

FOIA Request

From: Bill Letteri
Sent: Friday, March 30, 2007 8:17 AM
To: Roger Stancil
Cc: Bruce Heflin; Ralph Karpinos; Chris Berndt; Catherine Lazorko
Subject: Phase II Report, Lot 5
Attachments: Phase II memo 3 29 07.doc; update letter to B Letteri.pdf; image001.gif

Roger,

Please find attached a cover memorandum and our consultant's summary report on the Phase II Environmental Site Assessment of Lot 5.

Thanks,
Bill



Bill Letteri

Public Works Director
Public Works Department
[Town of Chapel Hill](#)
405 Martin Luther King Jr Blvd
Chapel Hill, NC 27514-5705

Phone: (919) 968-2796
Fax: (919) 969-2003

FOIA Request

From: Toni Pendergraph
Sent: Thursday, May 03, 2007 10:14 AM
To: Chris Berndt
Subject: RE: Attached is Agenda #4c
Attachments: image002.gif; image003.jpg

Chris - got it! Thank you.

Toni Pendergraph
Paralegal
Office of the Town Attorney
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705
Phone: (919) 968-2746

From: Chris Berndt
Sent: Thursday, May 03, 2007 10:06 AM
To: George Small; Bill Letteri; Toni Pendergraph
Cc: Gordon Sutherland
Subject: FW: Attached is Agenda #4c

To all--Attached for your info is the budget amendment for Lot 5 on Monday's agenda. It contains the funds for environmental remediation, construction management, and legal costs to continue the project.

Sincerely,
Chris



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: Sandy Kline
Sent: Thursday, May 03, 2007 9:59 AM
To: 'ccummings@ramrealestate.com'; 'jflorian@ramrealestate.com'
Cc: Kay Johnson; Chris Berndt
Subject: Attached is Agenda #

You can view attachments and other agenda items on the Town's website at www.townofchapehill.org on Friday after 12 noon.



***Sandy Kline, CMC
Deputy Town Clerk
Town of Chapel Hill
405 Martin Luther King, Jr., Blvd.
Chapel Hill, NC 27514
(919)968-2743***

FOIA Request

From: Sandy Kline
Sent: Thursday, May 03, 2007 10:28 AM
To: 'ccummings@ramrealestate.com'; 'jflorian@ramrealestate.com'
Cc: Kay Johnson; Chris Berndt
Subject: FW: Attached is Agenda #4c for the Council's May 7th meeting
Attachments: 4c-Budget Amendment for Downtown Economic Development Initiative.doc; AGENDA.doc; image001.jpg

You can view attachments and other agenda items on the Town's website at www.townofchapehill.org on Friday after 12 noon.



***Sandy Kline, CMC
Deputy Town Clerk
Town of Chapel Hill
405 Martin Luther King, Jr., Blvd.
Chapel Hill, NC 27514
(919)968-2743***

FOIA Request

From: Bill Letteri
Sent: Friday, May 11, 2007 11:11 AM
To: Chris Berndt
Subject: RE: Environmental Remediation Plan Meeting
Attachments: image001.gif

It's on my calendar and Mark Brown and Sandy Miller of ECS have confirmed that they will be there as well. Thanks.

Bill Letteri

Public Works Director
Public Works Department
[Town of Chapel Hill](#)
405 Martin Luther King Jr Blvd
Chapel Hill, NC 27514-5705

Phone: (919) 968-2796
Fax: (919) 969-2003

From: Chris Berndt
Sent: Thursday, May 10, 2007 5:27 PM
To: Bill Letteri; John Florian; Ralph Karpinos
Cc: Gordon Sutherland; Toni Pendergraph; Bruce Heflin; Jon Keener
Subject: Environmental Remediation Plan Meeting

To all—Please reserve Tuesday, May 22nd at 4:30 p.m. for a meeting with Bill Letteri on a proposed remediation plan per the Town's responsibilities in the Development Agreement. I will find a place for us to meet in Town Hall.

I understand Bill is working with the Town's consultants on a proposal to prepare a remediation plan for review with Ram on that date. He would like to meet with Ram to review a process plan before his final day of work, May 25.

Sincerely,
Chris

**Chris S. Berndt**

Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

FOIA Request

From: Bill Letteri
Sent: Thursday, May 24, 2007 1:48 PM
To: 'SMiller'; 'SMBrown'
Cc: Ralph Karpinos; Chris Berndt; Bruce Heflin
Subject: RE: Notification of NCDENR
Attachments: image001.gif

Sandy,

Please prepare a notification letter on our behalf. A draft should be forwarded to Ralph Karpinos, with copies to Berndt and Heflin (emails attached) for their review and approval. Thanks.



Bill Letteri

Public Works Director
Public Works Department
[Town of Chapel Hill](#)
405 Martin Luther King Jr Blvd
Chapel Hill, NC 27514-5705

Phone: (919) 968-2796
Fax: (919) 969-2003

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Thursday, May 24, 2007 1:41 PM
To: Bill Letteri
Subject: Notification of NCDENR

Good afternoon Bill,

When I spoke to the contact person at NCDENR (Ms. Caroline Davenport) in VERY generic terms, she did indicate that the State should be notified

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: Roger Stancil
Sent: Friday, May 25, 2007 9:31 AM
Cc: Bruce Heflin; Ralph Karpinos; Flo Miller; Chris Berndt

Mr. Doug Guild contacted me and at least one Council Member about the Town's plans for the environmental cleanup of Lot 5. I asked Chris Berndt to talk with Mr. Guild, understand his concerns and research the issues he raised. I have listed below Chris' current update of her efforts. If you have any questions, please call.

I also talked with Doug Guild on behalf of the Manager on 5/9/07 in response to his call. Mr. Guild asked why the Town has to pay for remediation if McFarlings Exxon is the responsible party. He indicated State Trust Fund money may be available for cleanup, and that there are files available in the N.C. Department of Environment and Natural Resources. He stated that McFarlings could apply for the Trust Fund money. He noted that he was calling as a resident of Chapel Hill. He also has expertise in this area; his firm is Prescott Environmental Associates. I relayed the sense of this phone call to the Manager and Attorney.

The following report summarizes the current status of the Town's plans for environmental remediation for the Lot 5 site.

The Development Agreement with Ram Development Company calls for the Town to adopt a remediation plan reasonably acceptable to the Developer and the Town's environmental engineer. The Developer is to undertake the remediation, with the Town reimbursing the developer for costs. The cost is the incremental increase in construction costs directly relating to any required remediation. For example, the cost of excavation is not to be included if it was normally required for the project construction. The cost of treatment shall be borne by the Town.

Town staff has begun work to develop the indicated remediation plan. Environmental Consulting Services (ECS) is preparing a proposal for the Town's consideration. This firm prepared the Phase I and Phase II studies of soil contamination at Lot 5 (see project web site at:
<http://townhall.townofchapelhill.org/projects/dedi/documents/>)

Based on the historical information reviewed, the Phase I Environmental Assessment of August 18, 2004 did not indicate the past presence of a filling station on the Lot 5 site, although ECS staff has noted to us that this possibility cannot be ruled out. We have recently made ECS aware that a Sanborn Fire Insurance map owned by the Town indicates a filling station was present on the Lot 5 site. The Phase II Environmental Assessment of April 2, 2007 did not indicate the presence of underground storage tanks on the site.

Nearby tanks have leaked in the past at the McFarlings Exxon station as well as the Top of the Hill site in downtown Chapel Hill. As stated in the Town's Request for Proposals (RFP) of March 10, 2005 (p.36), the Phase I Environmental Assessment identified the Top of the Hill site as one possible off-site environmental condition for Lot 5 due to the removal of 6 underground storage tanks in 1992. The RFP further notes that "if an off-site facility impacted Lots 2 or 5, it would typically be the responsibility of the off-site facility for remedial cleanup." For McFarlings Exxon, the records search performed indicated that "McFarlings Exxon was closed on August 31, 2001, which means that the McFarlings Exxon should not be considered an off-site environmental condition due to its regulatory status."

At this time, staff is investigating through ECS the next steps the State will require in the remediation process. ECS is also inquiring about the potential availability of clean-up funds in this case. Once we have this information, we will determine in consultation with the Town Attorney the next appropriate actions.

I attach a brochure with clean-up fund general information produced by the Department of Environment and Natural Resources.

Mr. Guild also questioned whether the cost estimates used by staff to arrive at the budget amendment figure of \$240,000 authorized by the Council on May 7, 2007 were too low.

We used an estimate of \$18 per ton provided by ECS for the cost of hauling and remediation of contaminated material. Mr. Guild suggested the going rate for excavation, hauling, and remediation to be \$25-30 a ton. It is possible the difference may be that his estimate of a cost per ton includes excavation. Per the Development Agreement, the Town would not be responsible for excavation costs (see discussion above related to Development Agreement).

We developed the budget estimate assuming a “worst case” scenario based on the best available information. It is possible that the actual site conditions could prove to be worse than anticipated; or conversely, conditions could be better than anticipated.

Roger L. Stancil
Town Manager
Town of Chapel Hill, NC
919-968-743

FOIA Request

From: Roger Stancil
Sent: Tuesday, May 29, 2007 3:23 PM
To: 'Bill Strom'; 'Bill Thorpe'; 'Cam Hill'; 'Ed Harrison'; 'Jim Ward'; 'Jim Ward (w) '; Kevin Foy; 'Laurin Easthom'; 'Mark Kleinschmidt'; 'Sally Greene (w)'
Cc: Flo Miller; Bruce Heflin; Chris Berndt; Ralph Karpinos; Carol Abernethy
Subject: FW:
Attachments: cleanup trust fund info dehnr.pdf; image001.gif

I thought I had sent this to you May 25 but apparently it was not addressed properly. If you have any questions, please let me know.



Roger L. Stancil
Town Manager
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr Blvd
Chapel Hill, NC 27514-5705
Phone: (919) 968-2743
Fax: (919) 969-2063

Note: Mail sent to or received from the Town Manager is subject to publication under the provisions of the North Carolina public records law.

From: Roger Stancil
Sent: Friday, May 25, 2007 9:31 AM
Cc: Bruce Heflin; Ralph Karpinos; Flo Miller; Chris Berndt
Subject:

Mr. Doug Guild contacted at least one Council Member [and me](#) about the Town's plans for the environmental cleanup of Lot 5. I asked Chris Berndt to talk with Mr. Guild, understand his concerns and research the issues he raised. I have listed below Chris' current update of her efforts. If you have any questions, please call.

I also talked with Doug Guild on behalf of the Manager on 5/9/07 in response to his call. Mr. Guild asked why the Town has to pay for remediation if McFarlings Exxon is the responsible party. He indicated State Trust Fund money may be available for cleanup, and that there are files available in the N.C. Department of Environment and Natural Resources. He stated that McFarlings could apply for the Trust Fund money. He noted that he was calling as a resident of Chapel Hill. He also has expertise in this area; his firm is Prescott Environmental Associates. I relayed the sense of this phone call to the Manager and Attorney.

The following report summarizes the current status of the Town's plans for environmental remediation for the Lot 5 site.

The Development Agreement with Ram Development Company calls for the Town to adopt a remediation plan reasonably acceptable to the Developer and the Town's environmental engineer. The Developer is to undertake the remediation, with the Town reimbursing the developer for costs. The cost is the incremental increase in construction costs directly relating to any required remediation. For example, the cost of excavation is not to be

included if it was normally required for the project construction. The cost of treatment shall be borne by the Town.

Town staff has begun work to develop the indicated remediation plan. Environmental Consulting Services (ECS) is preparing a proposal for the Town's consideration. This firm prepared the Phase I and Phase II studies of soil contamination at Lot 5 (see project web site at: <http://townhall.townofchapelhill.org/projects/dedi/documents/>)

Based on the historical information reviewed, the Phase I Environmental Assessment of August 18, 2004 did not indicate the past presence of a filling station on the Lot 5 site, although ECS staff has noted to us that this possibility cannot be ruled out. We have recently made ECS aware that a Sanborn Fire Insurance map owned by the Town indicates a filling station was present on the Lot 5 site. The Phase II Environmental Assessment of April 2, 2007 did not indicate the presence of underground storage tanks on the site.

Nearby tanks have leaked in the past at the McFarlings Exxon station as well as the Top of the Hill site in downtown Chapel Hill. As stated in the Town's Request for Proposals (RFP) of March 10, 2005 (p.36), the Phase I Environmental Assessment identified the Top of the Hill site as one possible off-site environmental condition for Lot 5 due to the removal of 6 underground storage tanks in 1992. The RFP further notes that "if an off-site facility impacted Lots 2 or 5, it would typically be the responsibility of the off-site facility for remedial cleanup." For McFarlings Exxon, the records search performed indicated that "McFarlings Exxon was closed on August 31, 2001, which means that the McFarlings Exxon should not be considered an off-site environmental condition due to its regulatory status."

At this time, staff is investigating through ECS the next steps the State will require in the remediation process. ECS is also inquiring about the potential availability of clean-up funds in this case. Once we have this information, we will determine in consultation with the Town Attorney the next appropriate actions.

I attach a brochure with clean-up fund general information produced by the Department of Environment and Natural Resources.

Mr. Guild also questioned whether the cost estimates used by staff to arrive at the budget amendment figure of \$240,000 authorized by the Council on May 7, 2007 were too low.

We used an estimate of \$18 per ton provided by ECS for the cost of hauling and remediation of contaminated material. Mr. Guild suggested the going rate for excavation, hauling, and remediation to be \$25-30 a ton. It is possible the difference may be that his estimate of a cost per ton includes excavation. Per the Development Agreement, the Town would not be responsible for excavation costs (see discussion above related to Development Agreement).

We developed the budget estimate assuming a "worst case" scenario based on the best available information. It is possible that the actual site conditions could prove to be worse than anticipated; or conversely, conditions could be better than anticipated.

Roger L. Stancil
Town Manager
Town of Chapel Hill, NC
919-968-743

FOIA Request

From: SMiller <SMiller@ecslimited.com>
Sent: Wednesday, October 24, 2007 3:19 PM
To: Chris Berndt
Subject: RE: ECS Bills
Attachments: image001.gif

Chris,

My apologies for the delay in responding, I was out of the office with a family emergency. I am currently putting together a quick note for you concerning your questions. I appreciate your patience.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

From: Chris Berndt [mailto:cberndt@townofchapelhill.org]
Sent: Tuesday, October 16, 2007 04:48 pm
To: SMiller
Cc: Bruce Heflin; Amy Oland
Subject: FW: ECS Bills

Sandy, I believe I have not heard back from you on the information I requested in our phone conversation of September 19. Please advise on the status. Thanks, Chris Berndt



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: Chris Berndt
Sent: Wednesday, September 19, 2007 4:13 PM
To: 'smiller@ecslimited.com'
Cc: Bruce Heflin
Subject: ECS Bills

Sandy, it was good to talk to you today about the two outstanding bills for ECS work for \$822 and \$1,254. As we discussed, please provide via e-mail additional documentation about to what these charges related. In particular, please check with Mark on the Corrective Action Plan billing for \$1,254 as to what was covered by the time spent. Did he find out answers to whether we have to file a plan with the state and what the regulatory process would be from our meeting on 5/22/07? Thanks for helping me out to understand what these bills were for.

Sincerely,
Chris Berndt



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](http://www.townofchapelhill.org)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

FOIA Request

From: SMiller <SMiller@ecslimited.com>
Sent: Wednesday, November 07, 2007 9:49 AM
To: Chris Berndt
Cc: SMBrown
Subject: ECS Bills

Good morning Chris,

This is what I understand from my research into past activities on this project and from conversations with Mark Brown: The invoice number 155801 reflects the charges for the remainder of the work done on the report (Phase II and Limited soil Delineation, April 2, 2007). The invoice number 157708 reflects the charges for several things. The main item being preparation for, attendance at, and follow-up conversations from the meeting that ECS attended with Ram Development and the Town of Chapel Hill. During the course of these two invoices, Mr. Letteri had many questions and requests that required considerable input from ECS. Additionally, we needed to prepare a package to send to the North Carolina Department of Environment and Natural Resources (NCDENR).

