

Mr. Maurice Jones,
Town Manager, Chapel Hill
405 M.L.K. Blvd.
Chapel Hill, NC 27516

August 1, 2018

Dear Town Manager Jones:

Congratulations on your appointment as Town Manager. We welcome you to our Town of Chapel Hill!

This letter contains our formal comments in response to the Town's request for input on its June 2018 meetings regarding possible brownfields redevelopment of the Town's Police Station coal ash site.

Background

Since the Town's discovery of the coal ash buried on the Police Station property in 2013 at 828 M.L.K. Jr. Boulevard, the staff has hired consultants to investigate and analyze the risks posed by the coal ash and has received advice from the North Carolina Department of Environmental Quality (NCDEQ). The main facts that have emerged are these:

- A large deposit of coal ash sits above Bolin Creek, including an exposed coal ash cliff formation as much as 40 feet high;
- Coal ash and pollutants from the site, including arsenic and chromium, have eroded onto both sides of the public greenway;
- Eroded coal ash and pollutants along the greenway are located in the floodplain of Bolin Creek;
- The ground water beneath the site is contaminated with arsenic, thallium, vanadium, cobalt, manganese, and other pollutants, as determined in monitoring well tests;
- Manganese concentrations in Bolin Creek are elevated downstream of the site;
- NCDEQ (among other requests), instructed the Town of Chapel Hill on October 2017 to develop and implement a remedial action plan to evaluate multiple remedial options for the site.

Present situation

Up to the present date, it appears that the Town staff has not developed a remedial action plan as requested by NCDEQ.

Instead, in June 2018, Town staff announced several public meetings to receive public input on a single course of action: ideas for how the state brownfields program could be used for redevelopment on the site. This approach assumes the coal ash would be left in place.

We think it reasonable to conclude that by choosing to hold the public meetings on just one option and soliciting ideas for development on a property in the Brownfields Program, Town staff appears to be recommending only this path to deal with the coal ash problem. Instead of looking at a range of remedial options as the state requested, they hired several consulting firms to conduct a “visioning” process to discuss *only brownfields redevelopment ideas with the public*. This decision to frame the issue for the public in this way was wrong because it assumes that a brownfields agreement that leaves the ash dump in the center of Chapel Hill is the only appropriate mechanism to deal with this problem.

Further, by soliciting ideas and feedback from the public *only* on options for the site under the brownfields process, the consultants—on behalf of the Town—appear to create public support for this option, without providing the public any meaningful information on options to clean up the site. We draw your attention to the fact that no cost figures were presented as to what it would cost the town to implement the brownfields program.

In an additional comment on the process the Town staff has followed, it was disappointing to hear the consultant representatives minimize the severity and risks of pollution from the coal ash. For example, at the recent June presentation, the Town’s consultant attempted to downplay the significance of the groundwater contamination at the site by stating that the groundwater pollution was akin to a single sheet of paper in a huge stack. In reality, sampling results for the site show arsenic contamination up to 14 times higher than the state groundwater standard, manganese concentrations 172 times the standard, thallium concentrations over 26 times the standard, vanadium concentrations over 3000 times the standard, cobalt concentrations 32 times the standard, and many others. The fact that many state groundwater standards are set at levels in the parts per billion range indicates how dangerous these pollutants are.

We request that the Town staff take care in the future to direct its consultants to do objective scientific work and not treat public input sessions as an exercise in trying to evade responsibility or ignore pollution we know exists.

To summarize, the Town staff prioritized its preferred brownfields approach without asking the public or the Town Council to comment on a range of options, while at the same time denying them information on what other options are available. The public needs information on all the options, not just one; certainly the Town Council needs information of all the options to make an informed decision about how to address this serious environmental problem. And most important, the Town needs to follow the NCDEQ instructions.

Recommendation

We recommend that the Town staff follow the NCDEQ instructions to develop and implement a remedial action plan to evaluate remedial options for the site. Specifically, we request you not submit a brownfields application before the Town Council, the N.C. Department of Environmental Quality, and the public have had the opportunity to fully evaluate the adequacy of the Remedial Action Plan requested by the State.

This Remedial Action Plan should analyze all remedial options for the site, including fully removing all the coal ash and especially the 40-foot coal ash cliff and the eroded deposits of coal ash below it along the public greenway.

As part of any meaningful evaluation of the options for the site, the Remedial Action Plan also must determine whether any of the coal ash is in contact with the groundwater. This is an essential question for evaluating whether covering over the ash could address the ongoing pollution of groundwater, which in turn flows to Bolin Creek. The Town's Remedial Investigation report relied on comparatively shallow boring logs to conclude the ash is not in contact with groundwater, but drilling records for monitoring well MW-1 indicate that the ash extends below the level of the groundwater. This question must be answered with additional data.

The Remedial Action Plan must also include an economic analysis of the different remedial scenarios (based on multiple bids or other objective, documented information), to address these questions:

- How much would it cost to remove the coal ash?
- What opportunities exist to reuse the coal ash for lined structural fill, as was done at the Asheville airport? *See Robert Nordstrom, Asheville Regional Saves \$12 Million Using Free Coal Ash Fill, Airport Improvement (May-June 2015), <http://www.airportimprovement.com/article/asheville-regional-saves-12-million-using-free-coal-ash-fill>.*
- What outside sources of funding are available to help defray the cost of restoring the site for public use?
- If the coal ash is left in the center of Chapel Hill, how much would it cost to cap the coal ash in place, install retaining walls or other structural stability measures, and operate required groundwater controls in perpetuity?
- What is the fair market value of the Police Station property if the coal ash is removed and the site is restored?
- What is the fair market value of the Police Station property if the coal ash is left in place?

Thank you for your consideration of these comments.

Sincerely,

Nicholas Torrey
Julie McClintock

Cc: Mayor Hemminger
Town Council members
Roger Stancil
NCDEQ