

Posted and updated June 2024

## Questions from the May 17, 2022 Public Information Meeting

Note: In working with the North Carolina Department of Environmental Quality (NCDEQ) on a draft Brownfields Agreement, it was brought to our attention that some of the questions asked during the May 17<sup>th</sup>, 2022 public information meeting had not been posted to the website. This was an oversight on the staff team's part.

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The following list of questions and responses come from the questions submitted prior to and as part of the recent May 17<sup>th</sup> public information meeting. Responses were developed in consultation with the Town's consultant, Hart & Hickman. This document supplements the earlier set of answers that were provided by the DEQ and have been updated in some places to provide the most current information.

### **Question: What does data gap mean?**

Response: Data gap refers to the difference between the information gathered for the site to date and additional information requested by our consultant (Synterra).

### **Question: What are CCPs?**

Response: CCP stands for coal combustion products and are also known as coal combustion wastes (CCWs) and coal combustion residuals (CCRs). CCPs are a byproduct from the burning of coal.

### **Question: What kind of testing was done for boron, lithium, radium and molybdenum? Soil and water**

Response: Testing for radium was not requested by NCDEQ. Testing for boron, lithium, and molybdenum was requested by NCDEQ and subsequently performed for perched water and groundwater samples in 2022.

### **Question: Since we know that the coal ash was dumped on the site by UNC, why hasn't there been any communication with UNC regarding the amount of coal ash they disposed of? That would assist us with a usable estimate of ash we're dealing with.**

Response: The Town acquired the property in 1980, and we do not know of any records pertaining to the materials that have been placed at the site.

### **Question: Where are we right now in this Brownfields Agreement process?**

Response: The Town is working with NCDEQ on the assessment phase of the Brownfields process. [June 2024 Update: the Town is working with NCDEQ on a draft Brownfields Agreement.]

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**Question: Will the important negotiations held during meetings between DEQ and the Developer be public?**

Response: [June 2024 Update: When a draft of the Brownfields Agreement is ready for public review, NCDEQ will make the document available to the public as part of a 30-day public comment period. Additionally, the Town will request that NCDEQ host a public meeting to provide another opportunity for public comment and information sharing about the draft agreement.]

**Question: How to get a copy of the risk assessment report**

Response: Please refer to Hart & Hickman's [Risk Assessment Report](#) from October 2021.

**Question: In your timeline, and next steps, when is the opportunity for public comment?**

Response: [June 2024 Update: When a draft of the Brownfields Agreement is ready for public review, NCDEQ will make the document available to the public as part of a 30-day public comment period. Additionally, the Town will request that NCDEQ host a public meeting to provide another opportunity for public comment and information sharing about the draft agreement.]

**Question: It's been stated tonight that the town is unsure of how much coal ash is on site, which would indicate that the town is also unaware of how much construction debris and other waste is on site. How will the town be able to ensure structural stability, and that site won't be breached, if we are unsure of what is underneath and where certain debris it is located?**

Response: The general vertical and horizontal extent of fill materials has been evaluated during previous environmental assessments conducted at the property. If warranted, a geotechnical evaluation can be performed to inform future redevelopment plans, including the structural suitability of current site conditions for planning purposes. In accordance with a future recorded Brownfields Agreement, inspections will be performed to evaluate site conditions on an annual basis, at minimum.

**Question: Why is town developing plans for use of this site when it is still very early in the Brownfields process?**

Response: A Brownfields Agreement stipulates what uses will be allowed on the property, as well as additional remediation and ongoing monitoring requirements. For this reason, it is helpful to know what type of development is possible for the site.

**Question: And what percentage of approved BF applicants are ultimately approved in an official agreement?**

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NC DEQ Staff Response: Based on our database to date, approximately 75% of North Carolina Brownfields applicants who are granted eligibility to the Program have completed or are expected to complete the brownfields process on their sites.

