

**From:** Pinkney, Dwayne L  
**Sent:** Wednesday, June 02, 2010 10:07 PM  
**Subject:** Bingham update

Friends and neighbors:

As you are aware, in our recent survey of the property at the Bingham Facility, we determined that construction of the wastewater treatment system in 2008 had resulted in small incursions into wetlands AND 1 SMALL STREAM CROSSING. We reported these incursions to the N.C. Department of Environment and Natural Resources (DENR) and to the U.S. Army Corps of Engineers (ACOE) because both agencies regulate wetland areas.

This self-report resulted in the April 28 Notice of Violation from DENR, which we sent to you in an earlier email, and also a May 18 notice of unauthorized activity/permit noncompliance from (ACOE), which is attached to this message. THE ACOE notice deals with the same two small incursions into wetlands and one small stream crossing that occurred in 2008. In its letter, the ACOE authorizes two of the impacts (one of the wetland impacts and the stream crossing) and requires restoration of one of the wetland impacts.

Also attached is the University's May 28 response to the DENR Notice of Violation about the incursions. In the letter to DENR, we answer their questions and describe our restoration plan for the one wetland incursion that BOTH DENR AND ACOE also require to be restored. A map delineating the wetlands on the site and a drawing showing our restoration plan are also included. On Tuesday (June 1), we CONFIRMED WITH ACOE THAT IT HAD RECEIVED this same packet of information AND THAT it satisfied that agency's requirements as well. A COPY OF OUR JUNE 1 EMAIL TO ACOE IS ATTACHED

As we explain to the agencies in this correspondence, to ensure that mistakes like this don't occur in the future, the University is implementing a training program for appropriate managers and staff that will cover planning- and construction-related regulatory requirements for wetlands, streams, stream buffers, stormwater management, and erosion and sedimentation control. Our Environment, Health and Safety office will also review all future construction drawings for regulatory compliance.

Sincerely,  
Dwayne