Your other questions concern whether or not we need to file a corrective action plan with the State and what the regulatory process would be as a result. I have tried contacting John Malloy with NCDENR and have not been able to speak with him yet. As a result, of my conversations with Mark, I believe the situation is as follows: 1) If there is already an "open" incident number associated with the Parking Lot#5, then we do need to notify the state, determine what studies have been done to date, and what the next step would be in the study/reporting process.
2) If there is not an incident number associated with this site, then we do not need to notify the state at this time.
3) If when we begin the next phase of work we encounter new contamination that would remain on site (as opposed to being taken off-site for remediation), then we may have to prepare the proper documents to notify the state.

A real estate transaction has a certain series of studies that occur in a particular order, and they differ somewhat in nature from the studies required by the Hazardous Waste Branch or the Underground Storage Tank division or the Inactive Hazardous Sites Branch. What work has already been completed and how the future activities are to be conducted have some effect on exactly what type of work we need to schedule/document we need to prepare.

I hope this clears up some of your questions and enables you to feel comfortable releasing payment to ECS. Please let me know if you need further clarification, and I will let you know as soon as I hear back from Mr. Malloy at NCDENR.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: SMiller <SMiller@ecslimited.com>
Sent: Wednesday, November 07, 2007 9:49 AM
To: Chris Berndt
Cc: SMBrown
Subject: ECS Bills

Good morning Chris,

This is what I understand from my research into past activities on this project and from conversations with Mark Brown: The invoice number 155801 reflects the charges for the remainder of the work done on the report (Phase II and Limited soil Delineation, April 2, 2007). The invoice number 157708 reflects the charges for several things. The main item being preparation for, attendance at, and follow-up conversations from the meeting that ECS attended with Ram Development and the Town of Chapel Hill. During the course of these two invoices, Mr. Letteri had many questions and requests that required considerable input from ECS. Additionally, we needed to prepare a package to send to the North Carolina Department of Environment and Natural Resources (NCDENR).

Your other questions concern whether or not we need to file a corrective action plan with the State and what the regulatory process would be as a result. I have tried contacting John Malloy with NCDENR and have not been able to speak with him yet. As a result, of my conversations with Mark, I believe the situation is as follows: 1) If there is already an "open" incident number associated with the Parking Lot#5, then we do need to notify the state, determine what studies have been done to date, and what the next step would be in the study/reporting process.
2) If there is not an incident number associated with this site, then we do not need to notify the state at this time.
3) If when we begin the next phase of work we encounter new contamination that would remain on site (as opposed to being taken off-site for remediation), then we may have to prepare the proper documents to notify the state.

A real estate transaction has a certain series of studies that occur in a particular order, and they differ somewhat in nature from the studies required by the Hazardous Waste Branch or the Underground Storage Tank division or the Inactive Hazardous Sites Branch. What work has already been completed and how the future activities are to be conducted have some effect on exactly what type of work we need to schedule/document we need to prepare.

I hope this clears up some of your questions and enables you to feel comfortable releasing payment to ECS. Please let me know if you need further clarification, and I will let you know as soon as I hear back from Mr. Malloy at NCDENR.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: George Small
Sent: Wednesday, November 07, 2007 1:00 PM
To: Chris Berndt
Cc: Bruce Heflin
Subject: RE: ECS Bills

Chris: I have not had time to work much on this yet. I plan to get on it in the next couple days and will keep you and Bruce informed. I have no particular comment on Sandy's message since I have not yet read through all of the stuff you gave me. I will take her comments into consideration while I am reviewing the file and what was said/done by my predecessors on this deal. George s

From: Chris Berndt
Sent: Wednesday, November 07, 2007 12:52 PM
To: George Small
Cc: Bruce Heflin
Subject: FW: ECS Bills

George--what do you think of this response? I'm curious if you had a chance to call Mark Brown, or if Sandy Miller just followed up from my earlier e-mails.

One question I had is what the package was for NCDENR. Also, seems like we still need to know whether we need a corrective action plan.

Chris

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Wed 11/7/2007 9:49 AM
To: Chris Berndt
Cc: SMBrown
Subject: ECS Bills

Good morning Chris,

This is what I understand from my research into past activities on this project and from conversations with Mark Brown: The invoice number 155801 reflects the charges for the remainder of the work done on the report (Phase II and Limited soil Delineation, April 2, 2007). The invoice number 157708 reflects the charges for several things. The main item being preparation for, attendance at, and follow-up conversations from the meeting that ECS attended with Ram Development and the Town of Chapel Hill. During the course of these two invoices, Mr. Letteri had many questions and requests that required considerable input from ECS. Additionally, we needed to prepare a package to send to the North Carolina Department of Environment and Natural Resources (NCDENR).

Your other questions concern whether or not we need to file a corrective action plan with the State and what the regulatory process would be as a result. I have tried contacting John Malloy with NCDENR and have not been able to speak with him yet. As a result, of my conversations with Mark, I believe the situation is as follows: 1) If there is already an "open" incident number associated with the Parking Lot#5, then we do need to notify the state, determine what studies have been done to date, and what the next step would be in the study/reporting process.
2) If there is not an incident number associated with this site, then we do not need to notify the state at this time.
3) If when we begin the next phase of work we encounter new contamination that would remain on site (as opposed to being taken off-site for remediation), then we may have to prepare the proper documents to notify the state.

A real estate transaction has a certain series of studies that occur in a particular order, and they differ somewhat in nature from the studies required by the Hazardous Waste Branch or the Underground Storage Tank division or the Inactive Hazardous Sites Branch. What work has already been completed and how the future activities are to be conducted have some effect on exactly what type of work we need to schedule/document we need to prepare.

I hope this clears up some of your questions and enables you to feel comfortable releasing payment to ECS. Please let me know if you need further clarification, and I will let you know as soon as I hear back from Mr. Malloy at NCDENR.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: SMiller <SMiller@ecslimited.com>
Sent: Wednesday, November 07, 2007 1:16 PM
To: Chris Berndt
Subject: RE: ECS Bills

Chris,

Thank you for your time and effort to help get this resolved. I will let you know what the results of the discussions with the State are.

Historically, I have been frustrated by their lack of timely responses to phone calls and emails. I'll stay on it and keep you updated.

Have a great afternoon.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

-----Original Message-----

From: Chris Berndt [mailto:cberndt@townofchapelhill.org]
Sent: Wednesday, November 07, 2007 01:07 pm
To: SMiller
Cc: George Small; Bruce Heflin
Subject: RE: ECS Bills

Sandy,

Thanks for your response. We will review the information and be in touch about next steps. We look forward to hearing about the results of your phone inquiries.

Sincerely,

Chris Berndt

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Wed 11/7/2007 9:49 AM
To: Chris Berndt
Cc: SMBrown
Subject: ECS Bills

Good morning Chris,

This is what I understand from my research into past activities on this project and from conversations with Mark Brown:

The invoice number 155801 reflects the charges for the remainder of the work done on the report (Phase II and Limited soil Delineation, April 2, 2007). The invoice number 157708 reflects the charges for several things. The main item being preparation for, attendance at, and follow-up conversations from the meeting that ECS attended with Ram Development and the Town of Chapel Hill. During the course of these two invoices, Mr. Letteri had many questions and requests that required considerable input from ECS. Additionally, we needed to prepare a package to send to the North Carolina Department of Environment and Natural Resources (NCDENR).

Your other questions concern whether or not we need to file a corrective action plan with the State and what the regulatory process would be as a result. I have tried contacting John Malloy with NCDENR and have not been able to speak with him yet. As a result, of my conversations with Mark, I believe the situation is as follows: 1) If there is already an "open" incident number associated with the Parking Lot#5, then we do need to notify the state, determine what studies have been done to date, and what the next step would be in the study/reporting process.

2) If there is not an incident number associated with this site, then we do not need to notify the state at this time.

3) If when we begin the next phase of work we encounter new contamination that would remain on site (as opposed to being taken off-site for remediation), then we may have to prepare the proper documents to notify the state.

A real estate transaction has a certain series of studies that occur in a particular order, and they differ somewhat in nature from the studies required by the Hazardous Waste Branch or the Underground Storage Tank division or the Inactive Hazardous Sites Branch. What work has already been completed and how the future activities are to be conducted have some effect on exactly what type of work we need to schedule/document we need to prepare.

I hope this clears up some of your questions and enables you to feel comfortable releasing payment to ECS. Please let me know if you need further clarification, and I will let you know as soon as I hear back from Mr. Malloy at NCDENR.

Sandy Miller

Environmental Scientist

ECS Carolinas, LLP

9001 Glenwood Avenue

Raleigh, NC 27617-7505

(919) 861-9921 (direct voice)

(919) 398-0198 (cell phone)

(919) 861-9910 (office)

(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com <<mailto:pking@ecslimited.com>>

<http://www.ecslimited.com> <<http://www.ecslimited.com/>>

The ECS Group of Companies

ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: SMiller <SMiller@ecslimited.com>
Sent: Wednesday, November 07, 2007 1:16 PM
To: Chris Berndt
Subject: RE: ECS Bills

Chris,

Thank you for your time and effort to help get this resolved. I will let you know what the results of the discussions with the State are.

Historically, I have been frustrated by their lack of timely responses to phone calls and emails. I'll stay on it and keep you updated.

Have a great afternoon.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

-----Original Message-----

From: Chris Berndt [mailto:cberndt@townofchapelhill.org]
Sent: Wednesday, November 07, 2007 01:07 pm
To: SMiller
Cc: George Small; Bruce Heflin
Subject: RE: ECS Bills

Sandy,

Thanks for your response. We will review the information and be in touch about next steps. We look forward to hearing about the results of your phone inquiries.

Sincerely,

Chris Berndt

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Wed 11/7/2007 9:49 AM
To: Chris Berndt
Cc: SMBrown
Subject: ECS Bills

Good morning Chris,

This is what I understand from my research into past activities on this project and from conversations with Mark Brown:

The invoice number 155801 reflects the charges for the remainder of the work done on the report (Phase II and Limited soil Delineation, April 2, 2007). The invoice number 157708 reflects the charges for several things. The main item being preparation for, attendance at, and follow-up conversations from the meeting that ECS attended with Ram Development and the Town of Chapel Hill. During the course of these two invoices, Mr. Letteri had many questions and requests that required considerable input from ECS. Additionally, we needed to prepare a package to send to the North Carolina Department of Environment and Natural Resources (NCDENR).

Your other questions concern whether or not we need to file a corrective action plan with the State and what the regulatory process would be as a result. I have tried contacting John Malloy with NCDENR and have not been able to speak with him yet. As a result, of my conversations with Mark, I believe the situation is as follows: 1) If there is already an "open" incident number associated with the Parking Lot#5, then we do need to notify the state, determine what studies have been done to date, and what the next step would be in the study/reporting process.

2) If there is not an incident number associated with this site, then we do not need to notify the state at this time.

3) If when we begin the next phase of work we encounter new contamination that would remain on site (as opposed to being taken off-site for remediation), then we may have to prepare the proper documents to notify the state.

A real estate transaction has a certain series of studies that occur in a particular order, and they differ somewhat in nature from the studies required by the Hazardous Waste Branch or the Underground Storage Tank division or the Inactive Hazardous Sites Branch. What work has already been completed and how the future activities are to be conducted have some effect on exactly what type of work we need to schedule/document we need to prepare.

I hope this clears up some of your questions and enables you to feel comfortable releasing payment to ECS. Please let me know if you need further clarification, and I will let you know as soon as I hear back from Mr. Malloy at NCDENR.

Sandy Miller

Environmental Scientist

ECS Carolinas, LLP

9001 Glenwood Avenue

Raleigh, NC 27617-7505

(919) 861-9921 (direct voice)

(919) 398-0198 (cell phone)

(919) 861-9910 (office)

(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com <<mailto:pking@ecslimited.com>>

<http://www.ecslimited.com> <<http://www.ecslimited.com/>>

The ECS Group of Companies

ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: SMiller <SMiller@ecslimited.com>
Sent: Tuesday, November 27, 2007 12:23 PM
To: Chris Berndt
Subject: RE: Documents | Downtown Economic Development Initiative - Town of Chapel Hill

Thank you for the link, I'll check it out in just a minute. I just sent a note to Mark with the details of our conversation, so he will know what we need to prepare. We'll get together and discuss it tomorrow morning and we'll give you a call if there are specific questions that he has on the information requested.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

-----Original Message-----

From: Chris Berndt [mailto:cberndt@townofchapelhill.org]
Sent: Tuesday, November 27, 2007 12:19 pm
To: SMiller
Cc: George Small
Subject: Documents | Downtown Economic Development Initiative - Town of Chapel Hill

<http://townhall.townofchapelhill.org/projects/dedi/documents/>

Sandy, here is the link where the environmental assessments are on the Town's web page in case you get more inquiries about information. Thanks for discussing next steps with me today. George Small will be in touch about a meeting and what he will need as I reviewed with you on the phone. --Chris Berndt

FOIA Request

From: George Small
Sent: Tuesday, December 04, 2007 4:35 PM
To: Bruce Heflin; Chris Berndt; Ralph Karpinos
Subject: FW: Status Meeting - Environmental Assessment - Lot #5 Property

This meeting will be in the [third floor conference room](#) at 2:00pm on Wednesday 12/12. Geos

From: George Small
Sent: Tuesday, December 04, 2007 4:24 PM
To: 'smiller@ecslimited.com'; 'smbrown@ecslimited.com'
Cc: Chris Berndt; 'Bruce Heflin'; Ralph Karpinos
Subject: Status Meeting - Environmental Assessment - Lot #5 Property

December 4, 2007

Sandy: Per our phone conversation today, Tuesday 12/4, I need some information regarding the status of your firm's work relative to the planned re-development of Parking Lot #5 in Chapel Hill. Please provide me with the information outlined below no later than Monday, December 10th. This will give me a day or two to review your submittal in advance of our **scheduled meeting at 2:00pm on Wednesday, December 12th, at Town Hall in Chapel Hill.** I am requesting that you provide the following in as much detail as possible:

- A detailed point-by-point summary of work elements that have been completed to date.
- A detailed point-by-point summary of work elements that are "in progress" and the status of each of these elements to date.
- A detailed point-by-point summary of work elements that definitely need to be initiated and a schedule for completing them.
- A summary of other work that is either recommended or that would be dependent on the outcome of work elements noted above, including estimated time frames for completing that work.

I will also need detailed documentation of all costs that your firm has incurred to date relative to this contract, including specific information about and justification for any E.C.S. charges that the Town has not paid to date.

Since there have been several Town staff changes since your work began on this project, it is critical that I become fully informed of where we have been, where we are, and where we need to go next regarding the services that you are providing to the Town associated the Lot #5 redevelopment project.

Thank you in advance for your cooperation and assistance in helping me to become informed about the status of your work on this project.

Regards,
George Small, PE, PLS
Engineering Director
Town of Chapel Hill

FOIA Request

From: George Small
Sent: Tuesday, December 11, 2007 2:46 PM
To: Chris Berndt; Larry Tucker; MC Russell; Scott Newton
Subject: FW: Lot #5 Property - Supporting Documentation & Approximate Timeline
Attachments: Scan001.PDF

-----Original Message-----

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Tuesday, December 11, 2007 1:15 PM
To: George Small
Cc: SMBrown
Subject: Lot #5 Property - Supporting Documentation & Approximate Timeline

Good afternoon George,

Thank you for your return call yesterday concerning clarification on your needs for our December 12 meeting. Attached are an approximate timeline for the project, and also some documentation on requests and communications related to site activities. I will bring hard copies of these as well as copies of the two recent invoices.

