series of saprolite with areas of alluvium and fill material, weathered rock and bedrock. The saprolite is comprised of silty sand and sandy silt.

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The saprolite ranges in thickness from 30 to 45 feet below land surface (BLS). Alluvial material is interspersed in areas of the site in the form of cobble zones. Underlying the saprolite specifically on the site is a zone of highly weathered rock. The weathered rock is not as prevalent in offsite borings. The weathered rock ranges in thickness from 10 to 25 feet thick. Below the weathered rock is a fractured mica schist. The bedrock extends to depths of 600 feet BLS.

2.1.3 Hydrogeology

2.1.3.1 Regional Hydrogeology

The climate in Buncombe County is considered temperate. The approximate average annual precipitation is between 39 inches and 56 inches per year, most of which is in the form of rain (Trapp, 1970). Bee Tree Creek runs adjacent to the site and drains into the Swannanoa River, which flows westward to the French Broad River. The French Broad River lies within the Tennessee River Drainage Basin.

Hydrogeologic units have been defined on the basis of rock type (e.g., muscovite-schist and igneous intrusives) (Daniel 1987). Many of the hydrogeologic units in Buncombe County owe their porosity and permeability to secondary structures such as fractures, joints and solution cavities. Well yields in Buncombe County range from 3 to 20 gallons per minute, with some yields reportedly as high as 60 gallons per minute (Trapp, 1970). In general, wells screened in bedrock have greater yields than those screened in the overlying unconsolidated sediments.

2.1.3.2 Site Specific Hydrogeology

There are two distinct hydrogeologic units beneath the site. These two hydrogeologic units consist of the unconsolidated saprolite, weathered bedrock/fractured bedrock. These units are interconnected and exhibit their own unique hydrogeologic characteristics.

A shallow aquifer lies within the unconsolidated saprolite to a depth of 30 to 45 feet BLS. Depth to water in this unconfined aquifer has ranged from 7.60 (MW-2s) to 19.67 (MW-7s) feet BLS during the July 21, 2008 groundwater sampling event. The depth to water level for the off site unconfined aquifer ranged from 4.20 (MW-16s) and 12.71 (MW-18s). Regarding the weathered rock/bedrock, depth to water level ranged from 3.31 (MW-17d) to 27.84 (MW-6d).

Groundwater beneath the site has historically shown to be flowing in a southeasterly direction in response to a hydraulic gradient of approximately 0.02 feet per foot (see Drawings 2-4). Based on the water levels for shallow and deep wells across the area of the groundwater contaminant plume, a downward groundwater flow occurs onsite and an upward groundwater flow occurs offsite near the Swannanoa River. Hydraulic conductivity values across the site vary between .00036 to .000048 centimeters per second. The groundwater seepage velocity across the site has been determined to be approximately 70 feet per year. Based on data obtained from a pumping test conducted in 1993, transmissivity (T) values for onsite shallow wells ranged from 1,790 to 13,160 gallons per day per foot (g/d/ft). The values for storativity (S) ranged from 2.613E-3 to 4.71E-2. In the intermediate wells, the values of T ranged from 540 to 7,330 g/d/ft and the values for S ranged from 8.00E-4 to 4.51E-2. The deep well values ranged from 920 to 9,335 g/d/ft and S ranged from 6.86E-4 to 4.5E-3.

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2.2 Surface Water

Bee Tree Creek is the eastern most property boundary for the AD&F facility. The creek is classified as a C stream by the North Carolina Surface Water Section in the area adjacent to the AD&F facility. Bee Tree Creek discharges to two ponds located on the property to the south. It is or understanding, the ponds are used for makeup water in the Charles Owen manufacturing facility. In addition the ponds are used for recreational purposes. One of the ponds discharges to the Swannanoa River. The Swannanoa River subsequently discharges to the French Broad River and is classified as a C stream. The stream is a fast flowing stream with steep banks. The river is approximately 200 feet wide.

2.3 Water Supply

A large percentage of the surrounding properties obtain their source of drinking water from the City of Asheville's water supply. The subject site and adjacent properties to the north, east and west are also connected to the City's water supply. The Charles Owen manufacturing facility and Charles Owen Recreational Park located to the south also are connected to the City water supply. In addition, properties along Warren Wilson College Road have access to the City water supply and appear to be connected. However, two former drinking water wells were identified to the west of the site. These wells are currently used for irrigational purposes.

MSE performed a water search of properties located across the Swannanoa River. Using a 1500 foot radius at a location just south of the river, a reconnaissance was conducted. This location was selected based on the fact the contaminant plume has been identified at a location north of the river. During the survey several drinking water wells were identified on the south side of the Swannanoa River. A total of seven wells were identified and are primarily greater than 1,000 feet from the river. One well was identified at a relatively new residence located at Riparian Way and directly across the river from the Charles Owen facility. Based on observations during the survey residences located on the western section of Davidson Road, certain residences are connected to City water based on the presence of water meters. The waterlines appear to run along New Salem Road. The waterlines are not present along Davidson east of Linn Garden Lane. Drawing 5 shows the drinking water well locations and Table 1 summarizes the water usage.

3 Site Assessment Activities

3.1 Site Assessment and Remediation

Since 1988 a total of 40 monitoring wells have been installed at the site to assess the groundwater quality (see Drawing 6). These wells have been installed through seven phases of groundwater assessment programs. In addition, approximately 18 years of periodic sampling has been performed across the site. Since 1998, an onsite voluntary remediation system has been in operation and was designed to reduce the source of groundwater impact. During the assessment program the only contaminants identified have been PCE and the breakdown compounds cis1,2 dichloroethene and trichloroethene. One other compound, dichloropropane

- Doc. Ex. 1032 -

has also been detected consistently throughout the sampling events. This compound is a tracer associated with PCE product.

Historically, the PCE plume has been identified to be present in a narrow lenticular shaped plume and originates from two distinct locations. These locations are an unknown source located north of the facility and defined by well cluster MW-4 and the former UST area defined as the hazardous waste management unit. The plumes appear to have commingled. The presence of chlorinated solvents has been identified in the unconsolidated soil, weathered rock interface and the fractured bedrock.

In the shallow unconsolidated soil PCE concentrations obtained in October 2007 and April 2008, a small area centered around MW-6s exhibited concentration in excess of 100 parts per billion (ppb). The area of this impact measures approximately 170 feet wide by 360 feet long and is onsite. The remaining shallow wells exhibit concentrations of PCE between 47.4 (MW-14s) and 1.47 (MW-4s) (see Drawing 7). The total shallow plume dimensions are approximately 624 feet wide by 1,840 feet wide. The down gradient extent of the plume appears to be defined by the two recreational ponds.

Based on the groundwater obtained in October 2007 and April 2008, the intermediate groundwater PCE plume exhibits dimensions of 435 feet wide by 1,920 feet long (see Drawing 8). The PCE concentrations range from a high of 265 ppb in OW-2i to a low of 11.4 ppb (MW-5i). Again as with the shallow plume the highest concentrations are located on the subject site. Regarding the deep PCE, impact was only detected in MW-6d and MW-20d at concentrations of 0.77 ppb and 17.8 ppb during the October 2007 sampling event (see Drawing 9). Both these wells are located on the AD&F property. Only 1,2 dichloropropane—a compound that is not a biodegradation derivative of PCE/TCE, which is the express scope of the Request—was detected in offsite wells at a concentration exceeding its cleanup standard. The compound was detected at 1.99 ppb in monitoring well MW-14d.

3.2 Solid Waste Management Unit Assessment

3.2.1 Northrop Dump

The results of the activities related to the Northrop Dump indicate there is no significant change from information contained within the N.C. Dept. of Human Resources, Div. of Health Service's ("DOH") April 3, 1986 Site Investigation Report, which was submitted to Ms. Denise Bland, the EPA's North Carolina CERCLA Project Officer ("1986 Health Services Report"). That report detailed observations and findings of the DOH's May 1985 site inspection, and stated the Northrop Dump is "not presently a contamination threat to surrounding surface water and groundwater."

Due to the overgrown condition of the Northrop Dump, the following scope of work was performed;

- Removed the ground cover from on top of the landfill;
- Performed surface geophysical survey (attempt to locate potential subsurface anomalies);
- Conducted general profiling & sampling of areas identified as anomalies, as appropriate.

- Doc. Ex. 1033 -

3.2.1.1 Geophysical Survey

Prior to performing any sampling / profiling activities, the ground cover and small trees were cleared using a bush hog cutting device attached to a tractor and other manual devices. This provided an open area to perform the geophysical survey. The geophysical investigation was performed to delineate the approximate footprint of the landfill area and to locate areas containing geophysical anomalies.

Geophysical Survey Investigations, PLLC (GSI), conducted the geophysical survey across the Northrop Dump. The geophysical investigation consisted of conducting an electromagnetic (EM31) ground conductivity survey and metal detection (EM-61) survey. Prior to data acquisition, GSI established a 20-foot by 20-foot survey grid across the geophysical area using measuring tapes, pin flags, and marking paint. The grid measured approximately 280 feet wide by 260 feet long. Geophysical data points and cultural features such as roads, buildings, utility poles, etc., were referenced using this survey grid coordinate system.

EM31 apparent ground conductivity and in-phase (metal detection) (EM-61) data was simultaneously collected at approximately 5-foot intervals along survey lines spaced 10 feet apart. The survey lines were oriented approximately perpendicular to the known axis of the landfill.

The EM31 and EM-61 instrument is able to detect subsurface anomalies to a maximum depth of approximately 15 feet and eight feet respectively. The data was digitally collected and downloaded to a field computer and processed into color, contoured conductivity and in-phase maps. Although the results will not provide thickness or depth of debris information, the results should delineate the perimeters of areas containing subsurface anomalies.

The Geophysical Investigation report is attached as Appendix B. The EM-31 and EM-61 surveys provided reliable results in delineating the perimeter of buried metallic waste and areas containing significant or large metal objects. The report further indicates that the metallic waste is centered near grid coordinates X=130,Y=130 and comprises an area of approximately 19,500 square feet. The highest amplitude anomalies are likely areas containing large buried metal objects or areas containing the highest concentration of metal objects or debris (such as grid coordinates X=87 Y=160; X=100 Y=113; X=150 Y=105; and X=208 Y=102). In addition, the EM-31 data was influenced by the large concentration of metallic surface metallic material. Appendix B Figures 4 thru 6 show the results of the geophysical survey.

3.2.1.2 Northrop Dump Profiling and Soil Sampling

Based on the results of the geophysical survey, steps were taken to perform evaluative investigatory activities. Between March 31, 2008 and April 4, 2008, a total of 17 grid locations were evaluated employing a "surgical" sampling technique (e.g., lifts not exceeding six inches). The evaluation locations are shown on Drawing 10. A brief description of the material identified in each location is presented below. Photographs of the investigation are contained in Appendix C.

Grid Location 70/170	Native soil and rocks with a few pieces of metal (angle iron) were encountered. Groundwater encountered around 4.5 feet.
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- Doc. Ex. 1034 -

Grid Location 80/200	Some native soil mixed with concrete block. Approximately 18 inches below surface a green powder was encountered.
Grid Location 100/230	Native soil mixed with rebar, angle iron with concrete blocks mixed with wire, plastic and bottles.
Grid Location 130/180	Native soil, two drums lying flat in the location, metal, plastic wire rebar and block were also encountered.
Grid Location 150/150	Block, metal, rebar, rocks and native soil was found in this location. Two types of solid material were observed. One material was red and the second was white in color.
Grid Location 180/110	Metal, plastic paint cans blue green paint. White ash powder, Tire, metal and some soil. 55 gallon drums were present in the location, likely containerized general plant refuse and debris.
Grid Location 170/100	Several drums observed; variously marked "Naval Ammunitions (Crane Indiana)" "Class B Poison" and "Di Nitro Toluene."
Grid Location 60/95	Corrugated metal pipe, small drum, and black plastic, red murky water.
Grid Location 105/105	Numerous 55 gallon size drums with larger outer rims, concrete and rebar.
Grid Location 110/155	Yellow type solid material, concrete, rebar and drums.
Grid Location 120/90	55 gallon drums with material in them, strong odor.
Grid Location 130/75	15 to 20 lids indicated Sodium Nitrate, blocks were present in the location along with red dye material.
Grid Location 150/75	Large concentration of 55 gallon drums with labels indicating Di Nitro Toluene. Other labels indicate mixture tech blend-m, Lot 9 645 Dr, 78, 95, 550.
Grid Location 150/110	55 gallon drums identified with placards "Do Not Drop" and Di Nitro Toluene labeling were present in the location.

In addition to the above, several containers labeled "magnesium atomized potassium" were also present and interspersed through the areas. In addition, areas of diffused metal were present in some of the sampling areas.

A total of 13 representative soil samples were collected from various points in the Northrop Dump area and analyzed for the presence of chemicals of concern. The sampling locations were labeled according to the grid spacing designation. The soil and water samples are comprised of grab samples from the sampling areas. The analytical results are contained in Appendix D and summarized in Table 2 (Table 1 provides the results as well as the North Carolina Soil Screening

- Doc. Ex. 1035 -

Levels as provided in the "Guidelines for Establishing Remediation Goals at RCRA Hazardous Waste Sites"). The compounds detected are typically associated with heavy petroleum or cutting oils. Several metal compounds were also detected in samples collected from the excavated trenches. The primary metal compounds detected consisted of chromium, lead, magnesium, nickel and zinc.

Based on our review of the data, the results suggest that the primary material disposed within the Northrop Dump represents a combination of byproduct of a metal cutting operation and suspected containerized general plant refuse and debris. Inorganic metal compounds, heavy oil and minor chlorinated solvents are typical compounds associated with metal cutting activities. Labels and markings that were observable on the partially buried drums in the Northrop Dump area indicate the original contents may have been used as accelerants to propel the flares or allow a reaction, which is consistent with the manufacturing of roadway and or military flares that was historically conducted by Northrop. It is likely that the observed drums were emptied as part of Northrop's manufacturing processes and then used for disposal of other waste.

McGregor entities historically indicated that they did not contribute to the Northrop Dump, and initiated communications with Northrop to communicate its liability for all investigative and remedial actions that may be required, and sought Northrop's voluntary cooperation. In addition, several communications from regulatory agency representatives reflect the observation that Northrop is wholly and properly the responsible party for any future actions associated with the Northrop Dump—in addition to the 1986 Health Services Report, this verbiage is contained within the RFA, and the Request. The 1986 Health Services Report stated that, because any wastes in the Northrop Dump arguably "originated with Northrop Carolina," any future required action would "best be handled by including it in the Chemtronics . . . [CERCLA] remedial action." The 2008 Geophysical Survey of the Northrop Dump is in accord with the previous regulatory agency representations as to both its origins and resulting liability being properly associated with Northrop.

3.2.1.3 Groundwater Assessment Program

A single shallow groundwater monitoring well MW-24s was installed at a point between the Northrop Dump and Bee Tree Creek (see Drawing 6). The well was constructed of Schedule 40 PVC and was equipped with 15 feet of 0.010 slotted well screen. The well was installed to a total depth of 21 feet. Once the well was installed and properly developed, a groundwater sample was obtained and analyzed for the presence of VOCs, SVOCs and inorganic compounds. In addition, previously installed monitoring wells MW-22s and MW-23s were also sampled for the presence of the above mentioned compounds.

No compounds were present in the sample from MW-24s, which was installed down-gradient from the Northrop Dump, between it and Beetree Creek. In fact, only the groundwater sample obtained from monitoring well MW-22s—which is upgradient of the Northrop Dump—indicated the presence of compounds above the North Carolina Groundwater Quality Standard. Four inorganic compounds, chromium, lead, nickel and selenium were detected. No other compounds were detected in any of the wells. The analytical results are contained in Appendix D and summarized in Table 3.

- Doc. Ex. 1036 -

3.3 Scope of Work for French Drain

The French Drain is an eight inch slotted pipe that runs the entire length of the building and discharges to the City of Asheville sewer system. The drain was installed at the time the building was constructed as a mechanism to divert water to prevent the building from flooding. The depth of the drain is approximately five to 15 feet below ground surface. The exact construction is unknown, although it is believed that the slotted section, as with typical French Drain construction, was limited to the area of the building, and was connected to solid piping from that point. While the piping system allowed discharge to Beetree Creek during 1976, the Winston Mills managers believe the line was attached to the sewer piping that fed to the local wastewater treatment plant. *See* 1986 Health Services Report. As part of its 1976 investigation, the DNER's Water Quality Section reviewed Facility plans that showed "plant sewerlines [sic] and their relation to the corrugated surface and groundwater drainage pipe." *See* 1976 DNER Report at 2. At some point prior to 2004, the line that formerly discharged to Beetree Creek was "capped . . . [and] joined to the facility's POTW sewerage line. *See* RFA, at 36. The location of the French drain is shown in Drawing 6.

As part of the 2008 assessment, a single soil sample was collected at the point where the French Drain terminated at the time of the original incident, or as close as possible (down-gradient). The sample was collected at the sewer discharge point and is shown on Drawing 7, and the analytical results are contained in Appendix E. This sample was analyzed for the presence of VOCs according to SW-846 Method 8260. No VOCs were detected in the sample at concentrations above the laboratory practical quantitation limits.

4 CONCLUSION

The Facility has been subjected to eighteen (18) years of continuous assessment and sampling in connection with PCE. During this time, the plume configuration has remained the same, while the overall groundwater concentrations have decreased. The substantial risk that further assessment activities will create 'conduits', which will (1) allow vertical / cross-zone migration, and (2) abrogate the positive results achieved to date, indicates the detriments associated with 'chasing' an additional part per billion.

The ongoing remediation and contaminant source reduction at the Facility has proven to be, and remains, effective. Accordingly, we believe no benefit will result from further vertical or horizontal assessment. The risks in performing additional assessment activities—which, as explained above, may likely exacerbate the situation by inducing migration—are sufficiently strong to warrant caution and restraint. No additional data to support identification of contributory sources or further delineation of the existing groundwater will be derived from continued investigative efforts.

Regarding the Northrop Dump area, rusted drums were identified and extremely minor impact to the soil was identified. This is consistent with the historical record, most notably the verbiage of the 1986 Health Services Report. Several communications from regulatory agency representatives reflect the observation that Northrop is the responsible party for any situation associated with the Northrop Dump area—in addition to the 1986 Health Services Report, language to this effect is included in both the RFA and the Request. The 1986 Health Services Report stated that, because any wastes in the Northrop Dump arguably "originated with Northrop Carolina," any future required action would "best be handled by including it in the Chemtronics . . . [CERCLA] remedial

- Doc. Ex. 1037 -

action." The 2008 Geophysical Survey of the Northrop Dump is consistent with the previous regulatory agency representations as to both its origins and resulting liability being properly associated with Northrop.

5 SUBMITTAL

The opinions and procedures outlined in this workplan report are applicable only on the specific portions of the site addressed and described. The opinions are based on the data specified using the methods described. This report is for the sole use of WASCO LLC, and is to be used in its entirety. Use by other parties will be at their sole risk and without liability to Mineral Springs Environmental PC.

Prepared By:

Mineral Springs Environmental

Kirk B. Pollard, L.G.
President

DRAFT

- Doc. Ex. 1038 -

Exhibit L-41

2008-10-29 to 2008-12-10 – Email chain
between Kirk Pollard and Rodney Huerter

- Doc. Ex. 1039 -

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Subject: Fw: Assessment Report
Date: Wednesday, December 10, 2008 3:41:01 PM

Hey Rodney I sent this on December 4, 2008. Sorry you didn't get it.

----- Original Message -----

From: K. Pollard Mineral Springs Environmental
To: Huerter, Rodney
Sent: Thursday, December 04, 2008 6:42 AM
Subject: Re: Assessment Report

Hey Rodney: I calculated the invoice last night for November work and the total is \$8,105.93. The total invoice for December work should not exceed \$3,000.00. Regarding 2009 work normal O&M, sampling and reporting should be between \$65,000 and \$75,000. An additional \$5,000 to \$7,500 should be included to cover unknown items associated with the remediation equipment. These are budget numbers only. This does not include items required or requested due to Hazardous Waste involvement (ie dump, french drain etc.). Hope this helps. Kirk

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Wednesday, December 03, 2008 3:51 PM
Subject: RE: Assessment Report

well, let's hope it stays that way--no reason whatsoever to approach her about it. Tomorrow will be fine for the forecast.

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Wed 12/3/2008 2:38 PM
To: Huerter, Rodney
Subject: Re: Assessment Report

Rodney: Have not heard a word from Mary. Regarding cost I can give you a forecast by tommorrow. Kirk

----- Original Message -----

From: Huerter, Rodney
To: K. Pollard Mineral Springs Environmental
Sent: Wednesday, December 03, 2008 3:21 PM
Subject: RE: Assessment Report

Kirk: I hope you had a good Thanksgiving. Have you heard anything back from Mary re the Assessment Report?

Also, we have year-end closing and FY2009 forecasting upon us. Any chance that you can tell me what we should expect for:

- total amounts to be invoiced during December 2008 (as opposed to invoicing for December 2008), and
- anticipated amounts to be invoiced for 2009 ;

- Doc. Ex. 1040 -

R

From: K. Pollard Mineral Springs Environmental [mailto:kpollard@nc.rr.com]
Sent: Wed 10/29/2008 8:53 AM
To: Huerter, Rodney
Subject: Assessment Report

Hey Rodney: I made just two simple changes to the report on pages 10 and 11. Regarding the soil sample for the french drain. Acetone, was detected. However is a lab relic. So I clarified this in the text. My changes are in green. Kirk

- Doc. Ex. 1041 -

Exhibit L-42

2009-02-13 – Email from Kirk Pollard to
Rodney Huerter, forwarding email from
the Hazardous Waste Section

- Doc. Ex. 1042 -

From: [K. Pollard](#) [Mineral Springs Environmental](#)
To: [Huerter, Rodney](#)
Subject: Fw: Asheville Dyeing and Finishing -- Sediment Sampling
Date: Friday, February 13, 2009 3:23:53 PM

Hey Rodney I just received this email from Mary. Would like me to respond or would you like to respond? I have not over the life of the project sampled any sediment. Let me know your thoughts.
Kirk

----- Original Message -----

From: [Mary Siedlecki](#)
To: [Kirk Pollard](#)
Cc: [Vance Jackson](#)
Sent: Friday, February 13, 2009 1:41 PM
Subject: Asheville Dyeing and Finishing -- Sediment Sampling

Kirk-

I hope you are well. I recently started work on an EI Determination for ADF and was wondering if sediment samples had ever been analyzed for the presence of PCE.
Thank you.

Mary

--
Mary Siedlecki
Division of Waste Management
Hazardous Waste Section
(919) 508-8568

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

- Doc. Ex. 1043 -

Exhibit L-43

2010-03-22 – Email chain between Kirk Pollard and the Hazardous Waste Section referencing a discussion with Rodney Huerter

- Doc. Ex. 1044 -

From: K. Pollard Mineral Springs Environmental <kpollard@nc.rr.com>
Sent: Monday, March 22, 2010 8:45 AM
To: Siedlecki, Mary <mary.siedlecki@ncdenr.gov>
Subject: Re: Asheville Dyeing and Finishing

I spoke with Rodney. He feels this Part B versus Alternative mechanism issues warrants a face -to -face meeting and will be arranging times shortly with you. Thanks Kirk

----- Original Message -----

From: Siedlecki, Mary
To: K. Pollard Mineral Springs Environmental
Cc: Jackson, Vance
Sent: Monday, March 22, 2010 8:29 AM
Subject: Asheville Dyeing and Finishing

Hi Kirk

I was following up on our March 10th telephone call. We discussed scheduling a conference call to talk about the Part B permit application. I understood that you were going to contact your client and get back to me with possible dates for the call. Have you had the chance to call Rodney?

Mary Siedlecki
NC Division of Waste Management
Hazardous Waste Section
(919) 508-8568

Please note that my new email address has been changed to *mary.siedlecki@ncdenr.gov*

E-mail correspondence to and from this sender may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

- Doc. Ex. 1045 -

Exhibit L-44

2013-03-27 – Email chain between Kirk Pollard
and the Hazardous Waste Section,
referencing Rodney Huerter

- Doc. Ex. 1046 -

From: Siedlecki, Mary </o=NCMAIL/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=mary.siedlecki>
Sent: Wednesday, March 27, 2013 8:04 AM
To: kirk pollard mineral springs environmental <kpollard@nc.rr.com>
Subject: RE: AD&F

Wonderful. Thank you for the information.

From: kirk pollard mineral springs environmental [mailto:kpollard@nc.rr.com]
Sent: Wednesday, March 27, 2013 8:07 AM
To: Siedlecki, Mary
Subject: AD&F

Mary just to keep you updated the two outstanding reports were sent out on Monday and are being reviewed by Rodney Huerter. I want to give him enough time to do his review. My goal is to get them to you this week as stated earlier. I will keep you updated. Kirk

- Doc. Ex. 1047 -

Respondent's Exhibit M
**2004-11-02 to 2013-08-01 – Invoices from
Minerals Springs Environmental, P.C.**

- Doc. Ex. 1048 -

INVOICE

Mineral Springs Environmental
 4600 Mineral Springs Lane
 Raleigh, North Carolina 27616
 Tel. 919-261-8186 Fax. 919-261-8299

COA
Scott J. ...
Valerie ...
 11/23/04

November 2, 2004
 Project No: 123
 Invoice No: 123.4

Mr. John C. Coyne
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Hours	Rate	Amount
Staff Level Professional	9.00	\$ 65.00	\$ 585.00
Units			
Anemometer			\$40.00

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Hours	Rate	Amount
Staff level Professional	53.00	\$65.00	\$3,445.00
Project level Professional I	47.00	\$75.00	\$3,525.00

Reimbursable Expenses

Supplies (ice, tubing, gloves, baggies, fuel)	\$368.78
Truck rental	\$142.95
Hotel	\$561.66
Meals	\$210.09

Unit Billing

Generator rental	\$250.00
Pumps - \$160.00/day x 5 days	\$800.00
Water level probe - \$10.00/day x 5 days	\$ 50.00
Bailers - \$20.00/bailer x 40	\$800.00
Mileage - 741 miles x 0.50	\$370.50

- Doc. Ex. 1049 -

Task 05000 Project Management	Hours	Rate	Amount
Senior Level Professional I	1.50	\$ 90.00	\$135.00
Senior Level Professional II	1.00	\$100.00	\$100.00

Total Invoice: **\$11,383.98**

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

Ein# 16-1690175

RE: Calligan
 SWCS Marker
 AD: F / Asheville Design
 Finishing

Approved for
 Payment
 \$11,383.98
 John C. Coyne 11/22/04

- Doc. Ex. 1050 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

August 29, 2006
 Project No: 123
 Invoice No: 123-26

Mr. John C. Coyne
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032

**Project: Former Asheville Dyeing and Finishing Facility
 Task 01000 Groundwater Remediation O&M Program**

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	11.00	\$ 65.00	\$715.00

Reimbursable Expenses

Expenses			\$121.03
Mileage – 568 miles x 0.65			\$369.20

Task 02000 Semi-Annual and Quarterly Remediation Effectiveness Sampling

Consultant Laboratory			\$1,725.00
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Task 05000 Project Management	Hours	Rate	Amount
Senior Level Professional II	.50	\$100.00	\$50.00

Task 06000 Quarterly and Semi-annual Report Preparation

Professional Personnel	Hours	Rate	Amount
Word Processing	2.00	\$35.00	\$70.00
CAD Technician	2.00	\$45.00	\$90.00
Project Level Professional I	4.00	\$65.00	\$260.00
Senior Level Professional I	8.00	\$90.00	\$720.00

Total Invoice: \$4,120.23

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

RGH
approved 10/5/06
4/20/23
 EIN# 34-2029635
 99830-3744-3063
 INDEM 43W

- Doc. Ex. 1051 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

October 2, 2006
 Project No: 123
Invoice No: 123-27

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032

**Project: Former Asheville Dyeing and Finishing Facility
 Task 01000 Groundwater Remediation O&M Program**

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	11.00	\$ 65.00	\$715.00

Reimbursable Expenses

Expenses and Supplies			\$685.65
Mileage – 568 miles x 0.65			\$369.20

Task 05000 Project Management	Hours	Rate	Amount
Senior Level Professional II	1.00	\$100.00	\$100.00

Task 06000 Quarterly and Semi-annual Report Preparation

Professional Personnel	Hours	Rate	Amount
Project Level Professional I	2.00	\$65.00	\$130.00
Senior Level Professional I	2.00	\$90.00	\$180.00

Total Invoice: \$2,179.85

*R. Huerter 10/5/06
 approved \$2,179.85
 99830-3744-3063
 INDEM 43W*

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1052 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

November 28, 2006
 Project No: 123
Invoice No: 123-29

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032

**Project: Former Asheville Dyeing and Finishing Facility
 Task 01000 Groundwater Remediation O&M Program**

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	11.00	\$ 65.00	\$715.00

Reimbursable Expenses			
Mileage – 635 miles x 0.65			\$412.75

Task 02000 Quarterly Remediation Effectiveness Sampling

Consultant			
Laboratory			\$5,451.00

Task 05000 Project Management	Hours	Rate	Amount
Senior Level Professional II	2.00	\$100.00	\$200.00

Task 06000 Quarterly Report Preparation			
Professional Personnel	Hours	Rate	Amount
Senior Level Professional I	2.50	\$90.00	\$225.00
Project Level Professional II	5.50	\$65.00	\$357.50
Word Processing	3.50	\$35.00	\$122.50
CADD	2.00	\$45.00	\$90.00

Total Invoice: \$7,573.75

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt EIN# 34-2029635

Rodney O Huerter 12/16/2006 approved \$7,573.75
 Rodney Huerter Date
 99830.3744.3063 INDEM 43W

- Doc. Ex. 1053 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

February 3, 2007
 Project No: 123
Invoice No: 123-31

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	10.00	\$ 65.00	\$650.00

Reimbursable Expenses

Mileage – 618 miles x 0.65	\$401.70
Expenses	\$150.28

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Hours	Rate	Amount
Project level Professional I	19.00	\$75.00	\$1,425.00

Unit Billing

Pumps - \$160.00/day x 2 days	\$320.00
Water level probe - \$10.00/day x 2 days	\$20.00
Ph Meter \$20.00/day x 2	\$40.00
Bailers - \$20.00/bailer x 5	\$100.00

Consultant

Laboratory	\$1,725.00
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Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Hours	Rate	Amount
Senior Level Professional I	11.00	\$90.00	\$990.00
Staff Level Professional II	11.00	\$65.00	\$715.00
Word Processing	1.00	\$35.00	\$35.00
CADD	1.00	\$45.00	\$45.00

Total Invoice: \$6,616.98

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

Environmental Legacy Matter.
 Agreement on File with WNA
 Director of Environmental Affairs.

Rodney Huerter 2/5/07
 Date
 approved \$6616.98
 991 99830.3744.3063 IND 43W

- Doc. Ex. 1054 -

4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

March 3, 2007
Project No: 123
Invoice No: 123-32

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
14950 Heathrow Forest Parkway, Suite 200
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	11.00	\$ 65.00	\$715.00

Reimbursable Expenses

Mileage – 567 miles x 0.65			\$368.55
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Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Hours	Rate	Amount
Senior Level Professional I	2.50	\$90.00	\$225.00
Staff Level Professional II	2.25	\$65.00	\$146.25

Total Invoice: \$1,454.80

Rodney G. Huerter 3/12/2007
Rodney Huerter Date

approved \$1454.80

99830.3744.3063 IND 43W

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1055 -

4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

April 4, 2007
Project No: 123
Invoice No: 123-33

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
14950 Heathrow Forest Parkway, Suite 200
Houston, Texas 77032
Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program			
Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	11.50	\$ 65.00	\$747.50
Reimbursable Expenses			
Mileage – 551 miles x 0.65			\$358.15
Task 05000 Project Management			
	Hours	Rate	Amount
Senior Level Professional II	1.00	\$100.00	\$100.00
Task 06000 Quarterly and Semi- Annual Report Preparation			
Professional Personnel	Hours	Rate	Amount
Senior Level Professional I	2.00	\$90.00	\$180.00

Total Invoice: \$1,385.65

Environmental Legacy Matter.
Agreement on File with WWA
Director of Environmental Affairs.

Rodney Huerter 4/24/07

Rodney Huerter Date

1,385.65 approved

99830.212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1056 -

4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

May 7, 2007
 Project No: 123
Invoice No: 123-34

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032
Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program			
Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	11.00	\$ 65.00	\$715.00

Reimbursable Expenses		
Mileage – 617 miles x 0.65		\$401.05

Task 02000 Quarterly Remediation Effectiveness Sampling			
Professional Personnel	Hours	Rate	Amount
Project level Professional I	13.00	\$75.00	\$975.00

Unit Billing		
Water level probe - \$10.00/day x 1 days		\$10.00
Bailers - \$20.00/bailer x 15		\$300.00

Task 05000 Project Management	Hours	Rate	Amount
Senior Level Professional II	2.00	\$100.00	\$200.00

Total Invoice: \$2,601.05

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1057 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

June 4, 2007
 Project No: 123
Invoice No: 123-35

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032
Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program			
Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	10.00	\$ 65.00	\$650.00

Reimbursable Expenses		
Mileage – 567 miles x 0.65		\$368.55
Supplies		\$413.56

Task 02000 Quarterly Remediation Effectiveness Sampling

Consultant		
Laboratory		\$1,840.00

Task 05000 Project Management			
	Hours	Rate	Amount
Senior Level Professional I	12.00	\$90.00	\$1,080.00
Senior Level Professional II	4.00	\$100.00	\$400.00
Mileage – 508 miles x 0.65			\$330.20

Total Invoice: \$5,082.31

Environmental Legacy Matter.
 Agreement on File with WNA
 Director of Environmental Affairs.

Rodney Huerter 6/13/07
 Rodney Huerter Date
 approved for \$5082.31
 919.830.212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1058 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

July 2, 2007
 Project No: 123
Invoice No: 123-36

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032
Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	10.00	\$ 65.00	\$650.00

Reimbursable Expenses

Mileage – 539 miles x 0.65			\$350.35
----------------------------	--	--	----------

Task 05000 Project Management

Professional Personnel	Hours	Rate	Amount
Senior Level Professional I	18.00	\$90.00	\$1,620.00
Senior Level Professional II	3.00	\$100.00	\$300.00

Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Hours	Rate	Amount
Senior Level Professional I	8.00	\$90.00	\$720.00
CADD	2.00	\$45.00	\$90.00
Word Processing	3.00	\$35.00	\$105.00

Total Invoice: \$3,835.35

Environmental Legacy Matter.
 Agreement on File with WWA
 Director of Environmental Affairs.

Rodney Huerter 7/27/07
 Rodney Huerter Date
 approved \$3835.35
 99830-212546-44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1059 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

August 2, 2007
 Project No: 123
Invoice No: 123-37

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032
Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	10.00	\$ 65.00	\$650.00

Reimbursable Expenses

Mileage – 572 miles x 0.65	\$371.80
Supplies – 234.42	\$234.42

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Hours	Rate	Amount
Project level Professional I	13.00	\$75.00	\$975.00

Unit Billing

Water level probe - \$10.00/day x 1 days	\$10.00
Bailers - \$20.00/bailer x 4 bailers	\$80.00
Gloves - \$18.00/box X 1 box	\$18.00
Pumps - \$160.00/day X 1 day	\$160.00
Tubing - \$26.00/box X 6 boxes	\$156.00

Task 05000 Project Management

Senior Level Professional II	Hours	Rate	Amount
	5.00	\$90.00	\$450.00

Environmental Legacy Matter.
 Agreement on File with WWA
 Director of Environmental Affairs.

Thank you for your business!

Total Invoice: \$3,105.22

Rodney Huerter 8/7/07
 Rodney Huerter Date

\$ 3105.22 approved

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

99830.212 546.44 Ref 2 3063

- Doc. Ex. 1060 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

November 4, 2007
 Project No: 123
Invoice No: 123-40

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032

**Project: Former Asheville Dyeing and Finishing Facility
 Task 01000 Groundwater Remediation O&M Program**

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	10.00	\$ 65.00	\$650.00

Reimbursable Expenses
 Mileage – 782 miles x 0.65

\$508.30

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Hours	Rate	Amount
Staff level Professional I	44.00	\$65.00	\$2,860.00
Project level Professional I	37.00	\$75.00	\$2,775.00

Reimbursable Expenses

Supplies (ice, tubing, gloves, baggies)	\$350.00
Bushhog Rental	\$258.75
Hotel	\$601.13
Meals	\$307.18

Unit Billing


Pumps - \$160.00/day x 4 days	\$640.00
Water level probe - \$10.00/day x 4 days	\$40.00
Ph Meter \$20.00/day x 4	\$80.00
Bailers - \$20.00/bailer x 10	\$200.00
Mileage – 590 miles x 0.65	\$383.50

Total Invoice: \$9,653.86

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

Environmental Legacy Matter.
 Agreement on File with WNA
 Director of Environmental Affairs.


 Rodney Huerter
 Date 11/13/07
 FIN# 34-2029635

998 99830.212546.44 Ref 2 3063

- Doc. Ex. 1061 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

December 5, 2007
 Project No: 123
Invoice No: 123-41

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 14950 Heathrow Forest Parkway, Suite 200
 Houston, Texas 77032

**Project: Former Asheville Dyeing and Finishing Facility
 Task 01000 Groundwater Remediation O&M Program**

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	10.00	\$ 65.00	\$650.00

Reimbursable Expenses
 Mileage – 502 miles x 0.65

\$326.30

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Hours	Rate	Amount
------------------------	-------	------	--------

Consultant
 Laboratory

\$4,485.00

Total Invoice: \$5,461.30

Environmental Legacy Matter.
 Agreement on File with VVNA
 Director of Environmental Affairs.

