



Friends of Bolin Creek

Protecting Bolin Creek & its Forest

<http://bolincreek.org> • info@bolincreek.org

June 11, 2019

Dear Members of the Chapel Hill Town Council,

We write in advance of Wednesday's Council meeting to share our thoughts on the coal ash situation at the Chapel Hill Police Department. The Council will be asked to consider first steps toward addressing some of the coal ash contamination from the Police Department site that has spilled onto the Bolin Creek Trail and we offer these recommendations. We attended the recent work session and would have made these comments then, if public comment were allowed.

Back in the Fall of 2018, the town seemed to be moving fast toward declaring the property a Brownfield and was looking for feedback on potential redevelopment scenarios. Since then, the town has conducted further sampling to improve our understanding of the location and migration of the coal ash contamination and conducted a preliminary human health risk assessment of exposures from area around Bolin Creek. The assessment showed there is an "elevated risk" of health problems to people who use the Bolin Creek Trail from the Town's arsenic contamination. However, at the same time, the Town has submitted an application to the state for brownfields eligibility that would allow a daycare, assisted living facility, or homes to be built on top of the coal ash dump.

The larger issues facing the Town--namely, the continuing groundwater and soil contamination--will not be abated until the source of the contamination (the coal ash) is removed. For decades, the 40-foot cliff of exposed coal ash has been eroding and settling into the soil along Bolin Creek. The soil along the trail will continue to be polluted until the ash in the eroding embankment is removed. The coal ash is unstable, and erosion will only worsen over time, especially with the increased risk of severe storms and flooding. See Attachment 1, Floodplain Map.

Meanwhile, the silt fencing currently in place (some of which is located in the floodplain) has not been effective and the proposed new fencing is unlikely to perform any better. Moreover, the proposed new fencing ignores large areas of the site where coal ash is covered by only a thin layer of dirt and is likely to erode further--see the yellow shaded area on Fig. 1 of the June 7 Staff Report. Thus, as the embankment continues to erode and is subjected to more flooding, more coal ash is likely to be exposed and spill onto the trail area.

The proposed warning signs also will not solve the problem and certainly will not keep kids or pets out of contaminated areas.

We offer recommendations to strengthen this short term plan that will also address the source of the contamination: the coal ash dump itself and particularly the steep, eroding coal ash embankment above the trail.

We respectfully ask the Council to strengthen the short-term plan as follows:

- Require regular inspection of the coal ash embankment (this does not occur now) and monthly or quarterly sampling of the entire site throughout this interim period, including sampling of the wells on the upper portion of the site and the Creek, in addition to the soil below the embankment. To date, the Town has only collected samples sporadically. Regular sampling would give the Town the ability to make more informed decisions on remedial measures;
- Ask the consultant to perform additional sampling for the risk assessment (including radionuclides and pollutants that have tested high in the past but were ignored in the sampling this spring, including lead, thallium, and vanadium), and also sample within the top two inches of soil in various places along the embankment to determine how much coal ash has most recently settled in the soil;
- Ask the Town staff to return with options for the level of risk the Council is willing to tolerate (1 in 1,000,000; 1 in 100,000; etc.) before the consultant completes the full risk assessment, so that the assessment accurately reflects the Town's policy on this issue;
- Incorporate flood risk into future assessments and engineering evaluations going forward;
- Request that the Manager report back to the Council on any deadlines participating in the Brownfields program would require. Deadlines for this project should not drive the Council decision on the long-term solution for addressing the coal ash problem; and
- Begin setting aside a portion of the annual budget for permanent remedial measures, such as removal of the coal ash embankment, which should occur as soon as practicable.

We strongly support the proposed measure of removing 900 tons of contaminated soil from along the Bolin Creek Trail to minimize the risk to recreational users of the trail; however, this is a lot of money and effort to spend with no solution to the source of the ongoing contamination.

We urge you to recognize the potential for re-contaminating the areas currently targeted for clean-up if more is not done now to contain the on-going erosion of coal ash. Just following what the Manager proposes will almost ensure that these areas are contaminated again and again with each recurring storm.

We appreciate the Town Council 's commitment to deal with the long-term coal ash problem and have confidence that you will address these concerns before you act.

We are grateful to the Town staff—to John Richardson, especially—for their transparency and responsiveness to our concerns. Please contact us at mclintock.julie@gmail.com if you have any questions or would like additional information.

Sincerely,

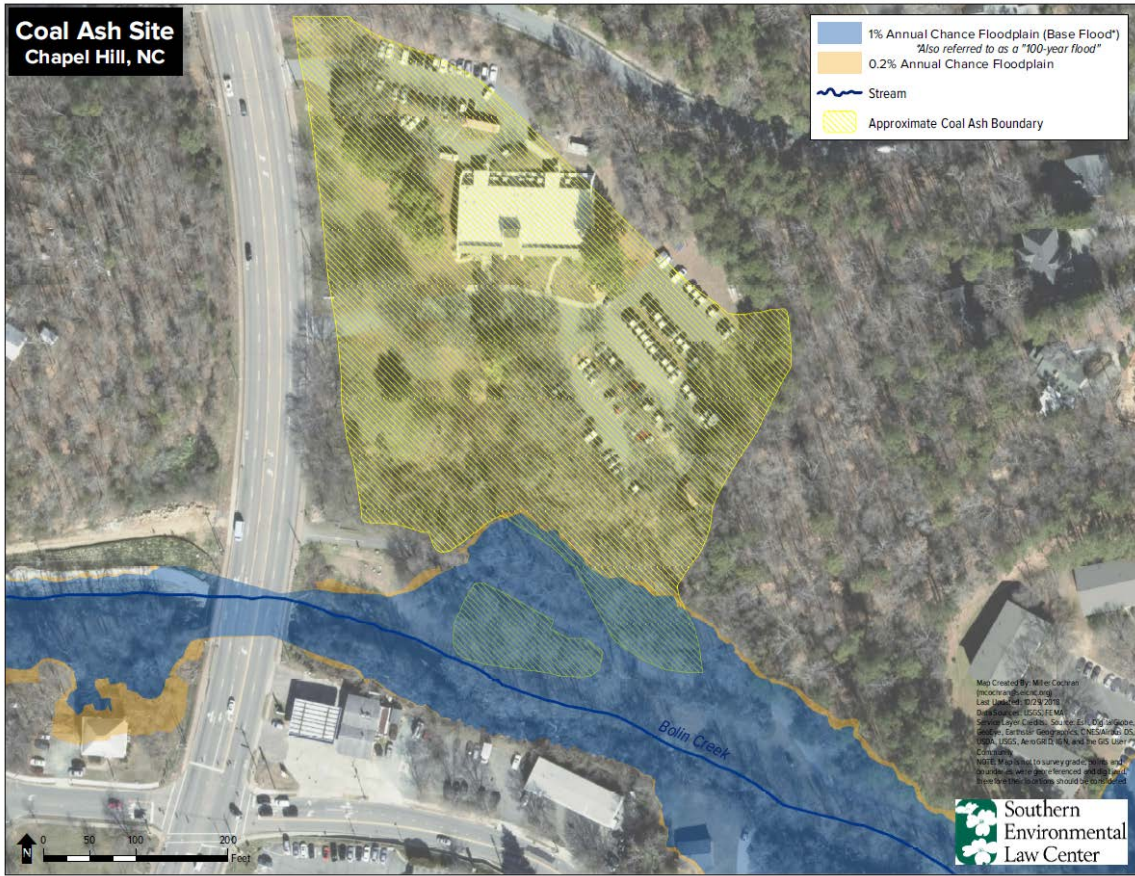
Julie McClintock, Friends of Bolin Creek

Cc: Nicholas Torrey, Megan Kimball
Attorneys, Southern Environmental Law Center
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Enclosures: Attachment 1, Floodplain Map

**ATTACHMENT 1
FLOODPLAIN MAP**

**Coal Ash Site
Chapel Hill, NC**



- 1% Annual Chance Floodplain (Base Flood)
Also referred to as a "100-year flood"
- 0.2% Annual Chance Floodplain
- Stream
- Approximate Coal Ash Boundary

Map Created By: Mike Carman
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Last Updated: 02/28/2013
Data Sources: USGS, FEMA,
Servicio Litoral Caribeño, Southern E. 1:50,000 topographic
series, Cartulario Geográfico, CHESAHOKEE, DSS,
USDA, USGS, ArcGIS 10.0, and the GIS User
Community.
We're thankful to survey grade points and
on-site as well as referenced and data and if
there are then the data are should be to be used.