We look forward to meeting you tomorrow. Do you have a specific meeting spot in mind?

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

-----Original Message-----

From: 06PRN207@ecslimited.com [mailto:06PRN207@ecslimited.com]

Sent: Tuesday, December 11, 2007 05:34 am

To: SMiller

Subject: Scan from a Xerox WorkCentre Pro

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre Pro.

Sent by: Guest [06PRN207@ecslimited.com] Number of Images: 22 Attachment File Type: PDF

WorkCentre Pro Location: ECS - Raleigh

Device Name: 06PRN207

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

FOIA Request

From: George Small
Sent: Wednesday, December 19, 2007 5:25 PM
To: 'smbrown@ecslimited.com'
Cc: 'smiller@ecslimited.com'; Chris Berndt; Bruce Heflin; Ralph Karpinos; MC Russell
Subject: Action Summary of Meeting on 12/12/07...

December 19, 2007

Mark and Sandy: Thank you for meeting with Town staff last week. I now better understand where we are and where we need to go regarding the geotechnical aspects of the Parking Lot #5 improvement project in Chapel Hill. According to my notes, the following are action items we discussed at the meeting:

- ECS will follow-up with appropriate State department(s) and staff to determine the State's review status of the Lot #5 Phase II Environmental Site Assessment and Limited Soil Delineation Report (submitted to NCDENR on July 3, 2007).
- ECS will determine if/when an incident number was assigned to this project, and whether or not this site has been classified as "inactive". (If inactive site, a Corrective Action Plan can be prepared, implemented and signed off by Mark Brown who is credentialed as a "Recognized Environmental Consultant" (REC) by the State.)
- ECS will investigate the incident number and risk class of the Lot #5 site to determine if there is an opportunity to get UST clean-up funds for some of the necessary site work.
- ECS will contact Mark Poindexter at the State (Solid Waste Division?) to determine if the north section of the Town Operation Center property off Millhouse Road could be used as a working site to aerate contaminated soil removed from the Lot #5 property.
- Town staff will determine if there are any Town or County restrictions on using the north section of the TOC property to store and aerate soil removed from the Lot#5 property.
- Town Staff will contact County Landfill staff to determine if the landfill would accept excavated material from the Lot #5 project for blending and/or capping cells of the landfill. (If the TOC property can be used, we could significantly reduced haul costs for both contaminated and uncontaminated soils.)
- ECS will prepare a proposal for development and oversight of a Corrective Action Plan (CAP) for excavating, transporting and treating contaminated soil from the Lot #5 project. This CAP will include best estimates of costs associated with alternative disposal methods for the contaminated soil. This CAP will also provide an estimate of total excavation quantities of contaminated soils based on engineering judgment and the soil boring logs.
- ECS will get the necessary facts and information noted above, and will submit its CAP proposal to the Town by the end of January, 2008.

That is about it according to my notes. Please let me know if there is anything that I missed or misconstrued.

George Small, PE, PLS
Director of Engineering
Town of Chapel Hill, NC

FOIA Request

From: George Small
Sent: Thursday, January 03, 2008 1:37 PM
To: 'SMiller'
Cc: Bruce Heflin; Chris Berndt; Ralph Karpinos; MC Russell
Subject: RE: Chapel Hill Parking Lot #5

Thanks Sandy. I will look forward to hearing from you and/or Mark soon. I am very interested in moving ahead with this as quickly as possible. George

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Friday, December 28, 2007 2:47 PM
To: George Small
Cc: SMBrown
Subject: Chapel Hill Parking Lot #5

Good afternoon George,
I hope you had a wonderful holiday and are looking forward to the New Year.
I just wanted to give you a quick update on what's going on with us. Due to the holidays, we have had limited success contacting folks.
- Mark has contacted Mark Poindexter (Division of Waste Management) and he will not be returning until Jan 2; when he does return, he apparently has a contact name of someone in Fayetteville who is knowledgeable in landfills. Mark will follow up on Wednesday.
- I spoke with Caroline Davenport (at DENR) who was not able to provide much information aside from the fact that she said that I needed to speak with John Malloy in her office. I have left several messages for him, and delivered another copy of the Phase II report down to him at the DENR office in Raleigh. Mark may have better luck with him, as they have a past history of conversations.

We will redouble our efforts on January 2 to make these contacts – and may go sit in their offices if necessary! We will keep you updated as we proceed. Please feel free to contact us prior to that if necessary.
Have a great weekend.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: George Small
Sent: Thursday, January 10, 2008 1:08 PM
To: 'SMiller'; 'smbrown@ecslimited.com'
Cc: Chris Berndt; MC Russell; Bruce Heflin; Ralph Karpinos
Subject: RE: Update on Parking Lot #5

January 10, 2008

Sandy: Thanks for the information outlined below. I am peripherally familiar with the forms you have identified, and I think it would be most effective for your firm to handle the submittal of the necessary forms (provided the land application process is a viable alternative for this project). Therefore, please include the work/costs associated with securing a land-application permit as an element of the CAP proposal you will be submitting to the Town. Let me know if need anyone from the Town to join you in meetings/conversations with State officials regarding this project and development of the CAP proposal.

Thanks. Call me if ????

George Small, PE, PLS
Engineering Director
Town of Chapel Hill, NC
919-968-2833

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Thursday, January 10, 2008 10:18 AM
To: George Small
Cc: SMBrown
Subject: Update on Parking Lot #5

Good afternoon, and Happy New Year to you!

I hope you had a relaxing holiday season. I wanted to touch base with a brief update on our progress thus far. The point-of-contact for our efforts will be Mr. John Maloy at NCDENR, his telephone number is 791-4200, and his email address is john.maloy@ncmail.net

Mark had a chance to speak with him about several aspects of the project. The most immediate concern was whether or not we can take the excavated soils and land-apply them at the location you specified. The process for determining whether or not DENR will approve this involves Forms UST-70, UST-71, and UST-72, which need to be filled out in accordance with the NCAC 2L Standards, Subchapter 2H – and I just happen to have copies of all of these! It would be up to you to decide whether you would like to take care of submitting it from your offices, or have us take care of it for you. In actuality, the CAP options are affected by whether or not the land-application process is a viable alternative. When we submit the proposal to the Town, we can write it one of two ways: prepare the CAP as originally discussed, or wrap the costs for submitting the land-application permit into the CAP proposal costs. I'd be happy to bring the forms over and we could determine the most appropriate way to proceed.

In addition, I have contacted John Maloy, and have a pending appointment to meet with him to discuss the project, and our various options.
Please let me know what your preferences are. Thank you.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue

Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: George Small
Sent: Tuesday, January 22, 2008 9:40 AM
To: 'SMiller'; 'smbrown@ecslimited.com'
Cc: MC Russell; Chris Berndt; Bruce Heflin; Sue Burke
Subject: FW: Scan from Xerox WorkCentre
Attachments: Scan001.PDF

FYI...I think I saw a copy of this in the file. I will check the file, but in case it has not surfaced in your world before now...here it is. George small

-----Original Message-----

From: John Newark
Sent: Tuesday, January 22, 2008 9:26 AM
To: George Small
Subject: FW: Scan from Xerox WorkCentre

Commander,

Attached is a scan of NCDENR's receipt of the report for the UST at Church/Franklin (Lot 5).

I've forwarded the original to you via interoffice mail...

Thanks,
J.

-----Original Message-----

From: xerox@townofchapelhill.org [mailto:xerox@townofchapelhill.org]
Sent: Tuesday, December 26, 2006 4:37 PM
To: John Newark
Subject: Scan from Xerox WorkCentre

Please open the attached document. It was sent to you using a Xerox WorkCentre Pro.

Sent by: Guest [xerox@townofchapelhill.org] Number of Images: 1 Attachment File Type: PDF

WorkCentre Pro Location: machine location not set Device Name: XRX0000AA6CAEA2

FOIA Request

From: George Small
Sent: Wednesday, January 23, 2008 2:04 PM
To: 'SMiller'
Cc: 'SMBrown'; Chris Berndt; Bruce Heflin
Subject: RE: Land Application permit process

Thanks Sandy...it looks like we are getting back on track with this project now. RAM continues to profess that they plan to begin excavating the site late this Spring (May or June). I think they are soft-playing it now due to the economic situation...but for now we need to give them the benefit of the doubt and assume that they will begin work this spring as currently planned. Let me know if we need to do anything more on our end.

George

George Small, PE, PLS
Engineering Director
Town of Chapel Hill, NC

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Wednesday, January 23, 2008 1:53 PM
To: George Small
Cc: SMBrown
Subject: Land Application permit process

Good afternoon,

I have spoken to Mr. John Maloy of the DENR and he has stated that it is not necessary for him to visit the site until he is ready to approve the permit (how's that for positive thinking??). The permit form is attached, and it outlines the requirements for the land application site.

Just to follow up, have you had a chance to touch base with the RAM Development folks to see what their tentative excavations schedule might be?

We are shooting to have the electronic version of the proposal to you Friday afternoon or Monday noon at the latest.

Thank you for your inputs,

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: Ralph Karpinos
Sent: Tuesday, February 05, 2008 4:21 PM
To: Chris Berndt; George Small; Bruce Heflin
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5
Attachments: image001.gif

Are we talking about cost or marginal cost, the cost above and beyond what would be required to just dig and haul normal dirt?

From: Chris Berndt
Sent: Tuesday, February 05, 2008 4:19 PM
To: George Small; Bruce Heflin; Ralph Karpinos
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Thanks, George. In looking at the quoted figures below of \$36/ton, I went back in my files and looked up how we arrived at the Council budget for the project. In a March 29, 2007 memo from Bill Letteri, he used a figure of \$18/ton for hauling and remediation, developed in consultation with ECS. He noted the 8,600 cubic yards of material would be multiplied by 1.25 to 1.5 for moisture content. We used the high figure of 1.5, giving an estimate of 12,900 tons. The remediation budget was derived by multiplying 12,900 x \$18 = \$232,000, which I then rounded to \$240,000. I am curious how has \$18/ton risen to \$36/ton?

Sincerely,
Chris



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: George Small
Sent: Friday, February 01, 2008 4:58 PM
To: Chris Berndt; Bruce Heflin; Ralph Karpinos
Cc: SMiller
Subject: RE: Cost Estimate Info for PL #5

Hi Chris: Yes, I have the proposal for preparation of a Corrective Action Plan and other work, and I discussed it with Sandy here at Town Hall last week. We came up with a few clarifications needed on the proposal, which she is working on. I will then fully review it and forward my comments and recommendations to Bruce and you and Ralph for your review and consideration. It's gonna be expensive however we go...which is why ECS and I are trying to look at multiple alternatives for disposal/treatment of the contaminated soil. We are trying to find the most economical alternative...and that included considering the EarthTec/Sanford alternative just to see where it would fit into the solution matrix (say what???)

The beat goes on....George

From: Chris Berndt
Sent: Friday, February 01, 2008 2:33 PM
To: George Small
Subject: RE: Cost Estimate Info for PL #5

George, do we have a proposal in? What is the status of where they are at? Chris



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: George Small
Sent: Friday, February 01, 2008 2:28 PM
To: SMiller
Cc: Bruce Heflin; Larry Tucker; MC Russell; Chris Berndt
Subject: RE: Cost Estimate Info for PL #5

Sandy: Thanks for the information. My field folks tell me that we usually use about 2500 pounds per cubic yard (rather than 3000 pounds) for excavated soil in this area due to the "fluff factor" when it is excavated and transferred to a truck. Even at that, based on the figures you provide below, $\$36 \times 1.25 \times 8,600 = \$387,000$ which is still over the top for sure if we have a local alternative for treating the contaminated soil. That is good information for us to have, however, as we work through this.

I have been thinking more about the "land application" possibilities at the old PW site on the University's airport property. I will be interested to hear what you learn from your associate in Charlotte about the pros and cons and costs of that method. It just seems that the one test per 200CY is going to be a huge expense if that is the requirement for "containment" processing of the contaminated soil. Keep me posted, and thanks for your help. This is an interesting puzzle to work with.
George

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Friday, February 01, 2008 11:01 AM
To: George Small
Subject: Cost Estimate Info for PL #5

Good morning George,

Thanks so much for your time on Wednesday morning; I really appreciated the input. The kids appreciated the muffins you sent back with me – so a "Thank you" from them as well!

I just heard from A&D yesterday afternoon on rates to take the soil to EarthTec in Sanford, NC and thought I'd pass it along.

To minimize the standby time for the trucks (which is \$65 per hour) they suggested that the soil be stockpiled and then every 2-3 days they could come and load it and haul it off to Sanford. With that in mind, it is \$36 per ton for "T&D" which is "Transport and Disposal". If you take our original estimate of 8,600 cubic yards, multiply it by a factor of 1.5 tons/cubic yard (an average density conversion factor for soils in this area), and multiply that by \$36/ton the total is \$464,400. SO...I'm thinking that I'll rework the numbers for the permit and add in the factors that we discussed on Wednesday!

Please let me know if you have any other questions or ideas, and I'll get the proposal back to you as soon as possible. Have a great weekend.

Sandy

Sandy Miller

Environmental Scientist

ECS Carolinas, LLP

9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: Ralph Karpinos
Sent: Tuesday, February 05, 2008 4:49 PM
To: Chris Berndt
Subject: RE: Cost Estimate Info for PL #5
Attachments: image001.gif

It's not clear to me whether the new higher estimate is a marginal cost or a total cost.

From: Chris Berndt
Sent: Tuesday, February 05, 2008 4:26 PM
To: Ralph Karpinos; George Small; Bruce Heflin
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Ralph--Bill Letteri's memo acknowledged the Town is responsible for the marginal costs. The cost estimate was supposed to be a "worst case" scenario where the Town would be responsible for all the contaminated material. In practice, he thought the cost would be less, because some of the cubic yards and their associated costs would be assigned to Ram as a cost of its construction. --Chris



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: Ralph Karpinos
Sent: Tuesday, February 05, 2008 4:21 PM
To: Chris Berndt; George Small; Bruce Heflin
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Are we talking about cost or marginal cost, the cost above and beyond what would be required to just dig and haul normal dirt?

From: Chris Berndt
Sent: Tuesday, February 05, 2008 4:19 PM
To: George Small; Bruce Heflin; Ralph Karpinos
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Thanks, George. In looking at the quoted figures below of \$36/ton, I went back in my files and looked up how we arrived at the Council budget for the project. In a March 29, 2007 memo from Bill Letteri, he used a figure of \$18/ton for hauling and remediation, developed in consultation with ECS. He noted the 8,600 cubic yards of material would be multiplied by 1.25 to 1.5 for moisture content. We used the high figure of 1.5, giving an estimate of 12,900 tons. The remediation budget was derived by multiplying 12,900 x \$18 = \$232,000, which I then rounded to \$240,000. I am curious how has \$18/ton risen to \$36/ton?

Sincerely,

Chris



Chris S. Berndt

Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: George Small
Sent: Friday, February 01, 2008 4:58 PM
To: Chris Berndt; Bruce Heflin; Ralph Karpinos
Cc: SMiller
Subject: RE: Cost Estimate Info for PL #5

Hi Chris: Yes, I have the proposal for preparation of a Corrective Action Plan and other work, and I discussed it with Sandy here at Town Hall last week. We came up with a few clarifications needed on the proposal, which she is working on. I will then fully review it and forward my comments and recommendations to Bruce and you and Ralph for your review and consideration. It's gonna be expensive however we go...which is why ECS and I are trying to look at multiple alternatives for disposal/treatment of the contaminated soil. We are trying to find the most economical alternative...and that included considering the EarthTec/Sanford alternative just to see where it would fit into the solution matrix (say what???)