**Question: Is there anyone to insure that the company hired to do the job will provide what the workers need to do the job.**

Response: As it pertains to any future disturbance of coal ash, the Town will evaluate qualified contractors based on their experience with similar sites. Per the United States Department of Labor Occupational Safety and Health Administration (OSHA), it is each employer's responsibility to provide their employees with a health and safety program.

**Question: Why has Chapel Hill declined to make official contact with UNC about their contribution to the pollution on this site. I've had several UNC managers assure me that UNC indeed is the source of the ask. Why has this obvious action not be taken?**

Response: The Town acquired the property in 1980, and we do not know of any records pertaining to the materials that have been placed at the site.

**Question: Groundwater moves horizontally and not vertically. John is absolutely correct. That means all the leaching would eventually contaminate the water.**

Response: Refer to Hart & Hickman's [Results of Post-Data Gap Assessment Report](#) dated December 1, 2020 for information regarding the movement of perched water and groundwater at the site.

**Question: I am on the board for Chapel Hill's Stormwater Utility Management advisory board. Our board recommends removal of the ash on the slope. Will this recommendation be fully evaluated? How much ash is on the slope? How much would that cost? You can see our recommendations by going to the town's calendar for April 27th.**

Response: Partial removal of coal ash from the steep embankment has been evaluated. Refer to Option 2 in Hart & Hickman's [Updated Remedial Alternatives Evaluation](#) dated March 2, 2023.

**Question: What is the reasoning and motivation of members of the Town Council to use this questionable piece of land for housing? Will the Town Council conduct a health assessment of people and their families who have worked at this site?**

Response: [June 2024 update - the Town is no longer pursuing housing at this site.]

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**Question: Based on what criteria has the Town of Chapel Hill come to determine that commercial property is less feasible than residential? Does this determination include health considerations for long-term exposure to coal ash dust on site for residents vs visitors? How will the town ensure that this proposed development does not result in disproportionately impacting low-income and BIPOC community members in the future, even if not designating affordable housing now? What types of warnings would be given to prospective users or tenants of this property? If residential, would tenants be warned of health hazards before signing a lease? Would signing a lease with such a disclaimer, waive the rights of the tenant to pursue legal action for health impacts of exposure? What has been done in the past for notification of tenants or prospective users of similar properties of health risks?**

Response: [June 2024 update - the Town is no longer pursuing housing at this site.]

**Question: If commercial, would employers be required to provide information on the hazards of exposure to coal ash on the grounds?**

Response: Information on potential hazards associated with coal ash at the site will be documented in the recorded Brownfields Agreement, which will be a public document. Per the United States Department of Labor Occupational Safety and Health Administration (OSHA), it is each employer's responsibility to provide their employees with a health and safety program.

**Question: If coal ash is not completely excavated, would there be emergency protocols in place for accidental exposure of any remaining coal ash on site?**

Response:

**Question: Will existing signs, such as the warning sign along the Bolin Creek Trail, continue to be posted? Will similar warning signs be placed around the property?**

Response: The Town will follow the DEQ's guidance about how to communicate about the site.

**Question: Near trail area and creek, what type of cleanup procedures will occur?**

Response: The Town has already taken action to identify and remove the coal ash from the area between the outermost protective fencing and Bolin Creek. The Town also monitors the site after 1/2" rainfall events and major storms.

**Question: Kingston Workers and families have identified the following needs for worker protections, will all of these conditions be met for workers who handle coal ash at the 828 MLK site in Chapel Hill? Full face respirator. Full cover skin protection to prevent metal imbedding and scarring. Vehicle and equipment enclosed, and air filters changed frequently. Showering and laundry facilities on site to prevent carrying coal ash dust home to worker families. Surface off site watered down regularly to**

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**help prevent fugitive escaping into the community. Coal ash and soil mix contained sacs or as bricks before moving off site. Hauling truck beds tightly covered with soft plastic or rubber tarps before hauling through any community. Washer station for trucks before leaving site. Will the Town of Chapel Hill take on any responsibility to ensure workers are protected?**

Response: As it pertains to any future disturbance of coal ash, the Town will evaluate qualified contractors based on their experience with similar sites. Per the United States Department of Labor Occupational Safety and Health Administration (OSHA), it is each employer's responsibility to provide their employees with a health and safety program.