Rodney G. Huerter 12/18/07
 Rodney Huerter Date
 99830.212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

Approved \$5461.30
 EIN# 34-2029635

- Doc. Ex. 1062 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

June 6, 2008
 Project No: 123
Invoice No: 123-47

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	11.00	\$ 65.00	\$715.00
Reimbursable Expenses			
Mileage – 618 miles x 0.65			\$401.70
Electric Bill			(previously invoiced)

Task 02000 Quarterly Remediation Effectiveness Sampling

Contractor			
Laboratory			\$1,725.00

Task 05000 Project Management

Professional Personnel	Hours	Rate	Amount
Senior Level Professional II	2.50	\$100.00	\$250.00

Task 07000 Dump Area Assessment Activities

Contractor			
Excavation Contractor			\$19,924.70

Total Invoice: \$23,016.40

Environmental Legacy Matter.
 Agreement on File with WNA
 Director of Environmental Affairs.

Rodney G. Huerter 8/11/08
 Rodney Huerter Date
 approved \$23,016.40
 99830.212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1063 -



0046679 01 AT 0.346 011 **AUTO **R005

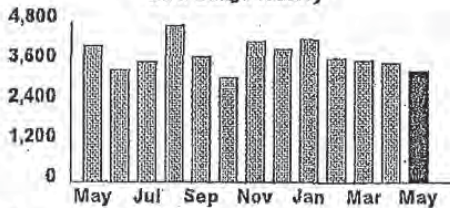
ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27816-8814

Customer Bill

page 1 of 2

Account number 785 459 6116
 Total due \$622.92
 Current charges past due after Jun 6
 Usage period Apr 23 - May 22
 This bill was mailed on May 23, 2008

kWh Usage History



*pd. 5-29-08
 CR# 2754*

Usage

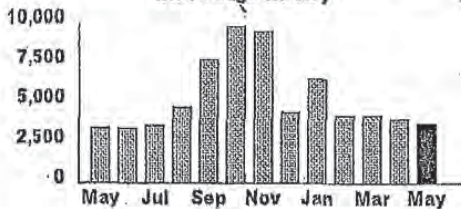
Meter number TE0949
 Readings: May 22 30021
 Apr 23 - 29885
 Meter constant x 25
 kWh usage 3400
 Days in period 29 Average kWh per day 117
 Total Peak Registration
 On-peak KW Apr 29 at 10:15 am 5.00
 Off-peak KW Apr 30 at 7:00 am 5.00

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD , PUMP - 29 Days

Basic customer charge		21.00
On-peak KWH	1,225 kwh x	\$0.05329 65.2803
Off-peak KWH	2,175 kwh x	\$0.04126 89.7405
On-peak KW	5.00 kw x	\$7.48000 37.4000

kWh Usage History



Usage

Meter number T76037
 Readings: May 22 84689
 Apr 23 - 84496
 Meter constant x 20
 kWh usage 3860
 Days in period 29 Average kWh per day 133
 Actual kW Demand 5.80

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 29 Days
 Turn over for helpful phone numbers and customer service tips.

Please detach here.

- Doc. Ex. 1064 -

EASTERN ENVIRONMENTAL
MANAGEMENT, LLC
PO BOX 4030
ROCKY MOUNT, NC 27803

Hosted B Invoice

Date	Invoice #
6/3/2008	70879

Bill To
Mineral Springs Environmental, PC Attn: Kirk Pollard 4600 Mineral Springs Lane Raleigh, NC 27616

Ship To
Asheville, NC

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 15	WTR	4/4/2008	Our Truck	E-02875	Job# 123

Quantity	Item Code	Description	U/M	Price Each	Amount
	LABOR	LABOR			
38	PT	Project Technician	hr	43.50	1,653.00
7.5	PT 1.5	Project Technician Over Time	hr	65.25	489.38
76	Tech	Technician	hr	35.50	2,698.00
20	Tech 1.5	Technician Overtime	hr	53.25	1,065.00
30	techSPEC	Hazcat Technician	hr	40.00	1,200.00
6.5	techSPEC O/T	HazCat Technician Overtime	hr	60.00	390.00
	EQUIPMENT	EQUIPMENT			
45.5	PT 047	Pick Up Truck	hr	8.00	364.00
45.5	PT 051	Pick up Truck	hr	8.00	364.00
40	ERT 12	Emergency Response Trailer 12'	hr	10.00	400.00
10	LT999	Generator	hr	24.00	240.00
1	Contract	Contract Services - Rental of Trackhoe cost + 15%	ea	2,545.4905	2,545.49
1	Contract	Contract Services - Porta John Rental	ea	81.65	81.65
10	VT 311	500 Gallon Vac. Tanker w/ Pressure Washer	hr	50.00	500.00
	MATERIALS	MATERIALS			
12	yellowbooties	Yellow Over Booties	ea	6.00	72.00
12	Level C - Tyv...	Level C - Tyvek Suits	ea	8.00	96.00
4	Nitrile Gloves	Nitrile Gloves	ea	15.75	63.00
4	tape duct	Duct Tape	ca	10.00	40.00
2	Respirator / ...	Respirator with Cartridge	ea	32.50	65.00
1	DOT55M	Top ring DOT 55 Gal. Metal Drums	ea	37.00	37.00
6	Neoprene	Neoprene Gloves	ea	6.00	36.00

Order ID# 56-2229869 We also accept Visa and Mastercard.	Total
--	--------------

Phone #
57-443-7774

- Doc. Ex. 1065 -

MIN ENVIRONMENTAL
MANAGEMENT, LLC
PO BOX 4030
ROCKY MOUNT, NC 27803

Invoice

Date	Invoice #
6/3/2008	70879

Bill To
Mineral Springs Environmental, PC Attn: Kirk Pollard 4600 Mineral Springs Lane Raleigh, NC 27616

Ship To
Asheville, NC

Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 15	WTR	4/4/2008	Our Truck	E-02875	

Quantity	Item Code	Description	U/M	Price Each	Amount
1	10mil plastic	10 mil Plastic 20' x 100'	ea	100.00	100.00
2	Misc. Inv.	Poly decon sprayer	ea	25.00	50.00
1	Misc. Inv.	Boxes of Rags	ea	14.00	14.00
2	Misc. Inv.	Hand/Face Sanitizer	ea	6.75	13.50
4	Misc. Inv.	Alcohol	ea	2.50	10.00
2	Misc. Inv.	Spray bottles	ea	3.00	6.00
2	Misc. Inv.	5-gallon buckets w/ lids	ea	10.00	20.00
12	hazcat kit	Haz Cat Kit		100.00	1,200.00
1	Misc. Cash	Miscellaneous Cash Tickets & Hotels	LS	1,445.7685	1,445.77
18	Subs	SUBCONTRACTOR - Arick McDonald		69.00	1,242.00
		Subtotal			16,500.79
	E&S	Energy and Securities Surcharge		5.00%	825.04

ID# 56-2229869 We also accept Visa and Mastercard.	Total	\$17,325.83
--	--------------	--------------------

Phone #
443-2224

Page 2

1590 Markup # 2598.87

Jul 10 2008 4:46 P.04

1003

Total 19,924.70
MINERAL SPRINGS ENVIRON FAX: 1-919-261-8399

- Doc. Ex. 1066 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

June 30, 2008
 Project No: 123
Invoice No: 123-48

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032
Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Hours	Rate	Amount
Staff Level Professional II	17.00	\$ 65.00	\$1,105.00
Reimbursable Expenses			
Mileage – 537 miles x 0.65			\$349.50
Electric Bill			(previously invoiced)
Supplies			\$409.57

Task 05000 Project Management

Professional Personnel	Hours	Rate	Amount
Senior Level Professional II	2.00	\$100.00	\$200.00

Task 07000 Dump Area Assessment Activities

Professional Personnel	Hours	Rate	Amount
Senior Level Professional I	16.00	\$90.00	\$1,440.00

Contractor

Highland Country Mechanical (Bushhog Service) \$1,067.99

Total Invoice: \$4,572.06

Environmental Legacy Matter.
 Agreement on File with WNA
 Director of Environmental Affairs.

Rodney Huerter 8/11/08

 Rodney Huerter Date

approved \$4,572.06
 99830-212546-44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1067 -

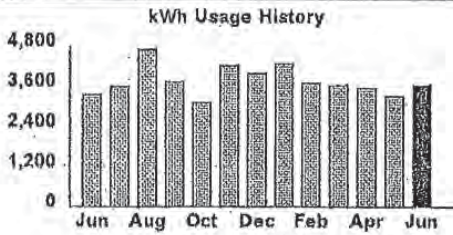


Customer Bill

page 1 of 2

0047100 01 AT 0.346 011 **AUTO**R006
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$659.94
Current charges past due after Jul 8
 Thank you for your payment May 30 \$622.92
 Usage period May 22 - Jun 23
 This bill was mailed on June 24, 2008



*Pd. 7-1-08
 CK# 2794*

Usage
 Meter number TE0949
 Readings: Jun 23 30170
 May 22 - 30021
 Meter constant x 25
kWh usage 3725
 Days in period 32 Average kWh per day 116

Total Peak Registration
 On-peak KW Jun 6 at 10:00 pm 4.75
 On-peak KW May 28 at 10:00 pm 4.75
 Off-peak KW Jun 6 at 6:30 am 5.00
 Off-peak KW May 25 at 8:30 am 5.00

Billing
 SCS-TOU rate

850 WARREN WILSON COLLEGE RD , PUMP - 32 Days

Basic customer charge				21.00
Non-summer, May 22 - May 31				
On-peak KWH	325 kwh	x	\$0.05329	17.3193
Off-peak KWH	775 kwh	x	\$0.04126	31.9785
On-peak KW at .2708 proration	4.75 kw	x	\$7.48000	9.6215
Summer, June 01 - June 23				
On-peak KWH	875 kwh	x	\$0.05329	46.6288
Off-peak KWH	1,750 kwh	x	\$0.04126	72.2050
On-peak KW at .7292 proration	4.75 kw	x	\$10.10000	34.9834
Off-peak Excess kw charge	0.25 kw	x	\$1.00000	0.2500

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number
785 459 6116

Total due	\$659.94
Current charges past due after	Jul 8

Make checks payable and return to: Progress Energy Carolinas, Inc.
 Raleigh NC 27698-0001

01
 01
 02

 016

047100 0

FORM VER. 002
 11/93 REV. 01/00

7854596116 6352 451 00000000 000065994 000065994 7854596116 3

- Doc. Ex. 1068 -



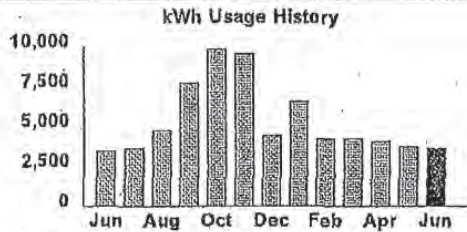
JUNE 24, 2008
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 8116

page 2 of 2

Total SGS-TOU Rate Billing 233.98

On-peak kw proration factor

Non-summer	on-peak kwh	325 kwh /	1,200 kwh	.2708
Summer	on-peak kwh	875 kwh /	1,200 kwh	.7292
Total on-peak kwh		1,200		



Usage

Meter number	T76037
Readings: Jun 23	84874
May 22	- 84689
Meter constant	x 20
kWh usage	3700
Days in period	32
Average kWh per day	116
Actual kW Demand	5.40

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 32 Days			
Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10172	76.2900
	1,250 kwh x	\$0.08454	105.6750
	1,700 kwh x	\$0.07987	135.7790
Three phase service charge			9.00

ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days			
High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off			
Area lighting	1 Light x	\$23.54	23.54

ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days			
High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off			
Area lighting	3 Lights x	\$14.82	44.48

3% North Carolina sales tax 19.22

Total due 659.34

Current month Time-of-Use Savings for meter TE0949: \$ 106.76, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 711.65

This bill is subject to a 1% per month late payment charge after 07/18/2008.

For your
 information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1069 -

High Country Mechanical

PO Box 5835
Asheville, NC 28813

Posted
Invoice

Date	Invoice #
6/10/2008	HCM 3526

Bill To
Mineral Springs Environmental Attn: Jimmy 4600 Mineral Springs LN Raleigh NC 27616

F.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
	Material, labor and equipment to bush hog 1 trail in and out of spray area. As per our conversation. Spray entire area.	0.00	0.00
	Material	473.69	473.69
	labor	180.00	180.00
	equipment	275.00	275.00
		<i>Pd. 7-1-08</i>	
		<i>CK# 2795</i>	
Total			\$928.69

15% Markup \$139.30

Jul 10 2008 4:45 P.02

1007
MINERAL SPRINGS ENVIRON Fax: 1-919-261-8298

- Doc. Ex. 1070 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

August 5, 2008
 Project No: 123
 Invoice No: 123-49

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff Level Professional II	7/23/08	12.00	\$65.00	\$780.00
Reimbursable Expenses				
Mileage - 748 miles x 0.65				\$486.20
Electric Bill				(previously invoiced)
Expenses				\$596.01

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Date	Hours	Rate	Amount
Shannon Davis: Staff Level Professional I	7/21/08	5.00	\$55.00	\$275.00
Shannon Davis: Staff Level Professional I	7/22/08	9.00	\$55.00	\$495.00
Jimmy Hair: Project level Professional I	7/22/08	6.00	\$75.00	\$450.00

Unit Billing

Bailers - \$17.00/bailer x 15 \$255.00

Task 07000 Dump Area and French Drain Assessment Activities

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	7/21/08	7.00	\$75.00	\$525.00
Jimmy Hair: Project level Professional I	7/22/08	3.00	\$75.00	\$225.00

Total Invoice: **\$4,087.21**

Environmental Legacy Matter.
 Agreement on File with WWA
 Director of Environmental Affairs.

Rodney Huerter 8/16/08
 Rodney Huerter Date
 Approved \$4087.21
 99830.212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1071 -



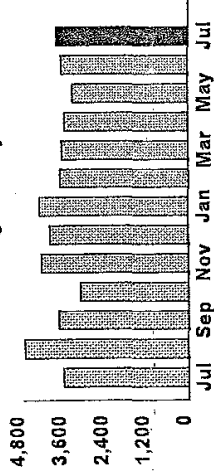
Customer Bill

page 1 of 2

0046641.01 AT 0.346 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$847.09
Current charges past due after Aug 11
 Thank you for your payment Jul 2 \$659.94
 Usage period Jun 23 - Jul 24
 This bill was mailed on July 28, 2008

kWh Usage History



*pd. 7-31-08
 ck # 2839*

Usage

Meter number TE0949
 Readings: Jul 24 30324
 Jun 23 30170
 Meter constant x 25
kWh usage 3850
 Days in period 31 Average kWh per day 124

Total Peak Registration

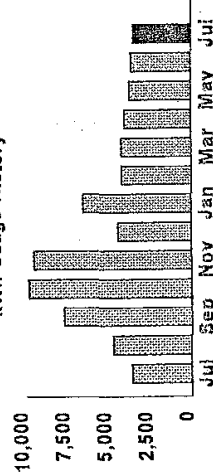
On-peak KW Jul 23 at 7:30 pm 22.25
 Off-peak KW Jul 24 at 7:15 am 22.50

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGERD, PUMP - 31 Days

Basic customer charge 21.00
 On-peak KWH 1,300 kWh x \$0.05329 69.2770
 Off-peak KWH 2,550 kWh x \$0.04126 105.2130
 On-peak KW 22.25 kw x \$10.10000 224.7250
 Off-peak Excess kw charge 0.25 kw x \$1.00000 0.2500

kWh Usage History



Usage

Meter number T76037
 Readings: Jul 24 85056
 Jun 23 84874
 Meter constant x 20
kWh usage 3640
 Days in period 31 Average kWh per day 117
 Actual kW Demand 14.40

Please detach here.

Turn over for helpful phone numbers and customer service tips.

1009

- Doc. Ex. 1072 -



JULY 28, 2008
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 8718

page 2 of 2

Billing				
850 WARREN WILSON COLLEGE RD., ENVIRONMENTAL CLEANUP - 31 Days				
Basic customer charge				12.00
Energy charge				76.2900
	750 kwh x	\$0.10172		
	1,250 kwh x	\$0.08454		105.6750
	1,840 kwh x	\$0.07987		130.9888
Three phase service charge				9.00
ALS rate				
850 WARREN WILSON COLLEGE RD - 31 Days				
High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off				
Area lighting	1 Light x	\$23.54		23.54
ALS rate				
850 WARREN WILSON COLLEGE RD - 31 Days				
High Pressure Sodium lights, 88 kwh, 22000 lumens, enclosed cut-off				
Area lighting	3 Lights x	\$14.82		44.46
3% North Carolina sales tax				24.67
				387.08

Current month Time-of-Use Loss for meter TE0949: \$ 69.75, as compared with rate SCS.
 Current twelve month Time-of-Use Savings for meter TE0949: \$ 540.85
 This bill is subject to a 1% per month late payment charge after 08/21/2008.

For your information
 For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

100

- Doc. Ex. 1073 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

December 3, 2008
Project No: 123
Invoice No: 123-53

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff Level Professional II	11/21/08	8.00	\$65.00	\$520.00
Reimbursable Expenses				
Mileage - 560 miles x 0.65				\$364.00
Electric Bill				\$1,241.93

Task 02000 Quarterly Remediation Effectiveness Sampling

Contractor	
Laboratory	\$5,980.00

Total Invoice: \$8,105.93

Rodney G. Huerter 12/10/08
Rodney Huerter Date

99830.212546.44 Ref 2 3063

approved \$8,105.93

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1074 -



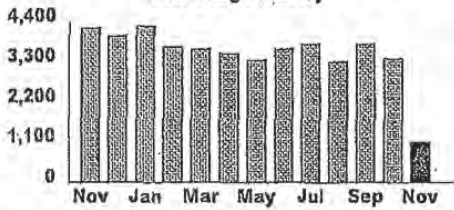
0055499 01 AT 0.346 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Customer Bill

page 1 of 2

Account number	785 459 6116
Total due	\$1,079.94
Current charges past due after	Dec 5
Thank you for your payment	Nov 4 \$822.74
Usage period	Oct 22 - Nov 19
This bill was mailed on	November 21, 2008

kWh Usage History



*Pd. 11-24-08
 CK# 2989*

Usage

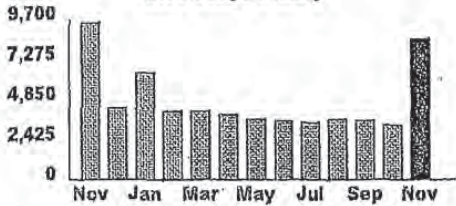
Meter number	TE0849
Readings: Nov 19	30798
Oct 22	- 30751
Meter constant	x 25
kWh usage	1175
Days in period	28
Average kWh per day	42
Total Peak Registration	
On-peak KW	Oct 23 at 4:45 pm 22.50
Off-peak KW	Oct 23 at 1:15 pm 23.00

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD , PUMP - 28 Days

Basic customer charge		21.00
On-peak KWH	475 kwh x \$0.05329	25.3128
Off-peak KWH	700 kwh x \$0.04126	28.8820
On-peak KW	22.50 kw x \$7.48000	168.3000
Off-peak Excess kw charge	0.50 kw x \$1.00000	0.5000

kWh Usage History



Usage

Meter number	T76037
Readings: Nov 19	88040
Oct 22	- 85606
Meter constant	x 20
kWh usage	8680
Days in period	28
Average kWh per day	310
Actual kW Demand	15.60

Please detach here.

Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1075 -

NOVEMBER 21, 2008
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2

Billing rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 28 Days			
Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10172	76.2900
	1,250 kwh x	\$0.08454	105.6750
	6,680 kwh x	\$0.07987	533.5316
Three phase service charge			9.00

ALS rate

850 WARREN WILSON COLLEGE RD - 28 Days			
High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off			
Area lighting	1 Light x	\$23.54	23.54

ALS rate

850 WARREN WILSON COLLEGE RD - 28 Days			
High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off			
Area lighting	3 Lights x	\$14.82	44.46

3% North Carolina sales tax			31.45
Total due			\$1,079.93

Current month Time-of-Use Loss for meter TE0949: \$ 110.77, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 460.11

This bill is subject to a 1% per month late payment charge after 12/15/2008.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

Progress Energy will be closed on November 27 and 28, 2008. General business may be conducted during this time by visiting our website at www.progress-energy.com. If you are calling to report an outage or any other technical problems with your electric service, please call our dedicated outage line at 1-800-419-6356. Happy Thanksgiving from our family to each of yours.

- Doc. Ex. 1077 -



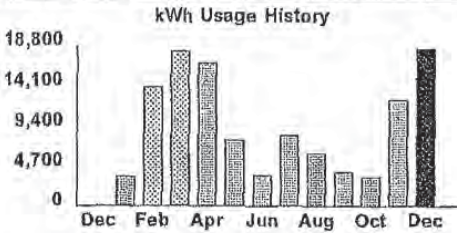
Customer Bill

page 1 of 3

B

0047281 01 AT 0.357 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
 Total due \$1,953.62
 Current charges past due after Jan 6
 Thank you for your payment Dec 2 \$1,501.86
 Usage period Nov 19 - Dec 22
 This bill was mailed on December 23, 2009



Usage
 Meter number TE0949
 Readings: Dec 22 35584
 Nov 20 - 34834
 Meter constant x 25
 kWh usage 18750
 Days in period 32 Average kWh per day 586
 Total Peak Registration
 On-peak KW Dec 11 at 8:30 am 25.00
 Off-peak KW Dec 12 at 4:45 am 25.00

*Pd. 12-28-09
 CK# 3485*

Billing
 SGS-TOU rate 850 WARREN WILSON COLLEGE RD , PUMP - 32 Days

New rate service Charges if new rates applied for entire usage period

Basic customer charge	21.00
On-peak KWH	5,850 kwh x \$0.06037 353.1645
Off-peak KWH	12,900 kwh x \$0.04834 623.5860
On-peak KW	25.00 kw x \$7.48000 187.0000
New Rate Subtotal	1,184.7505

Old rate service Charges if old rates applied for entire usage period

Basic customer charge	21.00
On-peak KWH	5,850 kwh x \$0.06055 354.2175
Off-peak KWH	12,900 kwh x \$0.04852 625.9080
On-peak KW	25.00 kw x \$7.48000 187.0000
Old Rate Subtotal	1,188.1255

Proration of charges

Please detach here. Turn over for helpful phone numbers and customer service tips.

Three phase service charge	4,460 kwh x \$0.08987 400.8202
Old Rate Subtotal	9.00
Old Rate Subtotal	623.7852

Proration of charges

New Rate	Dec 1 thru Dec 22	\$621.65	x	0.63636	395.5954
Old Rate	Nov 19 thru Dec 1	\$623.79	x	0.36364	226.8333
DSM/EE Opt-Out Credit					-3.6940

Total SGS Rate Billing 618.73

- Doc. Ex. 1078 -

Progress Energy

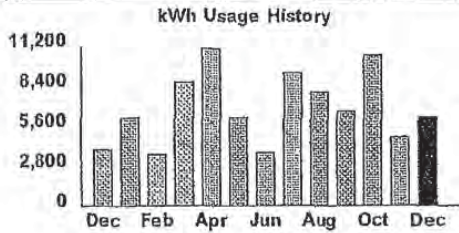
DECEMBER 23, 2009
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 3

New Rate	Dec 1 thru Dec 22	\$1,184.75	x	0.65625	777.4925
Old Rate	Nov 20 thru Dec 1	\$1,188.13	x	0.34375	408.4181
DSM/EE Opt-Out Credit					-10,7812
Total SGS-TOU Rate Billing					1,175.13

Proration factor

New Rate	21 days /	32 days =	0.65625
Old Rate	11 days /	32 days =	0.34375



Usage

Meter number	T76037
Readings: Dec 22	90581
Nov 19	- 90258
Meter constant	x .20
kWh usage	6460
Days in period	33
Average kWh per day	196
Actual kW Demand	16.80

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 33 Days

New rate service

Charges if new rates applied for entire usage period

Basic customer charge		12.00
Energy charge	750 kwh x \$0.11139	83.5425
	1,250 kwh x \$0.09421	117.7625
	4,460 kwh x \$0.08954	399.3484
Three phase service charge		9.00
New Rate Subtotal		621.6534

Old rate service

Charges if old rates applied for entire usage period

Basic customer charge		12.00
Energy charge	750 kwh x \$0.11172	83.7900
	1,250 kwh x \$0.09454	118.1750
	4,460 kwh x \$0.08987	400.8202
Three phase service charge		9.00
Old Rate Subtotal		623.7852

Proration of charges

New Rate	Dec 1 thru Dec 22	\$621.65	x	0.63636	395.5954
Old Rate	Nov 19 thru Dec 1	\$623.79	x	0.36364	228.8333
DSM/EE Opt-Out Credit					-3.6940

Total SGS Rate Billing					618.73
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- Doc. Ex. 1079 -**Progress Energy**DECEMBER 23, 2009
ASHEVILLE DYING AND FINISHING
ACCOUNT 785 459 6116

page 3 of 3

Proration factor			
New Rate	21 days /	33 days =	0.63636
Old Rate	12 days /	33 days =	0.36364

ALS rate	850 WARREN WILSON COLLEGE RD - 32 Days		
	(Old Rate 11 days @ 0.34375)		
	High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
	Area lighting	1 Light	\$26.40
			9.0750

ALS rate	850 WARREN WILSON COLLEGE RD - 32 Days		
	(Old Rate 11 days @ 0.34375)		
	High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
	Area lighting	3 Lights	\$16.44
			16.9539
	Previous Rate Subtotal		26.0289

	(New Rate 21 days @ 0.65625)		
	High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
	Area lighting	1 Light	\$26.35
			17.2922

	(New Rate 21 days @ 0.85625)		
	High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
	Area lighting	3 Lights	\$16.41
			32.3073
	Current Rate Subtotal		49.5995

	DSM/EE Opt-Out Credit		-0.17
	REPS Adjustment		27.40
	3% North Carolina sales tax		56.90
	Total due		\$1,953.62

Current month Time-of-Use Savings for meter TE0949: \$ 538.32, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,684.72

This bill is subject to a 1% per month late payment charge after 01/19/2010.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

Progress Energy will be closed on December 24 and 25, 2009 and January 1, 2010. You may visit progress-energy.com for self service options. To report an outage, please call our outage line at 800-419-6356.

- Doc. Ex. 1080 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

February 4, 2010
 Project No: 123
 Invoice No: 123-67

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Shannon Davis: Staff level Professional I	1/13/10	7.00	\$65.00	\$455.00
Shannon Davis: Staff level Professional I	1/14/10	3.00	\$65.00	\$195.00

Reimbursable Expenses

Mileage -- 530 miles x 0.65	\$344.50
Electric Bill	\$1,244.49
Supplies	\$845.51

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	1/11/10	4.75	\$55.00	\$261.25
Shannon Davis: Staff level Professional I	1/14/10	9.00	\$65.00	\$585.00
Shannon Davis: Staff level Professional I	1/15/10	6.50	\$65.00	\$422.50

Reimbursable Expenses

Hotel	\$177.35
Meals	\$63.28
Contractor Laboratory	\$1,725.00

Total Invoice: \$6,318.88

Environmental Legacy Matter.
 Agreement on File with VWNA
 Director of Environmental Affairs.

Rodney G. Huerter 3/12/10
 Rodney Huerter Date

approved \$ 6,318.88
 99830.212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1082 -

JANUARY 25, 2010
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2

Billing
SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 31 Days			
Basic customer charge			12.00
Energy charge	750 kwh x	\$0.11139	83.5425
	1,250 kwh x	\$0.09421	117.7625
	4,440 kwh x	\$0.08954	397.5576
Three phase service charge			9.00
DSM/EE Opt-Out Credit			-4.0572

ALS rate

850 WARREN WILSON COLLEGE RD - 31 Days			
High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off			
Area lighting	1 Light x	\$26.35	26.35

ALS rate

850 WARREN WILSON COLLEGE RD - 31 Days			
High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off			
Area lighting	3 Lights x	\$16.41	49.23
DSM/EE Opt-Out Credit			-0.26
REPS Adjustment			32.20
3% North Carolina sales tax			36.25
Total due			\$1,244.49

Current month Time-of-Use Savings for meter TE0949: \$ 31.76, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,609.62

This bill is subject to a 1% per month late payment charge after 02/18/2010.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1083 -



4600 Mineral Springs Lane • Raleigh, NC 27618 • 919.261.8186 • Fax 919.261.8299

INVOICE

March 4, 2010
 Project No: 123
Invoice No: 123-68

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Shannon Davis: Staff level Professional I	2/8/10	8.50	\$65.00	\$552.50
Shannon Davis: Staff level Professional I	2/9/10	4.50	\$65.00	\$292.50

Reimbursable Expenses

Mileage – 356 miles x 0.65				\$231.40
Electric Bill				\$1,648.04

Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Date	Hours	Rate	Amount
CAD	2/14/10	3.00	\$55.00	\$165.00
Project Professional I	2/15/10	4.00	\$65.00	\$260.00
Senior Project Manager	2/16/10	2.00	\$85.00	\$170.00

Total Invoice: \$3,319.44

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

Environmental Legacy Matter.
 Agreement on File with WWA
 Director of Environmental Affairs.

Rodney G Huerter 3/12/10
 Rodney Huerter Date

approved \$ 3,319.44

99830.212546.44 Ref 2 3063

- Doc. Ex. 1084 -



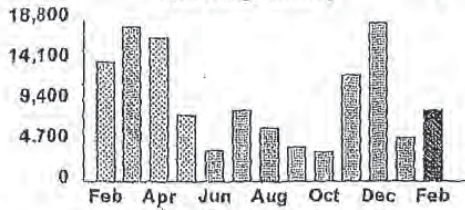
0043801 01 AT 0.357 011 **AUTO**R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VWNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Customer Bill

page 2 of 2
 Posted
 page 1 of 2
 B

Account number	785 459 6116
Total due	\$1,648.04
Current charges past due after	Mar 8
Thank you for your payment	Feb 8 \$1,244.49
Usage period	Jan 22 - Feb 19
This bill was mailed on	February 22, 2010

kWh Usage History



*Pd. 3-2-10
 CK#3569*

Usage

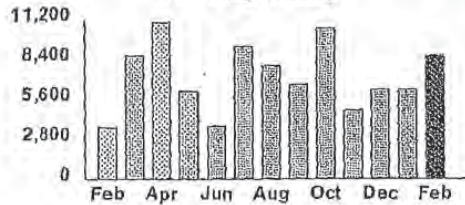
Meter number	TE0949
Readings: Feb 19	36142
Jan 22	35797
Meter constant	x 25
kWh usage	8625
Days in period	28
Average kWh per day	308
Total Peak Registration	
On-peak KW	Feb 8 at 5:15 pm 25.75
Off-peak KW	Feb 8 at 10:00 pm 25.25

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD , PUMP - 28 Days *Job #123*

Basic customer charge	21.00
On-peak KWH	3,325 kwh x \$0.06037 = 200.7303
Off-peak KWH	5,300 kwh x \$0.04834 = 256.2020
On-peak KW	25.75 kw x \$7.48000 = 192.6100
DSM/EE Opt-Out Credit	-5.4338

kWh Usage History



Usage

Meter number	T76037
Readings: Feb 19	91344
Jan 22	90903
Meter constant	x 20
kWh usage	8820
Days in period	28
Average kWh per day	315
Actual kW Demand	22.40

Please detach here.

Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1085 -

4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

January 10, 2011
 Project No: 123
 Invoice No: 123-78

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility**Task 01000 Groundwater Remediation O&M Program**

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	12/22/10	8.0	\$65.00	\$520.00
Jimmy Hair: Staff level Professional I	12/23/10	8.0	\$65.00	\$520.00
Reimbursable Expenses				
Mileage – 826 miles x 0.65				\$536.90
Electric Bill				\$872.76
Supplies				\$1,055.99

Total Invoice: \$3,505.65

Environmental Legacy Matter.
 Agreement on File with VVNA
 Director of Environmental Affairs.

Rodney Huerter 2/3/11
 Rodney Huerter Date

approved \$ 3,505.65

99830.212546.44 Ref 2
 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1086 -

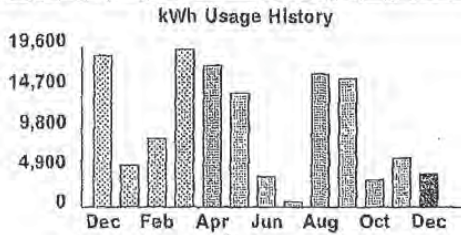


Customer Bill

Posted *B*
page 1 of 3

0044752 01 AT 0.357 011 **AUTO **R006
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$872.76
 Current charges past due after Jan 11
 Thank you for your payment Nov 30 \$1,166.26
 Usage period Nov 19 - Dec 22
 This bill was mailed on December 28, 2010



Usage
 Meter number TE0949
 Readings: Dec 22 40270
 Nov 19 - 40094
 Meter constant x 25
kWh usage 4400
 Days in period 33 Average kWh per day 133
Total Peak Registration
 On-peak KW Dec 9 at 7:30 am 5.75
 Off-peak KW Dec 14 at 9:30 pm 5.50

Pd. 12-30-10
CK# 3953

Job #123

Billing

SGS-TOU rate 850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 33 Days

New rate service Charges if new rates applied for entire usage period

Basic customer charge				21.00
On-peak KWH	1,400 kwh	x	\$0.05664	79.2960
Off-peak KWH	3,000 kwh	x	\$0.04461	133.8300
On-peak KW	5.75 kw	x	\$7.48000	43.0100
New Rate Subtotal				277.1360

Old rate service Charges if old rates applied for entire usage period

Basic customer charge				21.00
On-peak KWH	1,400 kwh	x	\$0.06034	84.4760
Off-peak KWH	3,000 kwh	x	\$0.04831	144.9300
On-peak KW	5.75 kw	x	\$7.48000	43.0100
Old Rate Subtotal				293.4160

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Energy charge	750 kwh	x	\$0.11136	83.5200
	1,250 kwh	x	\$0.09416	117.7250
	2,980 kwh	x	\$0.08951	266.7398
Three phase service charge				9.00
Old Rate Subtotal				488.9848
Proration of charges				
New Rate	Dec 1 thru Dec 22	\$461.79	x 0.63636	293.8672
Old Rate	Nov 19 thru Dec 1	\$488.98	x 0.36364	177.8144
DSM/EE Opt-Out Credit				-5.1113

- Doc. Ex. 1087 -



DECEMBER 28, 2010
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 8118

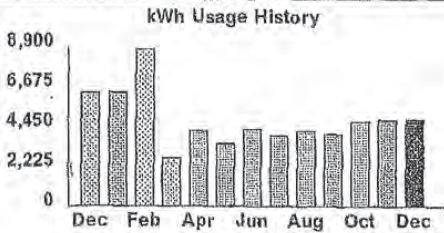
page 2 of 3

Proration of charges

New Rate	Dec 1 thru Dec 22	\$277.14	x	0.63636	178.3583
Old Rate	Nov 19 thru Dec 1	\$293.42	x	0.36364	108.6978
DSM/EE Opt-Out Credit					-4.5160
Total SGS-TOU Rate Billing					278.54

Proration factor

New Rate	21 days /	33 days =	0.63636
Old Rate	12 days /	33 days =	0.36364



Usage

Meter number	T76037
Readings: Dec 22	93459
Nov 19	93210
Meter constant	x 20
kWh usage	4980
Days in period	33
Average kWh per day	151
Actual kW Demand	18.60

Billing rate

850 WARREN WILSON COLLEGE RD, SWANNANOVA
 ENVIRONMENTAL CLEANUP - 33 Days

New rate service

Charges if new rates applied for entire usage period

Basic customer charge		12.00
Energy charge	750 kwh x \$0.10590	79.4250
	1,250 kwh x \$0.08872	110.9000
	2,980 kwh x \$0.08405	250.4690
Three phase service charge		9.00
New Rate Subtotal		461.7940

Old rate service

Charges if old rates applied for entire usage period

Basic customer charge		12.00
Energy charge	750 kwh x \$0.11136	83.5200
	1,250 kwh x \$0.09418	117.7250
	2,980 kwh x \$0.08951	266.7398
Three phase service charge		9.00
Old Rate Subtotal		488.9848

Proration of charges

New Rate	Dec 1 thru Dec 22	\$461.79	x	0.63636	293.8672
Old Rate	Nov 19 thru Dec 1	\$488.98	x	0.36364	177.8144
DSM/EE Opt-Out Credit					-5.1113

- Doc. Ex. 1088 -**Progress Energy**

DECEMBER 28, 2010
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 3 of 3

Total SGS Rate Billing	466.57
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Proration factor

New Rate	21 days /	33 days =	0.63636
Old Rate	12 days /	33 days =	0.36364

ALS rate	850 WARREN WILSON COLLEGE RD - 33 Days		
	(Old Rate 12 days @ 0.36364)		
	High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
Area lighting	1 Light	\$26.37	9.5892
ALS rate	850 WARREN WILSON COLLEGE RD - 33 Days		
	(Old Rate 12 days @ 0.36364)		
	High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
Area lighting	3 Lights	\$16.42	17.9130
	Previous Rate Subtotal		
	27.5022		
	(New Rate 21 days @ 0.63636)		
	High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
Area lighting	1 Light	\$24.49	15.5845
	(New Rate 21 days @ 0.63636)		
	High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
Area lighting	3 Lights	\$15.36	29.3235
	Current Rate Subtotal		
	44.9080		
	DSM/EE Opt-Out Credit		
	-0.30		
	REPS Adjustment		
	30.12		
	3% North Carolina sales tax		
	25.42		
	Total due		
	\$872.76		

Current month Time-of-Use Savings for meter TE0949: \$ 138.73, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,776.74

This bill is subject to a 1% per month late payment charge after 01/21/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

Progress Energy will be closed on December 24 and 27, 2010 and January 3, 2011. You may visit progress-energy.com for self service options. To report an outage, please call our outage line at 800.419.6356.

