

## **Elk Mountain Landfill - Chronology of Events**

- April 11, 2003 – DENR received a brownfields “Letter of Intent” from the Town of Woodfin as brownfields Prospective Developer (“PD”) outlining its desire to redevelop the former Elk Mountain Landfill as a golf course with residential use surrounding the former landfill cells.
- April 29, 2003 – DENR issues Letter of Eligibility for the project, in which DENR stated:  
“The next step in the brownfields process will involve a detailed evaluation of all available environmental data in order to determine what is currently known about contamination at the site, and what, if any, data gaps may exist. The objective of this evaluation is to determine, as required by the Act, if the property is or can be made safe for the Town of Woodfin’s intended reuse while fully protecting public health and the environment. To that end, please forward to this office any environmental reports or other site information you may have or may be able to obtain regarding the subject property.”
- June 4, 2003 – DENR notified PD that a receptor survey would be required and provided PD with the Receptor Survey form developed by the Brownfields Program.
- June 24, 2004 – Land-of-Sky Regional Council notified PD that Buncombe County’s Environmental Control Manager, Denese Ballew, had offered to conduct a surface methane emissions assessment at the former landfill.
- June 26, 2003 – Denese Ballew conducted a surface methane emissions assessment at the site. The assessment included approximately 18 locations, all of which were non-detect for methane or carbon dioxide.
- July 16, 2004 – DENR issues Preliminary Additional Environmental Assessment Request, which included tasks to address the delineation of waste material, the characterization of existing cap material, and the characterization of groundwater conditions.
- August 27, 2003 – Land-of-Sky released its RFP for additional assessment work at the site.
- September 15, 2003 – Land-of-Sky released an Addendum to its August 27, 2003 RFP and a map indicating the results of the June 26, 2003 surface methane emissions assessment.
- November 4, 2003 – Fletcher Group submitted its Quality Assurance Project Plan to EPA for review/comment/approval.
- December 2, 2003 – Land-of-Sky notified PD that it had received approval of the QAPP from EPA.
- December 8, 2003 – Brownfields Program notified Land-of-Sky and Fletcher Group that it had no additional comments regarding the approved QAPP and that the field work could be initiated at PD’s convenience and timetable.
- December 17-22, 2003 – Fletcher Group conducted field assessment activities at the site to address tasks included in DENR’s July 16, 2003 additional assessment request.

January 21, 2004 – Fletcher Group released its *Brownfields Assessment Report for Elk Mountain Landfill, Woodfin, North Carolina*, dated January 21, 2004. Among other items, the report provided Table 1, “Elk Mountain Landfill, Woodfin, NC, Brownfields Assessment Boring Data Summary,” a tabulated summary of data acquired during the soil boring activities. Table 1 consisted of four columns, labeled “Boring Number,” “Within Landfill Yes/No,” “Depth of cover/boring (ft),” and “Soil Sample Description.” The table did not contain the four additional columns, labeled “% Lower Explosive Limit or % CH<sub>4</sub>,” “%CO<sub>2</sub>,” “%O<sub>2</sub>,” and “OVA Reading,” which were included in the table entitled “Elk Mountain Landfill, Woodfin, NC, Brownfields Assessment Boring Data Summary,” first provided to DENR at the below-referenced June 15, 2004 meeting.

March 19, 2004 – DENR provided its preliminary review of Fletcher Group’s assessment report to PD, by fax.

April 20, 2004 – DENR submitted its review of Fletcher Group’s assessment report to PD. Included were comments regarding additional waste delineation and cap thickness assessment, as well as the need to conduct subsurface methane sampling at the site. Town of Woodfin’s Board of Aldermen adopted a Resolution regarding the Elk Mountain brownfields project.

April 27, 2004 – DENR submitted its draft Brownfields Agreement (“dBFA”) for the Elk Mountain project to PD. The dBFA outlined a framework within which the development of the property would ensure the full protection of public health and the environment, including the assurance that the location of residential units would be methane-safe.

Sometime in early May 2004 – DENR became aware, during a telephone conversation with Fletcher Group, that 1) some subsurface methane sampling data had been collected during field activities at the site in December 2003, and 2) that the data had not been reported in Fletcher Group’s January 21, 2004 *Brownfields Assessment Report for Elk Mountain Landfill, Woodfin, North Carolina*. DENR requested all such subsurface methane data be submitted to DENR, and Fletcher Group agreed to provide it, however, this data was not provided until the June 15<sup>th</sup> meeting referenced below.

May 20, 2004 – Fletcher Group, on behalf of the Town of Woodfin, submitted a modified version of the dBFA including its proposed revisions to the April 27, 2004 draft submitted by DENR.

June 15, 2004 – DENR, the Town of Woodfin, MacAlister Development, Fletcher Group, and Land-of-Sky met at Land-of-Sky’s offices to discuss the need for additional assessment at the site. It was at this meeting that Fletcher Group produced the version of Table 1 which contained the additional and previously unreleased methane sampling data, as referenced above in the early May 2004 and January 21, 2004 entries.