The beat goes on....George

From: Chris Berndt
Sent: Friday, February 01, 2008 2:33 PM
To: George Small
Subject: RE: Cost Estimate Info for PL #5

George, do we have a proposal in? What is the status of where they are at? Chris



Chris S. Berndt

Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: George Small
Sent: Friday, February 01, 2008 2:28 PM
To: SMiller
Cc: Bruce Heflin; Larry Tucker; MC Russell; Chris Berndt
Subject: RE: Cost Estimate Info for PL #5

Sandy: Thanks for the information. My field folks tell me that we usually use about 2500 pounds per cubic yard (rather than 3000 pounds) for excavated soil in this area due to the "fluff factor" when it is excavated and transferred to a truck. Even at that, based on the figures you provide below, $\$36 \times 1.25 \times 8,600 = \$387,000$ which is still over the top for sure if we have a local alternative for treating the contaminated soil. That is good information for us to have, however, as we work through this.

I have been thinking more about the "land application" possibilities at the old PW site on the University's airport property. I will be interested to hear what you learn from your associate in Charlotte about the pros and cons and costs of that

method. It just seems that the one test per 200CY is going to be a huge expense if that is the requirement for "containment" processing of the contaminated soil. Keep me posted, and thanks for your help. This is an interesting puzzle to work with.
George

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Friday, February 01, 2008 11:01 AM
To: George Small
Subject: Cost Estimate Info for PL #5

Good morning George,

Thanks so much for your time on Wednesday morning; I really appreciated the input. The kids appreciated the muffins you sent back with me – so a "Thank you" from them as well!

I just heard from A&D yesterday afternoon on rates to take the soil to EarthTec in Sanford, NC and thought I'd pass it along.

To minimize the standby time for the trucks (which is \$65 per hour) they suggested that the soil be stockpiled and then every 2-3 days they could come and load it and haul it off to Sanford. With that in mind, it is \$36 per ton for "T&D" which is "Transport and Disposal". If you take our original estimate of 8,600 cubic yards, multiply it by a factor of 1.5 tons/cubic yard (an average density conversion factor for soils in this area), and multiply that by \$36/ton the total is \$464,400. SO...I'm thinking that I'll rework the numbers for the permit and add in the factors that we discussed on Wednesday!

Please let me know if you have any other questions or ideas, and I'll get the proposal back to you as soon as possible.

Have a great weekend.

Sandy

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: Bruce Heflin
Sent: Tuesday, February 05, 2008 5:53 PM
To: George Small; Chris Berndt; Ralph Karpinos
Subject: RE: Cost Estimate Info for PL #5
Attachments: image001.gif

Geo,

My understanding of the original notion was that RAM had to excavate so many yards regardless of condition of the soil. They would pay for the excavation and reuse or hauling of that material, if it were all clean. If some of it was contaminated, the Town would pay the extra cost associated with the hauling to the kiln or whatever disposal site, so the difference in cost, which in this scenario would be the extra hauling expense, would be borne by the Town.

If, though, additional material had to be excavated to remediate the site, that would be an expense borne by the Town completely.

Does that make any sense? Is it consistent, Ralph and Chris, with your understanding?

Bruce

From: George Small
Sent: Tuesday, February 05, 2008 5:05 PM
To: Chris Berndt; Ralph Karpinos; Bruce Heflin
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Say what??? I think we need to clarify the definition of "marginal" costs. My understanding is that the Town is responsible only for transport and disposal of contaminated soils. This means to me that RAM's excavating contractor will do all of the excavating for the project, and that RAM will be responsible for clean soil T&D; and the Town will be responsible for contaminated soil T&D. Is that what y'all mean by the Town's responsibility for "marginal" costs???????? Say what????? Can y'all put this in "dirt speak" for the old engineer guy????? George

From: Chris Berndt
Sent: Tuesday, February 05, 2008 4:26 PM
To: Ralph Karpinos; George Small; Bruce Heflin
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Ralph--Bill Letteri's memo acknowledged the Town is responsible for the marginal costs. The cost estimate was supposed to be a "worst case" scenario where the Town would be responsible for all the contaminated material. In practice, he thought the cost would be less, because some of the cubic yards and their associated costs would be assigned to Ram as a cost of its construction. --Chris



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: Ralph Karpinos
Sent: Tuesday, February 05, 2008 4:21 PM
To: Chris Berndt; George Small; Bruce Heflin
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Are we talking about cost or marginal cost, the cost above and beyond what would be required to just dig and haul normal dirt?

From: Chris Berndt
Sent: Tuesday, February 05, 2008 4:19 PM
To: George Small; Bruce Heflin; Ralph Karpinos
Cc: 'SMiller'
Subject: RE: Cost Estimate Info for PL #5

Thanks, George. In looking at the quoted figures below of \$36/ton, I went back in my files and looked up how we arrived at the Council budget for the project. In a March 29, 2007 memo from Bill Letteri, he used a figure of \$18/ton for hauling and remediation, developed in consultation with ECS. He noted the 8,600 cubic yards of material would be multiplied by 1.25 to 1.5 for moisture content. We used the high figure of 1.5, giving an estimate of 12,900 tons. The remediation budget was derived by multiplying 12,900 x \$18 = \$232,000, which I then rounded to \$240,000. I am curious how has \$18/ton risen to \$36/ton?

Sincerely,
Chris



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: George Small
Sent: Friday, February 01, 2008 4:58 PM
To: Chris Berndt; Bruce Heflin; Ralph Karpinos
Cc: SMiller
Subject: RE: Cost Estimate Info for PL #5

Hi Chris: Yes, I have the proposal for preparation of a Corrective Action Plan and other work, and I discussed it with Sandy here at Town Hall last week. We came up with a few clarifications needed on the proposal, which she is working on. I will then fully review it and forward my comments and recommendations to Bruce and you and Ralph for your review and consideration. It's gonna be expensive however we go...which is why ECS and I are trying to look at multiple alternatives for disposal/treatment of the contaminated soil. We are trying to find the most economical alternative...and that included considering the EarthTec/Sanford alternative just to see where it would fit into the solution matrix (say what???)

The beat goes on.....George

From: Chris Berndt
Sent: Friday, February 01, 2008 2:33 PM
To: George Small
Subject: RE: Cost Estimate Info for PL #5

George, do we have a proposal in? What is the status of where they are at? Chris



Chris S. Berndt

Special Projects Assistant
Town Manager's Office
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: George Small
Sent: Friday, February 01, 2008 2:28 PM
To: SMiller
Cc: Bruce Heflin; Larry Tucker; MC Russell; Chris Berndt
Subject: RE: Cost Estimate Info for PL #5

Sandy: Thanks for the information. My field folks tell me that we usually use about 2500 pounds per cubic yard (rather than 3000 pounds) for excavated soil in this area due to the "fluff factor" when it is excavated and transferred to a truck. Even at that, based on the figures you provide below, $\$36 \times 1.25 \times 8,600 = \$387,000$ which is still over the top for sure if we have a local alternative for treating the contaminated soil. That is good information for us to have, however, as we work through this.

I have been thinking more about the "land application" possibilities at the old PW site on the University's airport property. I will be interested to hear what you learn from your associate in Charlotte about the pros and cons and costs of that method. It just seems that the one test per 200CY is going to be a huge expense if that is the requirement for "containment" processing of the contaminated soil. Keep me posted, and thanks for your help. This is an interesting puzzle to work with.
George

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Friday, February 01, 2008 11:01 AM
To: George Small
Subject: Cost Estimate Info for PL #5

Good morning George,

Thanks so much for your time on Wednesday morning; I really appreciated the input. The kids appreciated the muffins you sent back with me – so a "Thank you" from them as well!

I just heard from A&D yesterday afternoon on rates to take the soil to EarthTec in Sanford, NC and thought I'd pass it along.

To minimize the standby time for the trucks (which is \$65 per hour) they suggested that the soil be stockpiled and then every 2-3 days they could come and load it and haul it off to Sanford. With that in mind, it is \$36 per ton for "T&D" which is "Transport and Disposal". If you take our original estimate of 8,600 cubic yards, multiply it by a factor of 1.5 tons/cubic yard (an average density conversion factor for soils in this area), and multiply that by \$36/ton the total is \$464,400. SO...I'm thinking that I'll rework the numbers for the permit and add in the factors that we discussed on Wednesday!

Please let me know if you have any other questions or ideas, and I'll get the proposal back to you as soon as possible. Have a great weekend.
Sandy

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505

(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

FOIA Request

From: Roger Stancil
Sent: Wednesday, March 19, 2008 10:19 PM
To: Sally Greene ; Laurin Easthom ; Bill Strom; Mark Kleinschmidt; Kevin Foy; Ed Harrison; Bill Thorpe; Jim Ward; Matt Czajkowski
Cc: Sabrina Oliver; Bruce Heflin; Ralph Karpinos; Flo Miller; Chris Berndt
Subject: Status of Lot 5 Project
Attachments: status of Lot 5 project2 28 08.doc

Several Council Members have asked me about the status of this project. A current summary is attached for your information.

Roger L. Stancil
Town Manager
Town of Chapel Hill, NC
919-968-2744

FOIA Request

From: SMiller <SMiller@ecslimited.com>
Sent: Tuesday, July 08, 2008 3:22 PM
To: George Small
Cc: Chris Berndt; Bruce Heflin; AGeda; SMotes
Subject: RE: Parking Lot #5 - proposal and outstanding invoice

I hope the conference is enjoyable and educational. Please let me know if I can provide any further information. This invoice is the result of the activities requested in the original meeting that we all had (thus the attachments that I sent). We didn't have a formal proposal in place (most likely because it was a logical continuation of the original work) to address the changes and requests that came from the "changing-of-the-guard" and proceeding forward with the CAP and associated investigations.

Sandy Miller
Project Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

From: George Small [mailto:gsmall@townofchapelhill.org]
Sent: Tuesday, July 08, 2008 02:12 pm
To: SMiller
Cc: Chris Berndt; Bruce Heflin
Subject: FW: Parking Lot #5 - proposal and outstanding invoice

Sandy: I will be at the PENC Summer Conference for the rest of the week. I will take a look at our records to see if I can determine anything on this invoice. You will recall that the only outstanding invoice at the time I took over this project was discussed at our first meeting and was subsequently paid. This invoice is new to me, and I will need to try to track down our payment history to ensure that it was not paid when submitted earlier this year. Tell your folks that I will not have time to work on it until at least next week. George s

Chris: Do you have any recall on this one??? Apparently it surfaced from ECS accounting as having not been paid by the Town. I will talk to you next week...but if you can run this through the finance dept. payment records for this project (hopefully on MUNIS), that might save some time. I see that ECS has noted the payment record up to this invoice.

Thanks for any help you can offer on this. George s

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Tuesday, July 08, 2008 1:59 PM
To: George Small
Subject: FW: Parking Lot #5 - proposal and outstanding invoice

Hey there!

Are you glad you're back????? ☺

I'd REALLY appreciate some help with this invoice issue – I've got my upper management breathing down my neck to get this covered.....

Thank you in advance.

S

Sandy Miller
Project Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

From: SMiller
Sent: Wednesday, June 18, 2008 04:04 pm
To: 'George Small'
Cc: SMBrown
Subject: RE: Parking Lot #5 - proposal and outstanding invoice

Hi George,

I apologize for the delay in responding, this took some research. OK, here goes...

There are two attachments – the first is two pages and the second one is a single page.

First attachment: the first page is a copy of the invoice in question with the billing periods that it covers written in pencil on it, and the second page is a brief history of the activities on this project as of 11/07

Second attachment: it is an email from you to us detailing the requested activities on this project.

As the project manager “hat” was passed from one individual to another, I suspect that there was some duplication of effort. At any rate, the invoice periods that are covered by the invoice number 190885 reflect these activities, as requested by the Town.

There were several proposals submitted to the Town in response to the changing strategies on how best to proceed with the project in a cost-effective manner. The proposals were requested and submitted on the following dates:

7/3/07	Proposal # 11067	CAP Preparation
1/29/08	Proposal 11067-A	Prepare Containment & Treatment Permit/CAP
3/4/08	Proposal 11067-A Rev	Prepare Containment & Treatment Permit/CAP
3/4/08	Proposal 11067-B	Implement Permit

While we are on the subject of proposals, the most recently requested one (CAP preparation only, which would address the potentially contaminated soils by disposal in a licensed treatment facility) has been drafted and is in Marks hands for Principal review.

In case this is difficult to follow (it took me a bit to sort out the specifics), please give me a call and we can put our heads together!

Thank you,
Sandy

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

From: George Small [mailto:gsmall@townofchapelhill.org]
Sent: Tuesday, June 17, 2008 03:18 pm
To: SMiller
Cc: Chris Berndt; Bruce Heflin
Subject: RE: Parking Lot #5 - proposal and outstanding invoice

Sandy: WHEW!!! Where do y'all keep finding these old invoices?!?!?! I will see if I can figure it out...but it would be helpful if you could scan me a copy of the actual invoice outlining the services rendered...so I can determine where in the continuum it falls with regard to work you were doing with Bill Letteri and Company.
George s

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Monday, June 02, 2008 1:23 PM
To: George Small
Cc: SMBrown; SMotes
Subject: Parking Lot #5 - proposal and outstanding invoice

Hi George,

I got your email and had a chance to talk to Mark about what you now need for a proposal. We'll work on putting that together for your return.

On a slightly different note – I have a question on a particular invoice that apparently is outstanding. I know you're out of town, but thought I'd send this information along so that when you got back you could forward it to the proper person to investigate. The ECS invoice number is 190885, it's dated March 10, 2008, and it's total is \$4,847.48. Please let me know if there's anything that I can do to help this get "cleaned up".

Looking forward to talking to you when you return.

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

From: George Small [mailto:gsmall@townofchapelhill.org]
Sent: Thursday, May 29, 2008 04:53 pm
To: SMiller
Subject: RE: Just checking in....

Hey Sandy: Thanks for ping me on the Lot #5 Project. I have been buried in the paper pile lately. The deal is that none of our local disposal alternatives is going to fly, so we are back to a CAP that assumes we will truck contaminated soil to a qualified disposal facility like Sanford (or?).

I talked to Mark today, and advised him to talk to you and work up a proposal for preparing and managing a CAP for the Town, assuming we will truck the stuff away as we discussed previously.

I will be out for a couple weeks, so if I could get your proposal by mid-June, that would be a good thing.

Thanks again for your help with this project. George s

George Small, PE, PLS
Engineering Director
Town of Chapel Hill, NC

FOIA Request

From: Jon Keener <jkeener@ramrealestate.com>
Sent: Friday, December 04, 2009 9:03 AM
To: Mike Taylor; Janet Mountcastle; David Boyette
Cc: Chris Berndt; Kendal Brown; Phil Mason
Subject: RE: Geotechnical Report for Lot #5

Mike,

Thanks for looking into this boring information.

Did the ECS engineer you worked with give any indication that the site soil samples were homogeneous enough for him to comfortably assume the same conditions existed underneath Church St.? That determination and your acceptance of it is the most important thing we are looking for to get this resolved for you. Just let us know if they are acceptable parameters for you and we will design around them.

