

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Tuesday, March 22, 2022 9:08 AM  
**To:** evelyneshuber@gmail.com  
**Cc:** Colleen Willger; Dwight Bassett; Adam Searing; Amy Ryan; Camille Berry; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; James Baker; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** FW: Neighborhood Input on Police Station Property Development  
**Attachments:** HOA Statement for Police Station Upgrade 3.21.22.pdf

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin  
Office Assistant  
[Town of Chapel Hill Manager's Office](#)  
[405 Martin Luther King Jr. Blvd.](#)  
[Chapel Hill, NC 27514](#)  
(o) 919-968-2743 | (f) 919-969-2063

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**From:** Evelyne Huber <evelyneshuber@gmail.com>  
**Sent:** Tuesday, March 22, 2022 3:29 AM  
**To:** Town Council <mayorandcouncil@townofchapelhill.org>  
**Cc:** king1517@aol.com; Joanne Marshall <marshall@ils.unc.edu>  
**Subject:** Neighborhood Input on Police Station Property Development

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

Dear Mayor and Council Members,

Attached please find a letter signed by members of our neighborhood association regarding the development of the property where the police station is located.

Thank you for taking our concerns into consideration,

Evelyne Huber  
Secretary  
Winding Ridge Homeowners Association

Good Evening Council Members Fellow Citizens of Chapel Hill:

We are a group of homeowners in the Winding Ridge development, which is directly adjacent to the current Chapel Hill Police Station on Bolinwood Drive, and includes Songbird Lane, Mullin Court, Whistling Tree Court, and the apartment complexes that currently exist along Bolinwood and adjacent streets.

We recognize that the Town is a living, growing entity and not a static picture of the past. In that spirit, we would like to work with you to develop a plan that would do the following:

- adequately deal with the coal ash on the site,
- create a new municipal services center,
- provide apartments and retail space,
- develop traffic planning that would help direct the police presence, fire department, 500 parking spaces for residents and retail, and overall,
- making this area an attractive part of the Bolin Creek greenway.

If possible, we would like to be involved with several processes relating to developing the site.

We were concerned when in a previous meeting with the developer, their personnel seemed to dismiss Council member questions and suggestions for more diverse uses of the site. We would like to work with the Council to help bring about significant and welcome changes to the neighborhood and the Town.

Overall, we would like to help the Council address the following:

We understand the Council's first priority is dealing with the coal ash in a safe and responsible manner. We possibly would like more detail on how the remaining ash will be contained for the safety of all the residents and the downstream effects runoff might have going into the Bolin Creek.

- Work with the developer. We are concerned that the developers have been defining the redevelopment and do not consider ideas from the public and elected officials. The redevelopment of the police station is a tremendous opportunity for Chapel Hill, and we all should have input regarding changes that will last a generation and could really generate a great walking environment that includes the Bolin Greenway and the new development.
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- Work with the developer concerning housing units. We are aware that a housing study has estimated that 400 or more housing units per year are needed in Chapel Hill. While we have not had a chance to go over all the documentation from the past, a single source, Apartments.com, as of 3-17-2022, lists 1,358 Apartments currently available in Chapel Hill. Our neighbor Durham has 3,600 or more apartments available; and Wake County has over 8,000 rentals available. An additional 275 units are planned in this development. We wonder if this is too many and wonder if retail might help alleviate the possible financial strain.
  - We would like to work towards a more interesting revenue generating development that would include a variety of retail spaces and amenities as well as some housing, A more varied development would benefit everyone, both in the neighborhood and people using the wonderful resource of the Bolin Creek Greenway path. Neighborhoods on the east and west sides of MLK could have retail, green space, and gathering areas to benefit both the locals and the town.
  - Consider the traffic flow: there are currently two driveways in use from the Police Station property, and each one enters and exits from MLK effectively to date. Please include these in the new plan to ease the proposed use of Bolinwood as a single ingress and egress to what may be a quite busy traffic scene. Many walkers use the sidewalk on the street to access the Bolin Creek Trail. Bolinwood is a narrow street with limited outlets. Additional traffic would make it difficult for residents who have steep driveways and limited visibility.
  - Consider changes that would help the traffic flow. Bolinwood as it feeds to Hillsborough is used by many walking residents of the apartments; the sidewalks could use improvement, like those the developer did on Hillsborough, and the bridge over the creek can be a bottle neck that could affect fire department and police traffic if routed down Bolinwood.
  - Examine transit options: Chapel Hill has made commendable commitments to transit oriented developments, and the high number of parking places planned for this project are worrying. MLK has been identified as a transit corridor and seems effective. The luxury apartments that were recently rebuilt on Hillsborough street access both MLK and Hillsborough and a visual survey seemed to indicate that there is an abundance of unused parking space, and it seems that the residents make use of transit. The exits
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and entrances on Hillsborough and MLK seem to be very adequate for this large complex.