- Doc. Ex. 1089 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

February 1, 2011
 Project No: 123
 Invoice No: 123-79

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	1/25/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 561 miles x 0.65				\$364.65
Electric Bill				\$2,077.54

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	1/24/11	12.00	\$75.00	\$900.00
Reimbursable Expenses				
Hotel				\$77.10

Total Invoice: \$4,319.29

Rodney Huerter 3/15/11
 Rodney Huerter Date

Approved \$4319.29

99830-212546.44 Ref 2 3063

Environmental Legacy Matter.
 Agreement on File with VVNA
 Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1090 -



Customer Bill

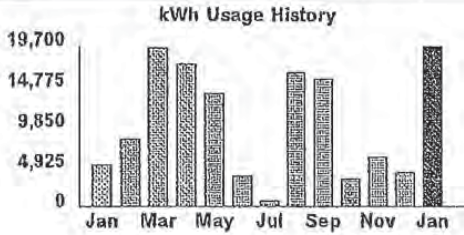
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page 1 of 2

0019603 01 AT 0.354 011 **AUTO **R005



ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$2,077.54
Current charges past due after Feb 9
Thank you for your payment Jan 4 \$872.76
Usage period Dec 22 - Jan 24
This bill was mailed on January 26, 2011



Usage
Meter number TE0949
Readings: Jan 24 41058
Dec 22 - 40270
Meter constant x 25
kWh usage 19700
Days in period 33 Average kWh per day 597
Total Peak Registration
On-peak KW Jan 14 at 7:45 am 26.00
Off-peak KW Dec 22 at 2:45 pm 26.00

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
PUMP - 33 Days

Basic customer charge			21.00
On-peak KWH	6,250 kwh x	\$0.05664	354.0000
Off-peak KWH	13,450 kwh x	\$0.04461	600.0045
On-peak KW	26.00 kw x	\$7.48000	194.4800
DSM/EE Opt-Out Credit			-25.0190

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number
785 459 6116

Total due	\$2,077.54
Current charges past due after	Feb 9

Make checks payable and return to: Progress Energy Carolinas, Inc.
Raleigh NC 27698-0001

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FORM VER. 002
11/98 REV. 01/00

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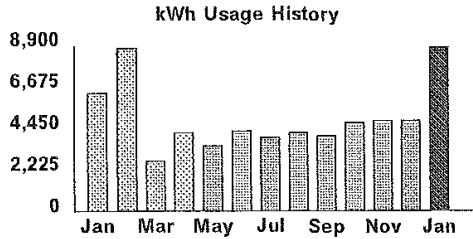
1028

- Doc. Ex. 1091 -



JANUARY 26, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2



Usage

Meter number	T76037
Readings: Jan 24	93900
Dec 22	- 93459
Meter constant	x 20
kWh usage	8820
Days in period 33	Average kWh per day 267
Actual kW Demand	19.80

Billing
SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
 ENVIRONMENTAL CLEANUP - 33 Days

Basic customer charge		12.00
Energy charge	750 kwh x \$0.10590	79.4250
	1,250 kwh x \$0.08872	110.9000
	6,820 kwh x \$0.08405	573.2210
Three phase service charge		9.00
DSM/EE Opt-Out Credit		-11.2014

ALS rate

850 WARREN WILSON COLLEGE RD - 33 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off Area lighting	1 Light x \$24.49	24.49
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ALS rate

850 WARREN WILSON COLLEGE RD - 33 Days

High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off Area lighting	3 Lights x \$15.36	46.08
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DSM/EE Opt-Out Credit -0.28

REPS Adjustment 28.93

3% North Carolina sales tax 60.51

Total due \$2,077.54

Current month Time-of-Use Savings for meter TE0949: \$ 529.52, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 3,274.50

This bill is subject to a 1% per month late payment charge after 02/21/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1092 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

March 2, 2011
Project No: 123
Invoice No: 123-80

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	2/15/11	12.0	\$75.00	\$900.00

Reimbursable Expenses

Mileage - 561 miles x 0.65	\$364.65
Electric Bill	\$1,735.44
Supplies	\$678.71

Task 02000 Quarterly Remediation Effectiveness Sampling

Contractor	
Laboratory	\$1,552.50

Total Invoice: \$5,231.30

Environmental Legacy Matter.
Agreement on File with WWA
Director of Environmental Affairs.

Rodney Huerter 3/15/11
Rodney Huerter Date
approved \$ 5,231.30
99830-212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1093 -



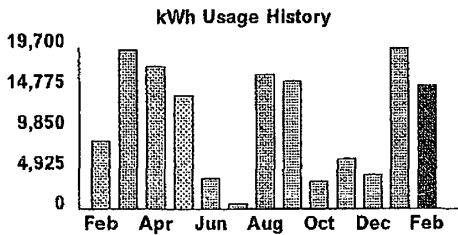
Customer Bill

B Posted
page 1 of 2

0017613 01 AT 0.354 011 **AUTO **R005

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$1,735.44
Current charges past due after Mar 8
Thank you for your payment Feb 8 \$2,077.54
Usage period Jan 24 - Feb 21
This bill was mailed on February 22, 2011



Usage
Meter number TE0949
Readings: Feb 21 41668
Jan 24 - 41058
Meter constant x 25
kWh usage 15250
Days in period 28 Average kWh per day 545
Total Peak Registration
On-peak KW Feb 11 at 7:15 am 25.75
Off-peak KW Feb 11 at 5:45 am 25.75

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD, SWANNANOA
PUMP - 28 Days

Job # 123

Basic customer charge			21.00
On-peak KWH	5,700 kwh	x \$0.05664	322.8480
Off-peak KWH	9,550 kwh	x \$0.04461	426.0255
On-peak KW	25.75 kw	x \$7.48000	192.6100
DSM/EE Opt-Out Credit			-19.3675

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Return portion

If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number
785 459 6116

Total due	\$1,735.44
Current charges past due after	Mar 8

Make checks payable
and return to:

Progress Energy Carolinas, Inc.
Raleigh NC 27698-0001

017613 0

FORM VER. 002
11/09 REV. 01/10

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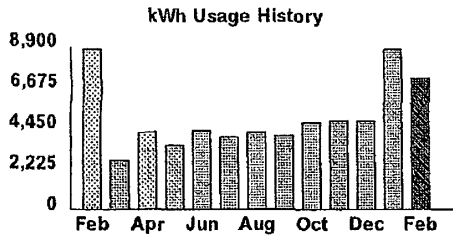
1031

- Doc. Ex. 1094 -



FEBRUARY 22, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2



Usage	
Meter number	T76037
Readings: Feb 21	94262
Jan 24	- 93900
Meter constant	x 20
kWh usage	7240
Days in period 28	Average kWh per day 259
Actual kW Demand	19.40

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
 ENVIRONMENTAL CLEANUP - 28 Days

Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10590	79.4250
	1,250 kwh x	\$0.08872	110.9000
	5,240 kwh x	\$0.08405	440.4220
Three phase service charge			9.00
DSM/EE Opt-Out Credit			-9.1948

ALS rate

850 WARREN WILSON COLLEGE RD - 28 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off Area lighting	1 Light x	\$24.49	24.49
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ALS rate

850 WARREN WILSON COLLEGE RD - 28 Days

High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off Area lighting	3 Lights x	\$15.36	46.08
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DSM/EE Opt-Out Credit			-0.28
REPS Adjustment			28.93
3% North Carolina sales tax			50.55
Total due			\$1,735.44

Current month Time-of-Use Savings for meter TE0949: \$ 362.50, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 3,492.04

This bill is subject to a 1% per month late payment charge after 03/18/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

From April 1-September 30, time-of-use off-peak hours are 10pm-10am, Monday-Friday. Off-peak days are weekends and these holidays: Good Friday, Memorial Day, July 4th and Labor Day. When one of the above holidays falls on a Saturday, the Friday before the Holiday will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1095 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

April 5, 2011
Project No: 123
Invoice No: 123-81

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	3/28/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 561 miles x 0.65				\$364.65
Electric Bill				\$907.23

Total Invoice: \$2,171.88

Environmental Legacy Matter.
Agreement on File with WWA
Director of Environmental Affairs.

Rodney G. Huerter 4/21/11
Rodney Huerter Date

Approved \$2,171.88

99830-212546.44 Ref 2 3063

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1096 -



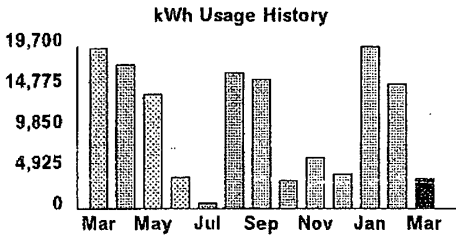
Customer Bill

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page 1 of 2

0019452 01 AT 0.354 011 **AUTO **R005

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number	785 459 6116
Total due	\$907.23
Current charges past due after	Apr 8
Thank you for your payment	Mar 7 \$1,735.44
Usage period	Feb 21 - Mar 23
This bill was mailed on	March 25, 2011



Usage *Job#123*

Meter number	TE0949
Readings: Mar 23	41824
Feb 21	- 41668
Meter constant	x 25
kWh usage	3900
Days in period	30
Average kWh per day	130

Total Peak Registration

On-peak KW	Mar 11 at 7:30 am	5.50
Off-peak KW	Mar 17 at 4:45 am	5.50

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
PUMP - 30 Days

Basic customer charge	21.00
On-peak KWH	1,425 kwh x \$0.05664 = 80.7120
Off-peak KWH	2,475 kwh x \$0.04461 = 110.4098
On-peak KW	5.50 kw x \$7.48000 = 41.1400
DSM/EE Opt-Out Credit	-4.9531

pd. 4-5-11
CK# 4046

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number
785 459 6116

Total due	\$907.23
Current charges past due after	Apr 8

Make checks payable and return to: Progress Energy Carolinas, Inc.
Raleigh NC 27698-0001

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FORM VER. 002
11/98 REV. 01/00

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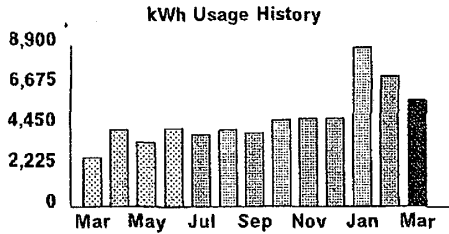
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- Doc. Ex. 1097 -



MARCH 25, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2



Usage

Meter number	T76037
Readings: Mar 23	94558
Feb 21	94262
Meter constant	x 20
kWh usage	5920
Days in period 30	Average kWh per day 197
Actual kW Demand	19.00

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 ENVIRONMENTAL CLEANUP - 30 Days

Basic customer charge		12.00
Energy charge	750 kwh x \$0.10590	79.4250
	1,250 kwh x \$0.08872	110.9000
	3,920 kwh x \$0.08405	329.4760
Three phase service charge		9.00
DSM/EE Opt-Out Credit		-7.5184

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
Area lighting	1 Light x \$24.49	24.49

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days

High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
Area lighting	3 Lights x \$15.36	46.08

DSM/EE Opt-Out Credit -0.28

REPS Adjustment 28.93

3% North Carolina sales tax 26.42

Total due \$907.23

Current month Time-of-Use Savings for meter TE0949: \$ 117.76, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 3,053.82

This bill is subject to a 1% per month late payment charge after 04/18/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

From April 1-September 30, time-of-use off-peak hours are 10pm-10am, Monday-Friday. Off-peak days are weekends and these holidays: Good Friday, Memorial Day, July 4th and Labor Day. When one of the above holidays falls on a Saturday, the Friday before the Holiday will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1098 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

May 4, 2011
Project No: 123
Invoice No: 123-82

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	4/25/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 587 miles x 0.65				\$381.55
Electric Bill				\$1,259.35

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	4/26/11	12.00	\$75.00	\$900.00
Reimbursable Expenses				
Hotel				\$113.06

Total Invoice: \$3,553.96

B.U. 11000

Rodney Huerter 4/26/11
Rodney Huerter Date

Environmental Legacy Matter
Agreement on File with WWA
Director of Environmental Affairs.

Approved \$ 3,553.96

[Former coding: 99830.212566.44 Ref 2 3063]

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1099 -



Customer Bill

page 1 of 2

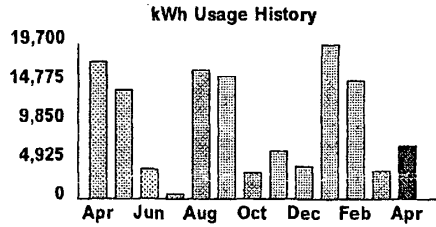
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0015373 01 AT 0.362 011 **AUTO **R005



ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number	785 459 6116
Total due	\$1,259.35
Current charges past due after	May 9
Thank you for your payment	Apr 6 \$907.23
Usage period	Mar 23 - Apr 21
This bill was mailed on	April 25, 2011



Usage	
Meter number	TE0949
Readings: Apr 21	42106
Mar 23	41824
Meter constant	25
kWh usage	7050
Days in period	29
Average kWh per day	243
Total Peak Registration	
On-peak KW	Mar 29 at 7:00 am 24.00
Off-peak KW	Mar 28 at 2:00 pm 24.75

Job # 123

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
PUMP - 29 Days

Basic customer charge			21.00
On-peak KWH	2,525 kwh	x \$0.05664	143.0160
Off-peak KWH	4,525 kwh	x \$0.04461	201.8603
On-peak KW	24.00 kw	x \$7.48000	179.5200
Off-peak Excess kw charge	0.75 kw	x \$1.00000	0.7500
DSM/EE Opt-Out Credit			-8.9536

Pl. 5-2-11
CK# 4067

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Turn over for helpful phone numbers and customer service tips.

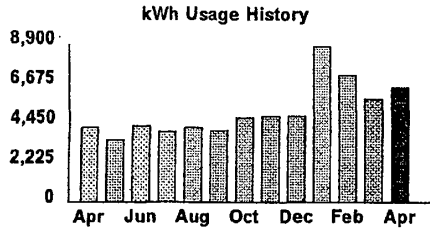
For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1100 -

Progress Energy

APRIL 25, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2



Usage	
Meter number	T76037
Readings: Apr 21	94886
Mar 23	- 94558
Meter constant	x 20
kWh usage	6560
Days in period 29	Average kWh per day 226
Actual kW Demand	20.00

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 ENVIRONMENTAL CLEANUP - 29 Days

Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10590	79.4250
	1,250 kwh x	\$0.08872	110.9000
	4,560 kwh x	\$0.08405	383.2680
Three phase service charge			9.00
DSM/EE Opt-Out Credit			-8.3312

ALS rate	850 WARREN WILSON COLLEGE RD - 29 Days		
	High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
	Area lighting	1 Light x	\$24.49 24.49
ALS rate	850 WARREN WILSON COLLEGE RD - 29 Days		
	High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
	Area lighting	3 Lights x	\$15.36 46.08
	DSM/EE Opt-Out Credit		-0.28
	REPS Adjustment		28.93
	3% North Carolina sales tax		36.68
	Total due		\$1,259.35

Current month Time-of-Use Savings for meter TE0949: \$ 89.63, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,656.98

This bill is subject to a 1% per month late payment charge after 05/19/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1101 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

June 7, 2011
Project No: 123
Invoice No: 123-83

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	5/19/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 516 miles x 0.65				\$335.40
Electric Bill				\$1,035.37

Task 02000 Quarterly Remediation Effectiveness Sampling

Contractor Laboratory	\$1,552.50
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Total Invoice: \$3,823.27

Rodney G. Huerter 6/15/11
Rodney Huerter Date

Approved \$3,823.27

BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

[Former Coding 99830.212544.44 Ref/2 3063]

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1102 -



Customer Bill

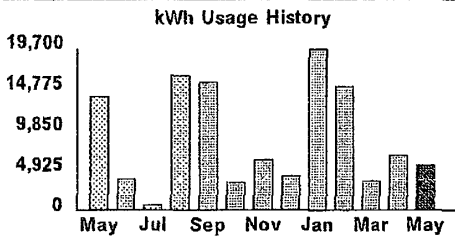
page 1 of 2 *B*

0017348 01 AT 0.362 011 **AUTO **R005



ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number	785 459 6116
Total due	\$1,035.37
Current charges past due after	Jun 7
Thank you for your payment	May 3 \$1,259.35
Usage period	Apr 21 - May 23
This bill was mailed on	May 24, 2011



Usage	
Meter number	TE0949
Readings: May 23	42338
Apr 21	- 42106
Meter constant	x 25
kWh usage	5800
Days in period	32
Average kWh per day	181
Total Peak Registration	
On-peak KW	May 19 at 2:15 pm 25.75
Off-peak KW	May 20 at 10:00 am 24.75

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
PUMP - 32 Days

Basic customer charge			21.00
On-peak KWH	2,100 kwh	x \$0.05664	118.9440
Off-peak KWH	3,700 kwh	x \$0.04461	165.0570
On-peak KW	25.75 kw	x \$7.48000	192.6100
DSM/EE Opt-Out Credit			-7.3660

Pd. 6-2-11
CK# 4108

Please detach here.

Turn over for helpful phone numbers and customer service tips.

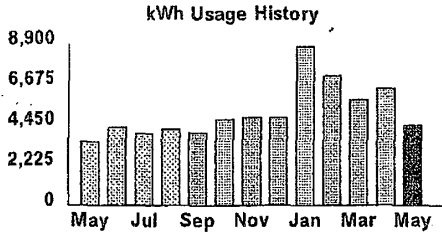
For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1103 -



MAY 24, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2



Usage	
Meter number	T76037
Readings: May 23	95111
Apr 21	- 94886
Meter constant	x 20
kWh usage	4500
Days in period	32
Average kWh per day	141
Actual kW Demand	18.80

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
 ENVIRONMENTAL CLEANUP - 32 Days

Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10590	79.4250
	1,250 kwh x	\$0.08872	110.9000
	2,500 kwh x	\$0.08405	210.1250
Three phase service charge			9.00
DSM/EE Opt-Out Credit			-5.7150

ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off			
Area lighting	1 Light x	\$24.49	24.49

ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days

High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off			
Area lighting	3 Lights x	\$15.36	46.08
DSM/EE Opt-Out Credit			-0.28
REPS Adjustment			28.93
3% North Carolina sales tax			30.16
Total due			\$1,035.37

Current month Time-of-Use Savings for meter TE0949: \$ 33.10, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,323.66

This bill is subject to a 1% per month late payment charge after 06/17/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1104 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

July 11, 2011
Project No: 123
Invoice No: 123-84

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	6/20/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 567 miles x 0.65				\$368.55
Electric Bill				\$989.32
Supplies				\$73.75

Total Invoice: \$2,331.62

Rodney Huerter 7/15/11
Rodney Huerter Date

Approved \$2,331.62

BU 11000

[former: 99830.212586.44 Ref 23063]

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

**Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.**

- Doc. Ex. 1105 -



Customer Bill

page 1 of 3

0017366 01 AT 0.362 011 **AUTO **R005



ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116

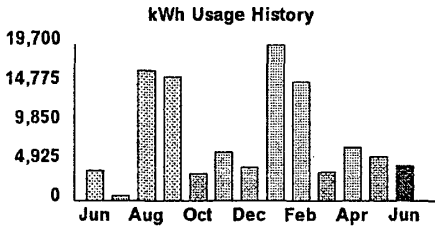
Total due \$989.32

Current charges past due after Jul 11

Thank you for your payment Jun 3 \$1,035.37

Usage period May 23 - Jun 24

This bill was mailed on June 27, 2011



*Pl. 6-29-11
CK# 4137*

Usage

Meter number TE0949

Readings: Jun 24 42521

May 23 - 42338

Meter constant x 25

kWh usage 4575

Days in period 32 Average kWh per day 143

Total Peak Registration

On-peak KW Jun 20 at 3:45 pm 25.25

On-peak KW May 26 at 10:00 pm 5.50

Off-peak KW Jun 21 at 6:30 am 24.75

Off-peak KW May 29 at 6:30 am 5.50

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
PUMP - 32 Days

Basic customer charge 21.00

Non-summer, May 23 - May 31

On-peak KWH 375 kwh x \$0.05664 21.2400

Off-peak KWH 750 kwh x \$0.04461 33.4575

On-peak KW at .2273 proration 5.50 kw x \$7.48000 9.3511

Summer, June 01 - June 24

On-peak KWH 1,275 kwh x \$0.05664 72.2160

Off-peak KWH 2,175 kwh x \$0.04461 97.0268

On-peak KW at .7727 proration 25.25 kw x \$10.10000 197.0578

DSM/EE Opt-Out Credit -5.8104

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Total due \$989.32

Current month Time-of-Use Loss for meter TE0949: \$ 23.60, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,174.20

This bill is subject to a 1% per month late payment charge after 07/21/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1106 -

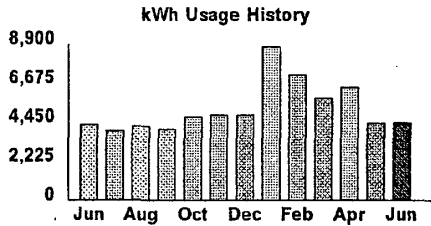
Progress Energy

JUNE 27, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 3

Total SGS-TOU Rate Billing	445.54
----------------------------	--------

On-peak kw proration factor				
Non-summer	on-peak kwh	375 kwh /	1,650 kwh	.2273
Summer	on-peak kwh	1,275 kwh /	1,650 kwh	.7727
Total on-peak kwh		1,650		



Usage	
Meter number	T76037
Readings: Jun 24	95336
May 23	- 95111
Meter constant	x 20
kWh usage	4500
Days in period 32	Average kWh per day 141
Actual kW Demand	19.00

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOA ENVIRONMENTAL CLEANUP - 32 Days			
Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10590	79.4250
	1,250 kwh x	\$0.08872	110.9000
	2,500 kwh x	\$0.08405	210.1250
Three phase service charge			9.00
DSM/EE Opt-Out Credit			-5.7150

ALS rate	850 WARREN WILSON COLLEGE RD - 32 Days		
	High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
	Area lighting	1 Light x	\$24.49 24.49

ALS rate	850 WARREN WILSON COLLEGE RD - 32 Days		
	High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
	Area lighting	3 Lights x	\$15.36 46.08
	DSM/EE Opt-Out Credit		-0.28
	REPS Adjustment		28.93
	3% North Carolina sales tax		28.82
	Total due		\$989.32

Current month Time-of-Use Loss for meter TE0949: \$ 23.60, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,174.20

This bill is subject to a 1% per month late payment charge after 07/21/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1107 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

August 3, 2011
Project No: 123
Invoice No: 123-85

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	7/20/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 630 miles x 0.65:				\$409.50
Electric Bill				\$821.13

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	7/21/11	10.00	\$75.00	\$750.00
Jimmy Hair: Project level Professional I	7/22/11	6.00	\$75.00	\$450.00
Reimbursable Expenses				
Hotel and Expenses:				\$152.58
Clearing Activities:				\$650.00

Total Invoice: \$4,133.21

Rodney G. Huerter 8/19/11
Rodney Huerter Date

approved \$4,133.21

BU 11000

Environmental Legacy Matter.
Agreement on File with WWA
Director of Environmental Affairs.

(former: 99830-212546-44 Ref 2 3063)
Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1108 -



Customer Bill

hosted
page 1 of 2

Account number 785 459 6116
Total due \$821.13
Current charges past due after Aug 11
 Thank you for your payment Jun 30 \$989.32
 Usage period Jun 24 - Jul 26
 This bill was mailed on July 28, 2011

0021486 01 AY 0.337 011 **AUTO**R005

ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VWNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

kWh Usage History



Usage

Meter number TEC0949
 Readings: Jul 26 42691
 Jun 24 42521
 Meter constant x 25
kWh usage 4250
 Days in period 32 Average kWh per day 133
 Total Peak Registration
 On-peak KW Jul 21 at 9:30 pm 5.50
 Off-peak KW Jun 30 at 4:45 am 5.50

Billing

850 WARREN WILSON COLLEGE RD , SWANNANOVA
 PUMP - 32 Days

Basic customer charge 21.00
 On-peak KWH 1,375 kwh x \$0.05664 77.8800
 Off-peak KWH 2,875 kwh x \$0.04451 128.2538
 On-peak KW 5.50 kw x \$10.10000 55.5500
 DSM/EE Opt-Out Credit -5.3976

Pd. 8-1-11
CK# 4177

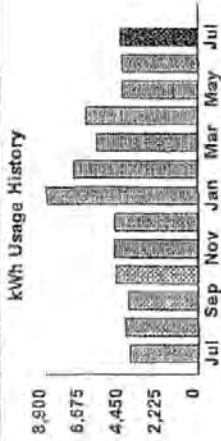
Please detach here. Turn over for helpful phone numbers and customer service tips.

1-16



JULY 25, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 8116

page 2 of 2



Usage
 Meter number 776037
 Readings: Jul 26 95564
 Jun 24 95336
 Meter constant x 20
kWh usage 4560
 Days in period 32 Average kWh per day 143
 Actual kW Demand 18.80

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD, SWANNANOVA
 ENVIRONMENTAL CLEANUP - 32 Days

Basic customer charge		12.00
Energy charge	750 kwh x \$0.10580	79.4250
	1,250 kwh x \$0.08872	110.9000
	2,580 kwh x \$0.08405	215.1880
Three phase service charge		9.00
DSM/EE Opt-Out Credit		-5.7912

ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days
 High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off
 Area lighting 1 Light x \$24.49 24.49

ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days
 High Pressure Sodium lights, 88 kwh, 22000 lumens, enclosed cut-off
 Area lighting 3 Lights x \$15.36 46.08

DSM/EE Opt-Out Credit		-0.28
REPS Adjustment		28.93
3% North Carolina sales tax		23.92
Total due		\$27.15

Current month Time-of-Use Savings for meter TE0949: \$ 117.75, as compared with rate SGS
 Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,292.19
 This bill is subject to a 1% per month late payment charge after 08/22/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on **1047** account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1110 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

September 8, 2011
Project No: 123
Invoice No: 123-86

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	8/25/11	10.0	\$75.00	\$750.00
Jimmy Hair: Staff level Professional I	8/26/11	6.0	\$75.00	\$450.00

Reimbursable Expenses

Mileage – 592 miles x 0.65	\$384.80
Electric Bill	\$756.14
Supplies	\$994.69

Task 02000 Quarterly Remediation Effectiveness Sampling

Contractor	
Laboratory	\$1,552.50

Total Invoice: \$4,888.13

Rodney G. Huerter 9/14/11
Rodney Huerter Date

Approved \$ 4,888.13

BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

(prior coding: 99 830. 212546. 44 Ref 2 3063)

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1111 -



POSTED
B

Accounts Payable MINERAL SPRINGS 4600 MINERAL SPRINGS LANE RALEIGH, NC 27616 US		Invoice Invoice Number: 12665106 Date: August 12, 2011 Currency: USD Project: AD&F Purchase Order Number: Lab Project ID: 311019551
--	--	--

Item	Description	Quantity	Unit Price	Amount
SW8260-W	VOA, SW8260, Standard List W	15	90.00	1,350.00
Total Amount USD				1,350.00

Additional Information:

* None *

Project Comments:

* None *

Job #123

Please Remit Checks to:
 CITIBANK - NEW CASTLE, DELAWARE - PO BOX 2502, CAROL STREAM, IL 60132-2502

Please Remit Wires Transfers & ACH Payments To:
 CITIBANK - NEW CASTLE, DELAWARE
 ACCOUNT #3880-5189 ABA #031100209 SWIFT CODE: CITIUS33

PLEASE INCLUDE INVOICE # INFORMATION WITH ALL WIRE REMITTANCES. FOR PAYMENTS BY CHECK PLEASE INCLUDE WITH YOUR PAYMENT THE INVOICE # DETAIL BEING PAID. ALSO SEND AN EMAIL TO US.ARGROUP@sgs.com NOTIFYING OF REMITTANCE.

Print Date: 08/18/2011

Federal Tax ID 13-3041390

SGS North America Inc. | 5500 Business Drive, Wilmington, NC 28405
t. 910.350.1903 f. 910.350.1557 www.us.sgs.com

Member of SGS Group

- Doc. Ex. 1112 -



Customer Bill

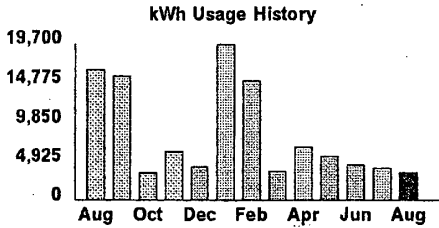
page 1 of 2

0017189 01 AT 0.362 011 **AUTO **R005



ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH, NC 27616-8814

Account number	785 459 6116
Total due	\$756.14
Current charges past due after	Sep 8
Thank you for your payment	Aug 3 \$821.13
Usage period	Jul 26 - Aug 23
This bill was mailed on	August 25, 2011



Usage		
Meter number		TE0949
Readings: Aug 23		42840
Jul 26	-	42691
Meter constant	x	25
kWh usage		3725
Days in period	28	Average kWh per day 133
Total Peak Registration		
On-peak KW	Jul 27 at 10:15 am	5.50
Off-peak KW	Jul 29 at 7:00 am	5.50

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 28 Days

Basic customer charge		21.00
On-peak KWH	1,325 kwh x \$0.05664	75.0480
Off-peak KWH	2,400 kwh x \$0.04461	107.0640
On-peak KW	5.50 kw x \$10.10000	55.5500
DSM/EE Opt-Out Credit		-4.7308

*Pd-9-1-11
 CK# 4208*

Please detach here.

Turn over for helpful phone numbers and customer service tips.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

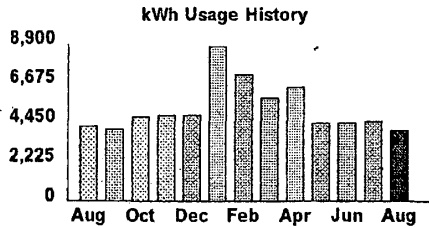
From October 1-March 31, time-of-use off-peak hours are 1pm-4pm and 9pm-6am, Monday-Friday. Off-peak days are weekends and these holidays: Thanksgiving Day and the day after, Christmas, and New Year's. When one of the above holidays falls on a Saturday, the Friday before the holiday will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1113 -



AUGUST 25, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2



Usage

Meter number	T76037
Readings: Aug 23	95768
Jul 26	95564
Meter constant	x 20
kWh usage	4080
Days in period 28	Average kWh per day 146
Actual kW Demand	6.20

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 ENVIRONMENTAL CLEANUP - 28 Days

Basic customer charge		12.00
Energy charge	750 kwh x \$0.10590	79.4250
	1,250 kwh x \$0.08872	110.9000
	2,080 kwh x \$0.08405	174.8240
Three phase service charge		9.00
DSM/EE Opt-Out Credit		-5.1816

ALS rate

850 WARREN WILSON COLLEGE RD - 28 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off Area lighting	1 Light x \$24.49	24.49
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ALS rate

850 WARREN WILSON COLLEGE RD - 28 Days

High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off Area lighting	3 Lights x \$15.36	46.08
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DSM/EE Opt-Out Credit		-0.28
REPS Adjustment		28.93
3% North Carolina sales tax		22.02
Total due		\$756.14

Current month Time-of-Use Savings for meter TE0949: \$ 97.65, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,002.42

This bill is subject to a 1% per month late payment charge after 09/19/2011.

For your information

Progress Energy Carolinas does not discriminate on the basis of race, color, national origin, sex, disability, or age. For more information, contact the Office of Civil Rights and Diversity, US Dept. of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

From October 1-March 31, time-of-use off-peak hours are 1pm-4pm and 9pm-6am, Monday-Friday. Off-peak days are weekends and these holidays: Thanksgiving Day and the day after, Christmas, and New Year's. When one of the above holidays falls on a Saturday, the Friday before the holiday will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1114 -

Submitted 10/14



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

October 3, 2011
Project No: 123
Invoice No: 123-87

Mr. Rodney Hueter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	9/22/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 567 miles x 0.65				\$368.55
Electric Bill				\$1,005.75

Total Invoice: \$2,274.30

Rodney Hueter 10/13/11
Rodney Hueter Date

approved \$2,274.30

BU 11000

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

(Prior Billing: 99830212546.44 Ref 2-3063)
Thank you for your business!

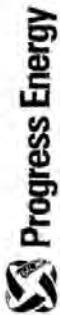
Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1115 -

Poster B
page 1 of 2

Customer Bill



0017220 01 AT 0.362 011 **AUTO **R0005
ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Job# 123

Account number 785 459 6116
Total due **\$1,005.75** Oct 7
Current charges past due after
Thank you for your payment Sep 6 \$756.14
Usage period Aug 23 - Sep 22
This bill was mailed on September 23, 2011

kWh Usage History



Usage
 Meter number TE0949
 Readings: Sep 22 43007
 Aug 23 42840
 Meter constant x 25
 kWh usage **4175**
 Days in period 30 Average kWh per day 139
 Total Peak Registration
 On-peak KW Aug 26 at 12:15 pm 25.00
 Off-peak KW Aug 28 at 11:00 pm 24.25

Billing

850 WARREN WILSON COLLEGE RD, SWANNANOVA
PUMP - 30 Days

Basic customer charge	21.00
On-peak KWH	1,550 kWh x \$0.05664 87.7920
Off-peak KWH	2,625 kWh x \$0.04461 117.1013
On-peak KW	25.00 kw x \$10.10000 252.5000
DSM/EE Opt-Out Credit	-5.3023

Pd. 10-3-11
CK# 4239

Please detach here.

Turn over for helpful phone numbers and customer service tips.

