



February 8, 2013

Ms. Carolyn Minnich  
North Carolina Brownfields Program  
217 W. Jones Street  
Raleigh, North Carolina 27603

Re: Documentation of Soil Management Activities  
Water Line and Utility Relocation Project  
1200 South Boulevard, LLC  
Brownfields Project No. 11045-70-060

Dear Ms. Minnich:

RKM Resources, PLLC (RKM) was engaged by 1200 South Boulevard, LLC, the Prospective Developer (PD) pursuant to a Brownfields Agreement relating to 1200 South Boulevard, Charlotte, NC, to oversee the relocation of a water line and associated utilities and to oversee the realignment of a portion of East Carson Boulevard (Project). This included oversight of the implementation of a soil management plan approved pursuant to the Brownfields Agreement. All work associated with the Project is now complete, including management of residual soils generated during the Project. This letter documents to Brownfields the proper management of the residual soils, as required by the soil management plan.

By way of background, an existing water main and related utilities that ran beneath and near the abandoned East Palmer Street were relocated to an area beneath East Carson Boulevard (which was realigned in connection with this effort) and South Boulevard, both of which are adjacent to the Brownfields Property. PD entered into a Brownfields Agreement with the North Carolina Brownfields Program prior to starting the Project, and the Agreement governs soil management activities on the property. A Soil Management Plan (SMP), enclosed as Attachment 1, was prepared to direct soil management activities in compliance with the Brownfields Agreement. The Brownfields Program's approval of the SMP is enclosed as Attachment 2.

RKM was assisted on the Project by Hart & Hickman, the authors of the SMP, who helped train Project contractors on SMP requirements and who regularly visited the property during Project construction. As it relates to the SMP, RKM focused on efforts to ensure that the requisite care was taken as soil was excavated and staged on the property during construction. Among other things, the SMP required that excavated soils be placed into the excavation from which they came, it required PD to take special care and communicate with

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Brownfields if suspect soils were identified during construction, and it required communication if impacted groundwater was encountered.

RKM Resources observed that the Project was conducted in general accordance with the SMP. However, as it compiled the information necessary to complete this report, RKM learned that the Pile A, B, and C soils noted below were not consistently covered with plastic sheeting pending their off-site management. Measures were, however, taken to limit any risk to the environment associated with these soils. PD communicated with Brownfields regarding the soils, and PD sampled the soils to confirm whether they were contaminated or not. In addition, PD implemented stringent erosion control measures (such as berms and silt fencing) to ensure that stormwater runoff from the piles did not leave the property. Second, RKM has also learned that, as Pile A soils were being placed into trucks for off-site disposal at a permitted landfill, a small portion of them evidenced an odor. Since all of these soils were destined for prompt off-site disposal at a permitted facility, PD did not believe that notice under the SMP was necessary.

As indicated, three piles of residual soils were created during the Project. Soil Pile A consisted of approximately 1400 cubic yards of soil that were excavated from water main and utility alignments on the Brownfields Property. Soil Pile B and Soil Pile C (each of which were approximately 20 to 35 cubic yards of soil) were imported to the property from off-site locations for use as clean fill if needed. All three soil piles were sampled as required by the SMP prior to any potential off-site management. The results of that sampling and Prospective Developer's proposals for managing the soil piles were submitted to the Brownfields Program. See Attachment 3. The Brownfields Program's approval of those proposals is enclosed as Attachment 4.

As noted in Attachment 3, Soil Pile B and Soil Pile C were confirmed to be "clean" (i.e., not impacted with contaminants above residential screening levels). Thus, PD proposed to use them either on-site or off-site as clean fill. As authorized by Brownfields, PD ultimately decided to transport them off-site due to site-balancing requirements.

The management of Soil Pile A was more involved. Soil Pile A was sampled in four quadrants. One quadrant was found to be impacted above commercial screening levels, and one quadrant exceeded residential screening levels (but was below commercial ones). In Attachment 3, PD proposed to manage soils that exceeded commercial screening levels on-site in the former East Palmer Street right of way and cover them with clean fill and pavement or structures. Soils that exceeded residential standards were proposed to be managed on-site as provided by the SMP and the Brownfields Agreement. As noted above, these proposals were approved by the Brownfields Program in Attachment 4.

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Due to changes in redevelopment plans, PD subsequently determined that the soils from Soil Pile A could not be used on-site because of soil balancing issues. PD undertook additional sampling of Soil Pile A to further characterize the soils to facilitate their management and to re-sample some soils that had been disturbed to allow them to dry. In light of the sampling results, PD proposed to use soils that did not exhibit contamination above any applicable standards as clean fill at off-site locations and to dispose of the other soils at an appropriate off-site disposal facility. The proposals and sampling results are enclosed as Attachment 5.

The Brownfields Program did not approve the off-site management of any Pile A soils without additional consultation regarding the soils and their ultimate disposition. Because of timing issues, PD instead moved forward to dispose all Pile A soils. Soils that exceeded either commercial or residential screening levels, or that exhibited any odor, were managed as "contaminated" by being disposed at a facility authorized to receive them. Soils that did not exceed any screening level were managed by shipment to a disposal facility authorized to use them as daily cover. PD's proposals, and Brownfields approvals, are enclosed. See Attachment 6.

The contaminated soils were disposed of at Environmental Soils, Inc. in Lattimore, North Carolina. Consistent with its disposal practices, Environmental Soils routinely evaluated truckloads of soil from the Brownfields Property to confirm that they were acceptable for disposal at the facility, and that no unusual staining or odors were apparent. Documentation of proper disposal, including a letter from the landfill confirming its authorization to receive the soils and waste manifests, is enclosed as Attachment 7.

The remaining soils (the soils without documented exceedances of residential standards) were managed as daily fill at the Tommy Price Inc. construction and demolition landfill in Charlotte, North Carolina. Documentation of proper management, including a letter from the landfill confirming its authorization to receive the soils and lift tickets and photographic evidence, is enclosed as Attachment 8.

Please contact me with questions.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Randy Martin".

Randy Martin  
Enclosures