- There is also a need for some parking space for those citizens who want to use the Bolin Creek Trail.

Overall, we would like to help propel this project and the neighborhood into the future smoothly. We have preferences listed above and would love to work with the Council and are happy to help with other questions that arise, including certain driving assumptions the developers may be making.

Masaya Konishi  
Julie Konishi  
105 Bolinwood Dr

Rob and Melissa Hyland  
106 Bolinwood Drive

Joanne Gard Marshall  
108 Bolinwood Drive

Randall Ballard  
[100 Songbird Ln.](#)

George Pink  
106 Songbird Lane

Nikolai Skiba  
Lubov Skiba  
115 Bolinwood Dr.

Frank and Annie Tsui  
[100 Bolinwood Drive](#)

Craig Hollingsworth  
Andrea Jimenez  
102 Songbird Lane

Hawley Truax  
Jane Thrailkill  
101 Bolinwood Drive

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Betsy and Michael Piehler  
102 Mullin Court

Evelyne Huber  
John Stephens  
113 Bolinwood Drive

Andi Morgan  
Heather Sivaraman  
106 Mullin Ct

John and Karen Kent  
109 Bolinwood Dr.

Michael and Susan King  
104 Songbird Lane

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## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Wednesday, March 23, 2022 12:38 PM  
**To:** pamela.b.schultz@gmail.com  
**Cc:** Colleen Willger; Dwight Bassett; Adam Searing; Amy Ryan; Camille Berry; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; James Baker; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** FW: Police Station Property Redevelopment  
**Attachments:** LetterToCouncil\_PSchultz.pdf

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



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Office Assistant  
[Town of Chapel Hill Manager's Office](#)  
[405 Martin Luther King Jr. Blvd.](#)  
[Chapel Hill, NC 27514](#)  
(o) 919-968-2743 | (f) 919-969-2063

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**From:** Pamela Schultz <pamela.b.schultz@gmail.com>  
**Sent:** Wednesday, March 23, 2022 12:19 PM  
**To:** Town Council <mayorandcouncil@townofchapelhill.org>  
**Subject:** Police Station Property Redevelopment

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

Dear Mayor Hemminger and Town Council Members,

My name is Pamela Schultz. I am a Chemist & Environmental Engineer. I have a PhD from the University of North Carolina in Environmental Sciences & Engineering. I have a Master's degree from Clemson in Environmental Science & Engineering. I have a Bachelor's degree in Chemistry from Providence College.

I have conducted numerous human health risk assessments for the US Environmental Protection Agency on landfills and waste sites, for mixtures of contaminants including heavy metals.

This past Monday, I watched the video of the last Council work session to prepare for Monday's Public meeting on the redevelopment of the Police Station property. It is clear the Council is tasked with making difficult decisions about complex issues and are relying upon competent, accurate advice from the town's consultants.

I applaud the council for asking probing questions and working hard to make sure they have the information needed to make a good decision. As stated by Council member Jessica Anderson 1:12:50 -- " We have everything we need and we understand it as non-experts."

Given that, **please consider the following inaccuracies and incomplete information**, presented during that meeting.

### 1. Residential Risk Scenario

At about 58:00 minutes, Council member Jessica Anderson asked for a summary of the current conditions from the latest risk assessment. The consultant stated that the residential exposure scenario showed unacceptable risk to a person living at the site for 26 years. Council member Anderson asked for confirmation.