1053

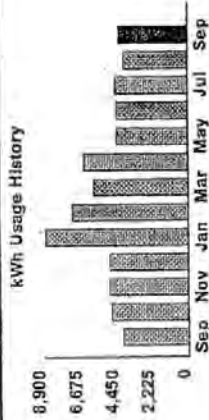
HC-WASCO LLC 00365

- Doc. Ex. 1116 -



SEPTEMBER 23, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 458 8116

page 2 of 2



Usage
 Meter number 776037
 Readings: Sep 22 95986
 Aug 23 95768
 Meter constant x 20
kWh usage 4360
 Days in period 30 Average kWh per day 145
 Actual kW Demand 17.80

Billing
 SGS rate
 850 WARREN WILSON COLLEGE RD, SWANNANOA
 ENVIRONMENTAL CLEANUP - 30 Days

Basic customer charge	750 kWh x \$0.10590	79.4250
Energy charge	1,250 kWh x \$0.08872	110.9000
Three phase service charge	2,380 kWh x \$0.08405	198.3580
DSM/EE Opt-Out Credit		9.00
		-5.5372
ALS rate		
850 WARREN WILSON COLLEGE RD - 30 Days		
High Pressure Sodium light, 152 kw, 50000 lumens, enclosed cut-off	1 Light x \$24.49	24.49
Area lighting		
ALS rate		
850 WARREN WILSON COLLEGE RD - 30 Days		
High Pressure Sodium lights, 86 kw, 22000 lumens, enclosed cut-off	3 Lights x \$15.36	46.08
Area lighting		
DSM/EE Opt-Out Credit		-0.28
REPS Adjustment		28.93
3% North Carolina sales tax		29.29

Current month Time-of-Use Loss for meter TE0948: \$ 84.26, as compared with rate SGS
 Current twelve month Time-of-Use Savings for meter TE0948: \$ 1,555.74
 This bill is subject to a 1% per month late payment charge after 10/17/2011.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-328-3344.
 From October 1-March 31, time-of-use off-peak hours are 1pm-4pm and 9pm-6am, Monday-Friday.
 Off-peak days are weekends and these holidays: Thanksgiving Day and the day after, Christmas, and New Year's. When one of the above holidays falls on a Saturday, the Friday before the holiday will be

- Doc. Ex. 1117 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

November 1, 2011
 Project No: 123
 Invoice No: 123-88

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	10/25/11	4.0	\$75.00	\$300.00
Reimbursable Expenses				
Mileage - 567 miles x 0.65				\$368.55
Electric Bill				\$1,013.62

Task 02000 Quarterly Remediation Effectiveness

Professional Personnel	Date	Hours	Rate	Amount
Kirk Pollard: Staff level Professional I	10/25/10	12.0	\$65.00	\$780.00
Kirk Pollard: Staff level Professional I	10/26/10	11.0	\$65.00	\$715.00
Kirk Pollard: Staff level Professional I	10/27/10	11.0	\$65.00	\$715.00
Jimmy Hair: Project level Professional I	10/24/10	4.00	\$75.00	\$300.00
Jimmy Hair: Project level Professional I	10/25/10	8.00	\$75.00	\$600.00
Jimmy Hair: Project level Professional I	10/26/10	9.00	\$75.00	\$675.00
Jimmy Hair: Project level Professional I	10/27/10	9.00	\$75.00	\$675.00
Reimbursable Expenses				
Hotel and Meals				\$713.10
Mileage - 728 miles x 0.65				\$473.20
Pumps - \$160.00/day x 3 days				\$480.00
Water level probe - \$10.00/day x 3 days				\$30.00
Tubing				\$280.00
Bailers - \$20.00/bailer x 6				\$120.00

Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Date	Hours	Rate	Amount
CADD	10/12/11	1.75	\$55.00	\$96.25
Senior Level Professional I	10/24/11	3.50	\$90.00	\$315.00
Senior Level Professional I	10/31/11	2.00	\$90.00	\$180.00

Total Invoice: \$8,829.72

Rodney Huerter 11/8/11
 Rodney Huerter Date

Thank you for your business! approved \$8,829.72

**Environmental Legacy Matter.
 Agreement on File with WNA
 Director of Environmental Affairs.**

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

**Legacy Matter.
 with WNA
 Environmental Affairs.**

*B.U. 11000
 (former coding 49830.212546.44 Ref 2 3063)*

1055

HC-WASCO LLC 00288

- Doc. Ex. 1118 -

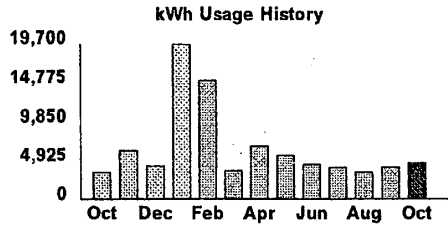


Customer Bill

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page 1 of 2

0017436 01 AT 0.362 011 **AUTO**R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$1,013.62
Current charges past due after Nov 8
 Thank you for your payment Oct 4 \$1,005.75
 Usage period Sep 22 - Oct 24
 This bill was mailed on October 25, 2011



Pd. 11-3-11 Job#123
CK# 4275

Usage
 Meter number TE0949
 Readings: Oct 24 43197
 Sep 22 - 43007
 Meter constant x 25
kWh usage 4750
 Days in period 32 Average kWh per day 148

Total Peak Registration
 On-peak KW Sep 23 at 11:45 am 25.75
 On-peak KW Oct 5 at 7:45 am 5.50
 Off-peak KW Sep 24 at 8:00 am 24.75
 Off-peak KW Oct 22 at 7:30 am 5.75

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD, SWANNANOA
 PUMP - 32 Days

Basic customer charge		21.00
Summer, September 22- September 30		
On-peak KWH	650 kwh x	\$0.05664 36.8160
Off-peak KWH	950 kwh x	\$0.04461 42.3795
On-peak KW at .3881 proration	25.75 kw x	\$10.10000 100.9351
Non-summer, October 1 - October 24		
On-peak KWH	1,025 kwh x	\$0.05664 58.0560
Off-peak KWH	2,125 kwh x	\$0.04461 94.7963
On-peak KW at .6119 proration	5.50 kw x	\$7.48000 25.1736
DSM/EE Opt-Out Credit		-6.0326

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Return portion

If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number
785 459 6116

Total due \$1,013.62
Current charges past due after Nov 8

Make checks payable and return to: Progress Energy Carolinas, Inc.
 Raleigh NC 27698-0001

017436 0

FORM VER. 002
 11/02 REV. 01/00

7854596116 2452 451 00000000 000101362 000101362 7854596116 3

- Doc. Ex. 1119 -



OCTOBER 25, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

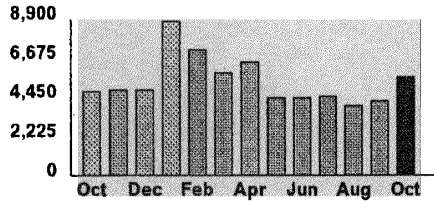
page 2 of 2

Total SGS-TOU Rate Billing 373.12

On-peak kw proration factor

Non-summer	on-peak kwh	1,025 kwh /	1,675 kwh	.6119
Summer	on-peak kwh	650 kwh /	1,675 kwh	.3881
Total on-peak kwh		1,675		

kWh Usage History



Usage

Meter number	T76037
Readings: Oct 24	96269
Sep 22	- 95986
Meter constant	x 20
kWh usage	5660
Days in period	32
Average kWh per day	177
Actual kW Demand	19.20

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
 ENVIRONMENTAL CLEANUP - 32 Days

Basic customer charge		12.00
Energy charge	750 kwh x \$0.10590	79.4250
	1,250 kwh x \$0.08872	110.9000
	3,660 kwh x \$0.08405	307.6230
Three phase service charge		9.00
DSM/EE Opt-Out Credit		-7.1882

ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off Area lighting	1 Light x \$24.49	24.49
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ALS rate

850 WARREN WILSON COLLEGE RD - 32 Days

High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off Area lighting	3 Lights x \$15.36	46.08
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DSM/EE Opt-Out Credit		-0.28
REPS Adjustment		28.93
3% North Carolina sales tax		29.52
Total due		\$1,013.62

Current month Time-of-Use Savings for meter TE0949: \$ 63.31, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 1,505.77

This bill is subject to a 1% per month late payment charge after 11/18/2011.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1120 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

December 4, 2011
Project No: 123
Invoice No: 123-89

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	11/30/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 685 miles x 0.65				\$445.25
Electric Bill				\$776.96

Task 02000 Quarterly Remediation Effectiveness

Contractor	
Laboratory	\$3,910.00

Total Invoice: \$6,032.21

Rodney G. Huerter 12/13/11
Rodney Huerter Date

approved \$ 6,032.21

B.U. 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

(former coding 99830.212546.44 Ref 2 3063)

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1121 -



6020-419 01 AT 0.362 011 **AUTO **R005
ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

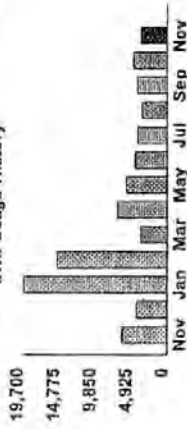
Customer Bill

Posted B
page 1 of 2

Account number 785 459 6116
Total due \$776.96
Current charges past due after Dec 12
Thank you for your payment Nov 7 \$1,013.62
Usage period Oct 24 - Nov 22
This bill was mailed on November 28, 2011

Job #123

kWh Usage History



Usage
Meter number TE0949
Readings: Nov 22 43354
Oct 24 43197
Meter constant x 25
kWh usage 3925
Days in period 29 Average kWh per day 135
Total Peak Registration
On-peak KW Nov 18 at 7:30 am 5.75
Off-peak KW Nov 18 at 5:15 am 5.75

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
PUMP - 28 Days

Basic customer charge 21.00
On-peak KWH 1,400 kWh x \$0.05664 79.2960
Off-peak KWH 2,525 kWh x \$0.04461 112.6403
On-peak KW 5.75 kw x \$7.48000 43.0100
DSM/EE Opt-Out Credit -4.9848

Pd. 12-5-11
CK# 4311

Please detach here.

Turn over for helpful phone numbers and customer service tips.

1059

HC-WASCO LLC 00361

- Doc. Ex. 1122 -



NOVEMBER 26, 2011
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2



Usage
 Meter number 176037
 Readings: Nov 22 96487
 Oct 24 96269
 Meter constant x 20
kWh usage 4360
 Days in period 29 Average kWh per day 150
 Actual kW Demand 19.00

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD, SWANNANOVA
 ENVIRONMENTAL CLEANUP - 28 Days

Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10590	79.4250
	1,250 kwh x	\$0.08872	110.9000
	2,360 kwh x	\$0.08405	198.3580
Three phase service charge			9.00
DSM/EE Opt-Out Credit			-5.5372

ALS rate

850 WARREN WILSON COLLEGE RD - 29 Days
 High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off
 Area lighting

	1 Light x	\$24.49	24.49
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ALS rate

850 WARREN WILSON COLLEGE RD - 28 Days
 High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off
 Area lighting

	3 Lights x	\$15.36	46.08
DSM/EE Opt-Out Credit			-0.28
REPS Adjustment			28.93
3% North Carolina sales tax			22.63

Current month Time-of-Use Savings for meter TE0948: \$ 117.18, as compared with rate SGS
 Current twelve month Time-of-Use Savings for meter TE0949: \$ 1,539.27
 This bill is subject to a 1% per month late payment charge after 12/22/2011.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-328-3344.
 Progress Energy will be closed on November 24 and 25, 2011. You may visit progress-energy.com for self service options. To report an outage, please call our outage line at 1.800.419.6356.

170

HC-WASCO LLC ~1362

- Doc. Ex. 1123 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

January 6, 2012
Project No: 123
Invoice No: 123-90

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	12/14/11	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 567 miles x 0.65				\$368.55
Electric Bill				\$819.82

Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Date	Hours	Rate	Amount
Staff Professional I	12/20/11	2.00	\$65.00	\$130.00

Total Invoice: \$2,218.37

Rodney Huerter 1/11/12
Rodney Huerter Date
approved \$2,218.37

BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

(Former coding 99830.212546.44 Ref 2 3063)

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

- Doc. Ex. 1124 -



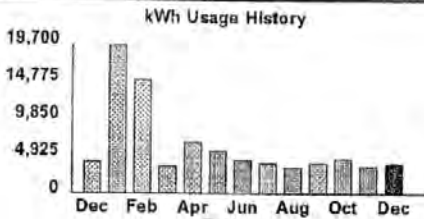
Customer Bill

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page 1 of 3

0018746 01 AT 0.362 011 **AUTO **R005

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$819.82
Current charges past due after Jan 11
Thank you for your payment Dec 6 \$778.96
Usage period Nov 22 - Dec 22
This bill was mailed on December 28, 2011



Usage
Meter number TE0949
Readings: Dec 22 43520
Nov 22 - 43354
Meter constant x 25
kWh usage 4150
Days in period 30 Average kWh per day 138
Total Peak Registration
On-peak KW Dec 1 at 7:00 am 5.75
Off-peak KW Dec 11 at 4:30 am 5.75

PD. 1-3-12
CK# 4329

Billing
IGS-TOU rate

850 WARREN WILSON COLLEGE RD, SWANNANOA
PUMP - 30 Days

Job# 123

low rate service

Charges if new rates applied for entire usage period

Basic customer charge	21.00
On-peak KWH	1,400 kwh x \$0.05940 83.1600
Off-peak KWH	2,750 kwh x \$0.04737 130.2675
On-peak KW	5.75 kw x \$7.48000 43.0100
New Rate Subtotal	277.4375

old rate service

Charges if old rates applied for entire usage period

Basic customer charge	21.00
On-peak KWH	1,400 kwh x \$0.05664 79.2960
Off-peak KWH	2,750 kwh x \$0.04461 122.6775
On-peak KW	5.75 kw x \$7.48000 43.0100
Old Rate Subtotal	265.9835

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Energy charge	- 100 KWH x \$0.10000 10.0000
	1,250 kwh x \$0.08872 110.9000
	2,400 kwh x \$0.08405 201.7200
Three phase service charge	9.00
Old Rate Subtotal	413.0450
Proration of charges	
New Rate	Dec 1 thru Dec 22 \$428.93 x 0.70000 300.2503
Old Rate	Nov 22 thru Dec 1 \$413.05 x 0.30000 123.9135
DSM/EE Opt-Out Credit	-7.5900

- Doc. Ex. 1125 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

February 6, 2012
Project No: 123
Invoice No: 123-91

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	2/1/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 592 miles x 0.65				\$384.80
Electric Bill				\$881.98
Supplies				\$1,335.79

Task 02000 Quarterly Remediation Effectiveness

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	1/31/12	12.00	\$75.00	\$900.00
Reimbursable Expenses				
Hotel and Meals				\$252.20
Bailers - \$20.00/bailer x 15				\$300.00

Total Invoice: \$4,954.77

Rodney G. Huerter 2/22/12
Rodney Huerter Date
approved \$ 4,954.77

Environmental Legacy Matter.
Agreement on File with WWA
Director of Environmental Affairs.

BU 11000

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former Cochran: 99890.212546.44 Ref 2 3063)

1063

HC-WASCO LLC 00353

- Doc. Ex. 1126 -



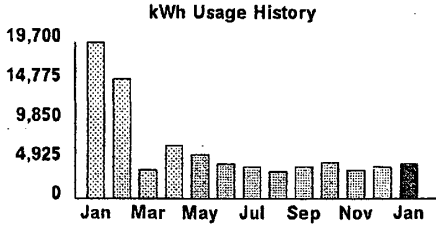
Customer Bill

page 1 of 2

0019779 01 AT 0.371 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VWNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$881.98
Current charges past due after Feb 8
 Thank you for your payment Jan 4 \$819.82
 Usage period Dec 22 - Jan 24
 This bill was mailed on January 25, 2012

Job #123



Usage
 Meter number TE0949
 Readings: Jan 24 43702
 Dec 22 - 43520
 Meter constant x 25
kWh usage 4550
 Days in period 33 Average kWh per day 138

Total Peak Registration
 On-peak KW Jan 4 at 7:15 am 6.00
 Off-peak KW Jan 4 at 5:00 am 5.75

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
 PUMP - 33 Days

Basic customer charge			21.00
On-peak KWH	1,450 kwh x	\$0.05940	86.1300
Off-peak KWH	3,100 kwh x	\$0.04737	146.8470
On-peak KW	6.00 kw x	\$7.48000	44.8800
DSM/EE Opt-Out Credit			-8.7360

Pd. 1-30-12
ck# 4365

Please detach here.

Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1127 -

Rolesville Equipment Company

PO Box 549
Rolesville, NC 27571

B Posted
Invoice

Date	Invoice #
1/12/2012	SO1945

Bill To
Mineral Springs Environmental 4600 Mineral Springs Lane Raleigh, NC 27616

Job #123

P.O. No.		Terms	Due Date	
Verbal - J. Hair		Net 30	2/11/2012	
Description	Part Number	Qty.	Rate	Amount
FOR QMT-15				
Air Filter	128849E362-REC	1	15.00	15.00T
Oil Filter	128598-REC	1	48.00	48.00T
Separator	129881-001-REC	1	145.00	145.00T
Food Grade Oil, 5 gallons	RotoSyn FG-5	1	265.00	265.00T
FOR OSB-30				
Air Filters	234581-1-REC	1	45.00	45.00T
Oil Filter	128381-050-REC	1	43.00	43.00T
Separator, primary	127138-002-REC	1	120.00	120.00T
Separator, secondary	127139-001-REC	1	105.00	105.00T
Food Grade Oil, 5 gallons	RotoSyn FG-5	1	265.00	265.00T
Freight			39.62	39.62
Quincy Air Compressors QMT-15 s/n: 84408 OSB-30 s/n: 913305-91330J Jobsite: Asheville				
Rolesville Equipment Company now accepts American Express, Master Card & Visa!			Subtotal	\$1,090.62
			Sales Tax (6.75%)	\$70.94
			Total	\$1,161.56
			Payments/Credits	\$0.00
			Balance Due	\$1,161.56

919-556-4342 - Office 919-562-4308 - Fax
919-369-4249 - 24 hr. Service

A Service Charge of 1.5% per Month (18% per year) Will Be Applied to All Past Due Accounts.

- Doc. Ex. 1128 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

March 5, 2012
Project No: 123
Invoice No: 123-92

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	2/22/12	14.0	\$75.00	\$1,050.00
Reimbursable Expenses				
Mileage - 517 miles x 0.65				\$336.05
Electric Bill				\$1,363.01
Supplies				\$71.07

Task 02000 Quarterly Remediation Effectiveness

Contractor	
Laboratory	\$1,466.25

Total Invoice: \$4,286.38

Rodney G. Huerter 4/17/12
Rodney Huerter Date

Approved \$ 4,286.38

BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830.212546.44 Ref 2 3063)

1066

HC-WASCO LLC 00349

- Doc. Ex. 1129 -



Customer Bill

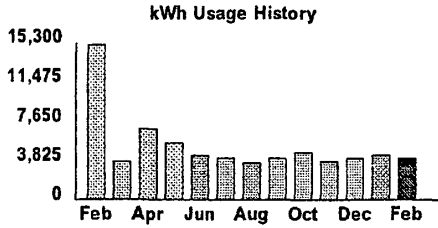
page 1 of 2

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0016717 01 AT 0.371 011 **AUTO **R005
ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$1,363.01
Current charges past due after Mar 8
Thank you for your payment Jan 31 \$881.98
Usage period Jan 24 - Feb 22
This bill was mailed on February 23, 2012

Job #123



Usage
Meter number TE0949
Readings: Feb 22 43868
Jan 24 - 43702
Meter constant x 25
kWh usage 4150
Days in period 29 Average kWh per day 143
Total Peak Registration
On-peak KW Feb 1 at 6:15 pm 27.00
Off-peak KW Feb 1 at 3:15 pm 25.00

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
PUMP - 29 Days

Basic customer charge			21.00
On-peak KWH	1,500 kwh x	\$0.05940	89.1000
Off-peak KWH	2,650 kwh x	\$0.04737	125.5305
On-peak KW	27.00 kw x	\$7.48000	201.9600
DSM/EE Opt-Out Credit			-7.9680

Pd. 3-5-12
CK#4404

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number
785 459 6116

Total due \$1,363.01
Current charges past due after Mar 8

Make checks payable and return to: Progress Energy Carolinas, Inc.
Raleigh NC 27698-0001

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167170

FORM VER. 002
11/98 REV. 01/00
01 - 1 AT

7854596116 9452 451 00000000 000136301 000136301 7854596116 3

- Doc. Ex. 1130 -



ENCO Cary
102-A Woodwinds Industrial Court
Cary, NC 27511
919.467.3090

INVOICE

Invoice To: Mineral Springs Environmental
Kirk Pollard
4600 Mineral Springs Lane
Raleigh, NC 27616

Invoice Number: C2B1619
Invoice Date: 16-Feb-12

Client Code: MI017
Client ID: Mineral Springs Environmental
Client PM: Kirk Pollard

Project: AD&F
Project Number: [none]
Date Received: 02-Feb-12

Job # 123

PO#:

Remit To:
Environmental Conservation Laboratories, Inc.
10775 Central Port Drive
Orlando, FL 32824

Invoiced by: BAS
Work Order(s): C201154

Terms: NET 30

Quantity	Analysis/Description	Matrix	Unit Cost	Extended Cost
15	8260B	Water	\$85.00	\$1,275.00
			Invoice Total:	\$1,275.00

Pursuant to ENCO Standard Terms and Conditions, a fee of 1.5% per month may be applied for late payment.

- Doc. Ex. 1131 -



4600 Mineral Springs Lane • Raleigh, NC.27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

April 5, 2012
Project No: 123
Invoice No: 123-93

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032.

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	3/14/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 537 miles x 0.65				\$349.05
Electric Bill				\$968.99

Total Invoice: \$2,218.04

Rodney G. Huerter 4/12/12
Rodney Huerter Date

Approved \$ 2,218.04

BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(Former coding 99830.212546.44 Ref 23063)
1069

- Doc. Ex. 1132 -



Customer Bill

POSTED 10
page 1 of 2

0018709 01 AT 0.371 011 **AUTO **R005



ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116

Total due \$968.99

Current charges past due after Apr 9

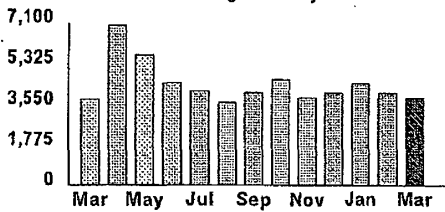
Thank you for your payment Mar 6 \$1,363.01

Usage period Feb 22 - Mar 22

This bill was mailed on March 23, 2012

Job# 123

kWh Usage History



Usage

Meter number TE0949

Readings: Mar 22 44027

Feb 22 - 43868

Meter constant x 25

kWh usage 3975

Days in period 29 Average kWh per day 137

Total Peak Registration

On-peak KW Feb 22 at 7:00 pm 26.25

Off-peak KW Feb 22 at 2:45 pm 24.50

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
PUMP - 29 Days

Basic customer charge			21.00
On-peak KWH	1,475 kwh	x \$0.05940	87.6150
Off-peak KWH	2,500 kwh	x \$0.04737	118.4250
On-peak KW	26.25 kw	x \$7.48000	196.3500
DSM/EE Opt-Out Credit			-7.6320

Pd. 3-26-12
CK# 4429

Please detach here.

Turn over for helpful phone numbers and customer service tips.

above holidays falls on a Saturday, the Friday before the Holiday will be considered on-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1133 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

May 10, 2012
Project No: 123
Invoice No: 123-94

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	4/24/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 537 miles x 0.65				\$349.05
Electric Bill				\$771.83

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	4/25/12	14.00	\$75.00	\$1,050.00
Reimbursable Expenses				
Hotel and Meals				\$136.65
Bailers - \$20.00/bailer x 15				\$300.00
Contractor				
Laboratory				\$1,466.25

Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Date	Hours	Rate	Amount
CADD	4/26/12	2.50	\$55.00	\$137.50
Senior Level Professional I	4/24/12	4.00	\$75.00	\$300.00
Senior Level Professional I	4/25/12	5.00	\$75.00	\$375.00

Task 08000 Project Management

Professional Personnel	Date	Hours	Rate	Amount
Senior Level Professional II	4/24/12	1.00	\$100.00	\$100.00
Senior Level Professional II	5/1/12	1.00	\$100.00	\$100.00

Total Invoice: \$5,986.28

Rodney Huerter 6/5/12
Rodney Huerter Date
approved \$5,986.28

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

BU 11000

(former: 99830.22546.44 Rel 2 2062)

- Doc. Ex. 1134 -



ENCO Cary
 102-A Woodwinds Industrial Court
 Cary, NC 27511
 919.467.3090

INVOICE

Invoice To:	Mineral Springs Environmental Kirk Pollard 4600 Mineral Springs Lane Raleigh, NC 27616	Invoice Number:	C2E1004
		Invoice Date:	10-May-12
Client Code:	MI017	Project:	AD&F
Client ID:	Mineral Springs Environmental	Project Number:	[none]
Client PM:	Kirk Pollard	Date Received:	26-Apr-12
PO#:			

Remit To:
 Environmental Conservation Laboratories, Inc.
 10775 Central Port Drive
 Orlando, FL 32824

Invoiced by: BAS
Work Order(s): C204842

Terms: NET 30

Quantity	Analysis/Description	Matrix	Unit Cost	Extended Cost
15	8260B	Water	\$85.00	\$1,275.00

Invoice Total: \$1,275.00

- Doc. Ex. 1135 -



Customer Bill

Posted B
page 1 of 2

0019287 01 AT 0.371 011 **AUTO **R005

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116

Total due \$771.83

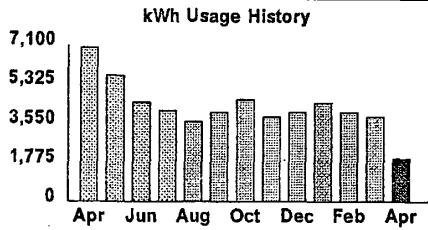
Current charges past due after May 10

Thank you for your payment Mar 27 \$968.99

Usage period Mar 22 - Apr 24

This bill was mailed on April 26, 2012

Job #123



Usage

Meter number TE0949

Readings: Apr 24 44108

Mar 22 - 44027

Meter constant x 25

kWh usage 2025

Days in period 33 Average kWh per day 61

Total Peak Registration

On-peak KW Apr 3 at 9:45 pm 5.50

Off-peak KW Apr 2 at 8:00 am 5.50

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD, SWANNANOVA
PUMP - 33 Days

Basic customer charge 21.00

On-peak KWH 700 kwh x \$0.05940 41.5800

Off-peak KWH 1,325 kwh x \$0.04737 62.7653

On-peak KW 5.50 kw x \$7.48000 41.1400

DSM/EE Opt-Out Credit -3.8880

Pd 5-7-12
CK# 4472

Please detach here.

Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1136 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

June 12, 2012
Project No: 123
Invoice No: 123-95

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	5/8/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 568 miles x 0.65				\$369.20
Electric Bill				\$855.77

Total Invoice: \$2,124.97

Rodney Huerter 7/24/12
Rodney Huerter Date

approved \$2,124.97

B U 11000

Environmental Legacy Matter.
Agreement on File with WWA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding: 99830-212546.1074 Ref 2 3063)

- Doc. Ex. 1137 -



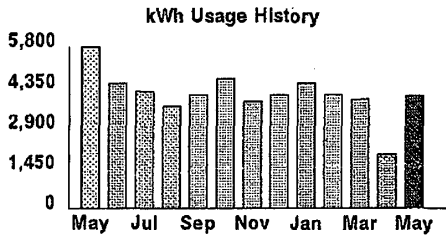
Customer Bill

Posted
page 1 of 2

0017170 01 AT 0.371 011 **AUTO **R006
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4800 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$855.77
Current charges past due after Jun 8
 Thank you for your payment May 8 \$771.83
 Usage period Apr 24 - May 24
 This bill was mailed on May 25, 2012

Job#123



Usage
 Meter number TE0949
 Readings: May 24 44272
 Apr 24 - 44108
 Meter constant x 25
kWh usage 4100
 Days in period 30 Average kWh per day 137

Total Peak Registration
 On-peak KW Apr 25 at 10:15 am 5.75
 Off-peak KW May 11 at 7:15 am 5.75

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 30 Days

Basic customer charge			21.00
On-peak KWH	1,475 kwh x	\$0.05940	87.6150
Off-peak KWH	2,625 kwh x	\$0.04737	124.3463
On-peak KW	5.75 kw x	\$7.48000	43.0100
DSM/EE Opt-Out Credit			-7.8720

Pl. 6-4-12
CK# 4505

Please detach here.

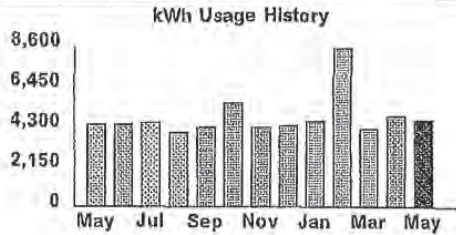
Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1138 -



MAY 25, 2012
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 8116

page 2 of 2



Usage	
Meter number	T78037
Readings: May 24	98064
Apr 24	97830
Meter constant	20
kWh usage	4680
Days in period 30	Average kWh per day 156
Actual kW Demand	19.20

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 ENVIRONMENTAL CLEANUP - 30 Days

Basic customer charge		12.00
Energy charge	750 kwh x \$0.10951	82.1325
	1,250 kwh x \$0.09233	115.4125
	2,680 kwh x \$0.08766	234.9288
Three phase service charge		9.00
DSM/EE Opt-Out Credit		-8.9856

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off Area lighting	1 Light x \$25.42	25.42
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ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days

High Pressure Sodium lights, 88 kwh, 22000 lumens, enclosed cut-off Area lighting	3 Lights x \$15.89	47.67
--	--------------------	-------

DSM/EE Opt-Out Credit -0.36

REPS Adjustment 45.52

3% North Carolina sales tax 24.93

Total due \$856.77

Current month Time-of-Use Savings for meter TE0949: \$ 126.66, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 678.39

This bill is subject to a 1% per month late payment charge after 06/18/2012.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-328-3344.

- Doc. Ex. 1139 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

July 15, 2012
Project No: 123
Invoice No: 123-96

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program			
Professional Personnel	Date	Hours	Rate
Jimmy Hair: Staff level Professional I	6/14/12	12.0	\$75.00
Reimbursable Expenses			
Mileage - 568 miles x 0.65			\$369.20
Electric Bill			\$873.92

Total Invoice: \$2,143.12

Rodney Huerter 7/24/12
Rodney Huerter Date

Approved \$ 2,143.12

BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(Former Coord. 99830-212 546.44 Rel 2 3063)

- Doc. Ex. 1140 -



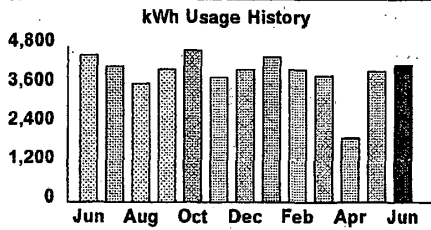
Customer Bill

B Posted
page 1 of 2

0012927 01 AT 0.371 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4800 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$873.92
 Current charges past due after Jul 10
 Thank you for your payment Jun 5 \$855.77
 Usage period May 24 - Jun 25
 This bill was mailed on June 26, 2012

Job #123



Pd. 6-28-12
 CK# 4524

Usage
 Meter number TE0949
 Readings: Jun 25 44444
 May 24 - 44272
 Meter constant x 25
kWh usage 4300
 Days in period 32 Average kWh per day 134

Total Peak Registration

On-peak KW	Jun 6 at 9:30 pm	5.50
On-peak KW	May 24 at 10:00 pm	5.50
Off-peak KW	Jun 3 at 4:00 am	5.75
Off-peak KW	May 26 at 6:30 am	5.75

Billing
 SGS TOU rate

850 WARREN WILSON COLLEGE RD, SWANNANOVA
 PUMP 32 Days

Basic customer charge			21.00
Non-summer, May 24 - May 31			
On-peak KWH	325 kwh x	\$0.05940	19.3050
Off-peak KWH	675 kwh x	\$0.04737	31.9748
On-peak KW at .2321 proration	5.50 kw x	\$7.48000	9.5486
Summer, June 01 - June 25			
On-peak KWH	1,075 kwh x	\$0.05940	63.8550
Off-peak KWH	2,225 kwh x	\$0.04737	105.3983
On-peak KW at .7679 proration	5.50 kw x	\$10.10000	42.8568
Off-peak Excess kw charge	0.25 kw x	\$1.00000	0.2500
DSM/EE Opt-Out Credit			-8.2560

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Total due \$873.92

Current month Time-of-Use Savings for meter TE0949: \$ 126.18, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 828.17

This bill is subject to a 1% per month late payment charge after 07/20/2012.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1141 -



8/31/12 3:15 pm CST v-mail to Kirk Pollard - quarterly monitoring should cease and we should only be conducting semiannual unless some other directive from the State otherwise. Robb

4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

August 7, 2012
Project No: 123
Invoice No: 123-97

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	7/11/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 618 miles x 0.65				\$401.70
Electric Bill				\$869.01
Supplies				\$1,391.21

Task 02000 Quarterly Remediation Effectiveness Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	7/12/12	10.00	\$75.00	\$750.00
Jimmy Hair: Project level Professional I	7/13/12	7.00	\$75.00	\$525.00
Reimbursable Expenses				
Hotel and Meals				\$209.83
Bailers - \$20.00/bailer x 15				\$300.00
Clearing Activities				\$650.00
Contractor				
Laboratory				\$1,466.25

Total Invoice: \$7,463.00

Rodney Huerter 8/31/12
Rodney Huerter Date
approved \$7,463.00

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

BU 11000

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830.212546.44 Ref 2 3063)

- Doc. Ex. 1142 -



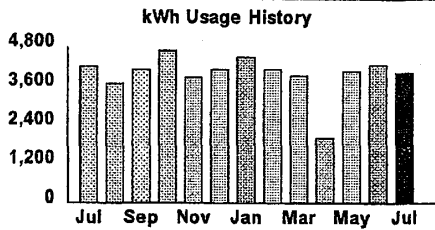
Customer Bill

Posted
page 1 of 2

0018883 01 AT 0.371 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$869.01
Current charges past due after Aug 9
 Thank you for your payment Jun 29 \$873.92
 Usage period Jun 25 - Jul 25
 This bill was mailed on July 26, 2012

Job #123



Usage
 Meter number TE0949
 Readings: Jul 25 44607
 Jun 25 - 44444
 Meter constant x 25
kWh usage 4075

Days in period 30 Average kWh per day 136

Total Peak Registration
 On-peak KW Jul 12 at 3:00 pm 8.25
 Off-peak KW Jul 12 at 10:45 pm 8.25

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 30 Days

Basic customer charge			21.00
On-peak KWH	1,425 kwh	x \$0.05940	84.6450
Off-peak KWH	2,650 kwh	x \$0.04737	125.5305
On-peak KW	8.25 kw	x \$10.10000	83.3250
DSM/EE Opt-Out Credit			-7.8240

Pd. 8-6-12
CK# 4561

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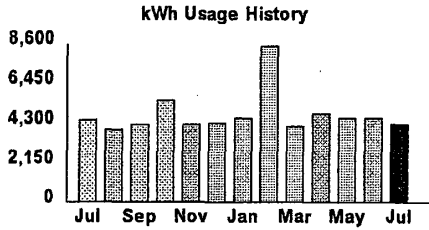
Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1143 -



JULY 26, 2012
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6118

page 2 of 2



Usage

Meter number T76037
 Readings: Jul 25 98517
 Jun 25 - 98298
 Meter constant x 20
kWh usage 4380
 Days in period 30 Average kWh per day 146
 Actual kW Demand 19.00

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
 ENVIRONMENTAL CLEANUP - 30 Days

Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10951	82.1325
	1,250 kwh x	\$0.09233	115.4125
	2,380 kwh x	\$0.08766	208.6308
Three phase service charge			9.00
DSM/EE Opt-Out Credit			-8.4096

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days

High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off
 Area lighting 1 Light x \$25.42 25.42

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days

High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off
 Area lighting 3 Lights x \$15.89 47.67

DSM/EE Opt-Out Credit			-0.36
REPS Adjustment			45.52
3% North Carolina sales tax			25.31
Total due			\$869.01

Current month Time-of-Use Savings for meter TE0949: \$ 85.94, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 796.36

This bill is subject to a 1% per month late payment charge after 08/20/2012.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

- Doc. Ex. 1144 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

September 9, 2012
Project No: 123
Invoice No: 123-98

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	8/29/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 537 miles x 0.65				\$349.05
Electric Bill				\$820.95

Total Invoice: \$2,070.00

Rodney Huerter 10/23/12
Rodney Huerter Date

approved \$2,070.00

BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830.212546.44 Ref 2 3063)

- Doc. Ex. 1145 -



Customer Bill

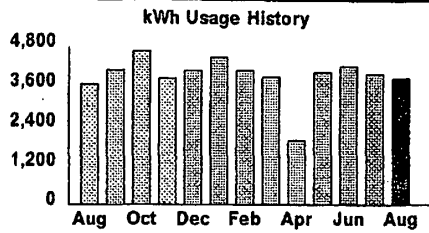
B Posted
page 1 of 2

0016382 01 AT 0.371 011 **AUTO **R005



ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVWA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$820.95
Current charges past due after Sep 7
Thank you for your payment Aug 7 \$669.01
Usage period Jul 25 - Aug 23
This bill was mailed on August 24, 2012



Usage

Meter number TE0949
Readings: Aug 23 44764
Jul 25 44607
Meter constant x 25
kWh usage 3925
Days in period 29 Average kWh per day 135

Total Peak Registration

On-peak KW Aug '6 at 9:45 pm 5.50
Off-peak KW Aug 12 at 7:15 am 5.75

Billing

SGS TOU rate

850 WARREN WILSON COLLEGE RD SWANNANOA
PUMP 29 Days

Basic customer charge			21.00
On-peak KWH	1,400 kwh	x \$0.05940	83.1600
Off-peak KWH	2,525 kwh	x \$0.04737	119.6093
On-peak KW	5.50 kw	x \$10.10000	55.5500
Off-peak Excess kw charge	0.25 kw	x \$1.00000	0.2500
DSM/EE Opt-Out Credit			-7.5360

Job # 123
Pd. 8-28-12
CK # 4583

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Off-peak days are weekends and these holidays: Thanksgiving Day and the day after, New Year's. When one of the above holidays falls on a Saturday, the Friday before the holiday will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1146 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

October 3, 2012
Project No: 123
Invoice No: 123-99

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program				
Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	9/26/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 537 miles x 0.65				\$349.05
Electric Bill				\$886.45

Total Invoice: \$2,135.50

Rodney G. Huerter 10/23/12
Rodney Huerter Date

approved \$ 2,135.50

BU 11000

**Environmental Legacy Matter
Agreement on File with WNA
Director of Environmental Affairs**

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830.212546.44 Ref 2 3063)

- Doc. Ex. 1147 -



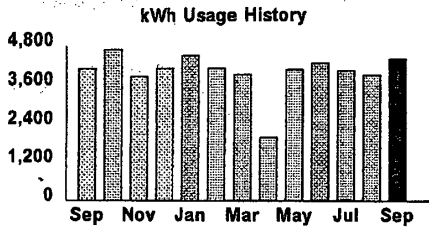
Customer Bill

Posted

page 1 of 3

0035711 01 AB 0.371 012 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number	785 459 6116
Total due	\$886.45
Current charges past due after	Oct 9
Thank you for your payment	Aug 30 \$820.95
Usage period	Aug 23 - Sep 24
This bill was mailed on	September 25, 2012



Usage

Meter number	TE0949
Readings: Sep 24	44939
Aug 23	- 44764
Meter constant	x 25
kWh usage	4375
Days in period	32
Average kWh per day	137

Total Peak Registration

On-peak KW	Sep 24 at 10:15 am	5.75
Off-peak KW	Sep 24 at 6:00 am	5.75

Job#123

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 32 Days

Pl 10-3-12
ck# 4643

New rate service Charges if new rates applied for entire usage period

Basic customer charge		21.00
On-peak KWH	1,425 kwh x \$0.05872	83.6760
Off-peak KWH	2,950 kwh x \$0.04669	137.7355
On-peak KW	5.75 kw x \$10.10000	58.0750
New Rate Subtotal		300.4865

Old rate service Charges if old rates applied for entire usage period

Basic customer charge		21.00
On-peak KWH	1,425 kwh x \$0.05940	84.6450
Off-peak KWH	2,950 kwh x \$0.04737	139.7415
On-peak KW	5.75 kw x \$10.10000	58.0750
Old Rate Subtotal		303.4615

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Energy charge	1,250 kwh x \$0.09233	115.4125
	2,780 kwh x \$0.08766	243.6948
Three phase service charge		9.00
Old Rate Subtotal		462.2398
Proration of charges		
New Rate	Sep 1 thru Sep 24 \$457.89 x 0.71875	329.1084
Old Rate	Aug 23 thru Sep 1 \$462.24 x 0.28125	130.0049
DSM/EE Opt-Out Credit		-9.1776

- Doc. Ex. 1148 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

November 5, 2012
Project No: 123
Invoice No: 123-100

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	10/16/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 537 miles x 0.65				\$349.05
Electric Bill				\$825.37

Total Invoice: \$2,074.42

Rodney G. Huerter 11/28/12
 _____ Date
 Rodney Huerter
 approved \$ 2,074.42
 BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(Former Coding: 99830-212546.44086 of 2 3063)

- Doc. Ex. 1149 -



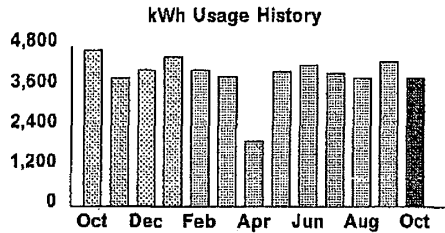
Customer Bill

Posted
page 1 of 2

0016732 01 AT 0.371 011 **AUTO **R005

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number	785 459 6116
Total due	\$825.37
Current charges past due after	Nov 6
Thank you for your payment	Oct 4 \$886.45
Usage period	Sep 24 - Oct 22
This bill was mailed on	October 23, 2012



Pd. 11-1-12
CK# 4656

Usage

Meter number	TE0949
Readings: Oct 22	45096
Sep 24	- 44939
Meter constant	x 25
kWh usage	3925
Days in period 28	Average kWh per day 140

Total Peak Registration

On-peak KW	Sep 27 at 10:15 am	5.75
On-peak KW	Oct 16 at 11:45 am	7.75
Off-peak KW	Sep 25 at 7:30 am	5.75
Off-peak KW	Oct 16 at 1:15 pm	8.25

Job#123

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOVA
PUMP - 28 Days

Basic customer charge		21.00
Summer, September 24- September 30		
On-peak KWH	325 kwh x \$0.05872	19.0840
Off-peak KWH	575 kwh x \$0.04669	26.8468
On-peak KW at .2281 proration	5.75 kw x \$10.10000	13.2469
Non-summer, October 1 - October 22		
On-peak KWH	1,100 kwh x \$0.05872	64.5920
Off-peak KWH	1,925 kwh x \$0.04669	89.8783
On-peak KW at .7719 proration	7.75 kw x \$7.48000	44.7470
Off-peak Excess kw charge	0.50 kw x \$1.00000	0.5000
DSM/EE Opt-Out Credit		-7.5360

Please detach here.

Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1150 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

December 5, 2012
Project No: 123
Invoice No: 123-101

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	11/14/12	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage - 537 miles x 0.65				\$349.05
Electric Bill				\$865.45

Total Invoice: \$2,114.50

Rodney Huerter 12/21/12
Rodney Huerter Date
approved \$2,114.50
BU 11000

Environmental Legacy Matter.
Agreement on File with VVNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830-212546. 441088 2 3063)

- Doc. Ex. 1151 -

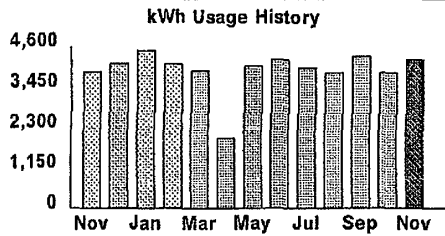


Customer Bill

Posted B
page 1 of 2

0016082 01 AT 0.371 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VWNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
 Total due \$865.45
 Current charges past due after Dec 10
 Thank you for your payment Nov 2 \$825.37
 Usage period Oct 22 - Nov 21
 This bill was mailed on November 26, 2012



Usage
 Meter number TE0949
 Readings: Nov 21 45268
 Oct 22 - 45096
 Meter constant x 25
 kWh usage 4300
 Days in period 30 Average kWh per day 143

Job #123

Total Peak Registration
 On-peak KW Nov 9 at 6:15 am 6.00
 Off-peak KW Nov 17 at 7:00 am 6.00

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 30 Days

Basic customer charge			21.00
On-peak KWH	1,575 kwh	x \$0.05872	92.4840
Off-peak KWH	2,725 kwh	x \$0.04669	127.2303
On-peak KW	6.00 kw	x \$7.48000	44.8800
DSM/EE Opt-Out Credit			-8.2560

Pd. 12-5-12
 CK#4695

Please detach here.

Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1152 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

December 29, 2012
Project No: 123
Invoice No: 123-102

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff Level Professional I	12/3/12	9.0	\$75.00	\$675.00
Jimmy Hair: Staff Level Professional I	12/4/12	9.0	\$75.00	\$675.00
Reimbursable Expenses				
Mileage-- 612 miles x 0.65				\$397.80
Electric Bill				\$936.04

Total Invoice: \$2,683.84

Rodney A. Huerter 1/29/13
Rodney Huerter Date

approved \$ 2,683.84

BU 11000

**Environmental Legacy Matter.
Agreement on file with WNA
Director of Environmental Affairs.**

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding: 99830 2125461090 Ref 2 3063)

- Doc. Ex. 1153 -

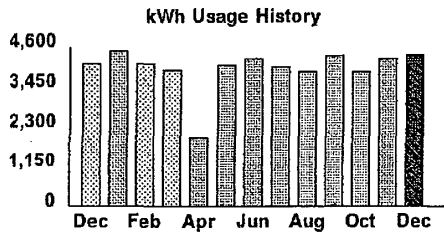


Customer Bill

B page 1 of 3

0041764 01 AT 0.371 012 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$936.04
Current charges past due after Jan 9
 Thank you for your payment Dec 6 \$865.45
 Usage period Nov 21 - Dec 21
 This bill was mailed on December 26, 2012



Usage
 Meter number TE0949
 Readings: Dec 21 45444
 Nov 21 - 45268
 Meter constant x 25
kWh usage 4400
 Days in period 30 Average kWh per day 147
Total Peak Registration
 On-peak KW Dec 4 at 7:15 am 6.25
 Off-peak KW Dec 4 at 0:15 am 6.25

Billing
 SGS-TOU rate 850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 30 Days

New rate service Charges if new rates applied for entire usage period

Basic customer charge			21.00
On-peak KWH	1,475 kwh x	\$0.05901	87.0398
Off-peak KWH	2,925 kwh x	\$0.04698	137.4165
On-peak KW	6.25 kw x	\$7.48000	46.7500
New Rate Subtotal			292.2063

Old rate service Charges if old rates applied for entire usage period

Basic customer charge			21.00
On-peak KWH	1,475 kwh x	\$0.05872	86.6120
Off-peak KWH	2,925 kwh x	\$0.04669	136.5683
On-peak KW	6.25 kw x	\$7.48000	46.7500
Old Rate Subtotal			290.9303

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number
 785 459 6116

Total due	\$936.04
Current charges past due after	Jan 9

Make checks payable and return to: Progress Energy Carolinas, Inc.
 Raleigh NC 27698-0001

Pl. 12-31-12
 CK# 4738

- Doc. Ex. 1154 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

February 11, 2013
Project No: 123
Invoice No: 123-103

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	1/29/13	14.0	\$75.00	\$1,050.00
Reimbursable Expenses				
Mileage - 612 miles x 0.65				\$397.80
Electric Bill				\$963.58

Task 02000 Semi Annual Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	1/30/13	10.00	\$75.00	\$750.00
Reimbursable Expenses				
Hotel and Meals				\$235.27
Bailers - \$20.00/bailer x 4				\$80.00

Total Invoice: \$3,476.65

Rodney G. Huerter 2/21/13
Rodney Huerter Date
Approved \$ 3,476.65
BU 11000

**Environmental Legacy Matter.
Agreement on File with VWA
Director of Environmental Affairs.**

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830.212546.44 Ref 2 3063)

- Doc. Ex. 1155 -



Customer Bill

Posted B
page 1 of 2

0014828 01 AT 0.371 011 **AUTO**R005

ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116

Total due \$963.58

Current charges past due after Feb 7

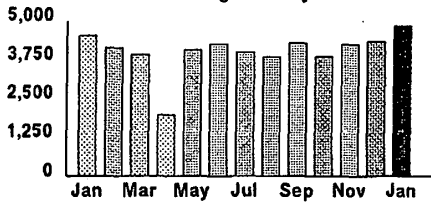
Thank you for your payment Jan 2 \$936.04

Usage period Dec 21 - Jan 23

This bill was mailed on January 24, 2013

Job # 123

kWh Usage History



Usage

Meter number TE0949

Readings: Jan 23 45641

Dec 21 - 45444

Meter constant x 25

kWh usage 4925

Days in period 33 Average kWh per day 149

Total Peak Registration

On-peak KW Jan 8 at 6:45 am 6.25

Off-peak KW Jan 5 at 6:30 am 6.25

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD SWANNANOA
PUMP 33-Days

Basic customer charge \$21.00

On-peak kWh 1,575 kWh x \$0.0590 = \$92.94

Off-peak kWh 3,350 kWh x \$0.04698 = \$157.38

On-peak KW 6.25 kw x \$748.000 = \$4,662.50

DSM/EE Opt-Out Credit 16.5973

Pd 2-4-13
CK# 4759

Please detach here.

Turn over for helpful phone numbers and customer service tips.

- Doc. Ex. 1156 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

March 6, 2013
Project No: 123
Invoice No: 123-104

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	2/27/13	13.0	\$75.00	\$975.00
Reimbursable Expenses				
Mileage – 529 miles x 0.65				\$343.85
Electric Bill				\$1,438.68

Task 02000 Semi Annual Sampling

Contractor				
Laboratory				\$391.00

Total Invoice: \$3,148.53

Rodney G. Huerter 2/12/13
Rodney Huerter Date

Approved \$ 3148.53

BU 11000

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830.212546.44 Ref 2 3063)

- Doc. Ex. 1157 -

123 B



ENCO Cary
102-A Woodwinds Industrial Court
Cary, NC 27511
919.467.3090

INVOICE

Invoice To:	Mineral Springs Environmental Kirk Pollard 4600 Mineral Springs Lane Raleigh, NC 27616	Invoice Number:	C3B1510
		Invoice Date:	15-Feb-13
Client Code:	MI017	Project:	AD&F
Client ID:	Mineral Springs Environmental	Project Number:	[none]
Client PM:	Kirk Pollard	Date Received:	01-Feb-13
PO#:			

<p align="center">Remit To: Environmental Conservation Laboratories, Inc. 10775 Central Port Drive Orlando, FL 32824</p>

Invoiced by: BAS
Work Order(s): C301039

Terms: NET 30

Quantity	Analysis/Description	Matrix	Unit Cost	Extended Cost
4	8260B	Water	\$85.00	\$340.00

Invoice Total: \$340.00

Pursuant to ENCO Standard Terms and Conditions, a fee of 1.5% per month may be applied for late payment.

- Doc. Ex. 1158 -



0018754 01 AT 0.381 011 **AUTO **R005

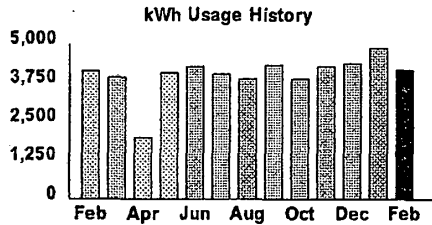


ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VVNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Customer Bill

Posted
page 1 of 2

Account number 785 459 6116
Total due \$1,438.68
Current charges past due after Mar 7
Thank you for your payment Feb 5 \$963.58
Usage period Jan 23 - Feb 20
This bill was mailed on February 21, 2013



Usage
Meter number TE0949
Readings: Feb 20 45809
Jan 23 - 45641
Meter constant x 25
kWh usage 4200
Days in period 28 Average kWh per day 150
Total Peak Registration
On-peak KW Feb 18 at 7:15 am 6.25
Off-peak KW Feb 2 at 6:30 am 6.25

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , SWANNANOA
PUMP - 28 Days

Basic customer charge			21.00
On-peak KWH	1,475 kwh x	\$0.05901	87.0398
Off-peak KWH	2,725 kwh x	\$0.04698	128.0205
On-peak KW	6.25 kw x	\$7.48000	46.7500
DSM/EE Opt-Out Credit			-14.1541

Job #123

Pd. 2-25-13

CK#4777

Please detach here.

Turn over for helpful phone numbers and customer service tips.

From April 1-September 30, time-of-use off-peak hours are 10pm-10am Monday-Friday. Off-peak days are weekends and these holidays: Good Friday, Memorial Day, July 4th and Labor Day. When one of the above holidays falls on a Saturday, the Friday before the Holiday will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1159 -

SERENGETI



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

April 3, 2013
Project No: 123
Invoice No: 123-105

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	3/27/13	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 529 miles x 0.65				\$343.85
Electric Bill				\$1,498.19

Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Date	Hours	Rate	Amount
Senior Level Professional I	3/4/13	3.50	\$90.00	\$315.00

Total Invoice: \$3,057.04

Rodney Huerter 4/15/13
Rodney Huerter Date
approved \$3,057.04

BU 11000

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding 99830.22546.44 Ref 2 3063)

- Doc. Ex. 1160 -

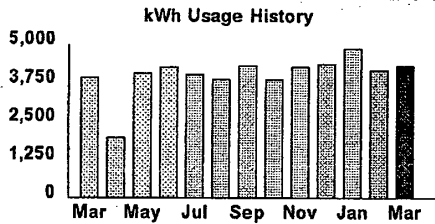


Customer Bill

Posted
page 1 of 2
B

0016669 01 AT 0.381 011 **AUTO **R005
ASHEVILLE DYING AND FINISHING
C/O KIRK POLLARD- VWNA
4600 MINERAL SPRINGS LN
RALEIGH NC 27616-8814

Account number 785 459 6116
Total due \$1,498.19
Current charges past due after Apr 5
Thank you for your payment Feb 27 \$1,438.68
Usage period Feb 20 - Mar 21
This bill was mailed on March 22, 2013



Usage
Meter number TE0949
Readings: Mar 21 45984
Feb 20 - 45809
Meter constant x 25
kWh usage 4375
Days in period 29 Average kWh per day 151

Total Peak Registration
On-peak KW Feb 27 at 11:30 am 8.75
Off-peak KW Feb 27 at 11:00 pm 8.75

Billing
SCS-TOU rate

850 WARREN WILSON COLLEGE RD SWANNANOA
PUMP 29 Days

Job # 123

Table with 4 columns: Description, Quantity, Rate, Amount. Includes rows for Basic customer charge, On-peak KWH, Off-peak KWH, and On-peak KW.

Pd. 4-1-13
CK# 4828

Please detach here.

Turn over for helpful phone numbers and customer service tips.

necessary for 2012 taxes purposes.

From April 1-September 30, time-of-use off-peak hours are 10pm-10am, Monday-Friday. Off-peak days are weekends and these holidays: Good Friday, Memorial Day, July 4th and Labor Day. When one of the above holidays falls on a Saturday, the Friday before the Holiday will be considered off-peak. When the holiday falls on a Sunday, the following Monday will be considered off-peak.

Coming soon: a new name for our company. Progress Energy is changing to Duke Energy Progress. Your service and account remain the same. Questions? Visit progress-energy.com/newname

- Doc. Ex. 1161 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

May 2, 2013
Project No: 123
Invoice No: 123-106

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	4/25/13	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 529 miles x 0.65				\$343.85
Electric Bill				\$1,188.32

Total Invoice: \$2,432.17

Rodney Huerter 5/23/13
Date
Rodney Huerter

Approved \$2432.17

B U I I 0 0 0

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(former coding: 99830.212546.44 Ref 2 3063)

- Doc. Ex. 1162 -



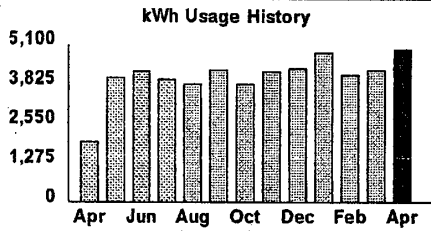
0016916 01 AT 0.381 011 **AUTO **R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VWNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Customer Bill

Posted
 page 1 of 2

Account number 785 459 6116
Total due \$1,188.32
Current charges past due after May 9
 Thank you for your payment Apr 3 \$1,498.19
 Usage period Mar 21 - Apr 24
 This bill was mailed on April 25, 2013

Job#123



Usage
 Meter number TE0949
 Readings: Apr 24 46185
 Mar 21 - 45984
 Meter constant x 25
kWh usage 5025
 Days in period 34 Average kWh per day 148
Total Peak Registration
 On-peak KW Apr 4 at 5:15 pm 6.25
 Off-peak KW Apr 2 at 6:45 am 6.25

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD, SWANNANOA
 PUMP 34 Days

Basic customer charge			21.00
On-peak KWH	1,650 kwh x	\$0.05901	97.3665
Off-peak KWH	3,375 kwh x	\$0.04698	158.5575
On-peak KW	6.25 kw x	\$7.48000	46.7500
DSM/EE Opt-Out Credit			-16.9343

Pd. 4-28-13
CK#4861

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Reminder: Our name is changing to Duke Energy Progress. In late April, you'll begin to see our new name and logo on your bill. Your service and account remain the same. Questions? Visit progress-energy.com/newname.

- Doc. Ex. 1163 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

June 5, 2013
 Project No: 123
Invoice No: 123-107

Mr. Rodney Huerter
 Director of Environmental Affairs
 Water Applications & Systems Corporation
 4760 World Houston Parkway, Suite 100
 Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	5/29/13	12.0	\$75.00	\$900.00
Evan Pollard: Technician	5/29/13	12.0	\$35.00	\$420.00
Jimmy Hair: Staff level Professional I	5/30/13	8.0	\$75.00	\$600.00
Evan Pollard: Technician	5/29/13	8.0	\$35.00	\$280.00

Reimbursable Expenses

Mileage – 583 miles x 0.65	\$378.95
Electric Bill	\$1,108.63
Per Diem and Hotel	\$203.16

Task 06000 Quarterly and Semi- Annual Report Preparation

Professional Personnel	Date	Hours	Rate	Amount
Senior Level Professional I	5/21/13	2.00	\$90.00	\$180.00
Senior Level Professional I	5/28/13	4.00	\$90.00	\$360.00
Senior Level Professional I	6/1/13	2.50	\$90.00	\$225.00
Senior Level Professional I	6/3/13	2.50	\$90.00	\$225.00
CADD Operator	5/28/13	1.25	\$55.00	\$68.75

Total Invoice: \$4,949.49

Rodney Huerter 6/12/13
 Rodney Huerter Date
 approved \$4,949.49
 BU 11000

Environmental Legacy Matter.
 Agreement on File with WWA
 Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(for new coding: 99830212546.44 Ref 2 3063)

- Doc. Ex. 1164 -



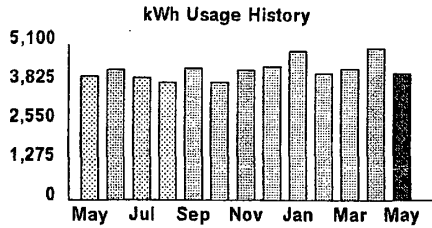
0017601 01 AV 0.357 011 **AUTO**R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Customer Bill

Posted
 page 1 of 2

Account number 785 459 6116
Total due \$1,108.63
Current charges past due after Jun 13
 Thank you for your payment Apr 30 \$1,188.32
 Usage period Apr 24 - May 23
 This bill was mailed on May 30, 2013

Job #123



Usage
 Meter number TE0949
 Readings: May 23 46353
 Apr 24 - 46185
 Meter constant x 25
kWh usage 4200
 Days in period 29 Average kWh per day 145
Total Peak Registration
 On-peak KW Apr 25 at 9:45 pm 6.00
 Off-peak KW Apr 26 at 7:30 am 6.25

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD SWANNANOVA PUMP - 29 Days

Basic customer charge		\$2.00
On-peak kWh	1,525 kWh x \$0.0590	\$89.990
Off-peak kWh	2,675 kWh x \$0.0469	\$125.6715
On-peak kW	6.00 kW x \$748.000	\$4,488.00
Off-peak Excess kW charge	0.25 kW x \$1,000.00	\$250.00
DSM/EE Opt-Out Credit		\$14,154.1

*pd 6-3-13 B
 CK# 4894*

Please detach here.

Turn over for helpful phone numbers and customer service tips.

Beginning with your June bill, the payment address will be changing. Please update your records with the new address or use the supplied return envelope and bill stub.

- Doc. Ex. 1165 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

June 27, 2013
Project No: 123
Invoice No: 123-108

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	6/20/13	12.0	\$75.00	\$900.00
Reimbursable Expenses				
Mileage – 583 miles x 0.65				\$378.95
Electric Bill				\$946.53

Total Invoice: \$2,225.48

Rodney Huerter 7/18/13
Rodney Huerter Date
Approved \$ 2,225.48

BU 11000

Environmental Legacy Matter.
Agreement on File with WNA
Director of Environmental Affairs.

Thank you for your business!

Payment Terms-Net Cash due Upon Receipt

EIN# 34-2029635

(Former Coding: 99830.212546.44 Ref 2 3063)

1103

HC-WASCO LLC 00297

- Doc. Ex. 1166 -



0000034 01 SP 0.480 002

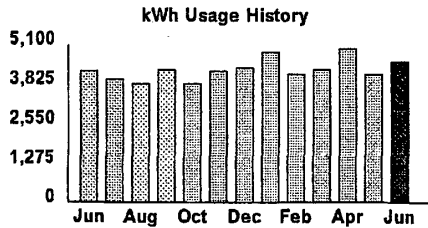


ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Customer Bill

page 1 of 4

Account number	785 459 6116
Total due	\$946.53
Current charges past due after	Jul 9
Thank you for your payment	Jun 4 \$1,108.63
Usage period	May 23 - Jun 24
This bill was mailed on	June 25, 2013



Usage

Meter number	TE0949
Readings: Jun 24	46537
May 23	- 46353
Meter constant	x 25
kWh usage	4600
Days in period	32
Average kWh per day	144

Total Peak Registration

On-peak KW	Jun 21 at 10:00 pm	5.75
On-peak KW	May 30 at 11:00 am	16.00
Off-peak KW	Jun 15 at 5:00 am	6.00
Off-peak KW	May 30 at 11:30 pm	13.00

Billing

SGS-TOU rate 850 WARREN WILSON COLLEGE RD , SWANNANOA
 PUMP - 32 Days

New rate service Charges if new rates applied for entire usage period

Basic customer charge		30.00
Non-summer, May 23 - May 31		
On-peak KWH	500 kwh x \$0.06113	30.5650
Off-peak KWH	775 kwh x \$0.04898	37.9595
On-peak KW at .3175 proration	16.00 kw x \$7.58000	38.5064
Summer, June 01 - June 24		
On-peak KWH	1,075 kwh x \$0.06113	65.7148
Off-peak KWH	2,250 kwh x \$0.04898	110.2050
On-peak KW at .6825 proration	5.75 kw x \$10.23000	40.1464
New Rate Subtotal		353.0971

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion

ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number
 785 459 6116

Total due	\$946.53
Current charges past due after	Jul 9

Make checks payable and return to: Duke Energy Progress
 PO BOX 1003
 Charlotte NC 28201-1003

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FORM VER. 002
 11/08 REV. 01/10

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1104

HC-WASCO LLC 00298

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- Doc. Ex. 1167 -



4600 Mineral Springs Lane • Raleigh, NC 27616 • 919.261.8186 • Fax 919.261.8299

INVOICE

August 1, 2013
Project No: 123
Invoice No: 123-109

Mr. Rodney Huerter
Director of Environmental Affairs
Water Applications & Systems Corporation
4760 World Houston Parkway, Suite 100
Houston, Texas 77032

Project: Former Asheville Dyeing and Finishing Facility

Task 01000 Groundwater Remediation O&M Program

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Staff level Professional I	7/29/13	12.0	\$75.00	\$900.00

Reimbursable Expenses

Mileage – 619 miles x 0.65	\$402.35
Electric Bill	\$850.23

Task 02000 Semi Annual Sampling

Professional Personnel	Date	Hours	Rate	Amount
Jimmy Hair: Project level Professional I	7/30/13	10.00	\$75.00	\$750.00
Evan Pollard: Staff Technican	7/30/13	8.00	\$35.00	\$280.00
Jimmy Hair: Project level Professional I	7/31/13	10.00	\$75.00	\$750.00
Evan Pollard: Staff Technican	7/31/13	10.00	\$35.00	\$350.00

Reimbursable Expenses

Hotel and Meals	\$427.10
Bailers - \$20.00/bailer x 15	\$300.00
Clearing Activities	\$750.00

Task 08000 Project Management

Professional Personnel	Date	Hours	Rate	Amount
Senior Level Professional II	7/30/13	1.00	\$100.00	\$100.00
Senior Level Professional II	7/31/13	1.00	\$100.00	\$100.00
Senior Level Professional II	8/1/13	0.50	\$100.00	\$50.00

Total Invoice: \$6,009.68

**Environmental Legacy Matter.
Agreement on File with WWA
Director of Environmental Affairs.**

Rodney Huerter 8/6/13
Rodney Huerter Date

Thank you for your business!

approved \$6,009.68
EIN# 34-2029635

Payment Terms-Net Cash due Upon Receipt

BU 11000

(former coding: 99830.212546.44 Ref 2 3063)

- Doc. Ex. 1168 -

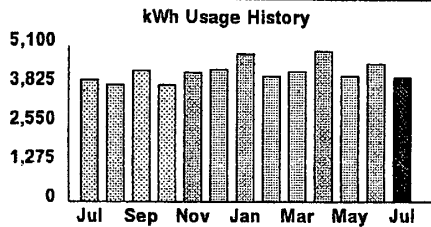


0015947 01 AT 0.381 011 **AUTO**R005
 ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Customer Bill

Posted
 page 1 of 2
 B

Account number 785 459 6116
Total due \$850.23
Current charges past due after Aug 7
 Thank you for your payment Jul 5 \$946.53
 Usage period Jun 24 - Jul 23
 This bill was mailed on July 24, 2013



Usage
 Meter number TE0949
 Readings: Jul 23 46703
 Jun 24 - 46537
 Meter constant x 25
kWh usage 4150
 Days in period 29 Average kWh per day 143
Total Peak Registration
 On-peak KW Jul 17 at 10:00 pm 6.00
 Off-peak KW Jul 17 at 5:00 am 6.00

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD SWANNANOVA
 PUMP 29 Days
 Basic customer charge 30.00
 On-peak KWH 1,400 kwh x \$0.06113 85.5820
 Off-peak KWH 2,750 kwh x \$0.04898 134.6950
 On-peak KW 6.00 kw x \$10.23000 61.3800
 DSM/EE Opt-Out Credit 13.9855

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion

ASHEVILLE DYING AND FINISHING
 C/O KIRK POLLARD- VVNA
 4600 MINERAL SPRINGS LN
 RALEIGH NC 27616-8814

Account number
785 459 6116

Total due \$850.23
Current charges past due after Aug 7

Make checks payable and return to:
 Duke Energy Progress
 PO BOX 1003
 Charlotte NC 28201-1003

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FORM VER. 002
 11/98 REV. 01/00

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HC-WASCO LLC 00295

- Doc. Ex. 1169 -

Respondent's Exhibit N
**2005-12-16 to 2007-11-26 – Utility Bills
to John Coyne and Rodney Huerter**

- Doc. Ex. 1170 -



Final Notice

page 1 of 1

F 00004479 1SP 0.370 00 ***



ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
14950 HEATHROW FOREST PKWY # 200
HOUSTON TX 77032-0000

approved
John Coyne
12/26/05

Account number	785 459 6116
Past due	\$1,614.03
Total due	\$1,614.03
Notice expires	December 20
This notice was mailed on	December 15, 2005

99830 3543 3063 IND 48w

Final Notice

When we placed this Final Notice in the mail, payment of your bill had not been received for electric service at 850 WARREN WILSON COLLEGE RD.

If the Past due amount as shown above is not paid in full or satisfactory credit arrangements made with supervisory personnel at Progress Energy Carolinas by **December 20, 2005**, we shall begin action to disconnect your electric service. When the Past due amount is not paid in full or satisfactory credit arrangements made by the time our representative is dispatched to disconnect service, the Total due, as shown above, will be required. When the service is disconnected, it will not be restored until all amounts owed are paid plus a reconnection charge of \$30.90 during office hours or \$77.25 during other hours, and a guaranty deposit, unless satisfactory credit arrangements are made. If you have questions about your electric service account or require credit arrangements, contact Progress Energy Carolinas Monday through Friday, between 7:00 a.m. and 9:00 p.m. toll free - **Dial 1 & then 800-452-2777.**

Your last payment was processed on November 15, 2005, for \$1,319.78 .

Return portion

If your name, mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
850 WARREN WILSON COLLEGE RD
SWANNANOA NC 28778-0000

Account number
785 459 6116

Final Notice

Past due	\$1,614.03
Total due	\$1,614.03
Notice expires	Dec 20

Make checks payable and return to: Progress Energy Carolinas, Inc.
Raleigh NC 27698-0001

Return this portion with your payment so the return address shows in the envelope. Please do not staple or clip this portion to your payment.

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FORM VER. 002
07/98 REV. 01/00

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- Doc. Ex. 1171 -



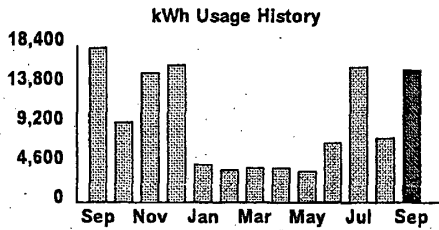
Customer Bill

page 1 of 2

0052814 01 FP 0.371 011 ***

ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
14950 HEATHROW FOREST PKWY # 200
HOUSTON TX 77032-0000

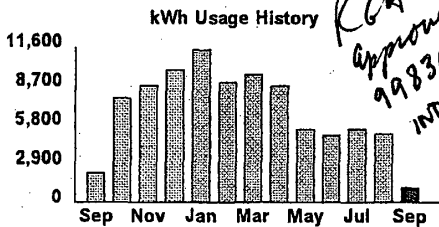
Table with account details: Account number 785 459 6116, Total due \$1,113.67, Current charges past due after Oct 9, Thank you for your payment Sep 6 \$1,075.61, Usage period Aug 24 - Sep 22, This bill was mailed on September 25, 2006



Usage table: Meter number TE0949, Readings: Sep 22 25164, Aug 24 24534, Meter constant x 25, kWh usage 15750, Days in period 29, Average kWh per day 543, Total Peak Registration, On-peak KW Aug 24 at 4:15 pm 23.25, Off-peak KW Sep 9 at 4:00 am 23.25

Billing SGS-TOU rate

Table with billing details: 850 WARREN WILSON COLLEGE RD , PUMP - 29 Days, Basic customer charge 21.00, On-peak KWH 5,375 kwh x \$0.04705 252.8938, Off-peak KWH 10,375 kwh x \$0.03502 363.3325, On-peak KW 23.25 kw x \$10.10000 234.8250



Handwritten notes: RGA used, Approved \$1113.67, 99830-3244-3063, INDEM 4320

Usage table: Meter number T76037, Readings: Sep 22 79675, Aug 24 79609, Meter constant x 20, kWh usage 1320, Days in period 29, Average kWh per day 46, Actual kW Demand 13.80

Billing SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 29 Days

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
14950 HEATHROW FOREST PKWY # 200
HOUSTON TX 77032-0000

Account number 785 459 6116

Summary table: Total due \$1,113.67, Current charges past due after Oct 9

Make checks payable and return to: Progress Energy Carolinas, Inc. Raleigh NC 27698-0001

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FORM VER. 002 11/98 REV. 01/00

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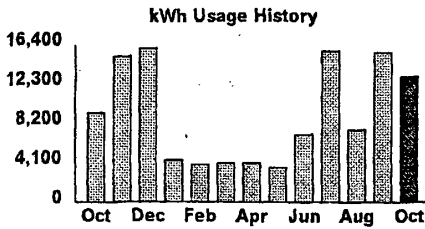
- Doc. Ex. 1172 -



0000191 01 SP 0.390 002 **SNGLP **C004



ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
14950 HEATHROW FOREST PKWY # 200
HOUSTON TX 77032-3846



✓
 RG Hunter 11/16/06
 approved \$1,236.32
 99830-3744-3063
 WDEM 43W

Customer Bill

page 1 of 4

Account number 785 459 6116
Total due \$1,236.32
Current charges past due after Nov 8
 Thank you for your payment Oct 12 \$1,113.67
 Usage period Sep 22 - Oct 24
 This bill was mailed on October 25, 2006

Usage
 Meter number TE0949
 Readings: Oct 24 25697
 Sep 22 - 25164
 Meter constant x 25
kWh usage 13325
 Days in period 32 Average kWh per day 416

Total Peak Registration

On-peak KW	Sep 29 at 10:00 pm	22.25
On-peak KW	Oct 2 at 8:00 am	22.50
Off-peak KW	Sep 30 at 3:45 am	22.50
Off-peak KW	Oct 15 at 7:45 am	22.75

Billing
SGS-TOU rate 850 WARREN WILSON COLLEGE RD , PUMP - 32 Days
New rate service Charges if new rates applied for entire usage period

Basic customer charge	21.00
Summer, September 22- September 30	
On-peak KWH	1,475 kwh x \$0.05199 = 76.6853
Off-peak KWH	3,000 kwh x \$0.03996 = 119.8800
On-peak KW at .3242 proration	22.25 kw x \$10.10000 = 72.8558
Non-summer, October 1 - October 24	
On-peak KWH	3,075 kwh x \$0.05199 = 159.8693
Off-peak KWH	5,775 kwh x \$0.03996 = 230.7690
On-peak KW at .6758 proration	22.50 kw x \$7.48000 = 113.7371
Off-peak Excess kw charge	0.25 kw x \$1.00000 = 0.2500
New Rate Subtotal	795.0465

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
14950 HEATHROW FOREST PKWY # 200
HOUSTON TX 77032-3846

Account number
785 459 6116

Total due	\$1,236.32
Current charges past due after	Nov 8

Make checks payable and return to: Progress Energy Carolinas, Inc.
Raleigh NC 27698-0001

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FORM VER. 002
11/98 REV. 01/00
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- Doc. Ex. 1173 -

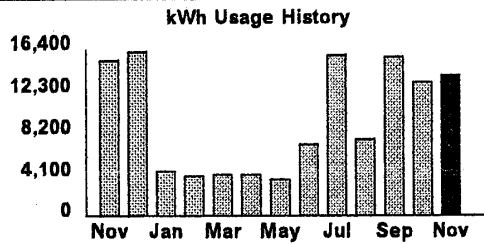


Customer Bill

page 1 of 2

0052957 01 MB 0.326 011 **AUTO**C004
ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
14950 HEATHROW FOREST PKWY # 200
HOUSTON TX 77032-3846

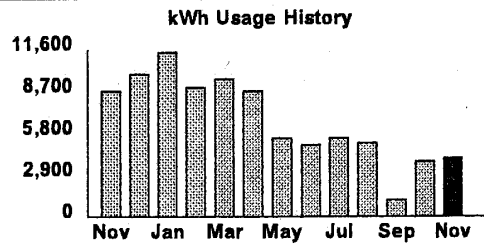
Account number 785 459 6116
Total due \$1,310.17
Current charges past due after Dec 5
Thank you for your payment Nov 14 \$1,236.32
Usage period Oct 24 - Nov 20
This bill was mailed on November 21, 2006



Usage
Meter number TE0949
Readings: Nov 20 26261
Oct 24 25697
Meter constant x 25
kWh usage 14100
Days in period 27 Average kWh per day 522
Total Peak Registration
On-peak KW Nov 20 at 7:45 am 23.50
Off-peak KW Nov 20 at 6:00 am 23.50

Billing SGS-TOU rate

Table with 4 columns: Description, Quantity, Rate, Amount. Includes charges for basic customer charge, on-peak KWH, off-peak KWH, and on-peak KW.



