UNC
ENVIRONMENT, HEALTH & SAFETY

The University of North Carolina at Chapel Hill
Department of Environment, Health & Safety
1120 Estes Drive Ext., CB# 1650
Chapel Hill, North Carolina 27599

February 15, 2010

S. Jay Zimmerman
DENR Division of Water Quality
Raleigh Regional Office
1628 Mail Service Center
Raleigh NC 27699-1628

Subject: The University of North Carolina at Chapel Hill (UNC-Chapel Hill), Bingham Facility (former Research Resource Facility), Notice of Intent NOV-2009-DV-0362

Dear Mr. Zimmerman:

I am writing in response to your February 4, 2010 Notice of Intent (NOI) to Richard L. Mann regarding the subject facility.

The University of North Carolina at Chapel Hill (UNC) has always strived for an open and respectful relationship with the North Carolina Department of Environment and Natural Resources (DENR). In addition, UNC is committed to the protection of the environment and compliance with environmental requirements.

To my knowledge, there has never been an intentional delay in reporting potential violations to DENR, and there was no such intent with regard to the subject incident. We clearly acknowledge the seriousness of the situation, and our efforts were focused on determining if there actually was a release.

The storage pond is designed with an under-drain system, and the primary function of the under-drain is to relieve groundwater pressure from under the liner. Water from the under-drain does not conclusively establish that there is a leak from the pond. Consequently, on October 19, 2009, UNC asked an independent consultant, Mactec, to submit a proposal for conducting a geotechnical exploration of the pond embankment. UNC received this proposal on October 28, 2009 and authorized work to proceed pursuant to this proposal on October 30, 2009. As described in the geotechnical evaluation report dated November 17, 2009, the Mactec test borings did not encounter groundwater in the pond embankment or in the vicinity of the under-drains.

Since the wastewater treatment system is new and still under warranty, the process of investigating and correcting a possible leak involved a number of people at UNC. Additionally, both the designer of the wastewater treatment system and the construction contractor were involved.

Following the field work conducted by Mactec, UNC and the designer used field analytical methods to help determine the source of the water. Given that the water in the pond is highly treated, these tests were inconclusive, so other techniques were evaluated. Upon determining that dye testing was the appropriate method of leak detection, the construction contractor ordered the dye and conducted the testing. Testing was scheduled following the Thanksgiving Holiday.

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Dye testing actually began the second week in December. It took a few days before the dye was conclusively visible in the under-drain discharge. Upon determination that there was a release from the pond, the incident was immediately reported to DENR, and efforts were implemented to begin collecting the discharged water.

Since reporting the incident in December, UNC has put a tremendous amount of effort and resources into addressing the problems identified at the facility. I believe we have been responsive to DENR and the nearby community.

Lastly, UNC is in the process of promptly hiring an engineering company to provide an additional degree of review and oversight as we proceed with the application process to permit the formerly deemed permitted system. We also plan to assess our water use at the facility to explore water conservation opportunities and sustainable water management practices.

I will continue to keep your office informed as we progress with activities at the site. Please contact me if you have any questions or comments.

Sincerely,

Mary Beth Koza

Mary Beth Koza
Director, Environment, Health and Safety

Cc: Larry Daw