Thanks for the guidance,

JK

From: Mike Taylor [mailto:mtaylor@townofchapelhill.org]
Sent: Thursday, December 03, 2009 5:03 PM
To: Jon Keener; 'Janet Mountcastle'; David Boyette
Cc: Chris Berndt; Kendal Brown; Phil Mason
Subject: Geotechnical Report for Lot #5

Jon, Janet, & David;

Attached is what I have in my file for the geotechnical analysis at lot #5. The scanned map of the boring locations is difficult to read. However, from the file copy I can tell you that boring location B-2 is the closest boring location to the proposed concrete pavement. It is located approximately 50 feet east of Church Street and 100 feet north of the Church Street/Franklin Street intersection. The only other boring location near Church Street is #1. It is located about 150 from the Rosemary Street and about 60 feet from Church Street. These distances are rough estimates from the map.

Your engineer may want to get a boring for the street. Let me know what you decide.

Thanks

Mike



ECS CAROLINAS, LLP

Geotechnical • Construction Materials • Environmental

Mr. Bill Letteri
Town of Chapel Hill Public Works
1099 Martin Luther King Boulevard
Chapel Hill, North Carolina 27514

March 28, 2007

RE: Parking Lot #5
Intersection of West Franklin Street and Church Street
Chapel Hill, Orange County, North Carolina
ECS Project Number 06.14973

Dear Mr. Letteri:

ECS Carolinas, LLP (ECS) is pleased to provide the Town of Chapel Hill, Public Works Department with a brief update on the above-referenced site as requested in our telephone conversation on March 28, 2007. As we discussed, 30 soil borings were advanced at Parking Lot #5; one soil sample collected from each boring was submitted for laboratory analysis for gasoline range organics (GRO) and diesel range organics (DRO) using EPA Methods 5030 and 3550, respectively. Of the 30 samples submitted to the laboratory, GRO and/or DRO were detected in seven samples at concentrations greater than 10 ppm. The North Carolina Department of Environment and Natural Resources – Division of Waste Management – UST Section has established a regulatory limit of 10 parts per million (ppm) for these analyses. Based on approximate measurements of the property boundary and sample locations, ECS estimates that approximately 8,600 cubic yards (~13,000 tons assuming 1.5 tons per cubic yard) of petroleum-impacted soil may remain at the site. **This is a preliminary estimate only; the actual quantity of potentially-impacted soils may vary based on conditions observed during soil excavation.**

A *Phase II Environmental Site Assessment and Soil Delineation Report* based on the results obtained will be prepared by April 2, 2007. This report will discuss the project background; our procedures used; field and laboratory results; and, provide more complete details along with our evaluation and recommendations. If you have any questions, please do not hesitate to contact us.

Respectfully submitted,
ECS Carolinas, LLP

Sandra K. Miller
Project Scientist

Santiago R. Vilá, LG
Senior Project Geologist

Reviewed by R. Glenn Craig, PE, Principal Engineer

I:\PROJECTS\T14000-T14999\14973\update letter to B Letteri.doc

9001 Glenwood Avenue, Raleigh, North Carolina 27617-7505 • (919) 861-9910 • FAX (919) 861-9911 • 1-800-327-5832 • www.ecslimited.com

Aberdeen, MD • Atlanta, GA • Austin, TX • Baltimore, MD • Buford, GA • Chantilly, VA • Charlotte, NC • Chicago, IL • Dallas, TX

Danville, VA • Frederick, MD • Fredericksburg, VA • Greensboro, NC • Greenville, SC • Norfolk, VA • Orlando, FL • Raleigh, NC

Richmond, VA • Roanoke, VA • San Antonio, TX • Williamsburg, VA • Wilmington, NC • Winchester, VA • York, PA

*Testing Services Only

Town of Chapel Hill Public Works Department

Memorandum

TO: Roger Stancil

FROM: Bill Letteri

SUBJECT: Phase II Site Assessment Report, Lot 5 Project

DATE: March 29, 2007

Please find attached our consultant's summary report on the Phase II Environmental Assessment of Lot 5.

Based on laboratory analysis of 30 soil samples taken from the site, ECS has found that only 7 samples produced evidence of volatile organic compounds (GRO & DRO) above the regulatory limit of 10 parts per million. ECS has delineated the areas around these particular samples and, based on average depth to bedrock, has estimated that 8,600 cubic yards of "contaminated" soil may have to be removed and remediated from the site.

Generally, the cost of hauling and remediation of such material is expressed in terms of per ton costs. We would expect a cubic yard of material to weigh somewhere between 1.25 to 1.5 tons, depending largely on moisture content. Accordingly, 8,600 cubic yards translates to approximately 10,750 to 12,900 tons. Based on local research, and in consultation with ECS, we have estimated remediation costs at approximately \$12.50 per ton; hauling and remediation combined would approximate \$18/ton.

Pursuant to our development agreement, the Town is responsible for the marginal costs of remediation. If we assume the absolute "worst case" scenario where the Town is responsible for the hauling and remediation of all the contaminated material, then our liability could be as high as \$232,200 (12,900 X \$18); alternately, the cost of remediation only would be approximately \$161,250 (12,900 X \$12.50). In my view, it is reasonable to expect that the actual volume of contaminated material will be less than 8,600 cubic yards, and the contractor will be responsible for removing some of this material to accommodate construction.



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor
William G. Ross Jr., Secretary

Division of Waste Management
Underground Storage Tank Section

Dexter R. Matthews, Director

January 17, 2008

Mr. Bill Letteri
Town of Chapel Hill, Public Works Department
405 Martin Luther King Jr. Boulevard
Chapel Hill, NC 27514

Re: Acknowledgement of Report Receipt
Parking Lot # 5
Intersection of West Franklin Street and Church Street
Chapel Hill, NC 27514
Orange County
Incident Number: N/A
Risk Classification: N/A
Ranking: N/A

Dear Mr. Letteri:

The Underground Storage Tank (UST) Section is in receipt of the **Phase II ESA and Limited Soil Delineation Report** dated January 14, 2008. The report will be reviewed and maintained in the Raleigh Regional Office.

If you have questions regarding the information contained in this letter, please contact me at the address or telephone number listed below.

Sincerely,

John F. Maloy
Raleigh Regional Office

cc: **Raleigh Regional Office/JFM- 1628 Mail Service Center, Raleigh, NC 27699 (919) 791-4200**
Orange County Health Department
ECS Carolinas LLP; 9001 Glenwood Avenue; Raleigh, NC 27617

THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUNDS

Purpose of the Funds:

The UST funds provide reimbursement for costs incurred during the cleanup of soil and groundwater contamination resulting from a release of petroleum from an underground storage tank. Two funds, the **Commercial Trust Fund** and the **Noncommercial Trust Fund**, have been established to reimburse tank owners, operators, and landowners for costs associated with cleanups.

Examples of commercial underground storage tanks:

- USTs containing petroleum products for resale.
- Farm or residential motor fuel tanks with a capacity greater than 1,100 gallons.
- Heating oil tanks greater than 1,100 gallons (unless they serve four or fewer households).

Examples of Noncommercial underground storage tanks:

- Heating oil tanks with a capacity of 1,100 gallons or less.
- Heating oil tanks with a capacity greater than 1,100 gallons that serve one to four households.
- Farm or residential motor fuel tanks with a capacity of 1,100 gallons or less.

Eligibility for the Funds:

Owners, operators and landowners may be eligible for the funds. The following is a list of some of the criteria that must be met for fund eligibility:*

- All **commercial tanks** must be **registered** and annual operating **fees** must be paid.
- The tanks must be in **compliance with all applicable UST rules**.
- Reimbursement from the Commercial Fund only applies to releases or discharges discovered on or after June 30, 1988.

**This list is not inclusive. The only sure way to determine eligibility is to submit an application after a release is discovered.*

Amount the Funds will pay:

The funds will pay up to \$1.5 million for **reasonable and necessary costs directly related to the cleanup** of a release.*

However, there are deductibles, and there is a 20% co-payment for costs greater than \$1 million.

**Contact the UST Section Central Office State Trust Fund Group for Trust Fund Reasonable Rate information.*

Examples of what the Funds will not cover:

- Attorney fees.
- UST system replacement or removal.
- Work performed that is excessive or not necessary.
- Cleanup costs in excess of applicable deductibles that are covered by insurance policies.

Deductibles*:**Commercial Fund Deductibles:**

- **\$50,000** for leaks discovered from **June 30, 1988, until December 31, 1991.**
- **\$20,000** for leaks discovered from **January 1, 1992, until December 31, 1993.**
- For leaks discovered **on or after** January 1, 1994.
 - a) **\$20,000** for **commercial heating oil USTs**** used on premises.
 - b) **\$20,000** for USTs that have installed leak detection, corrosion protection and spill/overfill prevention prior to the occurrence of a leak
 - c) **\$20,000** for existing USTs (those installed before December 22, 1988) **if** the Department received notification before January 1, 1994, that upgrade or closure work will begin before July 1, 1994, and be completed by December 31, 1994
 - d) **Up to \$75,000** for all other commercial tanks (a \$20,000 deductible plus 40 percent of the costs between \$20,000 and \$157,500).
- **\$100,000** deductible for third-party liability.

Noncommercial Fund Deductibles:

- **\$0** deductible on cleanup costs.
- **\$100,000** deductible on third-party liability.

**The deductible amounts listed assume that the release was reported immediately upon discovery as required by law.*

***Owner/operators of commercial heating oil tanks must pay annual operating fees as specified in 15A NCAC 2P, however, all heating oil tanks are exempt from the UST technical requirements in 15A NCAC 2N.*

How to apply:

- If a release is discovered, Trust Fund eligibility can be determined by submitting an **application form*** before submittal of the first reimbursement request.
- The **reimbursement request** must be accompanied any specific forms* and documentation of costs incurred during cleanup

**available from any DWM office*

For more information:

Contact your regional DWM office (see map),
or

Contact the DWM/UST Central Office at:

NCDENR
DIVISION OF WASTE MANAGEMENT
UST SECTION
1637 MAIL SERVICE CENTER
RALEIGH NC 27699-1637
(919) 733-8486

**The purpose of this brochure is for general guidance. More specific information on
can be found in 15A NCAC 2P and G.S. 143-215.94A-N.**



TOWN OF CHAPEL HILL

Notice to people with impaired hearing: Interpreter services and/or special equipment are available with five days prior notice.

Notice to citizens who wish to speak: As a courtesy to others, a citizen speaking on an agenda item or making a petition is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714. If you wish to address the Council this evening, please go to the front right corner of the Council Chamber and sign up with the Town Clerk. Please note the estimated times allotted for agenda items are only estimates. The Council may also change the order in which agenda items are presented.

Agenda items for review: Agenda items are available on the Town's web site, www.townofchapelhill.org, by 12 noon on Friday before a Council meeting. Citizens may request copies of agenda items in the Town Clerk's Office at 968-2743 or may view them at the Reference Desk in the Chapel Hill Public Library (100 Library Drive).

Cablecast of Council Meetings: All Council meetings are cablecast on Time Warner Cable of Chapel Hill Channel 18 at 7:00 p.m. and are rebroadcast at 9:00 a.m. the morning after the night meeting. Generally, the meetings are also cablecast on Durham Cable Vision Channel 8 at 1:00 p.m. on the Friday following the Council meeting.

Chapel Hill Town Council Agenda Monday, May 7, 2007

Town Council Regular Business Meeting

Agenda Item

1. Ceremonies:

- a. Greenways Open Space Awards.
- b. Government Finance Officer's Association (GFOA) Award.
- c. Community Impact Team Recognition.

2. Public Forums and Hearings:

- a. **Public Hearing: Moratorium in the Northern Area – Proposed Town-Initiated Zoning Atlas Amendment** (Without objection, the Manager's report and any other materials submitted at the hearing for consideration by the Council will be entered into the record.) (Staff Presenter: David Bonk, Long Range and Transportation Coordinator) [Estimated Time: 20 minutes]

1. Public Hearing on Proposed Town-Initiated Zoning Atlas Amendment for a Moratorium in the Northern Area.
 - a. Introduction and recommendation by the Manager
 - b. Recommendation of the Planning Board
 - c. Recommendations of other boards and commissions
 - d. Comments from citizens
 - e. Comments and questions from the Mayor and Town Council
 - f. Motion to recess Public Hearing to May 21, 2007

- g. Referral to the Manager and Attorney.
- b. **Public Hearing: University Station – Proposed Town-Initiated Zoning Atlas Amendment (File No. 9880-56-2680)** (Without objection, the Manager’s report and any other materials submitted at the hearing for consideration by the Council will be entered into the record.) (Staff Presenter: J. B. Culpepper, Planning Director) [Estimated Time: 15 minutes]
 - 1. Public Hearing on Proposed Town Initiated Zoning Atlas Amendment for Proposed Rezoning of University Station.
 - a. Introduction and recommendation by the Manager
 - b. Recommendation of the Planning Board
 - c. Recommendations of other boards and commissions
 - d. Comments from citizens
 - e. Comments and questions from the Mayor and Town Council
 - f. Motion to recess Public Hearing to May 21, 2007
 - g. Referral to the Manager and Attorney.
- c. **Public Forum: 2009-2015 Transportation Improvement Program (TIP) Projects** (Staff Presenter: David Bonk, Long Range and Transportation Coordinator) [Estimated Time: 20 minutes]
- 3. **Petitions by citizens and announcements by Council members.** [Estimated Time: 10 Minutes]
 - a. Petitions by citizens on items not on the agenda.
 - 1. Bicycle and Pedestrian Advisory Board regarding Reporting Aggressive Motorists.
 - b. Petitions by citizens on items on the agenda.
 - c. Announcements by Council members.
- 4. **Consent agenda: Action Items (R-1).** (Any item may be removed for separate discussion or scheduled for the next regular business meeting.) [Estimated Time: 10 minutes]
 - a. Nominations to various boards and committees (R-2). *(To be distributed)*
 - b. Deleted.
 - c. Budget Amendment for Downtown Economic Development Initiative (O-1a, b).
 - d. Response to Petition for Designated Bike Lanes on South Columbia Street between Manning Drive and South Road (R-4).
 - e. Budget Amendment for Several Traffic Engineering Projects on Sage Road (O-2).
 - f. Project Ordinance for a 2007-2008 Transportation Planning Grant (Federal Highway Administration Section 104(f)) (O-3).
 - g. Project Ordinance for a 2007-2008 Transportation Planning Grant (Federal Transit Administration Section 5303) (O-4).
 - h. Authorization for Federal and State Grants for Public Transportation (R-5).
 - i. Budget Amendment for the Regional Transportation Planning Projects (R-6) (O-5) *(To be distributed)*.
 - j. Proposal to Expand the Chapel Hill Youth Council Steering Committee (R-7).
 - k. Status Report on the Development of an Inclusionary Zoning Ordinance (R-8).

- l. Endorsement of 2007 Annual Report for the Schools Adequate Public Facilities Ordinance (R-9).
 - m. Re-submittal of the Recommended 2007-2008 HOME Program Plan (R-10).
5. **Information items.** (Any item may be removed for separate discussion at the end of the Council meeting.) [Estimated Time: 15 minutes]
- a. Quarterly Report.
 - b. Orange Community Housing Land Trust Quarterly Report.
 - c. Time Warner Annual Report.
 - d. Response to Timberlyne Community Residents requesting Neighborhood Mobility Improvements.
 - e. Report on Police Department Efforts in Northside.