Usage
Meter number T76037
Readings: Nov 20 80088
Oct 24 79874
Meter constant x 20
kWh usage 4280
Days in period 27 Average kWh per day 159
Actual kW Demand 14.20

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O JOHN COYNE/VEOLIA WATER/NA
14950 HEATHROW FOREST PKWY # 200
HOUSTON TX 77032-3846

Account number
785 459 6116

Total due \$1,310.17
Current charges past due after Dec 5

Make checks payable and return to: Progress Energy Carolinas, Inc. Raleigh NC 27698-0001

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FORM VER. 002
11/98 REV. 01/00

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HC-WASCO LLC 00279

- Doc. Ex. 1174 -



NOVEMBER 21, 2006
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 27 Days			
Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10042	75.3150
	1,250 kwh x	\$0.08324	104.0500
	2,280 kwh x	\$0.07857	179.1396
Three phase service charge			9.00

ALS rate

850 WARREN WILSON COLLEGE RD - 27 Days			
High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off			
Area lighting	1 Light x	\$23.34	23.34

ALS rate

850 WARREN WILSON COLLEGE RD - 27 Days			
High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off			
Area lighting	3 Lights x	\$14.71	44.13
Wood pole charge	3 Poles x	\$2.16	6.48
3% North Carolina sales tax			38.16
Total due			\$1,310.17

Current month Time-of-Use Savings for meter TE0949: \$ 332.50, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 1,829.10

This bill is subject to a 1% per month late payment charge after 12/15/2006.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

Rodney G. Huerter 11-30-06

 Rodney Huerter Date

Approved \$1310.17
 99830-3744,3063
 Inchem 43W

- Doc. Ex. 1175 -

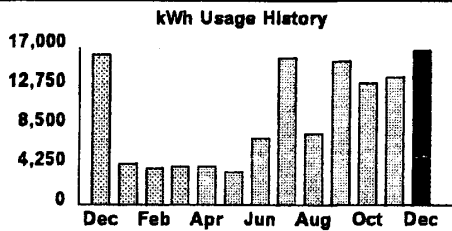


Customer Bill

page 1 of 2

0052590 01 MB 0.326 011 **AUTO **C004
 ASHEVILLE DYING AND FINISHING
 C/O JOHN COYNE/VEOLIA WATER/NA
 14950 HEATHROW FOREST PKWY # 200
 HOUSTON TX 77032-3846

Account number	785 459 6116
Total due	\$1,463.49
Current charges past due after	Jan 4
Thank you for your payment	Dec 5 \$1,310.17
Usage period	Nov 20 - Dec 20
This bill was mailed on	December 21, 2006



Usage

Meter number	TE0949
Readings: Dec 20	26938
Nov 20	26261
Meter constant	x 25
kWh usage	16925
Days in period	30
Average kWh per day	564

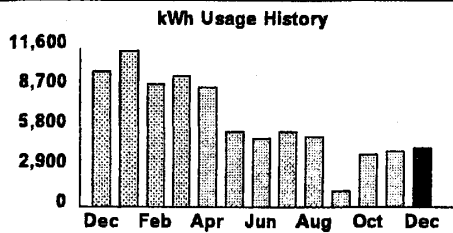
Total Peak Registration

On-peak KW	Dec 19 at 7:45 am	24.75
Off-peak KW	Dec 19 at 5:30 am	24.50

Billing
SGS-TOU rate

850 WARREN WILSON COLLEGE RD , PUMP - 30 Days

Basic customer charge		21.00
On-peak KWH	5,625 kwh x \$0.05199	292.4438
Off-peak KWH	11,300 kwh x \$0.03998	451.5480
On-peak KW	24.75 kw x \$7.48000	185.1300



Usage

Meter number	T76037
Readings: Dec 20	80313
Nov 20	80088
Meter constant	x 20
kWh usage	4500
Days in period	30
Average kWh per day	150
Actual kW Demand	15.00

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
 C/O JOHN COYNE/VEOLIA WATER/NA
 14950 HEATHROW FOREST PKWY # 200
 HOUSTON TX 77032-3846

Account number
785 459 6116

Total due	\$1,463.49
Current charges past due after	Jan 4

Make checks payable and return to: Progress Energy Carolinas, Inc. Raleigh NC 27698-0001

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FORM VER. 002
11/98 REV. 01/00
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- Doc. Ex. 1176 -



DECEMBER 21, 2006
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 8116

page 2 of 2

Billing
SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 30 Days			
Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10042	75.3150
	1,250 kwh x	\$0.08324	104.0500
	2,500 kwh x	\$0.07857	196.4250
Three phase service charge			9.00

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days			
High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off			
Area lighting	1 Light x	\$23.34	23.34

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days			
High Pressure Sodium lights, 88 kwh, 22000 lumens, enclosed cut-off			
Area lighting	3 Lights x	\$14.71	44.13
Wood pole charge	3 Poles x	\$2.16	6.48

3% North Carolina sales tax			42.63
Total due			\$1,463.49

Current month Time-of-Use Savings for meter TE0949: \$ 422.90, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 1,839.18

This bill is subject to a 1% per month late payment charge after 01/16/2007.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

Progress Energy will observe the holiday season Dec 25-26 and the New Year on Jan 1, 2007. General business may be conducted during this time by visiting our website at www.progress-energy.com. If you are calling to report an outage or any other technical problems with your electric service, please call our dedicated outage line at 1-800-419-6358. Happy Holidays from our family to each of yours.

Rodney Hueter 12/07
 Rodney Hueter Date

\$ 1463.49 approved
 99830.3744.3063 Indem 43W

Environmental legacy matter agreement
 on file with WWSA Director of environmental affairs

Susan

- Doc. Ex. 1177 -

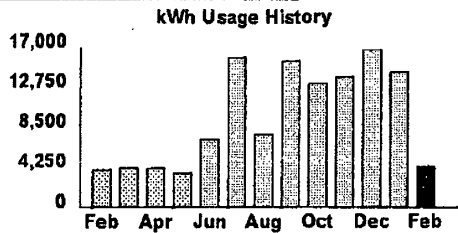


Customer Bill

page 1 of 2

0051940 01 MB 0.326 011 **AUTO **C004
 ASHEVILLE DYING AND FINISHING
 C/O RODNEY HUERTER VVNA
 14950 HEATHROW FOREST PKWY # 200
 HOUSTON TX 77032-3846

Account number **785 459 6116**
Total due \$839.29
Current charges past due after Mar 8
 Thank you for your payment Feb 6 \$1,427.54
 Usage period Jan 22 - Feb 21
 This bill was mailed on February 22, 2007

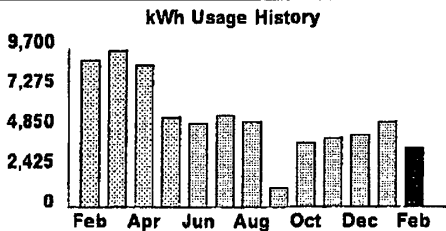


Usage
 Meter number TE0949
 Readings: Feb 21 27698
 Jan 22 - 27518
 Meter constant x 25
kWh usage 4500
 Days in period 30 Average kWh per day 150
Total Peak Registration
 On-peak KW Feb 14 at 1:00 pm 24.25
 Off-peak KW Feb 14 at 2:30 pm 24.50

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD , PUMP - 30 Days

Basic customer charge			21.00
On-peak KWH	1,775 kwh	x \$0.05199	92.2823
Off-peak KWH	2,725 kwh	x \$0.03996	108.8910
On-peak KW	24.25 kw	x \$7.48000	181.3900
Off-peak Excess kw charge	0.25 kw	x \$1.00000	0.2500



Usage
 Meter number T76037
 Readings: Feb 21 80766
 Jan 22 - 80579
 Meter constant x 20
kWh usage 3740
 Days in period 30 Average kWh per day 125
 Actual kW Demand 15.00

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
 C/O RODNEY HUERTER VVNA
 14950 HEATHROW FOREST PKWY # 200
 HOUSTON TX 77032-3846

Account number
785 459 6116

Total due \$839.29
Current charges past due after Mar 8

Make checks payable and return to: Progress Energy Carolinas, Inc.
 Raleigh NC 27698-0001

Rodney Huertes 3/6/2007
 Rodney Huertes Date

Environmental Legacy Matter
Agreement on File with VVNA
Director of Environmental Affairs.

Approved \$839.29
 99830. 3744. 3063 INDEM 436

051940 0

FORM VER. 002
 11/98 REV. 01/00
 01 - 1 MB

7854596116 0352 451 00000000 000083929 000083929 7854596116 3

- Doc. Ex. 1178 -

FEBRUARY 22, 2007
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2

Billing

SGS rate	850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 30 Days			
	Basic customer charge			12.00
	Energy charge	750 kwh x	\$0.10042	75.3150
		1,250 kwh x	\$0.08324	104.0500
		1,740 kwh x	\$0.07857	136.7118
	Three phase service charge			9.00

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days				
High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off				
	Area lighting	1 Light x	\$23.34	23.34

ALS rate

850 WARREN WILSON COLLEGE RD - 30 Days				
High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off				
	Area lighting	3 Lights x	\$14.71	44.13
	Wood pole charge	3 Poles x	\$2.16	6.48
	3% North Carolina sales tax			24.45
	Total due			\$839.29

Current month Time-of-Use Loss for meter TE0949: \$ 7.02, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 2,163.50

This bill is subject to a 1% per month late payment charge after 03/19/2007.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

From April 1-September 30, time-of-use off-peak hours are 10pm-10am, Monday-Friday. Off-peak days are weekends and these holidays: Good Friday, Memorial Day, July 4th and Labor Day. When one of the above holidays falls on a Saturday, the Friday before the Holiday will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

- Doc. Ex. 1179 -



Progress Energy

Progress Energy Carolinas, Inc.
CSC - CIGS Team
PO Box 1771
Raleigh, NC 27602

Aug 18 2008 5:09 P.03

1117

MINERAL SPRINGS ENVIRON FAX:1-919-261-8298

==

- Doc. Ex. 1180 -

PEC Account Number(s):

705 459 6116

We understand PEC is required to inform the NC Utilities Commission of our decision to opt out these accounts.

Yours very truly,

Company Name: VWNA / WASCO LLC
Signed: by Rodney G. Hunter
Title: Director of ENVIRONMENTAL AFFAIRS
Date: 8/18/08

- Doc. Ex. 1181 -

FACSIMILE TRANSMITTAL SHEET

TO:	Rodney Huertter	FROM:	Sally Pollard
COMPANY:	Water Applications	DATE:	8-18-08
FAX NUMBER:	713-672-8209	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:	832-300-5719	SENDER'S REFERENCE NUMBER:	

Comments: Please sign and return to me
as soon as possible.

Thanks,
Sally

Signature: _____

- Doc. Ex. 1182 -

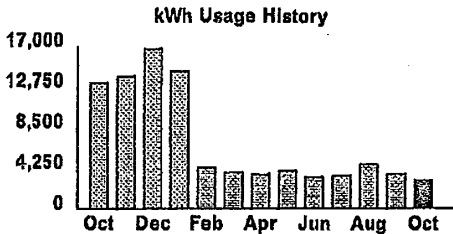


Customer Bill

page 1 of 4

0000110 01 SP 0.410 002 **SNGLP **C004
ASHEVILLE DYING AND FINISHING
C/O RODNEY HUERTER VVNA
14950 HEATHROW FORREST PKWY STE 200
HOUSTON TX 77032-3846

Table with account details: Account number 785 459 6116, Total due \$1,143.27, Current charges past due after Nov 6, Thank you for your payment Oct 10 \$1,071.28, Usage period Sep 24 - Oct 22, This bill was mailed on October 23, 2007



Usage summary: Meter number TE0949, Readings: Oct 22 28933, Sep 24 28806, Meter constant x 25, kWh usage 3175, Days in period 28, Average kWh per day 113

Total Peak Registration table: On-peak KW Sep 24 at 8:45 pm 4.75, On-peak KW Oct 1 at 6:30 am 4.75, Off-peak KW Sep 30 at 6:15 am 4.75, Off-peak KW Oct 21 at 3:30 am 4.75

Billing SGS-TOU rate 850 WARREN WILSON COLLEGE RD , PUMP - 28 Days
New rate service Charges if new rates applied for entire usage period

Rate schedule table: Basic customer charge 21.00, Summer, September 24- September 30 (On-peak KWH 275 kwh x \$0.05329 = 14.6548, Off-peak KWH 450 kwh x \$0.04126 = 18.5870, On-peak KW at .2391 proration 4.75 kw x \$10.10000 = 11.4708), Non-summer, October 1 - October 22 (On-peak KWH 875 kwh x \$0.05329 = 46.6288, Off-peak KWH 1,575 kwh x \$0.04126 = 64.9845, On-peak KW at .7609 proration 4.75 kw x \$7.48000 = 27.0348), New Rate Subtotal 204.3407

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
C/O RODNEY HUERTER VVNA
14950 HEATHROW FORREST PKWY STE 200
HOUSTON TX 77032-3846

Account number 785 459 6116

Summary box: Total due \$1,143.27, Current charges past due after Nov 6

Make checks payable and return to: Progress Energy Carolinas, Inc. Raleigh NC 27698-0001

Handwritten signature: Rodney Huarter 11/13/07, approved \$1,143.27, Date 11/13: Brenda w/ Progress

Environmental Legacy Matter Agreement on File with VVNA Director of Environmental Affairs

0001100

FORM VER. 002 11/98 REV. 01/00 00-2 SP

7854596116 0452 451 1120 99830-212546.44 Ref 2 3063 000000000 000114327 000114327 7854596116 3

- Doc. Ex. 1183 -



OCTOBER 23, 2007
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 4

Old rate service

Charges if old rates applied for entire usage period

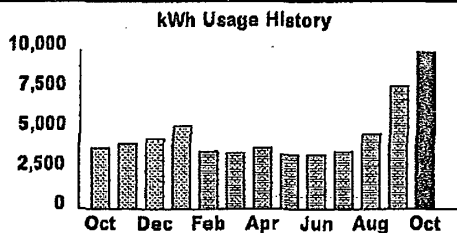
Basic customer charge				21.00
Summer, September 24- September 30				
On-peak KWH	275 kwh	x	\$0.05199	14.2973
Off-peak KWH	450 kwh	x	\$0.03996	17.9820
On-peak KW at .2391 proration	4.75 kw	x	\$10.10000	11.4708
Non-summer, October 1 - October 22				
On-peak KWH	875 kwh	x	\$0.05199	45.4913
Off-peak KWH	1,575 kwh	x	\$0.03996	62.9370
On-peak KW at .7609 proration	4.75 kw	x	\$7.48000	27.0348
Old Rate Subtotal				200.2132
Proration of charges				
New Rate	Oct 1 thru Oct 22	\$204.34	x 0.75000	153.2555
Old Rate	Sep 24 thru Oct 1	\$200.21	x 0.25000	50.0533
Total SGS-TOU Rate Billing				203.31

On-peak kw proration factor

Non-summer	on-peak kwh	875 kwh /	1,150 kwh	.7609
Summer	on-peak kwh	275 kwh /	1,150 kwh	.2391
Total on-peak kwh		1,150		

Proration factor

New Rate	21 days /	28 days =	0.75000
Old Rate	7 days /	28 days =	0.25000



Usage

Meter number	T76037
Readings: Oct 22	82814
Sep 24	- 82318
Meter constant	x 20
kWh usage	9920
Days in period 28	Average kWh per day 354
Actual kW Demand	16.00

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 28 Days

New rate service

Charges if new rates applied for entire usage period

Basic customer charge				12.00
Energy charge	750 kwh	x	\$0.10172	76.2900
	1,250 kwh	x	\$0.08454	105.6750
	7,920 kwh	x	\$0.07987	632.5704

- Doc. Ex. 1184 -



OCTOBER 23, 2007
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 3 of 4

	Three phase service charge			9.00
	New Rate Subtotal			835.5354
Old rate service	Charges if old rates applied for entire usage period			
	Basic customer charge			12.00
	Energy charge	750 kwh x	\$0.10042	75.3150
		1,250 kwh x	\$0.08324	104.0500
		7,920 kwh x	\$0.07857	622.2744
	Three phase service charge			9.00
	Old Rate Subtotal			822.6394
	Proration of charges			
	New Rate	Oct 1 thru Oct 22	\$835.54 x 0.75000	626.6516
	Old Rate	Sep 24 thru Oct 1	\$822.64 x 0.25000	205.6599
	Total SGS Rate Billing			832.31

Proration factor

New Rate	21 days /	28 days =	0.75000
Old Rate	7 days /	28 days =	0.25000

ALS rate	850 WARREN WILSON COLLEGE RD - 28 Days (Old Rate 7 days @ 0.25000) High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off Area lighting	1 Light	\$23.34	5.8350
-----------------	---	---------	---------	--------

ALS rate	850 WARREN WILSON COLLEGE RD - 28 Days (Old Rate 7 days @ 0.25000) High Pressure Sodium lights, 88 kwh, 22000 lumens, enclosed cut-off Area lighting	3 Lights	\$14.71	11.0325
	Wood pole charge	3 Poles	\$2.16	1.6200
	Previous Rate Subtotal			18.4875

(New Rate 21 days @ 0.75000) High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off Area lighting	1 Light	\$23.54	17.6550
--	---------	---------	---------

(New Rate 21 days @ 0.75000) High Pressure Sodium lights, 88 kwh, 22000 lumens, enclosed cut-off Area lighting	3 Lights	\$14.82	33.3450
Wood pole charge	3 Poles	\$2.16	4.8600
Current Rate Subtotal			55.8600

3% North Carolina sales tax			33.30
Total due			\$1,143.27

Current month Time-of-Use Savings for meter TE0949: \$ 92.47, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 1,449.85

- Doc. Ex. 1185 -



OCTOBER 23, 2007
ASHEVILLE DYING AND FINISHING
ACCOUNT 785 459 6116

page 4 of 4

This bill is subject to a 1% per month late payment charge after 11/16/2007.

**For your
information**

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

The North Carolina Utilities Commission Issued an Order on September 25, 2007, after public hearings and review, approving a fuel charge increase of approximately \$48 million in the rates and charges paid by North Carolina retail customers of Progress Energy Carolinas, Inc. The rate increase will be effective for service rendered on or after October 1, 2007 and will result in a monthly rate increase of \$1.30 for a typical customer using 1,000 kWh per month.

- Doc. Ex. 1186 -

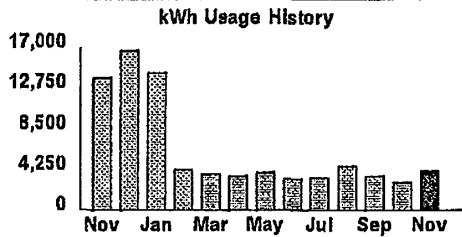


Customer Bill

page 1 of 2

0052861 01 MB 0.360 011 **AUTO **C004
 ASHEVILLE DYING AND FINISHING
 C/O RODNEY HUERTER VWNA
 14950 HEATHROW FORREST PKWY STE 200
 HOUSTON TX 77032-3846

Account number 785 459 6116
Total due \$1,337.16
Current charges past due after Dec 10
 Thank you for your payment Nov 20 \$1,143.27
 Usage period Oct 22 - Nov 20
 This bill was mailed on November 26, 2007

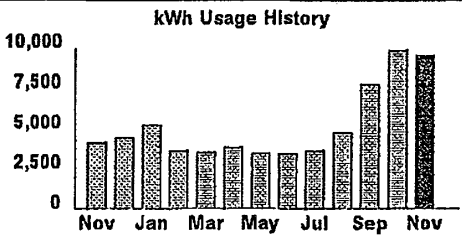


Usage
 Meter number TE0949
 Readings: Nov 20 29105
 Oct 22 - 28933
 Meter constant x 25
kWh usage 4300
 Days in period 29 Average kWh per day 148
Total Peak Registration
 On-peak KW Nov 2 at 9:00 pm 23.75
 Off-peak KW Nov 3 at 8:00 am 25.00

Billing
 SGS-TOU rate

850 WARREN WILSON COLLEGE RD , PUMP - 29 Days

Basic customer charge			21.00
On-peak KWH	1,575 kwh x	\$0.05329	83.9318
Off-peak KWH	2,725 kwh x	\$0.04126	112.4335
On-peak KW	23.75 kw x	\$7.48000	177.6500
Off-peak Excess kw charge	1.25 kw x	\$1.00000	1.2500



Usage
 Meter number T76037
 Readings: Nov 20 83298
 Oct 22 - 82814
 Meter constant x 20
kWh usage 9680
 Days in period 29 Average kWh per day 334
 Actual kW Demand 6.60

Please detach here. Turn over for helpful phone numbers and customer service tips.

Return portion If your mailing address or phone number has changed, please indicate on the back of this stub.

ASHEVILLE DYING AND FINISHING
 C/O RODNEY HUERTER VWNA
 14950 HEATHROW FORREST PKWY STE 200
 HOUSTON TX 77032-3846

Account number
 785 459 6116

Total due	\$1,337.16
Current charges past due after Dec 10	

01
 01
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Make checks payable and return to: Progress Energy Carolinas, Inc.
 Raleigh NC 27698-0001

0052861 0

FORM VER. 002
 11/98 REV. 01/00
 01-1A/B

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- Doc. Ex. 1187 -



NOVEMBER 26, 2007
 ASHEVILLE DYING AND FINISHING
 ACCOUNT 785 459 6116

page 2 of 2

Billing
 SGS rate

850 WARREN WILSON COLLEGE RD , ENVIRONMENTAL CLEANUP - 29 Days			
Basic customer charge			12.00
Energy charge	750 kwh x	\$0.10172	76.2900
	1,250 kwh x	\$0.08454	105.8750
	7,880 kwh x	\$0.07987	613.4016
Three phase service charge			9.00

ALS rate	850 WARREN WILSON COLLEGE RD - 29 Days		
	High Pressure Sodium light, 152 kwh, 50000 lumens, enclosed cut-off		
	Area lighting	1 Light x	\$23.54 23.54

ALS rate	850 WARREN WILSON COLLEGE RD - 29 Days		
	High Pressure Sodium lights, 86 kwh, 22000 lumens, enclosed cut-off		
	Area lighting	3 Lights x	\$14.82 44.46
	Wood pole charge	3 Poles x	\$2.16 6.48
	1% Late payment charge		11.43
	3% North Carolina sales tax		38.61
	Total due		\$1,337.16

Current month Time-of-Use Loss for meter TE0949: \$ 9.60, as compared with rate SGS

Current twelve month Time-of-Use Savings for meter TE0949: \$ 1,107.75

This bill is subject to a 1% per month late payment charge after 12/20/2007.

For your information

For inquiries on this account, contact Commercial Industrial Government Services at 1-888-326-3344.

Stay Informed. Progress Energy customers now have the ability to track and monitor outages at www.progress-energy.com/outagemap

Progress Energy will be closed on November 22 and 23, 2007. General business may be conducted during this time by visiting our website at www.progress-energy.com. If you are calling to report an outage or any other technical problems with your electric service, please call our dedicated outage line at 1-800-419-8358. Happy Thanksgiving from our family to each of yours.

Environmental Legacy Matter.
 Agreement on File with WVA
 Director of Environmental Affairs.

Rodney Huerter 12/18/07
 Rodney Huerter Date
 99830.212546.44 Ref 2 3063
 approved \$ 1337.16

- Doc. Ex. 1188 -

Respondent's Exhibit O
Facility Inspection Reports

- Doc. Ex. 1189 -

Exhibit O-1

2005-08-31 – Inspection Report

- Doc. Ex. 1190 -

RCRA INSPECTION REPORT

X= VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: Asheville Dying & Finishing (US Filter current responsible party)
 Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
 Mailing Address: 850 Warren Wilson College Road, Swannanoa, NC 28778
 EPA ID#: NCD 070 619 663 Phone Number: _____
 Contact/ Title: Steve Pegg Inspection Date: August 31, 2005
 Last Inspection: February 6, 2004(CEI) June 3, 2004 (RFA) Status: TSDf - GW
 Type of Inspection: CEI corrective action Inspector(s): Spring Allen
 Present at Inspection: Spring Allen HWS (Larry Stanley & Jesse Wells via phone)
Steve Pegg & Larry Mull - Anvil Knitwear
Kirk Pollard - Mineral Springs Consultant (via phone)

Anvil Knitwear does not generate hazardous or regulated waste streams on-site from manufacturing operations, and is not directly involved with the cleanup. No Anvil personnel operate any part of the air sparging system or handle any hazardous waste. They replaced the parts washer fluid several years ago and currently there are no accumulation areas at the site.

Since the last inspection Water Applications & Systems Corporation has acquired US Filter and is now the responsible party. They undergoing groundwater remediation by air sparging for past releases from an underground waste perc tank and are under interim status as a disposal site. They no-longer operate the pump and treat operation used for remediation. The leaking waste perc UST and considerable soils were removed several years ago. The area remains fenced and locked.

The facility continues the process of signing an Administrative Order on Consent instead of pursuing a standard permit. As per Larry Stanley, the HWS permit writer there are no changes in the status of the facility since the last inspection. However, the order is under its last review prior to signing. All sampling has been conducted and reports sent to him for review as required in the approved Sampling & Analysis Plan.

Asheville Dying and Finishing historically operated as an industrial dry cleaner using perc. The manufacturing plant is currently a knitting and dying operation only. The contamination is being remediated by air sparging. Mineral Springs Environmental is the consultant for Water Applications & Systems Corporation (WASC). WASC purchased the corporation, and assumed liability from US Filter, who had assumed liability from Culligan Corporation and Asheville Dyeing and Finishing.

As per Jenny Lopp financial assurance is through a letter of credit for post closure activities. The post closure cost estimate \$375,136. Certification renewal is required by June 2, 2006.

Additional Comments:

Number of Employees: _____ Distance to Neighbors: 1/4 mile
 Wells on-site / off-site? multiple monitoring wells as per sampling plan

Spring Denise Allen, August 31, 2005
 Inspector (Date)

_____ by mail _____
 Facility Contact (Date)

Asheville Dying & Finishing, NC, August 31, 2005

- Doc. Ex. 1191 -

Exhibit O-2

2006-06-27 – Inspection Report with
Notice of Violation to WASCO

- Doc. Ex. 1192 -

RCRA INSPECTION REPORT

X= VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: Asheville Dyeing & Finishing
(Water Applications & Systems Corp. current responsible party)
Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
Mailing: John Coyne, 14950 Heathrow Forest Pkwy, Suite 200, Houston, TX 77032
EPA ID#: NCD 070 619 663 **Phone Number:** 281-985-5544
Contact/ Title: John Coyne - WASC **Inspection Date:** June 27, 2006
Last Inspection: August 31, 2005 **Status:** TSDf - GW
Type of Inspection: CEI corrective action **Inspector(s):** Spring Allen
Present at Inspection: Spring Allen HWS (Mary Siedecki via e-mail)
Steve Pegg - Anvil Knitwear onsite contact for repository
Kirk Pollard - Mineral Springs Consultant (via phone)

Asheville Dyeing and Finishing historically operated as an industrial dry cleaner using perc. The manufacturing plant is currently a knitting and dyeing operation only. The contamination is being remediated by air sparging. Mineral Springs Environmental is the consultant for Water Applications & Systems Corporation (WASC). Training information for Mineral Springs personnel was not available for the current year. WASC purchased the corporation, and assumed liability from US Filter, who had assumed liability from Culligan Corporation and Asheville Dyeing and Finishing.

The RCRA unit is an area of groundwater contamination left from the removal of the former UST holding waste tetrachloroethylene. The facility is currently under interim status as a disposal site. They no-longer operate the pump and treat operation used for remediation. The leaking waste perc UST and associated contaminated soils were removed several years ago. The area remains fenced and locked.

Anvil Knitwear currently operates the manufacturing plant at the site. Anvil does not generate hazardous or regulated waste streams on-site from manufacturing operations. They replaced their parts washer fluid several years ago and currently there are no accumulation areas at the site. They are not directly involved with the cleanup. No Anvil personnel operate any part of the air sparging system or handle any hazardous waste. However, Anvil does allow an onsite repository for documents to be placed for inspection. There was no updated financial information on-site. However, as per Jenny Lopp, Asheville Dyeing & Finishing uses a letter of credit for post-closure care in the amount of \$375,136.68. It expires June 2, 2007.

Site Deficiencies:

1. 265.16(d)(4) The facility has failed to keep records that document annual hazardous waste training in the on-site record repository.
2. 265.144(d) The facility has failed to keep a copy of the up dated post closure cost estimate in the on-site record repository.

Additional Comments:

Number of Employees: NA **Distance to Neighbors:** ¼ mile
Wells on-site / off-site? multiple monitoring wells as per sampling plan

Spring Denise Allen, June 27, 2006
 Inspector (Date)

by certified mail
 Facility Contact (Date)

Asheville Dyeing & Finishing CEI June 27, 2006

- Doc. Ex. 1193 -

Division of Waste Management
Hazardous Waste Section

NOTICE OF VIOLATION

To: Mr. John Coyne Docket # 2006-188
 Address: Asheville Dying & Finishing Inspection Date June 27, 2006
Mr. John Coyne, Environmental Manager, Water Applications & Systems Corp.,
14950 Heathrow Forest Parkway, Suite 200, Houston, TX 77032
 EPA ID# NCD070619663 Facility Type TSDF

On December 18, 1980, the State of North Carolina, Hazardous Waste Section (State) was authorized to operate the State RCRA hazardous waste program under the Solid Waste Management Act (ATC), N.C.G.S. 130A, Article 9 and rules promulgated thereto at 15A NCAC 13A (Rules) in lieu of the federal RCRA program.

On June 27, 2006, Ms. Spring Allen representing the N.C. Hazardous Waste Section, inspected your facility for compliance with North Carolina Hazardous Waste Management Rules. During that inspection, the following violations of 40 CFR and the North Carolina Hazardous Waste Management Rules were noted:

<u>Citation</u>	<u>Specifics</u>
1. 265.16(d)(4)	<u>The facility has failed to keep records that document annual hazardous waste training for personnel in the on-site record repository.</u>
2. 265.144(d)	<u>The facility has failed to keep a copy of the updated post closure cost estimate in the on-site record repository.</u>

You are hereby required to comply with the noted violation(s) by August 18, 2006, at which time a re-inspection will be performed. If compliance with the violation(s) noted above are not met, pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701 - 0707, an administrative penalty of up to \$25,000.00 per day may be assessed for violation of the hazardous waste law or regulations.

In further satisfaction of Docket Number 2006-188 Asheville Dyeing and Finishing (Water Applications & Systems Corp.) shall provide written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Mail this certification Ms. Spring Allen, Waste Management Specialist, NCDENR, PO Box 1572, Waynesville, N.C. 28786.

June 27, 2006
(date)

Spring Denise Allen
N.C. Hazardous Waste Section

- Doc. Ex. 1194 -

I, Spring Denise Allen hereby certify that I have personally served a copy of this Notice on: Mr. John Coyne, Environmental Manager, WASC - 14950 Heathrow Forrest Parkway, Suite 200, Houston, TX 77032.

(name)

(location)

on July 19, 2006
(date)

Spring Denise Allen
N.C. Hazardous Waste Section

by certified mail, return receipt requested
(Recipient Signature)

copies to: field files
Central files

- Doc. Ex. 1195 -

Exhibit O-3

2006-08-18 – Return to Compliance Report

- Doc. Ex. 1196 -

RCRA INSPECTION REPORT

* VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: Asheville Dying & Finishing
 (Water Applications & Systems Corp. current responsible party)
 Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
 Mailing: John Coyne, 14950 Heathrow Forest Pkwy, Suite 200, Houston, TX 77032
 EPA ID#: NCD 070 619 663 Phone Number: 281-985-5544
 Contact/ Title: John Coyne - WASC Inspection Date: August,

Last Inspection: June 27, 2006 Status: TSDf - GW
 Type of Inspection: CSE corrective action Inspector(s): Spring Allen
 Present at Inspection: Spring Allen HWS
 (Mary Siedecki via e-mail)
Steve Pegg - Anvil Knitwear onsite contact for repository
Kirk Pollard - Mineral Springs Consultant (via phone)

Site Deficiencies:

1. 265.16(d)(4) The facility has failed to keep records that document annual hazardous waste training in the on-site record repository.

Training records for personnel who operate the GW system were sent via mail and a copy is being retained at the facility.

2. 265.144(d) The facility has failed to keep a copy of the up dated post closure cost estimate in the on-site record repository.

A copy of the post closure cost estimate was sent vial mail and a copy is being retained at the facility.

Therefore Asheville Dying and Finishing is in compliance with docket number 2006-188.

Additional Comments:

Number of Employees: NA Distance to Neighbors: ¼ mile
 Wells on-site / off-site? multiple monitoring wells as per sampling plan

Spring Denise Allen, August 18, 2006 by certified mail
 Inspector (Date) Facility Contact (Date)

- Doc. Ex. 1197 -

Exhibit O-4

2007-01-24 – Inspection Report

- Doc. Ex. 1198 -

RCRA INSPECTION REPORT

X= VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: Asheville Dying & Finishing
 (Water Applications & Systems Corp. current responsible party)
Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
Mailing: John Coyne, 14950 Heathrow Forest Pkwy, Suite 200, Houston, TX 77032
EPA ID#: NCD 070 619 663 **Phone Number:** 281-985-5544
Contact/ Title: John Coyne - WASC **Inspection Date:** January 24, 2007
Last Inspection: June 27, 2006 **Status:** TSDf - GW
Type of Inspection: CEI corrective action **Inspector(s):** Spring Allen
Present at Inspection: Spring Allen HWS, Philistine Spinks, (via phone)
Steve Pegg - Anvil Knitwear onsite contact for repository
Kirk Pollard - Mineral Springs Consultant (via phone)

Asheville Dying and Finishing historically operated as an industrial dry cleaner using perc. The RCRA unit is an area of groundwater contamination left from the removal of the former UST holding waste Tetrachloroethylene. The facility is currently under interim status as a disposal site. They no-longer operate the pump and treat operation used for remediation. The leaking waste perc UST and considerable soils were removed several years ago. The area remains fenced and locked. The contamination is being remediated by air sparging. Mineral Springs Environmental is the consultant for Water Applications & Systems Corporation (WASC). Training information for mineral Springs personnel was not available for the current year. WASC purchased the corporation, and assumed liability from US Filter, who had assumed liability from Culligan Corporation and Asheville Dyeing and Finishing. As per Philistine Spinks, Asheville Dyeing & Finishing uses a letter of credit for post-closure care in the amount of \$385,640.50. The updated closure cost estimate onsite dated 8-16-06. The letter of credit expires June 2, 2007.

Anvil Knitwear currently operates the manufacturing plant at the site. The manufacturing plant is currently a knitting and dying operation only. The plant is undergoing shut down. They plan to be completely closed by August of 2007. The facility will use product that is on-site and has made plans to return unused materials to their vendors or to a sister plant. Anvil does not generate hazardous or regulated waste streams on-site from manufacturing operations. They replaced their parts washer fluid several years ago and currently there are no accumulation areas at the site. They are not directly involved with the cleanup. No Anvil personnel operate any part of the air sparging system or handle any hazardous waste. However, Anvil does allow an onsite repository for documents to be placed for inspection.

Site Deficiencies: none noted

Additional Comments:

Number of Employees: NA **Distance to Neighbors:** ¼ mile
Wells on-site / off-site? multiple monitoring wells as per sampling plan

Spring Denise Allen, January 24, 2007
 Inspector (Date)

_____ by certified mail
 Facility Contact (Date)

- Doc. Ex. 1199 -

Exhibit O-5

2008-05-12 – Inspection Report

- Doc. Ex. 1200 -

RCRA INSPECTION REPORT

X= VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: Asheville Dying & Finishing
(Water Applications & Systems Corp. current responsible party)
Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
Mailing: John Coyne, 14950 Heathrow Forest Pkwy, Suite 200, Houston, TX 77032
Kirk Pollard – Mineral Springs Consultant
EPA ID#: NCD 070 619 663 **Phone Number:** 281-985-5544
Contact/ Title: John Coyne – WASC **Inspection Date:** May 12, 2008
Last Inspection: January 24, 2007 **Status:** TSDF - GW
Type of Inspection: CEI corrective action **Inspector(s):** Spring Allen
Present at Inspection: Spring Allen HWS, Jenny Lopp, (via e-mail)
Bob Glaser – Facilities Mgt. Branch (via phone)

Asheville Dying and Finishing historically operated as an industrial dry cleaner using Tetrachloroethylene (Perc.) The RCRA unit is an area of groundwater contamination left from the removal of the former UST holding waste Perc. The facility is currently under interim status as a disposal site. They no-longer operate the pump and treat operation used for remediation. The leaking waste Perc UST and considerable soils were removed several years ago. The contamination is being remediated by an air sparging system. Mineral Springs Environmental is the consultant for Water Applications & Systems Corporation (WASC). Training information for mineral Springs personnel was not available, as no one was on site. WASC purchased the corporation, and assumed liability from US Filter. US Filter assumed liability from Culligan Corporation and Asheville Dyeing and Finishing. As per Jenny Lopp, Asheville Dyeing and Finishing - uses a letter for post-closure care in the amount of \$\$\$396,824.07

Anvil Knitwear, the former operator, closed in August of 2007. The facility needs to determine the new repository for records or make arrangements with the current operator. The Former UST area continues to be inside a locked fence with vegetative cover. The Facilities Management Branch states that they have received required sample analysis documentation.

Site Deficiencies: none noted

Additional Comments:

Number of Employees: NA **Distance to Neighbors:** ¼ mile
Wells on-site / off-site? multiple monitoring wells as per sampling plan

Spring Denise Allen, May 12, 2008
 Inspector (Date)

by certified mail
 Facility Contact (Date)

- Doc. Ex. 1201 -

Exhibit O-6

2009-01-08 – Inspection Report

- Doc. Ex. 1202 -

RCRA INSPECTION REPORT

* VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: Asheville Dying & Finishing
 (Water Applications & Systems Corp. current responsible party)
Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
Mailing: John Coyne, 14950 Heathrow Forest Pkwy, Suite 200, Houston, TX 77032
Kirk Pollard – Mineral Springs Consultant
EPA ID#: NCD 070 619 663 **Phone Number:** 281-985-5544
Contact/ Title: John Coyne – WASC **Inspection Date:** January 8, 2009
Last Inspection: May 12, 2008 **Status:** TSDf - GW
Type of Inspection: CEI corrective action **Inspector(s):** Spring Allen
Present at Inspection: Spring Allen HWS, Jenny Lopp, (via e-mail)

Asheville Dying and Finishing historically operated as an industrial dry cleaner using Tetrachloroethylene (Perc.) The RCRA unit is an area of groundwater contamination left from the removal of the former UST holding waste Perc. The facility is currently under interim status as a disposal site. They no longer operate the pump and treat operation used for remediation. The leaking waste Perc UST and considerable soils were removed several years ago. The contamination is being remediated by an air sparging system. Mineral Springs Environmental is the consultant for Water Applications & Systems Corporation (WASC). Training information for Mineral Springs personnel was not available, as no one was on site. WASC purchased the corporation, and assumed liability from US Filter. US Filter assumed liability from Culligan Corporation and Asheville Dyeing and Finishing. As per Jenny Lopp, Asheville Dyeing and Finishing - uses a letter for post-closure care in the amount of \$396,824.07

Anvil Knitwear, the former operator, closed in August of 2007. The facility needs to determine the new repository for records or make arrangements with the current operator. The former UST area continues to be inside a locked fence with vegetative cover. The Facilities Management Branch states that they have received required sample analysis documentation.

