



NORTH CAROLINA
Environmental Quality

January 12, 2024

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

MICHAEL SCOTT

Director

Sent Via Email

David Lee
15-501 CCP, LLC
1710 Camden Road,
Charlotte, NC 28203
DLee@catalystcp.com

Subject: Letter of Eligibility (Track Option: Standard)
Womble-Arrington Landfill
11785 US 15-501 North and 11755 US 15-501 North
Chapel Hill, Chatham County
Brownfields Project Number **27052-23-019**

Dear Mr. Lee:

The North Carolina Department of Environmental Quality (DEQ) has received and reviewed your October 10, 2023 Brownfields Property Application (BPA) and additional information (received October 7, November 15, and December 11, 2023) submitted by Hart & Hickman, PC on behalf of 15-501 CCP, LLC as a Prospective Developer seeking a Brownfields Agreement regarding the Brownfields Property. Upon review of the BPA 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 Redevelopment Section (NCBRS) 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
Final Closure Plan	Philip Post & Associates	November 10, 2003
Phase I Environmental Site Assessment	SUMMIT Engineering, Laboratory & Testing, Inc.	February 14, 2022
Limited Methane Screening	SUMMIT Engineering, Laboratory & Testing, Inc.	April 22, 2022

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.



North Carolina Department of Environmental Quality | Division of Waste Management
217 West Jones Street | 1646 Mail Service Center | Raleigh, North Carolina 27699-1646
919.707.8200

According to the BPA, the intended redevelopment for the Brownfields Property is for a multi-use development including high-density residential, commercial, office, retail, recreational, and parking uses and the construction of an on-site wastewater treatment plant. Given the detection of methane on the property, and the existing land use restrictions for the landfill portion, please be aware that additional assessment will be necessary for DEQ to determine if methane mitigation measures are needed to make the site safe for residential use. Also be aware that this letter in and of itself does not constitute approval for any particular proposed use in the application. 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: The site uses in the application have not yet been determined to be suitable. That determination will be made with further analysis of site-specific data. Pending execution of a final BFA, NCBRS 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 or introduce a health risk 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 NCBRS 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 or introduce a health risk at the Brownfields Property that could jeopardize your eligibility for participation in the NCBRS.

If a party other than 15-501 CCP, LLC will own the Brownfields Property at the conclusion of the brownfields process, the final document (which would be recorded at the register of deeds' office) must be signed not only by the 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 Womble-Arrington Landfill Property and look forward to working with you to advance this brownfields redevelopment project. The Brownfields Redevelopment Section is experiencing a substantial influx of applications; unfortunately, at this time, standard track projects currently have a queue that is likely to be at least twenty-four months until a project manager is able to initiate work on a project. If you have questions about this correspondence or require additional information, please feel free to contact the Eastern Branch Head, Sharon Eckard, by e-mail at sharon.eckard@deq.nc.gov.

Sincerely,



Bruce Nicholson, Chief
Brownfields Redevelopment Section

ec: Central Files, DEQ
Sharon Eckard, DEQ
Andrew Besu, Hart & Hickman, PC
Mary Katherine Stukes, Moore & Van Allen, PLLC

