

Via Email

November 16, 2023

Catalyst Capital Partners
1710 Camden Road
Charlotte, NC 28203

Attention: Mr. David Lee

Subject: Memorandum
Recognized Environmental Concern Management
Womble-Arrington LCID
11785 US 15-501 North
Chapel Hill, North Carolina
H&H Project No. CYT-001

Dear David:

1.0 Introduction and Background

Hart & Hickman, PC (H&H) has prepared this memorandum to summarize proposed management of recognized environmental concerns (REC) through the North Carolina Department of Environmental Quality (DEQ) Brownfields Program at the Womble-Arrington LCID property located at 11785 US 15-501 North in Chapel Hill, Chatham County, North Carolina (Site or subject Site). The Site consists of two parcels of land (Chatham County Parcel Identification Numbers [PINs] 9776-03-35-6242 and 9776-03-34-8376) that total approximately 59.03 acres. The Site is developed with two residential structures, a barn, and several ancillary structures. The Site has historically been used for agricultural, residential, and a land-clearing and inert debris (LCID) landfill from approximately 1970 to 2002.

On February 14, 2021, SUMMIT Engineering, Laboratory & Testing, Inc. (SUMMIT) prepared a Phase I Environmental Site Assessment (ESA) for the Site. A summary of RECs identified by SUMMIT in the report include the following:

RECs

- The closed Arrington-Womble Land-Clearing and Inert Debris (LCID) Landfill is located in the northern portion of the Site which operated from 1970 until closure in 2002.
- Observation of potential leachate seeps and an odor commonly associated with the presence of methane gas during the Site reconnaissance along the landfill side slopes.
- A former gasoline station which operated on the adjacent eastern property from at least the 1950's to the late 1990's with no environmental closure documentation.

Proposed redevelopment plans for the Site include razing current Site structures prior to the construction of three multi-family apartment buildings, one commercial building, and a decentralized wastewater treatment plant. To address RECs associated with the Site, Catalyst Capital Partners (Catalyst CP) submitted a Brownfields Property Application (BPA) to the DEQ Brownfields Redevelopment Section (i.e. Brownfields Program) on October 10, 2023. The Brownfields Program requires that the prospective developer (PD) demonstrate that redevelopment of the Site is hindered by historic use, that the redevelopment of this property is of overall benefit to the community, and that future property users are adequately protected from contaminants present at the Site.

In the Brownfields Program, the Prospective Developer (as defined by the Brownfields statutes) of a property and DEQ enter into an agreement which provides for State liability protection for cleanup of identified soil, groundwater, or other impacts in exchange for addressing RECs associated with the Site specifically for the future intended use of the Site. Addressing RECs is typically accomplished by implementing land use restrictions (i.e., restriction on groundwater usage) and engineering controls (such as capping impacted soil). DEQ oversees these Brownfields activities and provides compliance reviews throughout the Brownfields process. The general Brownfields process and steps consist of the following components:

1. Submittal of Brownfields Property Application (BPA) using information from the existing Phase I ESA, then:
 - a. Eligibility determination by DEQ for acceptance into the Brownfields Program

- b. Assignment of a DEQ Brownfields Project Manager
2. Brownfields assessment activities;
3. DEQ data gap meeting;
4. Work plan preparation and implementation of additional assessment activities to address data gaps (if warranted);
5. Preparation of an Environmental Management Plan (EMP) and a Vapor Intrusion Mitigation Plan (if warranted by the assessment data);
6. Draft Brownfields Agreement review and negotiations;
7. Brownfields survey plat assistance;
8. Public Notice assistance; and
9. Recordation of the Brownfields Agreement and survey plat with the property deed.

Task 1 – Brownfields Property Application

The BPA submitted in October 2023 includes information about the entity applying for entry into the Brownfields Program, the proposed future use of the property, Site history, suspected contamination at the Site, previous reports, eligibility criteria such as why suspect contamination at the Site hinders its sale and/or redevelopment, and how the proposed redevelopment will benefit the community.

Task 2 – Brownfields Assessment Activities

Brownfields assessment activities will include the collection of surface water, sediment, groundwater, exterior soil gas, and sub-slab vapor samples for laboratory analysis to evaluate risks associated with potential impacts and to assist in the management of Site media during future redevelopment activities.

Additionally, H&H will perform a Brownfields receptor survey update in accordance with DEQ Brownfields Program guidance. The receptor survey update will use the Brownfields Property Receptor Survey Form and will include information about land use in the Site area including zoning. H&H will also conduct a field search for water supply wells, basements, utility manways and chases, storm sewers, other underground utilities, drains, and surface water within a 1,500 ft radius of the Site property boundary.