Site Deficiencies: none noted

Additional Comments:

Number of Employees: NA **Distance to Neighbors:** ¼ mile
Wells on-site / off-site? multiple monitoring wells as per sampling plan

Spring Denise Allen, January 8, 2009
 Inspector (Date)

by certified mail
 Facility Contact (Date)

- Doc. Ex. 1203 -

Exhibit O-7

2011-06-10 – Inspection Report

- Doc. Ex. 1204 -

RCRA INSPECTION REPORT

x= VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: Asheville Dyeing & Finishing
(Water Applications & Systems Corp. current responsible party)
Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
Mailing: Rodney Huerter, 4760 World Houseton Pkwy, Suite 100, Houston, TX 77032
Kirk Pollard – Mineral Springs Consultant - (919) 261-8186
4600 Mineral Springs Ln. Raleigh, NC 27616
EPA ID#: NCD 070 619 663 **Phone Number:** 281-985-5544
Contact/ Title: Rodney Huerter – WASCO **Inspection Date:** June 10, 2011
Last Inspection: July 15, 2010 **Status:** TSDf - GW
Type of Inspection: CEI corrective action **Inspector(s):** Spring Allen
Present at Inspection: Spring Allen, Mary Siedlecki and Jenny Lopp (via e-mail)
Number of Employees: NA **Distance to Neighbors:** 1/4 mile
Wells on-site / off-site? multiple monitoring wells as per sampling plan

Asheville Dyeing and Finishing historically operated as an industrial dry cleaner using Tetrachloroethylene (Perc.) The RCRA unit is an area of groundwater contamination left from the removal of the former UST holding waste Perc. The facility is currently under interim status as a disposal site. They no-longer operate the pump and treat operation used for remediation. The leaking waste Perc UST and considerable soils were removed several years ago. The contamination is being remediated by an air sparging and vapor extraction system. Anvil Knitwear, the former operator, closed in August of 2007. The facility needs to determine the new repository for records or make arrangements with the current operator. The former UST area continues to be inside a locked fence with vegetative cover and the system continues to run. This was determined by a site visit to verify the electricity remains operational and the pumps were running.

As per Mary Siedlecki, the Facilities Management Branch is currently working with the facility and the other entities to determine responsible parties for the corrective action portion of the remediation. They have been given four to six (4-6) months to work out the details and determine responsibility for continued remediation. WASCO has continued its contract with, Kirk Pollard of Mineral Springs (consultant). Mineral Springs has continued to conduct sampling events as per the schedule in the site sampling plan and provide analysis reports as scheduled. The current sampling plan is investigatory as outlined in the Administrative Order on Consent – Docket # 1989-249, dated August 29, 1990. WASCO is identified as a third party in the AOC, and is the acting responsible party for the current remediation and investigation.

As per Jenny Lopp about Asheville Dyeing and Finishing: "I spoke with Rodney Huerter last week regarding AD&F revised letter of credit. The previous letter of credit is still in place at \$422,729.86 and will not expire until June 2, 2012. (The only thing that will change is the amount of the letter of credit, it will increase slightly)"

Site Deficiencies: If any violations are determined, they will be addressed by the Facilities Management Branch.

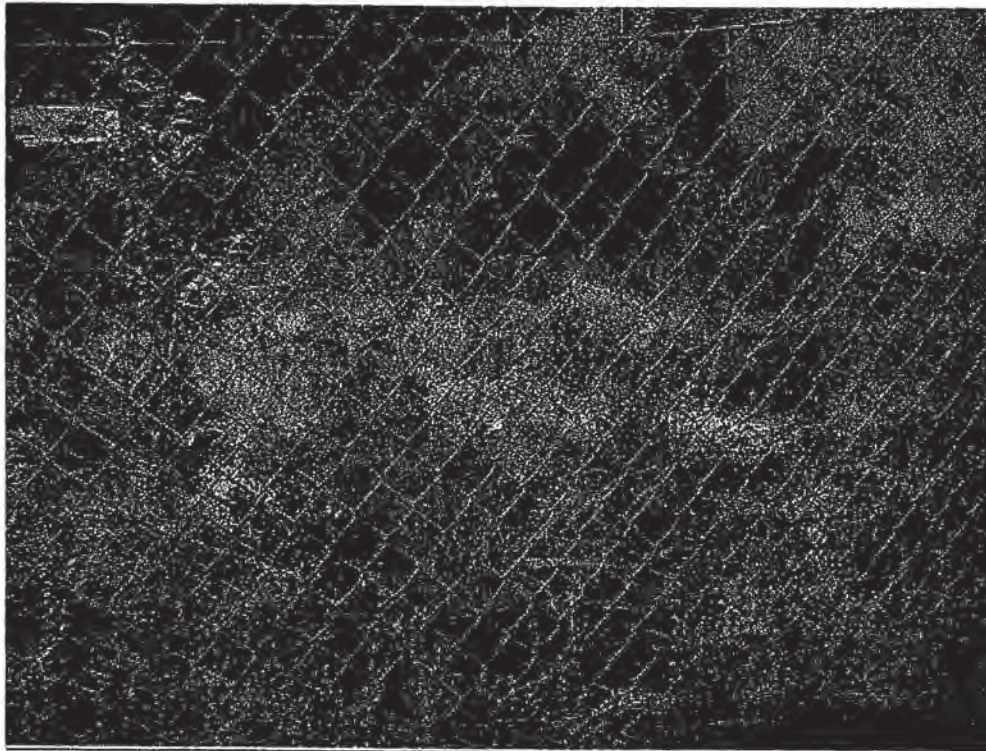
Spring Denise Allen, June 10, 2011
 Inspector (Date)

by certified mail
 Facility Contact (Date)

- Doc. Ex. 1205 -



Asheville Dyeing & Finishing – RCRA Unit 1 of 2 buildings housing the pumps for the system



- Doc. Ex. 1206 -

Asheville Dyeing & Finishing – RCRA unit cover is overgrown. Small 3 foot maple trees are growing.



Asheville Dyeing & Finishing – production well – multiple MWs are located around the area. They remain locked.

- Doc. Ex. 1207 -

Exhibit O-8

2012-09-12 – Inspection Report

- Doc. Ex. 1208 -

RCRA INSPECTION REPORT

VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: former Asheville Dyeing & Finishing (WASCO, LLC- current responsible party)
Location: 850 Warren Wilson College Road, Swannanoa, NC 28778
Mailing: Rodney Huerter, 4760 World Houston Pkwy, Suite 100, Houston, TX 77032
 Kirk Pollard – Mineral Springs Consultant - (919) 261-8186
 4600 Mineral Springs Ln. Raleigh, NC 27616
EPA ID#: NCD 070 619 663 **Phone Number:** 281-985-5544
Contact/ Title: Rodney Huerter – WASCO **Inspection Date:** September 12, 2012
Last Inspection: June 10, 2011 **Status:** TSDF - GW
Type of Inspection: CEI corrective action **Inspector(s):** Spring Allen
Present at Inspection: Spring Allen, Mary Siedlecki & Jenny Lopp (via e-mail)
 and Kirk Pollard via phone
Number of Employees: NA **Distance to Neighbors:** ¼ mile
Wells on-site / off-site? multiple monitoring wells as per sampling plan

Asheville Dyeing and Finishing historically operated as an industrial dry cleaner using Tetra-chloro ethylene (Perc.) The RCRA unit is an area of groundwater contamination left from the removal of the former UST holding waste Perc. The facility is currently under interim status as a disposal site. They no-longer operate the pump and treat operation used for remediation. The leaking waste Perc UST and considerable soils were removed several years ago. The contamination is being remediated by an air sparging and vapor extraction system. Anvil Knitwear, the former operator, closed in August of 2007. The facility needs to determine the new repository for records or make arrangements with the current operator. The former UST area continues to be inside a locked fence with vegetative cover and the system continues to run. This was determined by a site visit to verify the electricity remains operational and the pumps were running. The current sampling plan is investigatory as outlined in the Administrative Order on Consent – Docket # 1989-249, dated August 29, 1990. WASCO is identified as a third party in the AOC, and continues to be identified as the responsible party for the current remediation and investigation. No one was onsite therefore no access was available. The visible monitoring well heads were locked and seemed to be in good condition.

As per Mary Siedlecki, There is nothing new to report with this site. I suspect that you will not be able to gain access to site property (as has been the case in the past). We sent the facility contact a letter letting them know that we will be drafting an alternate mechanism in lieu of a post-closure permit. We have not heard back from the facility contact. I plan on starting on the alternate mechanism in this month.

Call me if you have any additional questions. Mary

As per Kirk Pollard of Mineral Springs, the facility's consultant, sampling was conducted in July of 2012 and he is currently preparing a report for review.

As per Jenny Lopp, This facility uses a letter of credit for post-closure care. The expiration date of the letter of credit is June 2, 2013. The current post-closure amount is \$435,923.26.

Site Deficiencies: If any violations are determined, they will be addressed by the Facilities Management Branch.

Spring Allen September 12, 2012 by mail
 Inspector (Date) Facility Contact (Date)

- Doc. Ex. 1209 -

Asheville Dyeing & Finishing – RCRA unit cover is overgrown. The area surrounding the fenced area is well kept. Pumps are running in the sparging controls building.



- Doc. Ex. 1210 -

Exhibit O-9

2013-06-13 and 2013-07-10 – Inspection Report

- Doc. Ex. 1211 -**RCRA INSPECTION REPORT**

VIOLATION NOTED NA= NOT APPLICABLE

Facility Name: former Asheville Dyeing & Finishing (WASCO, LLC- current responsible party)**Location:** 850 Warren Wilson College Road, Swannanoa, NC 28778**Mailing:** Rodney Huerter, 4760 World Houston Pkwy, Suite 100, Houston, TX 77032Kirk Pollard – Mineral Springs Consultant - (919) 261-81864600 Mineral Springs Ln. Raleigh, NC 27616**EPA ID#:** NCD 070 619 663 **Phone Number:** 281-985-5544**Contact/ Title:** Rodney Huerter – WASCO **Inspection Date:** 6/13 site visit/ 7/10, 2013 TCs**Last Inspection:** September 12, 2012 sampling **Status:** TSDf - GW**Type of Inspection:** CEI **Inspector(s):** Spring Allen**Present at Inspection:** Spring Allen, Mary Siedlecki & Jenny Lopp (via e-mail)
Kirk Pollard via phone**Number of Employees:** NA **Distance to Neighbors:** ¼ mile**Wells on-site / off-site?** multiple monitoring wells as per sampling plan

Asheville Dyeing and Finishing historically operated as an industrial dry cleaner using Tetra-chloro ethylene (Perc.) The RCRA unit is an area of groundwater contamination left from the removal of the former UST holding waste Perc. The facility is currently under interim status as a disposal site. They no-longer operate the pump and treat operation used for remediation. The leaking waste Perc UST and considerable soils were removed several years ago. The contamination is being remediated by an air sparging and vapor extraction system. Anvil Knitwear, the former operator, closed in August of 2007. The facility needs to determine the new repository for records or make arrangements with the current operator. The former UST area continues to be inside a locked fence with vegetative cover and the system continues to run. This was determined by a site visit to verify the electricity remains operational and the pumps were running. The current sampling plan is investigatory as outlined in the Administrative Order on Consent – Docket # 1989-249, dated August 29, 1990. WASCO is identified as a third party in the AOC, and continues to be identified as the responsible party for the current remediation and investigation. No one was onsite therefore no access was available. The visible monitoring well heads were locked and seemed to be in good condition.

As per Kirk Pollard of Mineral Springs Environmental, sampling was conducted the last week of July. An analysis report will be sent to Mary Siedlecki for review.

In her last report review, Mary Siedlecki stated, although contaminant concentrations have dropped since the initial remediation began, recent results indicate no significant change in GW quality. Contaminant concentrations remain above GW standards.

- Doc. Ex. 1212 -

She is meeting with key personnel to determine future actions at the site, but suspects that if none of the parties involved with the site will consent to development to an Alternate Mechanism in lieu of a Post-Closure Permit, the Section will have no alternative to issuance of a compliance order with penalty to gain compliance

As per Jenny Lopp, (8-7-2013) Asheville Dyeing and Finishing uses a letter of credit with a standby trust fund to demonstrate financial assurance for post-closure care. The letter of credit is irrevocable unless a "notice of non-renewal" is received as stated in the letter of credit. The current amount of letter of credit is \$443,769.88. The current term of the letter of credit is valid until June 2, 2014.



Spring Denise Allen, 6-13 & 7-10-2013

Inspector (Date)

by mail

Facility Contact (Date)

Asheville Dyeing & Finishing – RCRA unit cover is very overgrown. The area surrounding the fenced area is well kept. Pumps are running in the sparging controls building.



- Doc. Ex. 1213 -

Respondent's Exhibit P

Delegations and Policy

- Doc. Ex. 1214 -

Exhibit P-1

2001-10-23 – Memorandum of Authority
between the Department and EPA

- Doc. Ex. 1215 -

MEMORANDUM OF AGREEMENT BETWEEN

THE STATE OF NORTH CAROLINA

AND

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

I. GENERAL

This Memorandum of Agreement (hereinafter "Agreement") establishes policies, responsibilities, and procedures pursuant to 40 CFR 271.8 for the State of North Carolina's Hazardous Waste program (hereinafter "State Program") authorized under Section 3006 of the Resource Conservation and Recovery Act (hereinafter "RCRA" or "the Act") of 1976 (42 USC 6901 et seq.), as amended (Public laws 94-580, 96-482, 98-616), and the United States Environmental Protection Agency (hereinafter EPA) Regional Office for Region 4. This Agreement further sets forth the manner in which the State and EPA will coordinate in the State's administration and enforcement of the State program and, pending State authorization, EPA's administration of the provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA). For purposes of this Agreement, references to "RCRA" include HSWA.

This Agreement is entered into by the Secretary of the North Carolina Department of the Environment and Natural Resources (hereinafter "Director" or "the State") and the Regional Administrator, EPA Region 4 (hereinafter "Regional Administrator" or "EPA").

Nothing in this Agreement shall be construed to restrict in any way EPA's authority to fulfill its oversight and enforcement responsibilities under RCRA. Nothing in this Agreement shall be construed to contravene any provision of 40 CFR Part 271.

The parties will review the Agreement jointly at least once a year (and other times as appropriate) during preparation of the annual State Grant work program or Performance Partnership Grant (hereinafter "Grant"), in connection with grant funding under section 3011 of RCRA. This Agreement may be modified upon the initiative of either party in order to ensure consistency with State program modifications made or for any other purpose mutually agreed upon. Any revisions or modifications to this Agreement must be in writing and must be signed by the State and the Regional Administrator. This Agreement will remain in effect until such time as State program authorization is withdrawn by or is voluntarily transferred to EPA according to the criteria and procedures established in 40 CFR 271.22 and 40 CFR 271.23.

This Agreement is being updated to reflect current program contacts. This Agreement shall be signed by the State and the Regional Administrator and shall become effective after being signed by both parties. This Agreement shall supersede all previous Agreements.

- Doc. Ex. 1216 -**II. POLICY STATEMENT**

Each of the parties to this Agreement is responsible for ensuring that its obligations under RCRA are met. The State assumes primary responsibility for implementing the authorized provisions of the RCRA hazardous waste program within its geographic boundaries. The State will conduct its hazardous waste program equivalently with EPA program policies and guidance, which does not preclude the State from using alternative strategies, policies and procedures that it may choose.¹ While EPA retains responsibility for the direct implementation of those provisions of HSWA for which the State is not authorized, it is the intention of EPA and the State to coordinate the implementation of such provisions to the greatest degree possible.

EPA will oversee implementation of the authorized State program in order to ensure full execution of the requirements of RCRA, to promote national consistency in the hazardous waste program, and to allow EPA to report to the President and Congress on the achievements of the hazardous waste program. Oversight will be accomplished by EPA through written reporting requirements, permit overview, compliance and enforcement overview, and annual review of the State's programs.

III. STATE PROGRAM REVIEW

The Regional Administrator will assess the State administration and enforcement of the hazardous waste program on a continuing basis for equivalence and consistency with RCRA, this Agreement, and all applicable Federal requirements and policies, and for adequacy of enforcement. This assessment will be accomplished by EPA review of information submitted by the State in accordance with this Agreement and the State grant work program, permit overview, compliance and enforcement overview, and annual review of State program activities. The Regional Administrator may also consider, as part of this regular assessment, written comments about the State's program administration and enforcement that are received from regulated persons, the public, and Federal, State and local agencies. Copies of any such comments received by the Regional Administrator will be provided to the State.

The State agrees to allow EPA access to all files and other information requested by the Regional Administrator or his or her designee and deemed necessary by EPA for reviewing State program administration and enforcement. File reviews may be conducted at any time. Program review meetings between the State and the Regional Administrator or their assignees will be scheduled at reasonable intervals, not less than annually, to review specific operating procedures and

¹ These policies and guidance include, at a minimum, the RCRA Implementation Plan; the Office of Enforcement and Compliance Assurance MOA guidance; RCRA Civil Penalty Policy dated October 26, 1990; National Criteria for a Quality Hazardous Waste Program; revised Hazardous Civil Enforcement Response Policy (April, 15, 1996); and the EPA Policy on Performance Based Assistance (May 31, 1985).

- Doc. Ex. 1217 -

schedules, to resolve problems and to discuss mutual program concerns. These meetings will be scheduled at least fifteen days in advance unless mutually agreed to differently. A tentative agenda for the meeting will be prepared by EPA.

The State and EPA agree to develop, on an annual basis as a part of the State grant work program, criteria for priority activities, including activities regarding handlers of hazardous waste. These criteria will be based on guidance issued by EPA in the annual Agency Operating Year Guidance, other guidance documents as may be appropriate, and State specific concerns, and will serve to identify those activities which should receive the highest priority during the grant period.

IV. INFORMATION SHARING

A. General

This Section covers information sharing on miscellaneous elements of the RCRA program, including notification, RCRAInfo data, etc. Specific information sharing requirements for the other major program elements are covered in their respective Sections: V. Permit Issuance, VI. Permit Administration, and VII. Enforcement. Detailed tables describing the flow of documents between the State and EPA for Sections V., VI., and VII. of the MOA will be negotiated annually as part of the State's Grant.

Information related to Sections V. and VI., Permitting, shall be sent by the State to: Chief, RCRA Programs Branch, EPA Region 4, 61 Forsyth St., Atlanta, GA 30303. EPA shall send permit related information to: Jill B. Pafford, Chief, Hazardous Waste Section, 401 Oberlin Rd. Suite 150, Raleigh, North Carolina 27605. Information related to Section VII., Enforcement, shall be sent to: Chief, RCRA Enforcement and Compliance Branch, EPA Region 4, 61 Forsyth St., Atlanta, GA 30303. EPA shall send enforcement related information to: Jill B. Pafford, Chief, Hazardous Waste Section, 401 Oberlin Rd. Suite 150, Raleigh, North Carolina 27605.

1. EPA will keep the State informed of the content and meaning of Federal statutes, regulations, guidelines, standards, policy decisions, directives, and any other factors that affect the State program. EPA will also provide general technical guidance to the State. EPA will share with the State any reports developed by EPA from the data submitted through State reporting requirements.
2. EPA will make available to the State other relevant information as requested which the State needs to implement its approved program. Information provided to the State will be subject to the terms of 40 CFR Part 2.
3. The State agrees to inform the Regional Administrator of any proposed program changes which would affect the State's ability to implement the authorized program with as much advance notice as possible. Program changes of concern include modification of the State's legal authorities (i.e., statutes, regulations and judicial or legislative actions affecting those

- Doc. Ex. 1218 -

authorities), modifications of Memoranda of Agreement or Understanding with other agencies, and modifications of resource levels (i.e., available or budgeted personnel and funds). The State recognizes that program revisions must be made in accordance with the provisions of 40 CFR 271.21, and that until approved by EPA, revisions are not authorized as RCRA Subtitle C requirements. EPA agrees to support the State with timely review of proposed State legislation that might have a significant potential to affect the authorized hazardous waste program.

4. The State agrees to provide any pertinent information requested by the Regional Administrator or his or her designee within a mutually agreed upon time frame, as necessary for EPA to carry out its oversight responsibilities.
5. The State agrees to submit the following reports and documents to the Regional Administrator or his or her designee within the specified time periods: a) End-of-Year report on the date set in the Grant and b) Additional reports and documents as specified by the Grant.
6. EPA agrees to adhere to the schedules in the Grant and the schedules specified by the Grant, including the Document Flow Tables.

B. Site Visits

EPA is responsible for maintaining reliable national data on hazardous waste management. This data is used to report to the President and Congress on the achievements of the hazardous waste program and to support EPA's regulatory development efforts. Whenever EPA determines that it needs to obtain certain information, EPA will first seek to gain this information from the States. The State of North Carolina agrees to supply the Regional Administrator with this information if readily available and as resources allow. If the State is unable to provide the information or if it is necessary to supplement the State information, EPA may conduct a special survey or perform information collection site visits after notifying the State (normally with at least seven days advance notice) and inviting the State to participate in the site visit. EPA will share with the State any reports developed by EPA as a result of such information collection.

C. Emergency Situations

Upon receipt of any information that the handling, storage, treatment, transportation, or disposal of hazardous waste is endangering human health or the environment, the party in receipt of such information shall immediately notify by telephone the other party(ies) to this Agreement of the existence of such situation. EPA shall call North Carolina hazardous waste representative for the State Emergency Response Team, Joe Parker at pager number 1-888-774-7935 or via phone at 919-380-7144, and cellular phone 336-816-5035. The State shall call EPA's Emergency Response Branch at 1-800-564-7577.

- Doc. Ex. 1219 -**D. Confidentiality**

1. Any information obtained or used in the administration of the State program shall be available to EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to EPA when providing information. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2, Public Information.
2. EPA agrees to furnish to the State information in its files which is not submitted under a claim of confidentiality and which the State needs to implement its program. EPA shall furnish to the State information submitted to EPA under a claim of confidentiality, which the State needs to implement its approved program, subject to the conditions in 40 CFR Part 2. EPA will notify affected facilities when confidential information is furnished to the State. The confidentiality provisions contained in North Carolina General Statute §130A-304 provide adequate protection to the interests of businesses affected by the disclosure of such confidential information.

E. Delisting

The State shall send a copy of the delisting petition, and all subsequent revisions, to EPA within 15 days of receipt. Please consult the Enforcement and Compliance document flow table, attached to the Grant, for additional information on delisting documents the State should share with EPA.

F. Notification

EPA and the State have jointly decided that the State will assign all EPA I.D. numbers and enter all notification data into RCRAInfo. If the applicant sends a notification form (8700-12 or equivalent) directly to EPA, EPA will forward the form to the State for the assignment of an I.D. number within 30 days of receipt. If the State receives a notification form from EPA or from the applicant, the State will assign an I.D. number to the applicant and inform the applicant of its number.

G. Variances and Waivers

The State will obtain concurrence from the Regional Administrator on all variances which might make the State program less stringent than the federal program. EPA agrees to evaluate these requests for concurrence within forty-five (45) days of receipt. All public notices of intent to issue variances or waivers should be sent to EPA within fourteen (14) days of issuance. The State will transmit a copy of all variance or waiver approvals to EPA within ten (10) days of issuance.

- Doc. Ex. 1220 -

H. RCRA Data Management

1. The State agrees to use, maintain, and enter data into, the national RCRA data management system, RCRAInfo, including non-notifiers.
2. The State is responsible for the correctness of the data it enters. The State will timely correct any State data errors in the RCRAInfo edit reports. EPA is responsible for the correctness of the data it enters, and will timely correct any data errors that EPA has created.
3. The State will provide to EPA by the 20th of every month RCRAInfo data representing the previous month's activities. (See # 7 for the schedule for translating from State databases.) The State will run data assessment reports specified by EPA and available on the Region 4 portion of the RCRAInfo Reports Sharing menu at least once a quarter and make indicated corrections promptly.
4. The State will collect Biennial Reporting data and provide the data to EPA for loading into the national Biennial Report part of RCRAInfo according to the schedule promulgated by EPA Headquarters, and the schedule in the Grant.
5. EPA will inform the State promptly when changes are made to RCRAInfo that might affect the State's implementation of RCRAInfo. EPA will assist the State in RCRAInfo consulting and training as resources allow.
6. EPA will help the State maximize usefulness of RCRAInfo and BRS data by enhancing existing reports or writing new report programs to fit specifications of the State, as EPA resources allow. These reports will be available on the Region 4 portion of the RCRAInfo shared reports menu. EPA will also assist the State in resolving Biennial Report data quality problems according to the schedule promulgated by EPA Headquarters.
7. Translating into RCRAInfo. If the State translates all or any part of its RCRAInfo from a State database, the following requirements apply:
 - The State is solely responsible for meeting specification for flat files issued by the Office of Solid Waste, EPA Headquarters. These specifications are available on the EPA Headquarters web site, www.epa.gov/osw/files, in the Translators Guide document.
 - The State will extract data from its State database for loading into RCRAInfo and transmit its flat files to EPA at least monthly, by the 13th of each month, to allow time for loading data into RCRAInfo and resolving any data errors revealed by the load process by the 20th of the month.
 - The State will transmit its flat files to EPA according to a procedure agreed to by the State and EPA.
 - EPA will promptly load the State's extracted data into RCRAInfo and provide the State with any error lists produced by the load process. The State, with guidance from EPA, will resolve those errors promptly.

- Doc. Ex. 1221 -**V. PERMIT ISSUANCE****A. EPA Permitting**

Upon authorization of the State program, EPA will suspend issuance of Federal permits for hazardous waste treatment, storage, and disposal facilities for which the State is receiving authorization. If EPA promulgates standards for additional regulations mandated by HSWA, that are not covered by the State's authorized program, EPA will issue and enforce RCRA permits in the State for these new regulations until the State receives final authorization for equivalent and consistent State standards. If EPA promulgates new standards requiring a permit modification, then EPA may, pursuant to 40 CFR 270.42(b)(6)(vii), extend the time period for final approval or denial of a modification request until such time that the State receives authorization for the new standards. At the time the State program is approved in the new areas, EPA will suspend issuance of Federal permits in the State. EPA will also transfer any pending permit applications, completed permits or pertinent file information to the State within thirty days of the approval of the State program in conformance with the conditions of this Agreement.

The State and EPA have agreed to a joint permitting process (see section V.D of this Agreement) for the joint processing and enforcement of permits for those provisions of RCRA for which the State does not have authorization. As the State receives authorization for additional provisions of RCRA, EPA will suspend issuance of Federal permits in the State for those provisions.

B. EPA Overview of State Permits

EPA's overview function will focus primarily on those facilities identified by the State and EPA in the State's annual Grant Work Program and Program Description. The State and EPA will usually reach concurrence on permit conditions prior to issuance of the draft permit or approval of proposed permit modifications. EPA may comment in writing on any draft permit or proposed permit modification, within forty five days of its receipt, whether or not EPA commented on the permit application. Where EPA indicates in a comment that issuance, modification, reissuance, termination or denial of the permit would be inconsistent with the approved State program, EPA shall include in the comment:

- a. a statement of the reasons for the comment (including the section of the State law or regulations that supports the comment), and
- b. the actions that should be taken by the State in order to address the comment (including the conditions which the permit would include if it were issued by EPA).

EPA shall send a copy of such written comments to the permit applicant. EPA shall withdraw such comments when satisfied that the State has met or refuted its concerns and shall also provide the permit applicant with a copy of such withdrawal.

- Doc. Ex. 1222 -

Under section 3008(a)(3) of RCRA, EPA may terminate a State-issued permit in accordance with the procedures of 40 CFR Part 124, Subpart E, or bring an enforcement action in accordance with the procedures of 40 CFR Part 22 in the case of a violation of a State program requirement. In exercising these authorities, EPA will observe the conditions established in 40 CFR 271.19(e) and any other applicable authorities.

C. State Permitting

The State is responsible for expeditiously drafting, circulating for public review and comment, issuing, modifying, reissuing and terminating RCRA permits for those hazardous waste treatment, storage and disposal facilities subject to the authorized provisions of the State's program and shall do so in a manner consistent with RCRA as amended by HSWA, this Agreement, all applicable Federal requirements, and the State's Program Description. The State agrees to issue, modify and reissue all permits subject to the authorized portions of the State's program in accordance with Chapter 150B and Chapter 130A, Articles 1 and 9, of the North Carolina General Statutes, and 15A North Carolina Administrative Code 13A .0105 and .0113, and to include as permit conditions all applicable provisions of Article 9 of Chapter 130A of the North Carolina Statutes and 15A North Carolina Administrative Code 13A .0109, .0111 and .0113. This agreement also applies to permits issued after final authorization but for which the processing may have begun before final authorization.

The State agrees to consider all comments EPA makes on permit applications and draft permits. The State will satisfy or refute EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

D. Joint Permitting Process

Pursuant to section 3006(g)(1), and in accordance with RCRA, as amended, EPA has the authority to issue or deny permits or those portions of permits to facilities in North Carolina for the requirements and prohibitions in or stemming from RCRA, until the State's program is amended to reflect those requirements and prohibitions and authorization is received for the portion or portions of the program.

EPA and North Carolina hereby establish this joint permitting process for the issuance of RCRA permits in North Carolina. This joint permitting process is established in accordance with section 3006(c)(3) of RCRA. The administrative details of the joint permitting process shall be incorporated into the annual State grant work program. The duties and responsibilities of EPA and the State for joint permitting, including worksharing agreements, shall also be specified in the annual State grant work program.

The details of the joint permitting process, as contained in the State Grant Work Program, shall be reviewed and revised as often as necessary, but no less often than annually to assure its continued appropriateness.

- Doc. Ex. 1223 -

Upon authorization of the State for any of the provisions of RCRA, the specifics of the Joint Permitting Agreement as set in the annual State grant work program shall be amended to reflect the authorization. Amendment of this Memorandum of Agreement or the execution of a separate Memorandum of Agreement may be required for authorization of any of the provisions of HSWA.

VI. PERMIT ADMINISTRATION**A. EPA**

EPA will administer the RCRA permits or portions of permits it has issued to facilities in the State until they expire or are terminated. EPA will be responsible for enforcing the terms and conditions of the Federal permits while they remain in force.

B. State

The State agrees to review all hazardous waste permits which were issued under State law prior to the date of approval of final authorization in accordance with 40 CFR 271.13(d), and to modify, or revoke and reissue, such permits as necessary to require compliance with the amended State Program. The State shall notify EPA of any permits not equivalent to federal permit requirements, including any permits that have been issued but are pending administrative or judicial appeal. Except for these non-equivalent permits, once EPA has determined that the State has fulfilled the requirements of 40 CFR 271.13(d), EPA will terminate the applicable Federal permit, or Federal portion of the permit, pursuant to the procedures in 40 CFR 124.5(d), notify the State that the permit is terminated, and no longer administer those permits or portions of permits for which the State is authorized.

Where the State permit is not equivalent to federal permit requirements, the State may modify, or revoke and reissue, its permit as necessary to require compliance with its authorized program in a manner consistent with RCRA as amended by HSWA. If the State does not modify, or revoke and reissue, a permit equivalent to the federal permit, EPA will administer and enforce its permit until it expires or is terminated.

Upon the effective date of an equivalent State permit, EPA will terminate the federal permit pursuant to 40 CFR 271.8(b)(6) and 124.5(d). EPA will notify the permittee by certified mail of its intent to terminate the federal permit, and give the permittee 30 days in which to agree or object to termination of the permit.

The State agrees to resolve all State permit appeals in a manner consistent with its authorized RCRA program.

- Doc. Ex. 1224 -

C. RCRA Cleanup Reforms

The State will conduct the RCRA Corrective Action Program in a manner that promotes rapid achievement of cleanups while protecting human health and the environment. Specifically, the State will, to the extent practicable:

- embrace flexible, practical, results-based approaches that focus on control of human exposure and contaminated groundwater migration in the short term, with final cleanup being the long term goal.
- provide ready public access to information and meaningful opportunities for public involvement in the cleanup process.
- foster a culture of innovation, creativity, communication and technical expertise, focused on acceleration cleanups and meeting program goals.
- carefully consider key program guidance (and any updates) in conducting the RCRA Corrective Action Program. (See Attachment A)

EPA will assist the State with all aspects of the cleanup program and support its efforts to conduct faster, focused and more flexible RCRA cleanups.

VII. COMPLIANCE MONITORING AND ENFORCEMENT

A. EPA

EPA recognizes that the State shall have primacy over addressing any hazardous waste generator, transporter, or facility or bring enforcement against any person believed to be in violation of the State or federal hazardous waste program or believed to have a release of hazardous waste or constituent. However, nothing in this Agreement shall restrict EPA's right to conduct the same. Before conducting an inspection of a generator, transporter or facility, the Regional Administrator will normally give the State at least seven days notice of the intent to inspect in accordance with 40 CFR 271.8(b)(3)(I), and will invite the State to participate in the inspection. In case of an imminent hazard to human health and the environment, the Regional Administrator may shorten or waive the notice period.

The frequency of EPA oversight and training inspections will be specified in the annual State grant work program. EPA will negotiate on an annual basis with the State the number or percentage of the State's compliance inspections on which EPA will accompany the State.

EPA may take enforcement action against any person determined to be in violation of RCRA in accordance with section 3008(a)(2). EPA will take enforcement action upon determining that the State has not taken timely and appropriate enforcement action or upon request by the State. Prior

- Doc. Ex. 1225 -

to issuing a compliance order under section 3008(a) EPA will give notice to the State. EPA also retains its rights to issue orders and bring actions under sections 3008(h), 3013 and 7003 of RCRA and any other applicable Federal statute.

After notice to the State, EPA may take action under section 3008 of RCRA against a holder of a State-issued permit on the grounds that the permittee is not complying with a condition of that permit. In addition, EPA may take action under section 3008 of RCRA against a holder of a State-issued permit on the grounds that the permittee is not complying with a condition that the Regional Administrator, in commenting on that permit application or draft permit, stated was necessary to implement approved State program requirements, whether or not that condition was included in the final permit.

B. State

The State agrees to carry out a timely and effective program for monitoring compliance by generators, transporters, and facilities with applicable program requirements (see 40 CFR 271.15). As part of this program, the State will conduct inspections to assess compliance with generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements. Compliance monitoring activities and priorities will be specified in the Office of Enforcement and Compliance Assurance's bi-annual MOA guidance and will be addressed in the annual State grant work program which shall be consistent with all applicable Federal requirements. State specific activities and priorities for compliance monitoring will also be included in the annual grant work plan.

The State agrees to take timely and appropriate enforcement action as defined in the 1996 Hazardous Waste Enforcement Response Policy against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements, including violations detected by State or Federal compliance inspections. The State will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public.

VIII. AVAILABILITY OF INFORMATION

The State provides for the public availability of information obtained by the State regarding facilities and sites that manage hazardous waste. Such information is available to the public in substantially the same manner as, and to the same degree as, that available under federal law. The State agrees to keep a log of denials of requests for information (or a file containing copies of denial letters sent to requestors) which will be made available to EPA during the State review. The State agrees to keep EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities, as applied to section 3006(f).

- Doc. Ex. 1226 -

STATE OF NORTH CAROLINA

U.S. ENVIRONMENTAL PROTECTION
AGENCY REGION 4

BY: *[Signature]*

BY: *[Signature]*

DATE: 9-12-01

DATE: 10/23/07

- Doc. Ex. 1227 -

**BASE PERMITTING DOCUMENT FLOW
BETWEEN EPA AND NORTH CAROLINA**

Item	Item Description	State Action	EPA Action
1	New and revised Part A application	Copy to EPA	Review and become familiar with document.
2	a) LDF Operating Permit Part Bs, and subsequent revisions b) Combustion Operating Permit Part Bs, including trial burn plans and subsequent revisions, risk assessment protocols and risk assessments c) Subpart X Part B's, risk assessment protocols, and risk assessments	Copy to EPA within 30 days of receipt.	Review and become familiar with documents. Comment as appropriate at State request.
3	Copies of warning letter and first Notice of Deficiency (NOD) for all TSDFs	Copy to EPA	Review for HSWA applicability, e.g. CC.
4	Copies of 2nd and subsequent NODs/Order for facilities in item 2.	Send draft 30 days prior to issuance if comments requested; final when issued.	Comments, if any, w/in 30 days of receipt
5	Completeness determinations for all TSDFs	Copy to EPA	Monitor progress.
6	Draft permits and draft modifications for TSDFs in item 2, with fact sheets and public notices	Send to EPA 30 days before start of public comment period.	Comment to State w/in 30 days of receipt.
7	Draft permits and draft modifications for all other TSDFs, with fact sheets and public notices	Copy to EPA	Review and comment to State if cursory review indicates problems.
8	Final permits and final modifications for all TSDFs	Copy to EPA	Review if EPA commented on draft.
9	Emergency Permits	Notify EPA by telephone ASAP, then send copy of permit	Monitor situation.
10	a) Clean Closure Plans for LDFs b) Closure Plans for Tank Units	Send to EPA	Become familiar with plans, particularly clean closure submittals
11	Closure Plan NODs for item 10 facilities	Copy to EPA	Review and provide comments to State, if requested.
12	Closure Plan public notices, approval letters and closure acceptance letters for all TSDFs	Copy to EPA	Comment during public comment period, if needed.

- Doc. Ex. 1228 -

13	Closure equivalency petitions and all associated documents.	Copy to EPA	Review and provide comments to State during comment period.
14	Other documents at State's request	Per State schedule	Assist State to maximum extent possible.

**CORRECTIVE ACTION DOCUMENT FLOW
BETWEEN EPA AND NORTH CAROLINA**

Item	Item Description	State Action	EPA Action
1	Visual Site Inspection notification letters sent to facilities	Copy to EPA	Review letter; accompany State, if requested.
2	RFA Reports	Copy of draft to EPA if not included in Part B application; copy of final upon approval	Comments, if requested, to State w/in 30 days of receipt
3	Final EI evaluations and NCAPS worksheets	Copy to EPA	Review if EPA commented on draft
4	Stabilization Evaluation Questionnaires (GPRA Universe)	Copy to EPA	Comments, if any to State w/in 30 days of receipt
5	All work plans and reports that address investigation and corrective action requirements for SWMUs	Copy to EPA, unless comments requested on expedited schedule.	Become familiar with documents.
6	Notices of Technical Inadequacy (NOTIs) and NOV's and Orders on Corrective Action Documents	Copy to EPA	EPA review, if requested
7	Remedy Selection Documents (Permit mods., Orders, Statement of Basis, etc.)	Copy of draft to EPA. Copy of final to EPA upon issuance.	Review and comment w/in 30 days of receipt of draft. Review final for conformity to EPA comments.

