



North Carolina Department of Environment and Natural Resources
Division of Waste Management

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February 19, 2014

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Subject: **Soil Disturbance, Retail Unit 1 – Blount Street Parking Deck**
(a.k.a. RBC Tower Parking Deck)
331 South Wilmington Street, Raleigh, Wake County
N.C. Brownfields Program Project # 11030-07-92

Dear Mr. Williams and Ms. Wall:

This letter responds to your request for correspondence from the North Carolina Department of Environment and Natural Resources (DENR) concerning an instance of soil disturbance during the upfit of the Retail Unit 1 at the Blount Street Parking Deck property.

Thank you, Mr. Williams, for contacting me when the Raleigh City Attorney's Office became aware that soil had been disturbed at the referenced Brownfields Property without contacting DENR in advance of implementing soil disturbing activities as required by land use restriction (LUR) 4 of the Notice of Brownfields Property recorded for this property (noting that paragraph 14.d. of the Brownfields Agreement in effect at the site is identical in intent). Thank you, also, for providing a summary of the activities conducted at the site that resulted in the soil disturbance, which summary I understand is based on information provided to you by Edison Land, LLC and Edison's contractors who performed the work at the site. Based on the information you have provided, I understand as follows:

- The planned relocation of Coopers BBQ into Retail Unit 1 required the enlargement of said Unit, which in turn required the installation of two new concrete footers and structural support columns within said Unit;
- A geotechnical engineer was present at the site to provide oversight and make observations during all soil disturbance activities;

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- The load bearing capacity of the soil in the location of the two new columns was tested through two holes cored through the existing slab and by advancing a metal rod to a depth of ten feet;
- Approximately 16.5 cubic yards of soil was removed from each of two 9 ft x 9 ft x 5.5 ft excavations, and the new concrete footers were installed in these excavations;
- Groundwater was not encountered during the load bearing tests or during activities related to the installation of the two new concrete footers;
- Soil disturbed during the load bearing testing and removed from the footer excavations did not exhibit any indication or characteristics to suggest it was contaminated; and
- All soil excavated in association with the construction of the new footers was trucked to the Highway 55 C&D landfill in Apex, NC for disposal.

I have reviewed the above activities in relation to the provisions of LUR 4, which LUR addresses soil disturbances at the site. I have concluded that, with the exception of the "advance written notice to DENR" requirement, the activities were conducted in compliance with the provisions of said LUR. Notwithstanding the failure to notice DENR, I have concluded that the property owners have otherwise acted with a clear focus on the full protection of public health and the environment, perhaps the Brownfields Program's most important objective. Thus, with the assurance you have provided that the owners will have processes in place to ensure DENR is provided the required notice for any future soil disturbing activities, I will consider this incident of non-noticed soil disturbance an infraction of the no-harm-no-foul variety and one that is hereby deemed to be closed.

Again, thank you for your timely notification and accounting of this incident. Please advise if this correspondence fails to provide the closure you seek, and feel free to contact me if you have questions or require additional information.

Sincerely,



Tony Duque
Brownfields Project Manager
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cc RBC Tower Parking Deck file
Gregg Sandreuter - Edison Land, LLC
Bruce Nicholson - NCDENR