**Question: Would the capping material be impervious, preventing water infiltration through coal ash material, transport of heavy metals and contaminants, and seepage into surface or groundwater? Have the hired consultants researched and proposed any options for encapsulating coal ash and storing onsite? (e.g. encapsulating in bricks or concrete, lining, SALT stone) What other coal ash management processes have been researched aside from cap-in-place or full excavation? What methodology was used in evaluating encapsulated coal ash? Which company was asked to estimate the cost?**

Response: The Town will work with its redevelopment team to design a remedy for the coal ash and structural fill material. Remedial measures may include engineering controls such as engineered cap and/or an engineered earth retention system (such as a slope-stabilizing retaining wall) subject to the approval of NCDEQ.

**Question: It has been stated that any excavated coal ash would be sent to the Uwharrie landfill in Mt.Gilead NC. Is this landfill set up to handle coal ash specifically? Which section of the Uwharrie landfill would receive the coal ash and what is the landfill's designation type? How will the town ensure that the excavated coal ash removal and transportation does not result in disproportionately impacting low-income and BIPOC community members near the landfill?**

Response: The Town and its development team will consider environmental justice metrics as part of its disposal facility evaluation.

**Question: How would excavated coal ash be transported within the trucks? (using sacks, as bricks, loose fly ash etc)**

Response: The Town will work with its redevelopment team to design a remedy for the coal ash and structural fill material. Remedial measures may include engineering controls such as engineered cap and/or an engineered earth retention system (such as a slope-stabilizing retaining wall) subject to the approval of NCDEQ.

**Question: What is currently being done to collect data of soil, air, surface water, and groundwater quality onsite and within a mile surrounding the property?**

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**Response:** In close coordination with the DEQ, the Town has collected and analyzed site-specific data over the last 10 years. No ongoing assessment of environmental media is being conducted at this time, with the exception of regular inspections of interim remedial measures. This approach is consistent with the latest DEQ-approved *Environmental Management Plan* for the site.

**Question:** What types of monitoring will take place during and after construction of an approved project on this site? What will be the frequency of the monitoring during and after construction? What will be the duration of the monitoring after construction? How will the public access the data from this monitoring effort? At what intervals will data be shown? Daily? Weekly? In the event of a drought, OWASA has stated that Jordan Lake would be a secondary emergency water source and is currently a primary drinking water source for several communities. If this site is not excavated and no lining is installed, under the site, what would prevent toxins at the site from entering Bolin Creek and traveling to Jordan Lake to contaminate that drinking water source? How would a retaining wall prevent infiltration?

**Response:** In accordance with a future recorded Brownfields Agreement, inspections will be performed to evaluate site conditions on an annual basis, at minimum.

**Question:** A drinking water well was identified in the Phase I Environmental Site Assessment as being located within 500 feet of the 828 MLK site. Will the owner be notified that they are within this radius? If desired, would the town be willing to work with the well owner to test for contamination? Would the Town be willing to notify owners and test outside this radius up to ½ mile?

**Response:** The well is upgradient of the site and the property owner has confirmed that it is for irrigation only.

**Question:** To what extent will an effort be made to ensure technical documents (present and past) are easily understandable to the public? Who will be the point of contact for questions and concerns about this project? How will public inquiries, comments, and concerns be recorded, made public, and addressed? At what stages of decision-making on this project will the public be given the opportunity to comment?

**Response:** [June 2024 update - A public meeting will be held in conjunction with the Brownfields Agreement process, which is expected late summer/early fall.]