*Q. Council member Anderson -- "You just said someone would have to live there for 26 years for it to be an unacceptable risk?"*

*A. Hart & Hickman -- "Yes. 10 years as a child and 16 as an adult."*

The answer to this should have been no. **Risk assessments do NOT calculate the number of years it takes for an unacceptable risk to take place.** If that number were calculated, it would be something less than the number of years quoted, since this scenario exceeded the acceptable health risk level.

The implication of this conversation was that 26 years is a long time to live in one place, and the. However, many children continue to live with parents in their 20s. I myself have a 20+ year old living with me, who's lived in the same house since age 2.

This is serious because it implies the risk assessment is overly conservative, but risk assessments are not designed to be protective of most people, but all people and possible scenarios.

### 2. Short-term Health Effects

Council member Anderson had a related follow-up question.

*Q. Council member Anderson -- -- "So even if there was a failure, which sounds unlikely, that would mean you would have a really short-term exposure which isn't the risk anyway. Is that fair?"*

*A. Hart & Hickman -- "That's correct."*

The answer to this should have been no. **Both long-term and short-term exposure to coal ash may cause adverse health effects.** Cancer risk is evaluated over decades of exposure. Health effects other than cancer are lumped into non-cancer health impacts (neurological effects, other impacts to major organs).

Non-cancer health effects are evaluated over shorter time frames (1 year or less), by comparing to a threshold – the dose is either above or below a safe level.

In the risk assessment, the **dose to a resident exceeded a safe level by over 3 times**, and the **dose to a construction worker exceeded a safe level by 10 times**.

The table shown above provides data from Page 37 of the risk assessment. The entries in red exceed a safe level dose, including background soil concentrations. Excluding background, the construction work in the Upper level has the same hazard index.

This is serious as it indicates that construction at this location may indeed cause health impacts to workers and a failure of the proposed retaining wall may cause health impacts to clean-up workers. Personal protective equipment can minimize exposure, but appropriate use of PPE can be difficult to achieve in the field.

Note that the cancer risk here is compared to the upper end of the acceptable range of 1E-4. The Council has indicated a desire to meet a more protective standard of 1E-5 cancer risk.

### 3. Coal Ash as Structural Fill

The council for the town, Keith Johnson, repeatedly described the use of coal ash as fill as previously “very common” but “less common now”.

During the Q&A council member Adam Searing asked the following.

*Q. Council member Searing -- "Would we allow it to happen today?"*

*A. Johnson -- "Yes. Now there are protections in place but it is still legal under certain circumstances ... given ... under a law put in place by North Carolina in 2014 to use coal ash for structural fill."*

The answer to this should have been no. **For all intents and purposes, this practice is no longer occurring in NC.**

*Per NCDEQ's website -- "There have only been two structural fills larger than 8,000 tons per acre permitted since the enactment of CAMA in 2014. There have been no structural fills less than 8,000 tons per acre permitted since CAMA."*

CAMA is the Coal Ash Management Act (CAMA) of 2014. Per this act, sites with coal ash used as fill must NOT be within 50-feet of a property boundary, wetland, or other surface water body, and **must NOT be within 300-feet of a private dwelling or well.** (The full list of protective measures is attached for your review.)

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**In summary, I do not believe the council was given all the information needed to make a good decision. Of particular concern is the misrepresentation of the risk assessment results.**

**I urge the council to take a protective approach and use this site for commercial, rather than residential use. As a member of the Stormwater Advisory Board, I can attest to the large number of concept plans with new housing options, flowing into the planning department now, located throughout Chapel Hill.**

**This Police Station site could be a wonderful benefit to our town as the location of the municipal services center. As a small business owner, I can also attest to the need for affordable office space for small businesses.**

**I fully support commercial uses of the site assuming development is limited to the upland portion of the site, furthest from the coal ash embankment. To fully protect public health, the remaining land should be capped, as soon as possible, with minimal disturbance, to limit exposure to construction workers and existing residents.**

Respectfully,

Pamela Schultz, Ph.D.

