



MECKLENBURG COUNTY
Land Use and Environmental Services Agency

July 21, 2011

Mr. Michael Cataldo
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202

Re: Rezoning Petition 2011-053

Approximately 2.85 acres located on the west side of South Blvd. between John Belk Freeway and Arlington Ave.

Dear Mr. Cataldo,

Representatives of the Air Quality (MCAQ), Groundwater & Wastewater Services (MCGWS), Solid Waste (MCSW), Storm Water Services (MCSWS), and Water Quality (MCWQ) Programs of the Mecklenburg County Land Use and Environmental Services Agency (LUESA) have reviewed the above referenced rezoning petition.

Programs with No Comment at this Time

Air Quality
Solid Waste

Recommendations and/or Ordinance Requirement Reminders

Groundwater & Wastewater Services

GWS Records indicate that soil and groundwater on parcel 12303605 included in rezoning petition 2011-053 has been contaminated above applicable State standards. This is the former site of multiple uses including the Charlotte Chemical Laboratories operation and former oil storage and gasoline filling station operations. The site is under the jurisdiction of the North Carolina Department of Environment and Natural Resources (NCDENR) Inactive Hazardous Sites Branch designated site ID NCID 11045-07-60. The petitioner is currently pursuing a Brownfields Agreement with NCDENR for this site.

Five inactive water supply wells formerly used in an open loop geothermal heating and cooling system at the former Simpsons Lighting facility exist on the same parcel. Results of testing of groundwater from two of these water supply wells in May 2008 indicate one Volatile Organic Compound (Bromodichloromethane) was present above State standards at the time of sampling. Soil sampling results indicate one or more contaminants exceeds the allowable Soil-to-Groundwater Maximum Soil Contamination Concentrations.

The Mecklenburg County Groundwater Well Regulations Chapter VIII provides for the establishment of Areas of Regulated Groundwater Usage when there is a violation of the State groundwater standards referenced in 15A NCAC 2L(g), (h) or (i), or where soil contamination exceeds the Soil-to-Groundwater Maximum Soil Contamination Concentrations as referenced in 15A NCAC 2L .0015(m) or in violation of 15A NCAC 2L .0202 or in violation of the Oil Pollution Hazardous Substance Control Act of 1978. The regulation requires that existing wells within an Area of Regulated Groundwater Usage be initially sampled for the contaminant(s)-of-concern, samples analyzed by a State certified laboratory and results submitted the Department for review. If a contaminant is detected above the USEPA Maximum Contaminant Level (MCL) or the State 2L Standard where no EPA MCL has been established then the well owner must treat the water to remove the contaminant(s)-of-concern such that the water would be considered potable for as long as the well is active and contains the contaminant(s)-of-concern. Biannual sampling following the initial sample is also required. The regulation prohibits the installation of a new water supply within 1,000 feet of a contamination site where municipally supplied water is available.

Should the petitioner, developer or well owner place the water supply wells into service for any use including water supply, irrigation or geothermal the above referenced requirements become applicable.

If the petitioner, developer or well owner does not place the wells into service the wells will be subject to Chapter II Section VII “Water Supply Well Maintenance and Repair.” Any well not compliant with maintenance requirements will require repair or permanent abandonment. Some repairs and all permanent abandonments require a permit from the Department.

Groundwater & Wastewater Services request the following statements be added to the site plan notes:

Any use of the existing water supply wells shall be conducted in accordance with the Mecklenburg County Groundwater Well Regulations. No new water supply wells intended for any uses including potable water supply, irrigation or geothermal shall be installed on the property now or at any future time unless groundwater has been restored to applicable State standards. The wells shall be maintained in accordance with the regulations or permanently abandoned. A permit for any well abandonment activities shall be obtained from the Health Department.

Storm Water Services

The property represented in this rezoning drains to surface waters listed on North Carolinas Department of Natural Resources 303(d) list of impaired streams. Little Sugar Creek is listed for macrobenthics, fish, copper, fecal coliform, and mercury due to pollution discharges. By properly controlling pollutants both during and after construction you can help restore these surface waters. More information on North Carolina’s impaired waters and 303(d) list can be found at <http://portal.ncdenr.org/web/wq/ps/mtu/assessment>.

Please contact the staff members who conducted the reviews if you have any questions.

The reviews were conducted by, Leslie Rhodes

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Respectfully,

Heidi Pruess, Environmental Policy Administrator

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