Task 3 –DEQ Data Gap Meeting

A meeting is required with the DEQ Brownfields Program assigned project manager to discuss redevelopment plans and potential data gaps following the Brownfields assessment.

Task 4 – Additional Brownfields Assessment (if warranted)

The results of the meeting/call with DEQ and initial assessment activities may indicate that additional assessment is warranted to further evaluate risks associated with impacts identified at the Site. If warranted, the additional assessment activities will include preparation of a work plan for DEQ review and approval prior to completing the additional assessment.

Task 5A –Environmental Management Plan (EMP)

An EMP must be prepared and approved by DEQ prior to the start of redevelopment activities at the Site that disturb soil. The EMP will include the following general elements:

- known conditions of soil, groundwater, surface water, sediment, and vapor on the Site and the compounds, concentrations, locations, and depths of known impacts;
- procedures to be followed in the event that soil impacts or suspected soil impacts are identified during construction activities;
- procedures to be used in the event that groundwater or surface water is encountered at the Site during redevelopment activities;
- contact information for assistance should unexpected environmental conditions occur;
- procedures to address potential export or import of soil should that be warranted; and
- redevelopment plans,

The purpose of the EMP is to provide a plan to manage contaminated Site media and manage potential exposure risks. The EMP will incorporate proposed building locations, cut/fill diagram, and redevelopment schedule. The EMP must be followed during redevelopment activities and after construction has been completed.

Additionally, the EMP requires final grade soil sampling in landscaped or exposed portions of the Site to verify that future Site users will not be exposed to surficial soils with unacceptable levels of risk determined by DEQ.

Task 5B – Vapor Intrusion Mitigation System Design, QA/QC, and Testing (if required)

The DEQ Brownfields Program is very sensitive to vapor intrusion concerns, and the Brownfields Agreement will typically require engineering controls to minimize the potential for vapor intrusion into buildings on Brownfields properties. This is especially true for properties planned for residential use and for properties impacted by chlorinated solvents and potential methane.

If needed based on the results of Brownfields assessment activities, a Vapor Intrusion Mitigation Plan (VIMP) will be prepared which includes design drawings and specifications for a vapor intrusion mitigation system (VIMS). The design drawings will include a plan view layout of the systems and details and system specifications. Extensive quality assurance and quality control inspections and system testing is required during the construction process and prior to DEQ approval to occupy the Site buildings.

Task 6 – BFA

Following completion of the Brownfields assessment activities and DEQ concurrence that no further assessment is needed to evaluate potential risks, DEQ will prepare a Brownfields Agreement (BFA). The BFA will include analytical data summary tables, land use restrictions, and work to be performed.

Task 7 - Brownfields Survey Plat

A Brownfields plat prepared by a registered land surveyor (RLS) must also be submitted for review and approval by DEQ. The Brownfields plat must follow the specifications of the Brownfields Program and includes the locations of samples, land use restrictions, and data tables contained in the BFA.

Task 8 - Public Notice

Following agreement between DEQ and Catalyst CP on the Brownfields Agreement and approval of the Brownfields plat, H&H will assist with the required public notice, which includes the following:

- Publication of the Summary of Notice of Intent to Redevelop a Brownfields Property (SNI) in the local newspaper (the SNI will be provided by DEQ after agreement on the BFA).
- Posting the SNI at the property which will include posting of signs at the Site in accordance with DEQ guidance.
- Mailing of the SNI to contiguous property owners.
- Providing the Notice of Intent to Redevelop a Brownfields Property (NI) and Notice of Brownfields Property (NBP) to local government entities (city mayor, county manager, county health director, etc.).

Following completion of the 30-day public notice period, H&H will prepare a brief letter report for submittal to DEQ Brownfields to document completion of public notice requirements. These documents will include an affidavit of publication of the SNI from the newspaper, photographs of SNI posted at the Site, copies of certified mail receipts to contiguous property owners, and receipts of delivery of NI and NBP to local government entities. During the public comment period, H&H will submit the Brownfields plat to DEQ for final approval and signature.

For additional questions related to this project or the Brownfields Program, please reach out to H&H at 704-586-0007.

Sincerely,
Hart & Hickman, PC



Trinh DeSa, PE
Engineering Manager



Andrew Besu
Environmental Redevelopment Manager