Attachment: Letter with Additional Comments & Supporting Information.

TO: Chapel Hill Mayor Hemminger and Town Council Members  
FROM: Pamela Schultz, PhD  
RE: Police Station Property Redevelopment  
DATE: March 23, 2022

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Exposure Pathway	Residential		Construction Worker	
	Carcinogenic Risk	Hazard Index	Carcinogenic Risk	Hazard Index
<b>Exposure Unit #1 - Upper Level</b>				
Soil Direct Contact	2.4E-05	<b>3.6E+00</b>	7.0E-06	<b>1.1E+01</b>
<b>Exposure Unit #2 - Lower Level</b>				
Soil Direct Contact	N/A	N/A	1.4E-06	<b>3.6E+00</b>
<b>Exposure Unit #3 - Embankment</b>				
Soil Direct Contact	9.4E-05	<b>3.1E+00</b>	4.4E-06	<b>8.8E+00</b>

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### Additional Comments and Supporting Information:

**How Much Ash is There?** Based on the Phase II Report, there are approximately 60,000 cubic yards of coal ash at the police station property. Using a factor for 1.1 tons per cubic yard, there is an estimated 66,000 tons of ash. Given the 4.5 acre size of the property, that would convert to **over 14,000 tons per acre.**

**How Many Truck Loads?** More recently, the towns consultants have indicated the amount of ash is likely less than 60,000; however, the estimated number of truck loads to completely remediate the site, estimated at 5,000 truck loads, has not been lowered. This number is quoted in public meetings and even in the media.

"That could cost \$13 million to \$16 million and send **5,000 dump truck loads** of dirt to a landfill in another county, said Keith Johnson, an attorney representing the town."

<https://www.newsobserver.com/news/local/counties/orange-county/article258978953.html>

**Where will all this clean soil come from?** The current plan indicates that we would cap the site with 3 to 4 feet of clean soil. Soil caps are typically 2ft depth, so this additional depth is protective, but where will all this soil come from? This is a lot of soil.

1 acre-foot of soil = 2,000 tons (approximate @ 92 lbs/cu. ft.)

2,000 tons \* 4.5 acres \* 3 feet = 27,000 tons of soil to cover the site

If 66,000 tons of ash requires approximately 5,000 truck loads to remediate, then 27,000 tons of soil to cap the site requires **approximately 2,000 truck loads of soil to cap the site with 3 feet of clean soil.**

**What about the neighbors that live next to the site today?** Fugitive dust from the ash contains fine particles that, when inhaled, can get deep into our lungs. These fine particles have the highest concentrations of metals. This is a scenario that is difficult for risk assessment methods to assess. **Once that exposure occurs – it cannot be taken away.**

Our understanding of the **health impacts to children** are continuing to emerge, as evidenced by the following summary of a study on coal fly ash exposure to children aged 6 to 14.

*Coal fly ash exposure and affective disorders in children aged 6 to 14 --- “...there may be a potential relationship between fly ash exposure and affective disorders in children. Fly ash storage is an emerging environmental health threat throughout the world. This study may provide impetus for understanding the health impacts from exposure and promote improved regulations.”*

<https://ehp.niehs.nih.gov/doi/10.1289/isee.2020.virtual.P-0924>

**If we can cap sites for lead, why can't we do this for ash?** The site developers have noted that sites with lead contamination are successfully capped routinely in urban areas. Coal ash and lead in soils are very different. Lead contamination in urban areas is often from paint chips. Exposed ash is much more likely to be transported as dust after a disturbance and deposited elsewhere. The construction project proposed for this site will clearly be disturbing coal ash to provide solid foundations for these multi-story structures.

2014 NC Coal Ash Management Act (current rules) <https://deq.nc.gov/about/divisions/waste-management/solid-waste-section/coal-ash-structural-fills> The Act applies to sites with over 8,000 tons coal ash per acre.

