



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL SCOTT
Director

October 1, 2019

Sent Via USPS and email

Maurice Jones, Town Manager
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514
mjones@townofchapelhill.org

Subject: Letter of Eligibility
Chapel Hill Police Department
828 Martin Luther King Jr. Blvd
Chapel Hill, Orange county
Brownfields Project Number: 23022-19-068

Dear Mr. Jones:

The North Carolina Department of Environmental Quality (DEQ) has received and reviewed your April 16, 2019 Brownfields Property Application (BPA) submitted by the Town of Chapel Hill as a Prospective Developer seeking a Brownfields Agreement regarding the Brownfields Property. We also conferred with the Town of Chapel Hill and DEQ senior management via conference call on June 3, 2019, in which the history of the property, development of the existing Bolin Creek Greenway trail, plans for expansion of the trail, and the Town's involvement with the property were discussed. Upon review of the BPA and after the June 3, 2019 conference call, with respect to the requirements of the Brownfields Property Reuse Act of 1997, DEQ has determined that this project is eligible for entry into the North Carolina Brownfields Program (NCBP) and for continued evaluation for a Brownfields Agreement (BFA).

The next step in the BFA process will involve a detailed review of available environmental and other relevant data to determine what is currently known about contamination at the Brownfields Property, and what, if any, information gaps may exist that may require additional assessment. We are in receipt of the following documents submitted with your BPA:

Report	Prepared By	Date
Phase II Remedial Investigation Report	Hart & Hickman, PC	May 11, 2017
Remedial Alternatives Evaluation	Hart & Hickman, PC	August 20, 2018

If available, historical Brownfields Property information from the files of DEQ's Division of Waste Management will also be utilized during the evaluation process. Please forward any



additional information or data you may have or can acquire for our evaluation. This should include reports from other DEQ agencies or regional offices. We will contact you regarding any additional assessment that may be necessary to establish that the Brownfields Property is or can be made suitable for the intended reuse, as required by statute.

According to the BPA, the Town of Chapel Hill is evaluating various property uses and is considering a mixed-use development that may include school or child care, residential, office, recreational, open space or other commercial uses. Because risk management decisions may vary depending on the nature of the redevelopment, it will be important that DEQ review the locations of the various elements. Please forward any maps or drawings indicating these details, even if they are only preliminary or conceptual.

Please note: pending execution of a final BFA, NCBP eligibility is provisional. The protections a BFA offers the Prospective Developer are *not in effect*, unless and until, the BFA is executed. If you occupy the Brownfields Property or operate or conduct activities at the Brownfields Property that result in a release of regulated substances before a BFA has been finalized for the Brownfields Property, you may be considered to have caused or contributed to contamination at the Brownfields Property. Because an entity that could be considered to have caused or contributed to contamination at the Brownfields Property cannot be a Prospective Developer under the Act, your eligibility for participation in the NCBP would be placed in jeopardy. Consult closely with your Project Manager regarding any planned site activities prior to agreement finalization. You are cautioned to conduct all such operations and activities at the Brownfields Property with great care not to cause a release of regulated substances at the Brownfields Property that could jeopardize your eligibility for participation in the NCBP.

If a party other than the Town of Chapel Hill will own the Brownfields Property at the conclusion of the brownfields process, the final document (which gets recorded at the register of deeds' office) must be signed not only by Prospective Developer, but by that owner. Failure by the Prospective Developer to ensure, by the time the BFA negotiations are complete, the willingness to sign of any such party, and to provide DEQ the exact name, email address, telephone number, and US mail address of the party (along with the signatory/signatory's title in the case of an entity) will delay, and could prevent, the BFA taking effect.

We are excited about the potential for public benefit offered by the reuse of the Chapel Hill Police Department site and look forward to working with you to advance this brownfields redevelopment project. If you have questions about this correspondence or require additional information, please feel free to contact the project manager Hayley Irick by phone at 919-707-8294, or by e-mail at hayley.irick@ncdenr.gov.

Sincerely,



Bruce Nicholson
Brownfields Program Manager

cc: Central Files, DEQ
Michael E. Scott, DEQ
Hayley Irick, DEQ
John Richardson, Town of Chapel Hill