- Doc. Ex. 1229 -

**ENFORCEMENT AND COMPLIANCE DOCUMENT FLOW
BETWEEN EPA AND NORTH CAROLINA**

Item	Item Description	State Action	EPA Action
1	List of all TSDFs / significant generators/ sectors that State will inspect each quarter/year	Send list to EPA prior to start of quarter / year	Review list and notify State which facilities EPA will inspect.
2A ²	State draft inspection reports for joint EPA/State inspections prior to finalization	Review preliminary findings with EPA inspector at time of joint inspection	Review preliminary findings with State inspector at time of joint inspection. Comments to State w/in 15 days if findings cannot be reconciled.
2B	EPA draft report for joint EPA/State inspections; EPA final inspection report for independent inspections	Review preliminary findings with EPA inspector at time of joint inspection. Comments on draft report to EPA w/in 15 days of receipt.	Final reports to be sent to facility with copy to State w/in 45 days after inspect.
3	For all inspections of Significant Non-Compliers (SNCs), copies of inspection reports, any follow-up reports and administrative orders etc.	Send to EPA upon issuance	Monitor State Action for timeliness and appropriate action.
4	Notice of Intent to receive hazardous waste from a foreign source pursuant to 40 CFR 265.12	Send copy to EPA upon receipt	Region review and take action as necessary
5	Notification of State that EPA will take enforcement action	Receive notification and take appropriate response, if required	Notification prior to issuing 3008(a) Order by telephone and /or writing within a specified time frame
6	Notification of EPA of any determination that a CERCLA off-site facility is a SNC or may be posing significant threat to public health, welfare or the environment or otherwise affect the satisfactory operation of the facility.	State notifies EPA within 5 days of determination	EPA reviews per off-site rule, consults with State, and takes appropriate action.

²Provisions for coordinating inspection findings for joint EPA/State inspections in Items 2 and 3 vary greatly procedurally and in degrees of formality between States.

- Doc. Ex. 1230 -

7	For all TSDFs receiving CERCLA off site waste, Inspection Reports, NOVs, Orders, Civil and or Criminal actions and corrective action requirements when significant RCRA violations occur and a formal enforcement response is initiated.	State will send within 15 days of issuance	EPA reviews per off-site rule, consults with State, and takes appropriate action.
8	Draft and final delisting decisions, where State is authorized for delisting	Send draft to EPA 30 days before public notice. Send final decision to EPA 15 days before mailing to applicant	EPA review and provide comments to State within 30 days of receipt of draft decision. EPA notify State before State mails final decision to applicant if EPA finds serious technical deficiencies.
9	Citizen concerns referred to State by EPA	State investigate and report results to EPA w/in 30 days of referral from EPA.	EPA refer to State.

- Doc. Ex. 1231 -**Attachment A****Top-Ten EPA Office of Solid Waste References for RCRA Corrective Action**

This list represents EPA's "top-ten" recent and/or commonly used guidance documents that individuals should be aware of and turn to for guidance on implementing RCRA corrective action. This list is not all-inclusive; there are other EPA guidance documents that may be appropriate at a specific facility. Program implementers should recognize that guidance documents do not substitute for EPA's statutes or regulations; furthermore, certain guidance documents may not apply to a particular situation based upon the circumstance. In the future, EPA may change existing guidance and develop new guidance as appropriate. These top-ten items are listed in reverse chronological order. A more comprehensive list of corrective action related guidance is available at <http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance.htm>

EPA, 2001. RCRA Cleanup Reforms II: Fostering Creative Solutions (EPA530-F-01-01; January 2001). Available at <http://www.epa.gov/epaoswer/hazwaste/ca/reforms/reforms2.pdf>.

EPA, 2000. Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls At Superfund and RCRA Corrective Action Cleanups. OSWER Policy Directive 9355.0-74-FS-P. Available at <http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/ics/icfactfinal.pdf>

EPA, 1999. Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities (64 FR 54604, October 7) - [partial withdrawal of proposed Subpart S regulations]. Available at http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/gen_ca/withdrwl.htm.

EPA, 1999. RCRA Cleanup Reforms (EPA530-F-99-018; July 1999). For more information, refer to <http://www.epa.gov/epaoswer/osw/factsheet1.pdf>.

EPA, 1999. Use of Monitored Natural Attenuation at Superfund, RCRA Corrective Action and Underground Storage Tank Sites (April 21). OSWER Policy Directive 9200.4-17P. Available at <http://www.epa.gov/swrust1/directiv/d9200+17.htm>.

EPA, 1999. Interim Final Guidance for RCRA Corrective Action Environmental Indicators (February 5). Available at www.epa.gov/epaoswer/osw/ei_guida.pdf.

~~EPA, 1998. Management of Remediation Waste Under RCRA (EPA530-F-98-026). Available at http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/remwaste/psnd_mem.pdf~~

EPA, 1996. Memorandum from Steven A. Herman and Elliott P. Laws to RCRA/CERCLA Senior Policy Managers titled, "Coordination between RCRA Corrective Action and Closure and CERCLA Site Activities" (September 24). Available at http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/gen_ca/coordmem.pdf.

EPA, 1996. Advance Notice of Proposed Rulemaking (61 FR 19432, May 1). Available at <http://www.epa.gov/docs/fedrgstr/EPA-WASTE/1996/May/Dav-01/pr-547.pdf>.

- Doc. Ex. 1232 -

EPA, 1994. RCRA Corrective Action Plan. OSWER Directive 9902.3-2A. Available at http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/gen_ca/rcracap.pdf

- Doc. Ex. 1233 -

Exhibit P-2

2013-01-07 – Delegation of Authority from the
Secretary of the Department to the Director of
the Division of Waste Management

- Doc. Ex. 1234 -

State of North Carolina
Department of Environment
and Natural Resources



DELEGATION OF AUTHORITY

In accordance with G.S. 143B-10, I hereby delegate to:

POSITION: Director, Division of Waste Management

THE FOLLOWING AUTHORITY: TO PERFORM THE DUTIES AND RESPONSIBILITIES OF THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AS FOLLOWS:

- 1) TO ADMINISTER AND ENFORCE THE REGULATORY PROVISIONS OF GS CHAPTER 130A, ARTICLE 9, AND THE REGULATIONS PROMULGATED THEREUNDER;
- 2) TO SUSPEND OR REVOKE A PERMIT OR PARTICIPATION IN A PROGRAM PURSUANT TO GS 130A-23;
- 3) TO EXERCISE THE RIGHT OF ENTRY PURSUANT TO GS 130A-17 TO ADMINISTER AND ENFORCE CHAPTER 130A, ARTICLE 9, AND THE REGULATIONS PROMULGATED THEREUNDER;
- 4) TO IMPOSE AND RECOVER ADMINISTRATIVE PENALTIES IN ACCORDANCE WITH GS 130A-22(a) AND (g) AND THE REGULATIONS PROMULGATED THEREUNDER;
- 5) TO INSTITUTE AN ACTION FOR INJUNCTIVE RELIEF PURSUANT TO GS 130A-18;
- 6) TO ISSUE AN ORDER TO ABATE A PUBLIC HEALTH NUISANCE, AND INSTITUTE AN ACTION TO ENFORCE THE ORDER, PURSUANT TO GS 130A-19;
- 7) TO ISSUE AN ORDER TO ABATE AN IMMINENT HEALTH HAZARD, AND TAKE ANY ACTION NECESSARY TO ABATE THE HAZARD, PURSUANT TO GS 130A-20;

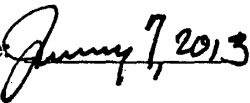
- Doc. Ex. 1235 -

DELEGATION: Waste Management
Page 2 of 2

8) TO INSTITUTE AN ACTION PURSUANT TO GS 130A-27 TO RECOVER MONEY, PROPERTY, OR THE MONETARY VALUE OF GOODS OR SERVICES WRONGFULLY PAID OR TRANSFERRED;

AND TO SIGN ALL INSTRUMENTS NECESSARY TO EXERCISE THE AUTHORITY DELEGATED HEREIN. EXCEPT FOR ELEMENT NUMBER 7 ABOVE, ELEMENTS OF THIS AUTHORITY MAY BE SUB-DELEGATED, EXCEPT THAT THE SUB-DELEGATION MUST BE FURNISHED TO THE OFFICE OF THE SECRETARY. THIS DELEGATION SUPERSEDES ALL PREVIOUSLY ISSUED DELEGATIONS WITH RESPECT TO THE STATUTES AND REGULATIONS CITED HEREIN.

Signed: 
John E. Skvarla, III, Secretary

Date: 

- Doc. Ex. 1236 -

Exhibit P-3

2014-06-02 – Delegation of Authority from the
Director of the Division of Waste Management
to the Chief of the Hazardous Waste Section

- Doc. Ex. 1237 -



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

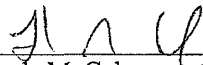
DELEGATION OF AUTHORITY

In accordance with G.S. 143B-10, I hereby delegate to:

**POSITION: Section Chief, Hazardous Waste Section
Division of Waste Management**

The following authority: to administer and enforce the regulatory provisions of G.S. Chapter 130A, Article 9 as it relates to Hazardous Waste Management; to exercise the right of entry pursuant to G.S. 130A-17 to administer or enforce these regulatory provisions; to issue all permits pursuant to these regulatory provisions and to suspend or revoke these permits pursuant to G.S. 130A-23; to impose and recover administrative penalties in accordance with G.S. 130A-22 (a) and (g) and the regulations promulgated thereunder; to sign, on behalf of the Department of Environment and Natural Resources, all instruments reasonably necessary to exercise the authority delegated herein.

The authority delegated herein is effective beginning June 2, 2014 and continuing thereafter until and unless superseded or withdrawn.

Signed 
Linda M. Culpepper, Director

Date: June 2, 2014

- Doc. Ex. 1238 -

Respondent's Exhibit Q
Affidavits

- Doc. Ex. 1239 -

Exhibit Q-1

2014-09-23 – Affidavit of
Jenny Lopp, Financial Analyst

- Doc. Ex. 1240 -

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13 EHR 18253

WASCO LLC)
)
 Petitioner,)
)
 v.)
)
 NC DEPARTMENT OF)
 ENVIRONMENT AND NATURAL)
 RESOURCES, DIVISION OF WASTE)
 MANAGEMENT, HAZARDOUS)
 WASTE SECTION)
)
 Respondent.)

**AFFIDAVIT
OF
JENNY LOPP**

NOW COMES Jenny Lopp, being first duly sworn, and deposes and says the following:

1. My name is Jenny Lopp.
2. I am over eighteen years of age, I am under no legal disability, and I am competent to give this testimony.
3. I am a Financial Analyst with the Compliance Branch of the Hazardous Waste Section within the Waste Management Division of the North Carolina Department of Environment and Natural Resources ("the Department").
4. Between 1987 and present I have held various job titles with the Department or the Department's predecessors in interest.
5. In my current position and all of my former positions I have been responsible for monitoring facilities' compliance with the financial assurance requirements of the State Hazardous Waste Program (a federally delegated program that consists of the Solid Waste Management Act contained within Article 9 of Chapter 130A of the North Carolina General Statutes, and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code), including but not limited to annual updates of financial assurance instruments for inflation.
6. The post-closure financial assurance requirements of the State Hazardous Waste Program apply to post-closure owners and/or operators.

- Doc. Ex. 1241 -

- 7. I am familiar with the former Asheville Dyeing and Finishing facility located at 850 Warren Wilson Road, Swannanoa, North Carolina 28778, which is associated with United States Environmental Protection Agency ("EPA") identification number NCD 070 619 663 ("the Facility").
- 8. I became familiar with this Facility as part of my job duties.
- 9. On numerous occasions between 1999 and present I have communicated with various individuals concerning the Facility's post-closure financial assurance, including by letter, email, and telephone. These individuals included John Coyne and Rodney Huerter. I understood these individuals to be acting on behalf of WASCO LLC ("WASCO")² throughout the course of these communications.
- 10. Based on the totality of my communications with WASCO, it is my understanding that WASCO is a post-closure "operator" of the Facility and has been a post-closure "operator" since 2004 at the latest.
- 11. My understanding regarding WASCO's post-closure "operator" status is also based on my training, education, and experience, including my understanding of applicable law and guidance.
- 12. To the best of my knowledge, no person other than WASCO has supplied a post-closure financial assurance instrument for the Facility between 1999 and present.
- 13. The things I have testified to in this Affidavit are true to my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

This the 22 day of September, 2014.

Jenny Lopp

 Jenny Lopp

Sworn to and subscribed before me this the 22 day of September, 2014.

Kelly B. Galantis

 Notary Public
 My Commission Expires: 8-27-18

KELLY B. GALANTIS
 Notary Public
 Johnston County, NC
 My Commission Expires 8-27-18

¹ As used herein, references to WASCO shall include WASCO's predecessors in interest including but not limited to United States Filter Corporation and Water Applications & Systems Corporation.

- Doc. Ex. 1242 -

Exhibit Q-2

2014-09-24 – Affidavit of Mary
Siedlecki, Project Manager

- Doc. Ex. 1243 -

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13 EHR 18253

WASCO LLC)
)
 Petitioner,)
)
 v.)
)
 NC DEPARTMENT OF)
 ENVIRONMENT AND NATURAL)
 RESOURCES, DIVISION OF WASTE)
 MANAGEMENT, HAZARDOUS)
 WASTE SECTION)
)
 Respondent.)

**AFFIDAVIT
OF
MARY SIEDLECKI**

NOW COMES Mary Siedlecki, being first duly sworn, and deposes and says the following:

1. My name is Mary Siedlecki.
2. I am over eighteen years of age, I am under no legal disability, and I am competent to give this testimony.
3. I am a Hydrogeologist with the Facility Management Branch of the Hazardous Waste Section, within the Waste Management Division ("the Division") of the North Carolina Department of Environment and Natural Resources.
4. I have held the above-mentioned position of Hydrogeologist since February 2005.
5. Between November 2001 and February 2005 I worked as a Hydrogeologist for the Dry-cleaning Solvent Cleanup Act Program within the Division's Superfund Section, Special Remediation Branch.
6. I am familiar with the former Asheville Dyeing and Finishing facility located at 850 Warren Wilson Road, Swannanoa, North Carolina 28778, which is associated with United States Environmental Protection Agency ("EPA") identification number NCD 070 619 663 ("the Facility").
7. I became familiar with this Facility when I was appointed to be the Facility's post-closure Project Manager in 2008, including my reviewing historic records associated with the Facility and through communication with the outgoing Project Manager, Larry Stanley.

- Doc. Ex. 1244 -

8. My duties as Project Manager required me to monitor the Facility's post-closure compliance with the State Hazardous Waste Program (a federally delegated program that consists of the Solid Waste Management Act contained within Article 9 of Chapter 130A of the North Carolina General Statutes, and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code).
9. In order to fulfill my job duties, it was necessary for me to identify an "operator" of the Facility responsible for post-closure compliance.
10. At the time I became Project Manager, I understood WASCO LLC ("WASCO")¹ to be a post-closure "operator" of the Facility. My understanding was based on the Facility's history—including WASCO's prior involvement—and my knowledge of the State Hazardous Waste Program.
11. My regulation of the Facility between 2008 and present on behalf of the Section has been based on the assumption that WASCO is a post-closure "operator."
12. Based on my understanding of WASCO's operator status, I communicated with Rodney Huerter, then-Director of Environmental Affairs for WASCO, on numerous occasions concerning the Facility's post-closure compliance between 2008 and present, including by letter, email, and telephone. I understood Mr. Huerter to be acting on behalf of WASCO throughout the course of these communications.
13. Based on my understanding of WASCO's operator status, I also communicated with Kirk Pollard of Mineral Springs Environmental, P.C. on numerous occasions concerning the Facility's post-closure compliance between 2008 and present, including by letter, email and telephone. Throughout the course of these communications, I understood Mr. Pollard to be acting on behalf of WASCO as WASCO's environmental consultant, with Mr. Huerter's approval.
14. I participated in the drafting and decision-making surrounding the August 16, 2013 letter from the Hazardous Waste Section to WASCO LLC ("WASCO") (see attached), which concerned WASCO's regulated status under the State Hazardous Waste Program.
15. Others members of the Section who participated in the drafting and decision-making surrounding the August 16, 2013 letter included Elizabeth "Liz" Cannon, then-Chief of the Section; and Harold "Bud" McCarty, the Facility Management Branch Head.
16. The letter asserted that WASCO was a post-closure "operator" of the Facility required to obtain a post-closure permit or enforceable document in lieu of a permit.
17. The "operator" assertion in the letter was based on the totality of the circumstances related to WASCO's course of dealing with the Section (including the Section's course of

¹ As used herein, references to WASCO shall include WASCO's predecessors in interest including but not limited to United States Filter Corporation and Water Applications & Systems Corporation.

- Doc. Ex. 1245 -

dealing with WASCO's environmental consultant, Mineral Springs Environmental, P.C.), along with the Section's understanding of applicable law, EPA guidance, and the advice of counsel.

18. The things I have testified to in this Affidavit are true to my own personal knowledge.

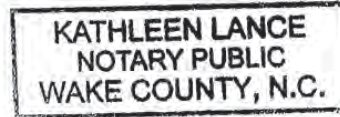
FURTHER THE AFFIANT SAYETH NAUGHT.

This the 24 day of September 2014.

Mary Siedlecki
Mary Siedlecki

Sworn to and subscribed before me this the 24 day of September, 2014.

Kathleen Lance
Notary Public
My Commission Expires: 1/26/19



Wake County
KCL
9/24/14

- Doc. Ex. 1246 -

Duplicate Copies Omitted.

Originals set forth in their entirety in Rule 9(d) Documentary Exhibits

Letter from the Hazardous Waste Section to WASCO
[16 August 2013], attached to **Respondent's Exhibit Q-2,**
Affidavit of Mary Siedlecki, appears at **Doc. Exs. 9-11**

- Doc. Ex. 1247 -

Exhibit Q-3

2014-09-24 – Affidavit of
Harold “Bud” McCarty, Head of the
Facility Management Branch

- Doc. Ex. 1248 -

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13 EHR 18253

WASCO LLC)
)
 Petitioner,)
)
 v.)
)
 NC DEPARTMENT OF)
 ENVIRONMENT AND NATURAL)
 RESOURCES, DIVISION OF WASTE)
 MANAGEMENT, HAZARDOUS)
 WASTE SECTION)
)
 Respondent.)

**AFFIDAVIT
OF
HAROLD "BUD" MCCARTY**

NOW COMES Harold "Bud" McCarty, being first duly sworn, and deposes and says the following:

1. My name is Harold "Bud" McCarty.
2. I am over eighteen years of age, I am under no legal disability, and I am competent to give this testimony.
3. I am the Head of the Facility Management Branch of the Hazardous Waste Section ("the Section"), within the Waste Management Division of the North Carolina Department of Environment and Natural Resources ("the Department").
4. I have held the position of Facility Management Branch Head since February 2003.
5. Between September 2001 and February 2003 I served as the Section's Programs Branch Head.
6. I served as Supervisor of the Data Management and Program Support Unit within the Programs Branch of the Department (and a predecessor in interest of the Department) between July 1995 and September 2001.
7. Between May 1987 and July 1995 I served as an Environmental Engineer for the Hazardous Waste Permitting Section of a predecessor in interest of the Department.
8. I am familiar with the former Asheville Dyeing and Finishing facility located at 850 Warren Wilson Road, Swannanoa, North Carolina 28778, which is associated with

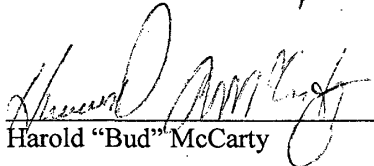
- Doc. Ex. 1249 -

United States Environmental Protection Agency ("EPA") identification number NCD 070 619 663 ("the Facility").

- 9. I first became familiar with this Facility in 2003 in my capacity as Facility Management Branch Head, which included supervising the activities of the Facility's Project Managers.
- 10. I participated in the drafting and decision-making surrounding the August 16, 2013 letter from the Section to WASCO LLC ("WASCO") (see attached), which concerned WASCO's regulated status under the State Hazardous Waste Program (a federally delegated program that consists of the Solid Waste Management Act contained within Article 9 of Chapter 130A of the North Carolina General Statutes, and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code).
- 11. Others members of the Section who participated in the drafting and decision-making surrounding the August 16, 2013 letter included Elizabeth "Liz" Cannon, then-Chief of the Section; and Mary Siedlecki, Hydrogeologist with the Facility Management Branch and the facility's current Project Manager.
- 12. The letter asserted that WASCO was a post-closure "operator" of the Facility required to obtain a post-closure permit or enforceable document in lieu of a permit.
- 13. The "operator" assertion in the letter was based on the totality of the circumstances related to WASCO's course of dealing with the Section (including the Section's course of dealing with WASCO's environmental consultant, Mineral Springs Environmental, P.C.), along with the Section's understanding of applicable law, EPA guidance, and the advice of counsel.
- 14. The things I have testified to in this Affidavit are true to my own personal knowledge.

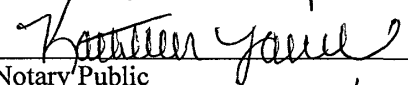
FURTHER THE AFFIANT SAYETH NAUGHT.

This the 24 day of September, 2014.



 Harold "Bud" McCarty

Sworn to and subscribed before me this the 24 day of September, 2014.



 Notary Public
 My Commission Expires: 1/24/19

KATHLEEN LANCE NOTARY PUBLIC WAKE COUNTY, N.C.
--

Wake County
 KCL
 9/24/14 1189

- Doc. Ex. 1250 -

Duplicate Copies Omitted.

Originals set forth in their entirety in Rule 9(d) Documentary Exhibits

Letter from the Hazardous Waste Section to WASCO
[16 August 2013], attached to **Respondent's Exhibit Q-3**,
Affidavit of Harold "Bud" McCarty, appears at **Doc. Exs. 9-11**

- Doc. Ex. 1251 -

Exhibit Q-4

2014-09-24 – Affidavit of Julie Woosley,
Chief of the Hazardous Waste Section

- Doc. Ex. 1252 -

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13 EHR 18253

WASCO LLC)
)
 Petitioner,)
)
 v.)
)
 NC DEPARTMENT OF)
 ENVIRONMENT AND NATURAL)
 RESOURCES, DIVISION OF WASTE)
 MANAGEMENT, HAZARDOUS)
 WASTE SECTION)
)
 Respondent.)

**AFFIDAVIT
OF
JULIE WOOSLEY**

NOW COMES Julie Woosley, being first duly sworn, and deposes and says the following:

1. My name is Julie Woosley.
2. I am over eighteen years of age, I am under no legal disability, and I am competent to give this testimony.
3. I am the Chief of the Hazardous Waste Section ("the Section") within the Waste Management Division of the North Carolina Department of Environment and Natural Resources ("the Department").
4. The Section is responsible for, among other things, maintaining the public record files related to the State Hazardous Waste Program (a federally delegated program that consists of the Solid Waste Management Act contained within Article 9 of Chapter 130A of the North Carolina General Statutes, and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code).
5. As Section Chief and in the course of my work, I am familiar with the file system maintained by the Section under my supervision and certify that I have custody of all records in those files kept in the regular course of the Section's business.
6. These files include records related to the former Asheville Dyeing and Finishing facility located at 850 Warren Wilson Road, Swannanoa, North Carolina 28778, which is associated with United States Environmental Protection Agency ("EPA") identification number NCD 070 619 663 ("the Facility").

- Doc. Ex. 1253 -

- 7. I am familiar with the pending litigation concerning this Facility in the Office of Administrative Hearings, in docket number 13 EHR 18253. In the context of this litigation, I have reviewed Respondent's Exhibits in support of Respondent's Motion for Summary Judgment.
- 8. As described further in the attached index, the following exhibits are true and accurate copies of documents within the legal custody of the Section that comprise part of the official record for the Facility:
 - Exs. A-1 to A-7
 - Exs. B-1 to B-19, B-21 to B-23, B-25 to B-37
 - Exs. C-1 to C-4
 - Exs. D-1 to D-4
 - Exs. F-1, F-3 to F-5, F-7 to F-8
 - Exs. H-1 to H-31, H-33 to H-35, H-37 to H-39, H-41 to H-48, H-50 to H-53, H-55 to H-57
 - Exs. I-1 to I-33
 - Exs. L-43 to L-44
 - Exs. O-1 to O-9
 - Exs. P-1 to P-3
- 9. The exhibits listed above were and are being kept in the course of regularly conducted business activities of the Section.
- 10. The things I have testified to in this Affidavit are true to my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

This the 24th day of September, 2014.

Julie Woosley
Julie Woosley

North Carolina
County of Wake

Sworn to and subscribed before
me this the 24 day of September, 2014.

Kathleen Lance
Notary Public
My Commission Expires: 1/26/19

KATHLEEN LANCE
NOTARY PUBLIC
WAKE COUNTY, N.C.

- Doc. Ex. 1254 -

Duplicate Copies Omitted.
Originals set forth in their entirety in the Rule 9(d)
Documentary Exhibits, as follows:

**Exhibits to Affidavit of Julie Woosley
dated 24 September 2014, Filed Simultaneously with
Respondent's Motion for Summary Judgment**

Exs. A-1 to A-7 appear at Doc Exs. 65-87

Exs. B-1 to B-19 appear at Doc Exs. 88-151;
Exs. B-21 to B-23 appear at Doc Exs. 155-161;
Exs. B-25 to B-37 appear at Doc Exs. 164-192

Exs. C-1 to C-4 appear at Doc. Exs. 194-252

Exs. D-1 to D-4 appear at Doc. Exs. 260-303

Ex. F-1 appears at Doc. Exs. 323-330;
Exs. F-3 to F-5 appear at Doc. Exs. 333-353;
Exs. F-7 to F-8 appear at Doc. Exs. 357-389

Exs. H-1 to H-31 appear at Doc. Exs. 441-521;
Exs. H-33 to H-35 appear at Doc. Exs. 528-533;
Exs. H-37 to H-39 appear at Doc. Exs. 538-544;
Exs. H-41 to H-48 appear at Doc. Exs. 547-565;
Exs. H-50 to H-53 appear at Doc. Exs. 570-580;
Exs. H-55 to H-57 appear at Doc. Exs. 585-591

Exs. I-1 to I-33 appear at Doc. Exs. 592-863

Exs. L-43 to L-44 appear at Doc Exs. 1043-1046

Exs. O-1 to O-9 appear at Doc. Exs. 1189-1212

Exs. P-1 to P-3 appear at Doc. Exs. 1214-1237

- Doc. Ex. 1255 -

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13EHR18253

WASCO LLC)
)
PETITIONER,)
and)
)
DYNA-DIGGR, LLC)
)
INTERVENOR,)
)
v.)
)
N.C. DEPARTMENT OF ENVIRONMENT)
AND NATURAL RESOURCES, DIVISION OF)
WASTE MANAGEMENT)
)
RESPONDENT.)
)

**PETITIONERS' MOTION FOR
EXTENSION OF TIME TO
RESPOND TO RESPONDENT'S
MOTION FOR SUMMARY
JUDGMENT**

Filed 3 October 2014

Petitioner WASCO LLC (hereinafter "WASCO") hereby moves for an extension of the deadlines by which it may respond to Respondent's Motion for Summary Judgment, pursuant to 26 N.C. Admin. Code §§ 03.0115-16 and Rule 6(b) of the North Carolina Rules of Civil Procedure. In support of this motion, WASCO shows that:

1. Respondent served its Motion for Summary Judgment on September 25, 2014.
2. WASCO's current deadlines to respond, pursuant to 26 N.C. Admin. Code § 03.0115(a), is October 8, 2014.
3. WASCO is seeking an additional thirty (30) days to file its brief in response to the Motion for Summary Judgment, to and including November 7, 2014.

- Doc. Ex. 1256 -

4. Through counsel, both Respondent and Intervener have indicated they do not object to this motion.

For these reasons, WASCO respectfully requests that the attached proposed Order be entered, extending the time by which it may respond to Respondent's Motion for Summary Judgment by thirty (30) additional days, up to and including November 7, 2014.

This the 3rd day of October, 2014.



H. Glenn Dunn
POYNER SPRUILL LLP
(State Bar No. 7697)
P.O. Box 1801
Raleigh, NC 27602-1801
Telephone: 919.783.6400
Facsimile: 919.783.1075

Daniel J. Biederman, Sr.
Biederman & Associates
25 East Washington, Suite 700
Chicago, IL 60602

ATTORNEYS FOR PETITIONER
WASCO LLC

- Doc. Ex. 1257 -**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing **PETITIONER'S MOTION FOR EXTENSION OF TIME TO RESPOND TO RESPONDENT'S MOTION FOR SUMMARY JUDGMENT** were served upon the persons indicated below in this contested case by electronic mail as indicated below and by placing a copy thereof in the United States Mail, postage prepaid, addressed as follows:

Elizabeth A. Fisher
Assistant Attorney General
NC Dept. of Justice – Environmental Section
P.O. Box 629
Raleigh, NC 27602
efisher@ncdoj.gov

COUNSEL FOR RESPONDENT

William Clarke
Roberts & Stevens, P.A.
P.O. Box 7647
Asheville, NC 28802
BClarke@roberts-stevens.com

COUNSEL FOR INTERVENOR

This the 3rd day of October 2014.



H. Glenn Dunn

- Doc. Ex. 1258 -

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13EHR18253

WASCO LLC)
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 PETITIONER,)
 and)
)
 DYNA-DIGGR, LLC)
)
 INTERVENOR,)
)
 v.)
)
 N.C. DEPARTMENT OF ENVIRONMENT)
 AND NATURAL RESOURCES, DIVISION OF)
 WASTE MANAGEMENT)
)
 RESPONDENT.)
)

**ORDER
ENLARGING TIME TO
RESPOND TO RESPONDENT'S
MOTION FOR SUMMARY
JUDGMENT**

This proceeding is before this Office on Petitioner's motion for extension of time to respond to Respondent's Motion for Summary Judgment. For good cause shown, and in light of the fact that neither Respondent nor Intervenor object to the motion, the motion is hereby GRANTED. The time by which Petitioner may respond to Respondent's Motion for Summary Judgment is extended up to and including November 7, 2014.

SO ORDERED.

This the ___ day of October, 2014.

J. Randolph Ward
Administrative Law Judge

- Doc. Ex. 1259 -

FILED

STATE OF NORTH CAROLINA

2014 OCT 23 AM 11:15

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

COUNTY OF WAKE

13EHR18253

ADMINISTRATIVE HEARINGS

WASCO LLC

PETITIONER,

and

DYNA-DIGGR, LLC

INTERVENOR,

v.

N.C. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WASTE MANAGEMENT

RESPONDENT.

PETITIONER'S MOTION FOR CONTINUANCE REGARDING RESPONDENT'S SUMMARY JUDGMENT MOTION, AND TO SHORTEN TIME FOR RESPONSE

Filed 23 October 2014

Pursuant to Rules 6 and 56(f) of the North Carolina Rules of Civil Procedure, and 26 N.C. Admin. Code 03.0115, Petitioner WASCO LLC hereby moves for entry of an Order further extending the deadline by which Petitioner must brief the ALJ and submit any affidavits or evidence in opposing Respondent's early motion for summary judgment, to provide Petitioner with the time needed to complete a previously-noticed 30(b)(6) deposition of Respondent and obtain the resulting transcript. Specifically, Petitioner requests that its deadline for submissions in response to Respondent's summary judgment motion be further continued from the current deadline of November 7, 2014, until 45 days after completion of the 30(b)(6) deposition of

- Doc. Ex. 1260 -

Respondent, or the current deadline of January 30, 2015 for filing dispositive motions, whichever occurs first.

Counsel for Petitioner to no avail sought Respondent's consent to a 30-day further extension of time to respond to Respondent's motion for summary judgment, to allow time for the 30(b)(6) deposition of Respondent. Respondent via counsel has indicated it opposes any further extension of the current November 7, 2014 deadline for Petitioner to respond to the summary judgment motion.

Intervenor Dyna-Diggr, LLC takes no position on this motion.

Petitioner has this day filed a brief and Rule 56(f) affidavit in support of this motion.

Petitioner also requests that the time for Respondent to respond to this motion be shortened to October 28, 2014, given the current November 7, 2014 deadline for Petitioner to respond to Respondent's motion for summary judgment is fast approaching, and all parties will benefit from a prompt consideration of this motion by the ALJ. This motion is being served in part via electronic mail today.

Proposed Orders for shortening the time for Respondent to respond to this motion, and for granting this motion, are attached for the ALJ's consideration.

- Doc. Ex. 1261 -

This the 21st day of October, 2014.

By:



H. Glenn Dunn
POYNER SPRUILL LLP
(N.C. State Bar No. 7697)
P.O. Box 1801
Raleigh, NC 27602-1801
Telephone: 919.783.6400
Facsimile: 919.783.1075

Daniel J. Biederman, Sr.
Biederman & Associates
25 East Washington, Suite 700
Chicago, IL 60602

ATTORNEYS FOR PETITIONER
WASCO LLC

- Doc. Ex. 1262 -**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing **PETITIONER'S MOTION FOR CONTINUANCE REGARDING RESPONDENT'S SUMMARY JUDGMENT MOTION, AND TO SHORTEN TIME FOR RESPONSE** were served upon the persons indicated below in this contested case by electronic mail as indicated below, and by placing a copy thereof in the United States Mail, postage prepaid, addressed as follows:

Elizabeth A. Fisher
Assistant Attorney General
NC Dept. of Justice – Environmental Section
P.O. Box 629
Raleigh, NC 27602
efisher@ncdoj.gov

COUNSEL FOR RESPONDENT

William Clarke
Roberts & Stevens, P.A.
P.O. Box 7647
Asheville, NC 28802
BClarke@roberts-stevens.com

COUNSEL FOR INTERVENOR

This the 21ST day of October 2014.



H. Glenn Dunn

- Doc. Ex. 1263 -

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13EHR18253

COUNTY OF WAKE

WASCO LLC)
)
 PETITIONER,)
 And)
)
 DYNA-DIGGR, LLC)
)
 INTERVENOR,)
)
 v.)
)
 N.C. DEPARTMENT OF ENVIRONMENT)
 AND NATURAL RESOURCES, DIVISION OF)
 WASTE MANAGEMENT)
)
 RESPONDENT.)

ORDER

On October 21, 2014, Petitioner WASCO, LLC filed a motion for continuance regarding Respondent's summary judgment motion. Petitioner seeks a further extension of its current deadline of November 7, 2014 to make any submissions in response to Respondent's summary judgment motion, to allow Petitioner time to first conduct a 30(b)(6) deposition of Respondent and obtain the resulting transcript.

Since that November 7, 2014 deadline is fast approaching, Petitioner further moves that the deadline for Respondent to respond to the above-referenced motion pursuant to 26 N.C. Admin. Code 03.0115 be shortened to October 28, 2014. That request is hereby GRANTED.

- Doc. Ex. 1264 -

Respondent has until October 28, 2014 to file any response to Petitioner's motion for a continuance regarding the summary judgment motion.

IT IS SO ORDERED.

This the ___ day of October, 2014.

J. Randolph Ward
Administrative Law Judge

- Doc. Ex. 1265 -

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13EHR18253

COUNTY OF WAKE

WASCO LLC)
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 PETITIONER,)
 And)
)
 DYNA-DIGGR, LLC)
)
 INTERVENOR,)
)
 v.)
)
 N.C. DEPARTMENT OF ENVIRONMENT)
 AND NATURAL RESOURCES, DIVISION OF)
 WASTE MANAGEMENT)
)
 RESPONDENT.)

**ORDER
ENLARGING TIME TO
RESPOND TO RESPONDENT'S
MOTION FOR SUMMARY
JUDGMENT**

This proceeding is before this Office on Petitioner's motion, pursuant to Rules 6 and 56(f) of the N.C. Rules of Civil Procedure, for a continuance of the deadline by which it must respond to Respondent's motion for summary judgment, and this Office's consideration of that motion.

In their Status Report filed on August 15, 2014, the parties proposed an amended schedule by which discovery will be completed by December 5, 2014, and dispositive motions filed by January 30, 2015. These deadlines were imposed in an amended scheduling order entered on August 25, 2014. This followed a 90 day stay in the case requested by the parties for purposes of settlement discussions.

- Doc. Ex. 1266 -

On September 25, 2014, Respondent filed a motion for summary judgment. Petitioner responded on October 3, 2014 by filing a motion for a 30 day extension of time to respond to that motion. Neither of the other parties objected, and that extension was granted.

Petitioner now indicates, upon further review, that it desires to conduct a previously-noticed 30(b)(6) deposition of Respondent before having to respond to the summary judgment motion. A notice of that deposition was previously served in April 2014, but that deposition was not conducted before the above-referenced stay in discovery was imposed.

For good cause shown, Petitioner's motion is hereby GRANTED. The deadline by which Petitioner must file any brief, testimony, affidavits or other evidence in response to Respondent's summary judgment motion is hereby further extended until 45 days from completion of the 30(b)(6) deposition of Respondent, or January 30, 2015 (the deadline for filing dispositive motions), whichever occurs first.

This Order is not intended to alter any of the deadlines set forth in the amended scheduling order entered on August 25, 2014.

IT IS SO ORDERED.

This the ___ day of October, 2014.

J. Randolph Ward
Administrative Law Judge