- A liner,
- Leachate collection system,
- Cap,
- Groundwater monitoring system which is certified by a licensed geologist or professional engineer to be effective in providing early detection of any release of hazardous constituents from any point in a structural fill or leachate impoundment to the uppermost aquifer, so as to be protective of public health, safety, and welfare, the environment and natural resources.
- Sufficient dust control,
- Financial assurance that will ensure that sufficient funds are available for facility closure, post-closure maintenance and monitoring any corrective action required, and to satisfy any potential liability for accidental occurrences, and subsequent costs in response to an incident, and

**A structural fill must not be:**

- Within the 100-year floodplain; it shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity or result of washout of the waste to pose a hazard to human life, wildlife or land or water resources.
- Within four feet of the seasonal high ground water table.
- Within 25-feet of a property boundary, bedrock outcrop.  
Within 50-feet of a property boundary, wetland, bank of a perennial stream or other surface water body.
- Within 300-feet of a private dwelling or well.

## Table showing the details of the calculations for construction workers. The exposure is from ingestion, dermal, and inhalation.

DEQ Risk Calculator - Direct Contact - Construction Worker Soil													Output Form 2E	
Version Date: June 2021														
Basis: May 2021 EPA RSL Table														
Site ID: BPN 21061-17-060														
Exposure Unit ID: EU #1 Construction Worker														
<p>* - Note that <b>inhalation</b> on this calculator refers to outdoor <b>inhalation</b> of volatiles and particulates, not indoor <b>inhalation</b> associated with vapor intrusion.</p> <p>** - Note that the EPA has no consensus on reference dose or cancer slope factor values for lead, therefore it is not possible to calculate cancer risk or hazard quotient. Lead concentrations are compared to the EPA screening level of 800 mg/kg for commercial/industrial soil.</p>														
CAS #	Chemical Name:	Ingestion Concentration (mg/kg)	Dermal Concentration (mg/kg)	<b>Inhalation</b> Concentration (mg/kg)*	Ingestion Carcinogenic Risk	Dermal Carcinogenic Risk	<b>Inhalation</b> Carcinogenic Risk	Calculated Carcinogenic Risk	Ingestion Hazard Quotient	Dermal Hazard Quotient	<b>Inhalation</b> Hazard Quotient	Calculated Non-Carcinogenic Hazard Quotient		
7440-38-2	Arsenic, Inorganic	95.9	95.9	95.9	3.5E-06	5.6E-07	1.3E-06	5.3E-06	5.7E-01	9.1E-02	1.4E+00	2.1E+00		
7440-39-3	Barium	3200	3200	3200					4.7E-02		1.4E-01	1.9E-01		
7440-41-7	Beryllium and compounds	6.99	6.99	6.99			5.2E-08	5.2E-08	4.1E-03		7.9E-02	8.3E-02		
7440-43-9	Cadmium (Diet)	1.5	1.5	1.5			8.3E-09	8.3E-09	8.8E-03	1.1E-03	3.4E-02	4.4E-02		
16065-83-1	Chromium(III), Insoluble Salts	44.5	44.5	44.5					8.7E-05		2.0E-03	2.1E-03		
18540-29-9	Chromium(VI)	2.7	2.7	2.7	5.4E-08		7.0E-07	7.5E-07	1.6E-03		2.0E-03	3.6E-03		
7440-48-4	Cobalt	30	30	30			8.3E-07	8.3E-07	2.9E-02		3.4E-01	3.7E-01		
7440-50-8	Copper	180	180	180					5.3E-02			5.3E-02		
7439-92-1	-Lead and Compounds	30	30	30					<SL**	<SL**	<SL**			
7439-96-5	Manganese (Non-diet)	1500	1500	1500					1.8E-01		6.7E+00	6.9E+00		
7439-97-6	-Mercury (elemental)	11	11	11							1.1E+00	1.1E+00		
7440-02-0	Nickel Soluble Salts	43	43	43			3.4E-08	3.4E-08	6.3E-03		4.8E-02	5.5E-02		
7782-49-2	Selenium	13	13	13					7.7E-03		1.5E-04	7.8E-03		
7440-24-6	Strontium, Stable	325	325	325					4.8E-04			4.8E-04		
7440-28-0	Thallium (Soluble Salts)	0.6	0.6	0.6					4.4E-02			4.4E-02		
7440-62-2	Vanadium and Compounds	73	73	73					2.2E-02		1.6E-01	1.9E-01		
7440-66-6	Zinc and Compounds	120	120	120					1.2E-03			1.2E-03		
Cumulative:								7.0E-06						1.1E+01