Main Discussion

6. A Resolution Supporting Efforts to End Human Trafficking In North Carolina. (Presenter: Council Member Sally Greene) [Estimated Time 15 minutes] (R-11)
7. Presentation of Recommended Budget. (Staff Presenters: Roger Stancil, Town Manager, and Kay Johnson, Finance Director) [Estimated Time: 15 minutes] (The Council will continue budget discussions at the work session on May 9, 2007.) (*To be distributed*)
8. **Freedom House Special Use Permit Modification (File No. 98809-22-3617)**, (Staff Presenter: J. B. Culpepper, Planning Director) [Estimated Time: 15 minutes]
 - a. Continuation of a Public Hearing for an Application for a Special Use Permit Modification for Freedom House.
 1. Swearing of persons wishing to present evidence
 2. Introduction of recommendation by the Manager
 3. Presentation of evidence by the applicant
 4. Presentation of evidence by citizens
 5. Comments and questions from the Mayor and Town Council
 6. Applicant statement regarding proposed conditions
 7. Motion to adjourn hearing.
 - b. Consideration of a resolution to approve an Application for a Special Use Permit Modification for Freedom House. (R-12a, R-12b would deny).
9. Response to Public Forum Comments on NC 86/Martin Luther King Jr. Blvd. Corridor and Town Wide Pedestrian Safety Evaluation Draft Study. (Staff Presenter: (Presenter: David Bonk, Long Range and Transportation Coordinator) [Estimated Time: 15 minutes] (R-13).
10. Ten-Year Plan to End Homelessness in Orange County. (Presenter: Council Member Sally Greene) [Estimated Time 15 minutes] (R-14).
11. Response to Proposed Change and Composition of a Town Sustainability Committee. (Staff Presenter: David Bonk, Long Range and Transportation Coordinator) [Estimated Time: 15 minutes] (R-15).

12. **Appointments:** [Estimated Time: 5 minutes]

- a. Community Design Commission
- b. Orange County Rogers Road Community Taskforce (R-16). *(To be distributed)*
- c. Orange County Economic Development Commission (R-17).
- d. Planning Board.
- e. Public Housing Program Advisory Board.
- f. Transportation Board.

13. **Petitions**

- a. By the Mayor and Council Members.
- b. By the Manager and Attorney.

14. **Reserved for discussion of consent agenda items if necessary.**

15. **Request for closed session to discuss property acquisition, personnel, and litigation matters.**

MEMORANDUM

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Budget Amendment for Downtown Economic Development Initiative

DATE: May 7, 2007

PURPOSE

The purpose of this amendment is to budget additional funds needed to carry out the implementation of the Lot 5 project for the remainder of this fiscal year and in fiscal year 2007-2008.

BACKGROUND

On February 12, 2007, the Council authorized the Manager to execute a Development Agreement with Ram Development Company, and to negotiate additional items related to energy efficiency, parking for affordable housing, and environmental site considerations. As recently announced, negotiations are completed, and the Town Manager has signed the Development Agreement.

We had proposed appropriating \$364,000 in the General Fund for the 2007-08 costs related to the Downtown Initiative in the Status Report of March 28, 2007. If the Council approves the attached budget amendment, which includes all currently planned costs for the Downtown Initiative through 2008, we would eliminate the budget for the Downtown Initiative for 2007-08, and make an offsetting reduction in fund balance available for 2007-08.

DISCUSSION

We estimate the following budget is needed to continue carrying out the implementation of the Lot 5 project in accordance with the Town's responsibilities under the Development Agreement through June 30, 2008:

Environmental Remediation	\$240,000
Construction Management Services:	150,000
Professional Services:	65,000
Peer Review Honorarium:	<u>5,000</u>
TOTAL:	\$460,000

Environmental Remediation: The Town recently commissioned a Phase II Environmental Assessment for the Lot 5 site. Based on the report by Environmental Consulting Services dated April 2, 2007, we estimate the cost to the Town for environmental remediation is about \$240,000. Under the terms of the Development Agreement, the Town would pay for the marginal cost of removal of contaminated soil; that is, those costs related to environmental remediation above and beyond Ram Development Company's normal construction cost of hauling soil off-site.

Construction Management Services: In accordance with the Manager's recommendation to Council on February 12, 2007, the Town would contract for services related to design review and construction management of the parking deck and public plaza to be constructed on Lot 5. We would potentially hire someone in the fourth quarter of 2006-07 to undertake detailed plan review. Work would continue through initiation of construction, estimated to occur in summer, 2008, and completion of construction, estimated to occur in 2010. We estimate a budget of \$150,000 would be needed for these services.

Professional Services: We estimate a budget of \$65,000 is needed for additional professional services, including environmental testing and legal services.

Additional environmental testing is related to the Town's environmental remediation responsibilities in the Development Agreement. In addition to the Phase II environmental assessment, we would expect to engage a geologist during excavation to monitor soils. The requested budget would give flexibility to undertake additional tests or studies. We estimate additional funds will be needed for legal services related to negotiation and implementation of the Development Agreement through June 2007, and for additional limited services in FY 2007-2008.

Peer Review Honorarium: We propose an honorarium of \$5,000 for Dean Marvin Malecha's work related to the peer review of Ram's proposed designs. The Town's original letter of agreement with Dean Malecha contemplated such an arrangement (please see Attachment 1). To date, the Dean has led nine peer review sessions with Ram Development Company. Written reports accompany his pro bono work. We anticipate he will conduct one additional session later in the project design process. The honorarium would go into a scholarship fund at the NC State School of Design.

RECOMMENDATION

We recommend the Council enact the attached ordinance budgeting an additional \$460,000 for the implementation of the Town's responsibilities under the Development Agreement, for the period through June 30, 2008.

ATTACHMENTS

1. Letter from W. Calvin Horton to Dean Marvin Malecha, September 29, 2005 (p. 6.)

AN ORDINANCE TO AMEND “THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2006” (2007-05-07/O-1a)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled “An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 2006” as duly adopted on June 26, 2006 and the same is hereby amended as follows:

ARTICLE I

<u>APPROPRIATIONS</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
GENERAL FUND				
Non-Departmental				
Transfer to Downtown Initiative				
Project Ordinance Fund	0	460,000		460,000

ARTICLE II

<u>REVENUES</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
GENERAL FUND				
(appropriated fund balance)	3,791,988	460,000		4,251,988

This is the 7th day of May, 2007.

AN ORDINANCE ESTABLISHING A CAPITAL PROJECTS ORDINANCE FOR THE DOWNTOWN DEVELOPMENT INITIATIVE (2007-05-07/O-1b)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that the following capital project is hereby established for the Downtown Development Initiative Project.

SECTION I

The Downtown Initiative as authorized by the Town Council in January 2007, includes the costs related to the development on the current site for Lot 5 parking, including, but not limited to, the public parking, open space and public art.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with implementation of this project within the terms of funds appropriated here.

SECTION III

Revenues anticipated to be available to the Town to complete the project are as follows:

TRANSFER FROM THE GENERAL FUND	\$460,000
---------------------------------------	------------------

Amounts appropriated are for the project as follows:

Environmental Remediation	\$240,000
Construction Management Services:	150,000
Professional Services:	65,000
Peer Review Honorarium:	<u>5,000</u>
TOTAL:	\$460,000

SECTION IV

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Budget, and shall keep the Council informed of any unusual occurrences.

SECTION V

Copies of this ordinance shall be entered into the Minutes of the Council and copies shall be filed within five days of adoption with the Town Manager, Finance Director and Clerk.

This the 7th day of May, 2007.

The Town Council approved a Development Agreement with Ram Development Company on February 12, 2007. The Council authorized the Special Use Permit for the Lot 5 project on June 27, 2007. Since that time, Ram Development Company has been working on its final plans for submittal to the Town under the terms of the special use permit. Ram expects to submit its final plans for a zoning compliance permit in March, 2008. We understand Ram intends to open a sales office at a downtown location around May, 2008. Ram estimates the start of construction may be in the Fall of 2008, depending on the level of pre-sales.

The Town and Ram Development Company entered into a contract with Mikyoung Kim on September 27, 2007 to revise the Arts Master Plan, select additional artists, and prepare a preliminary design for the Lot 5 project. Work on the preliminary design is almost complete. In authorizing the contract, the Council requested review of the work prior to completion. The arts consultant made a report to the Council at its January 28, 2008 meeting and held a public information meeting. Negotiation of a second contract with Mikyoung Kim for detailed design and construction is underway.

The Chapel Hill Public Arts Commission issued a Request for Qualifications for a second artist to work on the Lot 5 project in December, 2007, and received 67 proposals. North Carolina artists were encouraged to apply. A selection committee including Mikyoung Kim and representatives from the Town staff, Ram Development Company, the Public Arts Commission, the local arts community, and the Town Council, interviewed four finalists (including one Chapel Hill team finalist) on January 29, 2008. The committee selected Gordon Huether on February 1, 2008; and the Arts Commission endorsed the selection on February 19, 2008.

The Town and Ram Development Company completed the 9th and 10th peer review sessions of the design of the project in 2007 with Dean Marvin Malecha of North Carolina State University. The Council received the final report of the Dean on November 19, 2007.

The Town has prepared a draft recombination plat to make the site one property per the terms of the Special Use Permit and the Development Agreement, for use by the Developer.

In March, 2007, the Town contracted with ECS Carolinas to complete a Phase II Environmental Assessment of the site. Under the terms of the Development Agreement, the Town would pay for the marginal cost of removal of contaminated soil; that is, those costs related to environmental remediation above and beyond Ram Development Company's normal construction cost of hauling soil off-site. The assessment indicated some areas of contamination, and on May 7, 2007 the Council budgeted \$240,000 for the estimated remediation needed. Town staff is currently in discussions with ECS Carolinas to identify the most cost effective means of dealing with the contaminated soil. Once that

determination is made, ECS will submit a proposal for development of a formal Corrective Action Plan and associated work.

Below are the major dates anticipated by the Development Agreement, with notes in parentheses on the status to date, where applicable.

Estimated Completion Dates in Development Agreement (Sec. 2.3(i)):

3/20/07	Submit Special Use Permit (<i>complete</i>)
9/04/07	Submit Architectural Drawings (<i>estimated submittal in March 2008</i>)
12/31/07	Secure Special Use Permit (<i>complete</i>)
5/07/08	Secure Zoning Compliance Permit (<i>estimated submittal in March 2008</i>)
6/04/08	Submit final design development documents and Construction Documents for the Town to review to determine compliance with the Approved Architectural Drawings
7/09/08	Complete initial Project Budget
---*	Secure firm commitment for Project Financing *within 60 days after ZCP
--- **	Submit application for building permit **within 30 days of Town confirmation that design development and Construction Documents are in compliance with Approved Architectural Drawings
10/01/08	Closing to occur within 30 days after the building permit obtained, by October 1, 2008

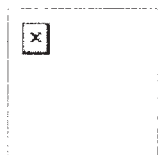
From: Bill Letteri [bleteri@townofchapelhill.org]

Sent: Monday, March 12, 2007 02:16 pm

To: SMiller

Subject: Proposal

Thanks for your quick turnaround on this. Two questions: We discussed the need for a verbal report. I assume this is included and understood; second, I mentioned the idea that we may need your advice (to the extent you can) on the subject of liability insurance to us as owners in the property. Specifically, we are looking for coverage for site work that may exceed estimates. Please email response, or I will call you in the morning. Thanks.



Bill Letteri

Public Works Director

Public Works Department

Town of Chapel Hill

405 Martin Luther King Jr Blvd

Chapel Hill, NC 27514-5705

Phone: (919) 968-2796

Fax: (919) 969-2003

From: Richard Terrell [rterrell@townofchapelhill.org]

Sent: Tuesday, March 13, 2007 06:43 pm

To: SMiller

Cc: Bill Letteri; CoCo Hall

Subject: Certificate of Insurance

Please have your office fax tomorrow a copy of insurance to CoCo Hall, Purchasing and Contracts Manager at (919) 969-2017. If they have questions they can reach Mrs. Hall at (919) 969-5025.

Thanks

Richard E. Terrell

Town of Chapel Hill
Public Works Department
Operations Manager

(919) 968-2800, ext. 107

From: Richard Terrell [rterrell@townofchapelhill.org]
Sent: Tuesday, March 13, 2007 03:01 pm
To: SMiller
Subject: Noise Control and Private Utilities
Noise Control

Information requested relative to the Town of Chapel Hill's Noise Control ordinance. See Section 11-40. - Exceptions (b) and (p) Would the dba exceed the limits permitted under Section 11-39?

Private Utilities

The site contains an abandon plant irrigation system. Is there a need for us to attempt to locate the piping and mark the locations? The main lines are two inch pvc and we don't care if they get damaged as a result of the work to be performed by your company.

I assume that you are aware that there's one or more water quality testing wells currently on-site. They were installed as a result of an adjacent property clean-up/assessment. If you're interested, we can discuss the issue further. I will be back in the office at ~3:15 p.m.

Richard E. Terrell

Town of Chapel Hill
Public Works Department
Operations Manager

(919) 968-2800, ext. 107

From: Richard Terrell [rterrell@townofchapelhill.org]
Sent: Tuesday, March 13, 2007 06:36 pm
To: Bill Letteri
Cc: SMiller
Subject: Temp Closure of Lot # 5

Importance: High

FYI – will keep you informed – based on this schedule the geophysical survey would occur on the 17th

From: Richard Terrell
Sent: Tuesday, March 13, 2007 6:30 PM
To: Brenda Jones
Subject: Temp Closure of Lot # 5
Importance: High

Per our telephone conversation today, we have been asked by the Town Manager and Public Works Director to expedite a Phase II Environmental Site Assessment and Limited Soil Delineation at Parking Lot # 5. We are currently processing a contract with ECS CAROLINA, LLP to perform the necessary work. Based on my conversation with ECS relative to their needs and with you relative the on-going operations, I propose the following schedule that will be the least distributive given the short notice.

I need your assistance in making arrangements for removal of all vehicles (towing if necessary) by 6 a.m., Saturday, March 17th. We will need to make arrangements to keep the lot empty and closed until 1 p.m. While at that time parking could be permitted overnight, it may be desirable to keep it out of service (technically) considering we will need it vacant the following morning by 8 a.m. until 9 p.m. (Sunday, March 18th). The following Tuesday, March 20th, it will be necessary to close the lot in order to complete the assessment. At this time, our preference would be to have the complete lot vacant between 8 a.m. and 9 p.m. At a minimum, we will need to plan on having the meter spaces closed and it may be necessary to make arrangements to relocate some, if not all, of the lease parking (in the center of the lot – signed and red bumper blocks) to the metered spaces. As soon as we resolve the finer details with ECS, I will advise with certainty to their needs for the 20th. We realize this may require an attendant to be present. We apologies for the short notice and the burden this places on your office. Please advise if we can be of assistance in closing this lot on these dates.

Thank you for the assistance with this important project.

Richard

Sandy Miller (919) 861-9911

STATE OF NORTH CAROLINA

CONTRACT FOR

COUNTY OF ORANGE

ECS CAROLINA, LLP

This Agreement, made and entered into by and between the Town of Chapel Hill, herein "Town", and "ECS Carolinas, LLP", herein "Contractor" for services hereinafter described for the Town of Chapel Hill. This Contract is between the Town of Chapel Hill and "ECS Carolinas, LLP" for "Phase II Environmental Site Assessment and Limited Soil Delineation - Parking Lot #5".

WITNESSETH

That for and in consideration of the mutual promises and conditions set forth below, the Town and Contractor agree:

1. Duties of the Contractor: The Contractor agrees to perform those duties described in Exhibit A attached hereto and incorporated herein by reference.
2. Duties of the Town: The Town shall pay for the Contractor's services as set forth in Exhibit A.
3. Fee Schedule and Maximum Sum: Payment shall be made according to Exhibit A.
4. Billing and Payment: The Contractor shall submit a bill to the Town for work performed under the terms of this Agreement. The Contractor shall bill and the Town shall pay the rates set forth therein. Payment will be made by the Town within thirty (30) days of receipt of an accurate invoice, approved by the contact person or his/her designee.
5. Business License: The Contractor shall have a valid Business License with the Town of Chapel Hill before beginning work as required by Ordinance.
6. Indemnification and Hold Harmless: The Contractor agrees to indemnify and hold harmless the Town of Chapel Hill and its officers, agents and employees from all loss, liability, claims or expense (including reasonable attorneys' fees) arising from bodily injury, including death or property damage to any person or persons caused in whole or in part by the negligence or willful misconduct of the Contractor except to the extent same are caused by the negligence or misconduct of the Town.
7. Insurance Provisions: The Town requires evidence of Contractor's current valid insurance (if applicable) during the duration of the named project and further requires that the Town be named as an additional insured. The required coverage limits are \$1,000,000 per occurrence for Comprehensive General Liability and Business Automobile. Workers' Compensation coverage requirements are \$100,000 for both employer's liability and bodily injury by disease for each employee and \$500,000 for the disease policy limit.