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Wednesday, March 23, 2022 2:49 PM  
**To:** mcclintock.julie@gmail.com  
**Cc:** Colleen Willger; Adam Searing; Amy Ryan; Camille Berry; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; James Baker; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** FW: Letter from Friends of Bolin Creek re Coal Ash Agenda Item  
**Attachments:** FOBC.3.23.22.final1.pdf

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

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Office Assistant  
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Chapel Hill, NC 27514  
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-----Original Message-----

**From:** Julie McClintock <mcclintock.julie@gmail.com>  
**Sent:** Wednesday, March 23, 2022 1:41 PM  
**To:** Amy Harvey <aharvey@townofchapelhill.org>  
**Subject:** Letter from Friends of Bolin Creek re Coal Ash Agenda Item

Please forward this letter from Friends of Bolin Creek to the Mayor and Town Council. (I've sent individually already.)

Thanks!





# Friends of Bolin Creek

*Protecting our Bolin Creek Watershed*

<http://bolincreek.org> • [friendsbolincreek@gmail.com](mailto:friendsbolincreek@gmail.com)

March 23, 2022

Dear Chapel Hill Mayor Hemminger and Town Council Members,

Eight years ago, Friends of Bolin Creek petitioned the Town Council to clean up the coal ash on the Town property where the Police Headquarters presently resides. Since that time the Town has learned a great deal about the nature of the large deposit of coal ash and construction debris that was formed over the years and rediscovered in 2013 when the Town decided it wanted to sell the property.

Friends of Bolin Creek would prefer that the Town not proceed with the housing project portion of this proposal. We support development using a commercial scenario, which did not show the risk of exposure above certain levels. Here are our main concerns with the project:

First, we disagree with the Town's attorney's statement at the public information session that all risk will be eliminated by the capping process. A landfill, composed of construction debris and coal ash, on a steep slope is inherently unstable. Even with a soil cap and pavement over portions of the site, there will continue to be a future risk of exposure to ash and contaminated soil (for example, due to activities of children or pets, digging, erosion, or structural failure) that makes housing not suitable for this site. Coal ash buried adjacent to a steep slope that has been paved over for reuse can fail, as happened at the We Energies facility in Wisconsin. See news story and before and after photos in **Addendum #1** below. See news story here: <https://archive.jsonline.com/news/milwaukee/authorities-investigate-bluff-collapse-at-we-energies-plant-132929538.html/>

Second, the steep bank of ash above Bolin Creek is likely to continue to erode because additional soil is easily washed away, as evidenced by the continued daylighting of coal ash on the slope. The retaining wall will not prevent stormwater from mixing with existing exposed patches of coal ash from being carried down the hill in a liquid slurry to the Bolin Creek Greenway below. (See **Addendum #2** recent pictures of exposed ash)

Third, Bolin Creek is an impaired waterway on EPA's 303(d) list, and feeds into Jordan Lake, a drinking water supply for up to a million people. Contaminated ground water and eroded ash can potentially pollute that drinking water supply.

Fourth, climate experts know flooding catastrophes will be more frequent. Witness the on-site video tape of stormwater scouring the coal ash hillside during a storm on the Bolin Creek Greenway. The coal ash and steep slope where a retaining wall would be constructed sit alongside the floodplain of Bolin Creek. More violent and long lasting storms increase the chances of structural problems or coal ash becoming exposed. <https://youtu.be/QbCIK0hMUo0>

Finally, contrary to Mr. Johnson's assertion, we note that the current rules for coal ash in North Carolina would not allow coal ash as structural fill at this site, along with other rules that this project would not be able to meet if permits were sought today. See attached **Addendum #3**.

We remain concerned that constructing residential housing on top of a coal ash site is largely unprecedented. When asked about other examples of such a project elsewhere in the country, town staff and Belmont Sayre pointed to a housing development in Michigan, Mason Run. However, the developer of that project explains on its website that they did not build the housing units on top of coal ash, and instead removed the coal ash from those areas: "The coal ash wastes posed the most significant environmental challenge. *Over 150,000 cubic yards of material had to be removed from the home sites and replaced with an equivalent amount of clean fill.*" <https://www.sme-usa.com/project/from-urban-brownfield-to-thriving-500-home-community> That is not what is being proposed here; instead, the developer is proposing to build on top of the existing coal ash.

We are disappointed that a Council majority appears to have accepted the reassurances of the Town's outside attorney and Belmont Sayre, the prospective developer and manager of the project. We think these reassurances are not accurate – see 3/23 letter to Town Council from Pamela Schultz. It is notable that the consulting health risk experts hired by the Town did not attend the public information session, and that protecting public health is not mentioned once in the draft Memorandum of Understanding.

While the MOU document is not binding, it documents the Council's intentions, and we suggest adding language that set goals protective of human health that will serve as foundational principles for the binding permits and development agreements to follow. Therefore, we strongly urge the Town Council to renew their commitment to the highest standards needed to protect human health by making the following changes in the MOU:

***Page 4, "Regarding the brownfields agreement"***

*Present language*

"Belmont at its expense will be responsible for preparation of a development environmental management plan under the brownfields agreement, per DEQ requirement, with input from the Town's environmental consultants and counsel"

*Please ADD* "will be designed with additional safety margins to prevent any exposure to coal ash pollutants, even if this approach exceeds DEQ requirements."

Note that at the March 21 public information session, the town's attorney and representatives from Belmont Sayre stated that this was their intention and were invited to put it in writing.

***Page 6. "Site-wide Redevelopment and Remedial Tasks"***

Note: At the public information session, the representatives stated that the retaining wall would run the length of the property. Therefore, we suggest removing this limitation in the MOU: "Under the current concept plan, the retaining wall will be located on the private portion of the redeveloped Property".

*Please ADD:* “The retaining wall will be designed to ensure stability along the entirety of the steep slope. The Town will approve the final design of the retaining wall, and the parties will negotiate how to share the responsibility for maintaining the safety of the steep bank and wall areas in a manner protective of greenway users and Bolin Creek.”

Friends of Bolin Creek will continue to call for the highest standards possible to protect public health as the Council navigates the permits and binding agreements.

Thank you for your careful review of these recommendations.

Julie McClintock for  
Friends of Bolin Creek

Attachments  
Copies to FOBC, DEQ

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#1 Addendum: We Energies facility in Wisconsin, before and after photos



#2 Recent pictures of steep bank with exposed coal ash on surface.



#3 Addendum: 2014 NC Coal Ash Management Act (current rules)

<https://deq.nc.gov/about/divisions/waste-management/solid-waste-section/coal-ash-structural-fills>

- A liner,
- Leachate collection system,
- Cap,
- Groundwater monitoring system which is certified by a licensed geologist or professional engineer to be effective in providing early detection of any release of hazardous constituents from any point in a structural fill or leachate impoundment to the uppermost aquifer, so as to be protective of public health, safety, and welfare, the environment and natural resources.

- Sufficient dust control,
- Financial assurance that will ensure that sufficient funds are available for facility closure, post-closure maintenance and monitoring any corrective action required, and to satisfy any potential liability for accidental occurrences, and subsequent costs in response to an incident, and

**A structural fill must not be:**

- Within the 100-year floodplain; it shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity or result of washout of the waste to pose a hazard to human life, wildlife or land or water resources.
- Within four feet of the seasonal high ground water table.
- Within 25-feet of a property boundary, bedrock outcrop.
- Within 50-feet of a property boundary, wetland, bank of a perennial stream or other surface water body.
- **Within 300-feet of a private dwelling or well.**

#4 Addendum: Sources

**Childrens' health**

"Children have an increased risk of exposure to fly ash. Children have higher rates of respiration relative to adults, increased hand-to-mouth behavior, and a tendency to play near the ground, which increases exposure to ambient particulate matter.<sup>16,17</sup> "