*per Richard
Tessell -
not applicable
for this situation
3/16/07*

8. Non-Discrimination: The Contractor shall administer all functions without discrimination because of race, creed, sex, national origin, age, economic status, sexual orientation, gender identity or gender expression.
9. Federal and State Legal Compliance: The Contractor must be in full compliance with all federal and state laws, including those on immigration.
10. Amendment: This Agreement may be amended in writing by mutual agreement of the Town and Contractor.
11. Term: This Agreement, unless amended as provided herein, shall be in effect until May 13, 2006.

2007
RDX
SKM
/M

This Contract is between the Town of Chapel Hill and ECS Carolinas, LLP for Phase II Environmental Site Assessment and Limited Soil Delineation - Parking Lot #5.

IN WITNESS WHEREOF, the parties herunto cause this agreement to be executed in their respective names.

ECS CAROLINAS, LLP

[Signature]
SIGNATURE

Sandra K. Miller
ATTEST

VP
TITLE

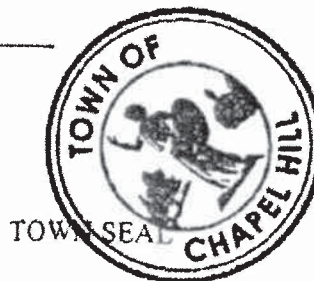
Project Scientist
TITLE

TOWN OF CHAPEL HILL

[Signature]
ASSISTANT/DEPUTY/TOWN MANAGER

ATTEST BY TOWN CLERK:

[Signature]
TOWN CLERK



Town Clerk attests date this the 15th day of MARCH, 20 07.

Approved as to Form and Authorization

Ralph D. Kusanos
TOWN ATTORNEY

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]
FINANCE DIRECTOR

Bill Lettner
PUBLIC WORKS DIRECTOR

Parling Lot #5 - Proposal for Phase II ESA and Limited Soil Delineation
ECS Proposal No. 06.10683, March 12, 2007

Laboratory Analysis

The soil sample with the highest field measurement will be analyzed for VOCs by EPA Method 8260 and for semi-volatile organic compounds (SVOCs) by EPA Method 8270, as well as Massachusetts Department of Environmental Protection (MADEP) Methods for volatile petroleum hydrocarbons (VPH) and extractable petroleum hydrocarbons (EPH) to ascertain if soils above Residential MSCCs are present. Additionally, thirty soil samples may be analyzed for Total Petroleum Hydrocarbons (TPH) using EPA Methods 5030 and 3550 for gasoline range organics (GRO) and diesel range organics (DRO), respectively.

Reporting

ECS will provide a Phase II ESA and a Soil Delineation Report based on the results obtained. This report and proposal will discuss the project background provided, our procedures used, field and laboratory results, and provide our evaluation and recommendations.

FEES/COST OF SERVICES

Based on our understanding of the project background provided by client and the above discussed scope of work, we estimate our fees for the proposed scope of services to be as presented in the following table.

<u>Service Descriptions</u>	<u>Estimated Units</u>	<u>Rate</u>	<u>Estimated Costs</u>
Prepare Health & Safety Plan, each	1	\$ 300.00	\$ 300.00
Geophysical Survey	1	\$ 2,500.00	\$ 2,500.00
GeoProbe Borings, per day	2	\$ 2,000.00	\$ 4,000.00
Field Observation and Sampling, Project Scientist, per hour	20	\$ 75.00	\$ 1,500.00
FID/PID, per day	2	\$ 125.00	\$ 250.00
55-Gallon Drum Disposal, first drum	0	\$ 420.00	\$ -
55-Gallon Drum Disposal, each additional drum	0	\$ 60.00	\$ -
EPA Method 8260, per soil sample analyzed	1	\$ 120.00	\$ 120.00
EPA Method 8270, per soil sample analyzed	1	\$ 260.00	\$ 260.00
MADEP Method VPH, per soil sample analyzed	1	\$ 105.00	\$ 105.00
MADEP Method EPH, per soil sample analyzed	1	\$ 185.00	\$ 185.00
EPA Method 5030/3550, per soil sample analyzed	30	\$ 115.00	\$ 3,450.00
Project Geologist, L.G., per hour	8	\$ 85.00	\$ 680.00
Principal Review and Supervision, L.G. or P.E., per hour	4	\$ 125.00	\$ 500.00
Delineation Report	1	\$ 1,500.00	\$ 1,500.00

Total Estimated Fee for Proposed Scope of Services: **\$ 15,350.00**

The above fees are estimates, and you will be invoiced only for the actual amount of work performed, at the unit rates shown in the above table and the attached fee schedule. The above prices assume that you accept the standard laboratory turnaround time of 10 business days. If you request the laboratory tests to be performed on a rush basis, the laboratory results can be obtained within a 72-hour turnaround time for an additional 50% premium, and within a 48-hour turnaround for an additional 100% premium of the laboratory costs presented above.

Chapel Hill NEWS - Lot # 5.txt
From: Richard Terrell [rterrell@townofchapelhill.org]
Sent: Friday, March 16, 2007 04:02 pm
To: SMiller
Subject: Chapel Hill NEWS - Lot # 5

FYI

-----Original Message-----

From: tio@townofchapelhill.org [mailto:listserv@civicplus.com]
Sent: Friday, March 16, 2007 3:56 PM
To: Richard Terrell
Subject: Chapel Hill NEWS

March 16, 2007

This is a Town of Chapel Hill news notice. For more information, contact Catherine Lazorko, Town Information Officer, 919/969-5055 or tio@townofchapelhill.org. More information:

<http://www.townofchapelhill.org/news>

2. Parking Lot 5 to Close for Test Borings

2. Parking Lot 5 to Close for Test Borings

The Town of Chapel Hill has hired a contractor to conduct environmental assessments of a site that is selected for a proposed \$75 million three-section building complex combining condominiums, retail, and parking on Town-owned Parking Lot 5 in downtown Chapel Hill.

The environmental assessments, to be conducted by Environmental Consulting Services, Ltd. (ECS) will require closing the parking lot located between Franklin and Rosemary Streets at the intersection of Church Street.

Municipal Parking Lot 5 will be closed from 4 a.m. to 1 p.m. Saturday, March 17, from 6 a.m. to 9 p.m. Sunday, March 18, and 8 a.m. to 9 p.m. Tuesday, March 20. All vehicles must be removed. Accommodations will be made for individuals with leased parking spaces. Call the Town's Parking Services Coordinator at 968-2835 for more information. Motorists may find available parking at the Rosemary Street Parking Deck, 150 E. Rosemary St., Municipal Lot 2 at 100 E. Rosemary St., or Municipal Lot 3 at 415 W. Franklin St.

The environmental assessment will include a geophysical study to determine if underground tanks are present, as well as up to 30 test borings of the soil. While the Town has conducted previous environmental studies, this week's assessment will provide a more detailed examination of the soil conditions of the site. Engineers will evaluate and describe site hydrogeological conditions; determine the location, type and concentrations of contaminants; and determine the requirements for remedial action based on the applicable regulatory environmental guidelines.

Negotiations with Ram Development Co. are under way since the Council authorized Manager Roger L. Stancil on Feb. 12 to execute the development agreement. Issues for negotiation have included energy efficiency construction, parking for affordable housing, and environmental considerations. Reflecting its commitment to environmental stewardship, the Town has pursued additional information on the site's

Chapel Hill NEWS - Lot # 5.txt
environmental conditions as negotiations continue.

The Town has completed an earlier environmental assessment of the Parking Lot 5 site. Following this phase one study conducted by ECS on Aug. 18, 2004, engineers recommended a ground penetrating radar survey be performed to determine if underground storage tanks are located on the site. Next week's survey will determine if such tanks are located on the site. ECS also performed work on Oct. 27, 2004, and April 13, 2005, for additional explorations to evaluate the depth to rock in Lot 5 as part of the design analysis for underground parking.

Citizens may review information on the Town website about the Downtown Economic Development Project at <http://townhall.townofchapelhill.org/projects/dedi/>.

This complimentary message is being sent by the Town of Chapel Hill to opt-in subscribers that might be interested in its content. If you do not wish to continue receiving these messages, please unsubscribe by visiting our website at: <http://www.townofchapelhill.org/list.asp?mode=del>

Tell your friends and neighbors about this new service of the Town of Chapel Hill. E-mail subscriptions can be made at <http://www.townofchapelhill.org/list.asp>

Please note, we will not sell or voluntarily give your e-mail address to any organization without your explicit permission; however, e-mail addresses received by the Town may be considered public records under North Carolina Law.

3-19-07

GOOD MORNING, Bill -

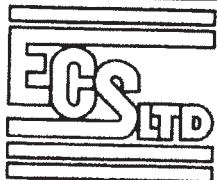
Great to meet you yesterday and I appreciate your time.

Attached please find a table of borings, depths, + PID readings as well as a map of current + projected locations.

Please feel free to call when you receive it. I just spoke with Richard concerning which parking spots we'll need open for tomorrow.

Thank You.

Jandy



ENGINEERING CONSULTING
SERVICES, LTD.

CALCULATION SHEET

PROJECT:

Parking Lot #5, Phase II, Lim. Soil Decon.

FIGURE NO.

TITLE:

JOB NO.

SCALE:

BY:

DATE:

3-19-07

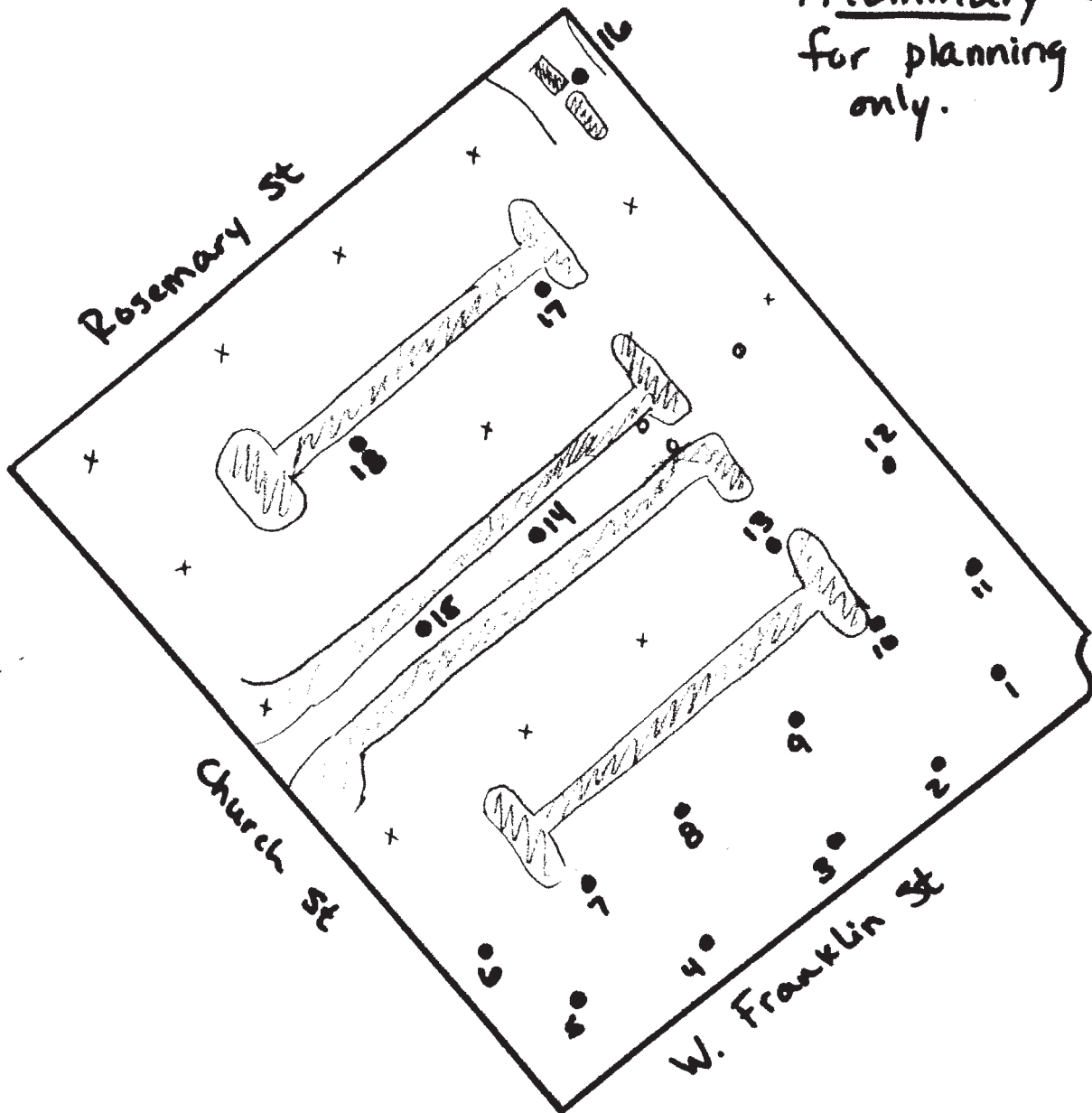
APPROVED BY:

DATE

	depth of sample 10'	total depth 10	PID screening 2150 ppm	
SB-1				
SB-2	10.5	10.5	52	
SB-3	13	13	87	
SB-4	9	9	15.7	
SB-5	8	13	13.3	
SB-6	15	15	2016	<u>Preliminary Draft</u> for planning purposes only.
SB-7	10	10	4.3	
SB-8	18	18	7.2	
SB-9	16	16.5	132	
SB-10	12	16	343	
SB-11	16	16.5	33	
SB-12	8	8	4.5	
SB-13	16	16	70	
SB-14	16	16.5	40	
SB-15	12	16.5	0.8	
SB-16	4	11	246	
SB-17	16	16	1.6	
SB-18	8	8	1.3	

Note: PID (for Volatile Organic Compounds - VOCs) readings are not
laboratory confirmed. They are a screening device only and not a
true representation of VOCs in the soil.

Preliminary Draft -
for planning purposes
only.



Legend

- - soil boring done 3/18/07
- x - projected boring location for 3/20/07
- - attempted soil boring on 3/18/07, refusal encountered at 2' depth

⊗ Not to Scale

3-21-07

Bill,

Following are the PID readings and soil boring locations from Tuesday (3-20-07).

I just spoke with the laboratory (SGS Environmental Services in Wilmington, NC) and the samples have been received and registered as "72-Hour Turnaround." We should have results on Monday (3-26-07).

Please feel free to call if you have further questions. Thank you.

Sandy Miller

861-9910 Office

398-0198 Cell



ENGINEERING CONSULTING
SERVICES, LTD.

CALCULATION SHEET

PROJECT:

FIGURE NO.

TITLE:

Parking Lot #5

JOB NO.

Phase II, Limited Soil Delineation

SCALE:

BY:

DATE:

3-21-07

APPROVED BY:

SKM

DATE

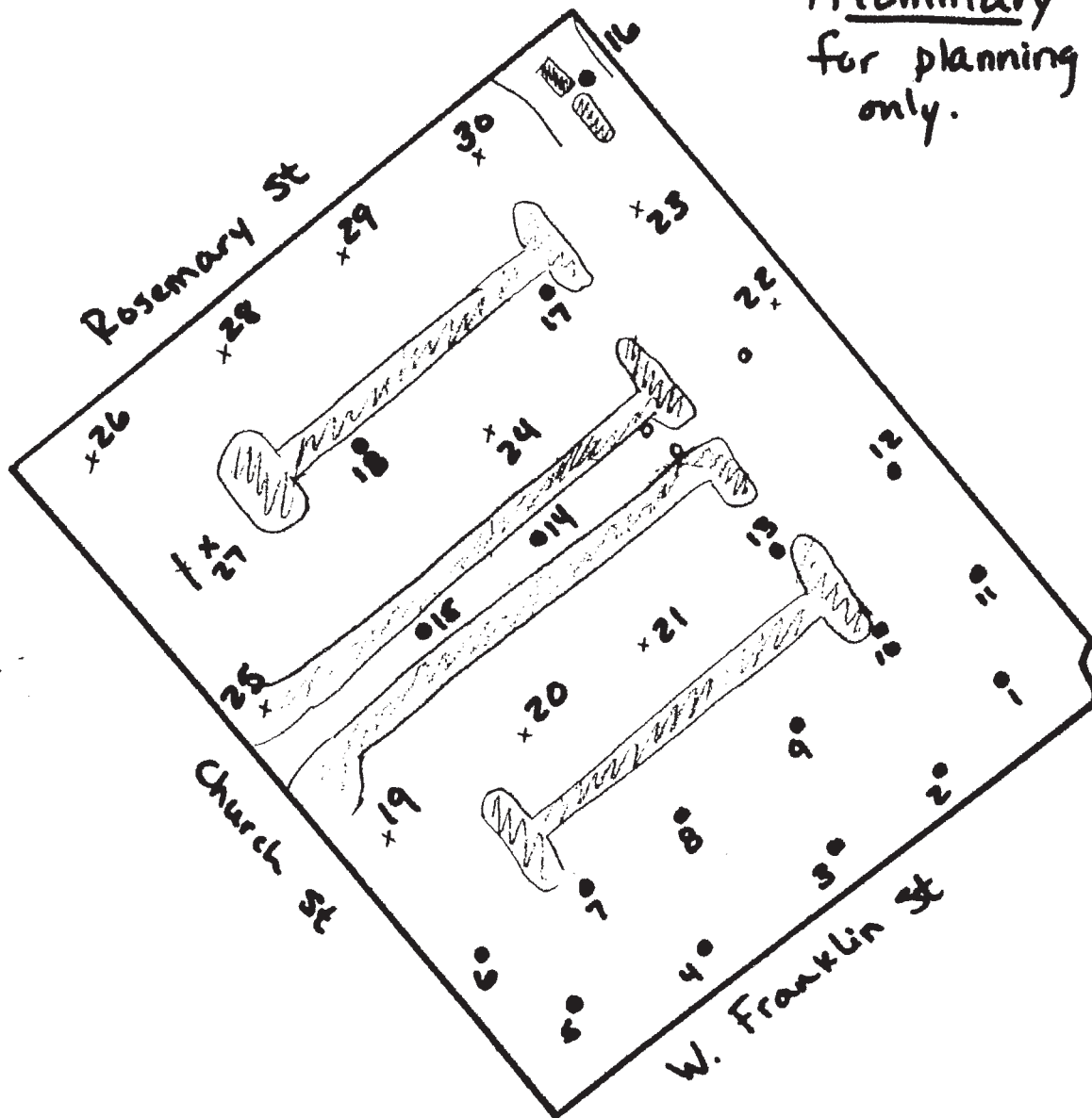
	<u>Total Depth</u>	<u>Depth of Sample</u>	<u>PID Screening</u>
SB-19	16'	4-8'	530 ppm
SB-20	16.5	8-12'	180
SB-21	16	12-16	3.4
SB-22	16.5	4-8'	195
SB-23	12.5	11	8.1
SB-24	12.5	4-8	11.2
SB-25	13.5	8-12	1.5
SB-26	16.5	8-12	20
SB-27	17	12-16	13.7
SB-28	17	8-12	30
SB-29	12.5	8-12	0.8
SB-30	15	8-12	3.5

Preliminary Draft - for planning
purposes only

Note - PID readings are not laboratory confirmed.

They are a screening device only and
not a true representation of VOCs
in the soil.

Preliminary Draft -
for planning purposes
only.



Legend

- - soil boring done 3/18/07
- x - projected boring locations for 3/20/07
- - attempted soil boring on 3/18/07, refusal encountered at 2' depth

⊗ Not to Scale

From: Chris Berndt [cberndt@townofchapelhill.org]
Sent: Thursday, May 24, 2007 06:27 pm
To: Bill Letteri; Bill Terry; SMiller; SMBrown
Cc: Ralph Karpinos; Bruce Heflin; Scott Simmons; Gordon Sutherland
Subject: FW: Maps re: Lot 5

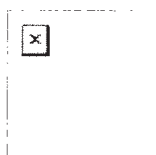
To all—attached are maps showing a filling station on Lot 5 provided by Scott Simmons in our Planning Department. I talked with Sandy today by phone after conferring with Bill Letteri, and said I would send them to her. I note that the Phase I report included a review of the Sanborn maps, copies of which are in the report appendix. The source of the confusion may be that the wording on the ECS report copy of the Sanborn map for 1959 is not readable, but the Town's map clearly says "filling station" (abbreviated). As I mentioned to her on the phone, the Town's set of Sanborn maps span the years 1932-1959, and were updated regularly on each sheet, so it is not possible to use our set for dating purposes. Scott and I think the "Williamsburg style" of the building would date it from the 1950's.

The topo map also shows what looks to be a filling station by the curb cuts and the possible indication of pumps (compare with the McFarling site also on the map).

I am also including a copy of the eligibility application for Sandy's review that I got off the DEHNR web page.

Late today Scott also brought me a panoramic set of photographs showing a filling station building on the site. Bruce noted that gas pumps are not visible in the photo (another clue to the puzzle?) The photos are in my office if you want to see them.

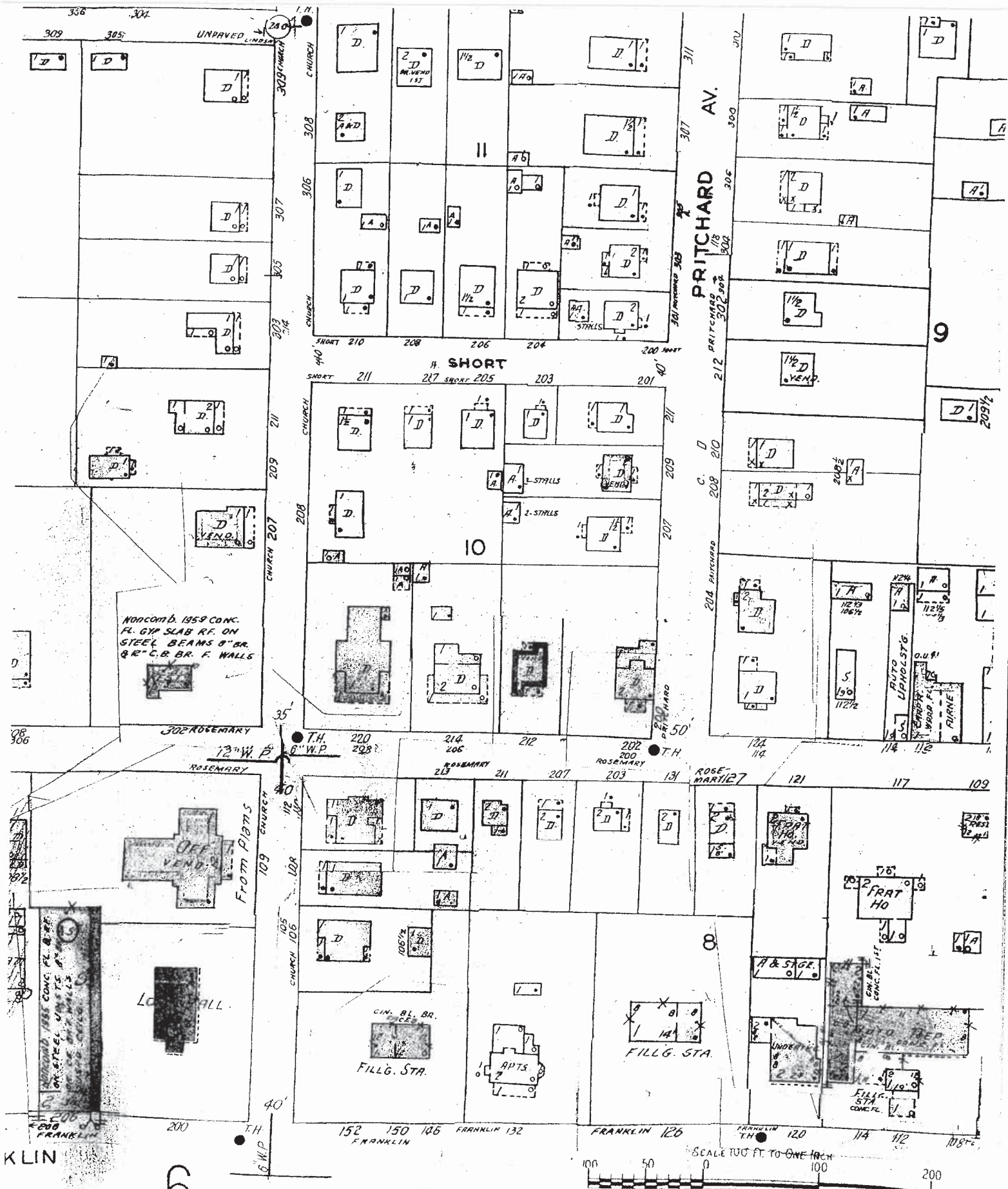
Sincerely,
Chris Berndt



Chris S. Berndt
Special Projects Assistant
Town Manager's Office
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

Phone: (919) 969-5054
Fax: (919) 969-2063

From: Scott Simmons
Sent: Thursday, May 24, 2007 4:58 PM
To: Chris Berndt
Subject:




SCALE TWO FT. TO ONE INCH

Copyright 1933 by the Sanborn Map Co

From: Bill Letteri [bleteri@townofchapelhill.org]
Sent: Thursday, May 24, 2007 01:48 pm
To: SMiller; SMBrown
Cc: Ralph Karpinos; Chris Berndt; Bruce Heflin
Subject: RE: Notification of NCDENR
Sandy,

Please prepare a notification letter on our behalf. A draft should be forwarded to Ralph Karpinos, with copies to Berndt and Heflin (emails attached) for their review and approval. Thanks.

 **Bill Letteri**
Public Works Director
Public Works Department
Town of Chapel Hill
405 Martin Luther King Jr Blvd
Chapel Hill, NC 27514-5705

Phone: (919) 968-2796
Fax: (919) 969-2003

From: SMiller [mailto:SMiller@ecslimited.com]
Sent: Thursday, May 24, 2007 1:41 PM
To: Bill Letteri
Subject: Notification of NCDENR

Good afternoon Bill,

When I spoke to the contact person at NCDENR (Ms. Caroline Davenport) in VERY generic terms, she did indicate that the State should be notified

Sandy Miller
Environmental Scientist

ECS Carolinas, LLP
9001 Glenwood Avenue
Raleigh, NC 27617-7505
(919) 861-9921 (direct voice)
(919) 398-0198 (cell phone)
(919) 861-9910 (office)
(919) 861-9911 (office fax)

e-mail: smiller@ecslimited.com
<http://www.ecslimited.com>

The ECS Group of Companies
ENR #96 Top Design Firm

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use or maintain this message, and the contents hereof must not be disclosed to any other person.

State Lead Sites - Chapel Hill.txt

From: Mark Petermann [Mark.Petermann@ncmail.net]

Sent: Tuesday, June 12, 2007 11:47 am

To: SMiller

Subject: State Lead Sites - Chapel Hill

Sandy,

Very nice to meet with you today. As we discussed, the following are the State Lead sites in Chapel Hill:

Starpoint Convenience - 1712 Smith Level Road - Incident # 6557 - Closed Commercial site with an No Further Action determination

Watts Property - Smith Level Road - Incident # 8468 - Active Commercial site - Risk Rank of L(low)-40--action with this site is routine monitoring only

Mark's Cafe/Holland Company - now known as Elaine's on Franklin Street - 454 West Franklin- Active site with a Risk ranking of H 95 D--a site visit/receptor survey has been performed but it's a below the "bar" site and will not likely have much work performed. The "H" in the risk rank means it's a high risk ,i.e., a water supply well, probably a private well is located within 1,000' of the site.

There ya go. If you have a question that you think I can help you with then don't hesitate to call .

Mark

Ms. Caroline Davenport
NCDENR – DWM
UST Section
1637 Mail Service Center
Raleigh, North Carolina 27699-1637

July 3, 2007

Reference: Phase II ESA and Limited Soil Delineation Report
Parking Lot #5
West Franklin Street at Church Street
Chapel Hill, Orange County, North Carolina
ECS Project No. 06.14973

Dear Ms. Davenport:

ECS Carolinas, LLP (ECS), on behalf of the Town of Chapel Hill, Public Works Department, is pleased to provide the North Carolina Department of Environment and Natural Resources – Division of Waste Management – UST Section (Section) with a *Phase II Environmental Site Assessment (ESA) and Limited Soil Delineation Report* prepared on April 2, 2007. The enclosed report presents the project background provided, our procedures used, field and laboratory results and our conclusions and recommendations during assessment of the Parking Lot #5 project located in Chapel Hill, North Carolina.

Parking Lot #5 contains approximately 1.7 acres and is bounded on the north by Rosemary Street, on the west by Church Street, and on the south by Franklin Street in Chapel Hill, Orange County, North Carolina.

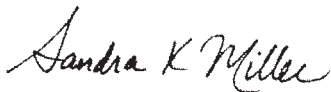
As presented in the attached report, Parking Lot #5 was further explored by advancing 30 soil test borings (borings) which were laid out to cover the site using an approximate grid network estimated to be 50 feet by 50 feet. The borings were advanced to approximate depths that varied from approximately 8 to 18 feet below ground surface (bgs). Soil samples were screened in the field for volatile organic compounds (VOCs) with a photo-ionization detector (PID). The sample from each boring with the highest field reading was selected for submittal to a State of North Carolina-certified laboratory for analysis. The selected soil samples were analyzed for gasoline range organics (GRO) and diesel range organics (DRO) using EPA Methods 5030 and 3550, respectively. One sample in this group was analyzed for volatile organic compounds (VOC) and semi-volatile organic compounds (SVOC) using EPA Methods 8260 and 8270, respectively, as well as for extractable petroleum hydrocarbons (EPH) and volatile organic hydrocarbons (VPH), using Massachusetts (MADEP) Methods. Based on information obtained, the following conclusions are presented:

- Impacted soil above the action levels for GRO was detected at the site;
- Impacted soil above the action levels for DRO was detected at the site; and,
- Impacted soil above the Residential MSCCs was not detected at the site.

*Submittal Letter to NCDENR
Phase II ESA and Limited Soil Delineation, Parking Lot #5
Chapel Hill, Orange County, North Carolina
ECS Project No. 06.14973*

If you have any questions regarding the information enclosed herein, please do not hesitate to contact me at 919-861-9910 or smiller@ecslimited.com.

Respectfully submitted,
ECS Carolinas, LLP



Sandra Miller
Environmental Scientist



Mark Brown, LG, PG, RSM, Principal Geologist
Environmental Services Department Manager

I:_PROJECTS\T14000-T14999\14973\letter to state.doc

Attachment: Phase II ESA and Limited Soil Delineation Report