<https://journals.sagepub.com/doi/full/10.1177/2333794X17720330>

<https://nicholas.duke.edu/news/new-tests-can-detect-tiny-toxic-particles-coal-ash-soil>

**Lake Norman**

<https://pulse.ncpolicywatch.org/2021/07/23/duke-university-scientists-found-a-new-way-to-trace-coal-ash-in-soil-spoiler-alert-its-found-near-lake-norman/#sthash.k00Xjoff.irEQKeXg.dpbs>

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Wednesday, March 23, 2022 3:53 PM  
**To:** clotheachild@yahoo.com  
**Cc:** Amy Harvey; Ann Anderson; Carolyn Worsley; James Baker; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Ran Northam; Ross Tompkins; Sabrina Oliver; Adam Searing; Amy Ryan; Camille Berry; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Tai Huynh  
**Subject:** FW: [ChapelHillMatters] Letter from Friends of Bolin Creek re Coal Ash Agenda Item to Chapel Hill Town Council  
**Attachments:** FOBC.3.23.22.final1.pdf

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin  
Office Assistant  
[Town of Chapel Hill Manager's Office](#)  
[405 Martin Luther King Jr. Blvd.](#)  
[Chapel Hill, NC 27514](#)  
(o) 919-968-2743 | (f) 919-969-2063

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**From:** Molly McConnell <clotheachild@yahoo.com>  
**Sent:** Wednesday, March 23, 2022 3:46 PM  
**To:** Pam Hemminger <phemminger@townofchapelhill.org>; Karen Stegman <kstegman@townofchapelhill.org>; Michael Parker <mparker@townofchapelhill.org>; Tai Huynh <thuynh@townofchapelhill.org>; Paris Miller <foushee@townofchapelhill.org>; Camille Berry <camille4chapelhill@gmail.com>; Jess Anderson <janderson@townofchapelhill.org>; Amy Ryan <aryan@townofchapelhill.org>; Adam Searing <asearing@townofchapelhill.org>; ChapelHillMatters <chapelhillMatters@gaggle.email>  
**Cc:** Nick Torrey <ntorrey@gmail.com>; Pamela Schultz <pamela.b.schultz@gmail.com>; Tom Cors <tcors@tnc.org>; Michael Paul <mikejpaul13@gmail.com>; Dick Ludington <dickludington@gmail.com>; Mary Sonis <msonis@nc.rr.com>; Betsy Kempter <betsykempter@gmail.com>; Maurice Jones <mjones@townofchapelhill.org>; John Richardson <jrichardson@townofchapelhill.org>; Mary Jane Nirdlinger <mnirdlinger@townofchapelhill.org>; Laura Selmer <lselmer@townofchapelhill.org>; Lance Norris <lnorris@townofchapelhill.org>; Town Council <mayorandcouncil@townofchapelhill.org>  
**Subject:** Re: [ChapelHillMatters] Letter from Friends of Bolin Creek re Coal Ash Agenda Item to Chapel Hill Town Council

Bravo & Amen, Julie!!

Excellent letter!!

If you need additional signers, please add my name & thank YOU for writing it & sending it to our Town Council members!!

Mercy & Justice prayers--including for Mother Nature & the environment & birds, bunnies, butterflies, & bees and trees, children or elderly or in between ages who might have the grave misfortune of having housing and gardens and/or child care center atop this site, & for Peace,

Molly McConnell,

75 y.o NC native, lifelong resident of NC and living locally in modest rental housing since 1970

Wednesday March 23, 2022

"At times our own light goes out & is rekindled by a spark from another person. Each one of us has cause to think with deep gratitude of those who have lighted the flame within us." Albert Schweitzer

On Wednesday, March 23, 2022, 01:33:52 PM EDT, Julie McClintock via ChapelHillMatters <[chapelhillmatters+mcclintock.julie\\_at\\_gmail.com@gaggle.email](mailto:chapelhillmatters+mcclintock.julie_at_gmail.com@gaggle.email)> wrote: