

RESOLUTION NO. 09-85

RESOLUTION OF THE ASHEVILLE CITY COUNCIL IN OPPOSITION TO CTS CORPORATION'S REQUEST TO IMPLEMENT A VOLUNTARY REMEDIAL ACTION PROGRAM FOR THE FORMER CTS OF ASHEVILLE SITE, AS IS BEING CONSIDERED BY THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WHEREAS, the United States Environmental Protection Agency (USEPA) and the North Carolina Department of Environment and Natural Resources (NCDENR) have determined that the former CTS of Asheville site, located in the County of Buncombe, contains the presence of hazardous substances; and

WHEREAS, an investigation by the USEPA has determined that said substances have already contaminated the water wells of nearby residents, that said substances "are likely to migrate away from the [CTS] site once they reach the saturated zone," and that the conditions on the CTS site are an "immediate threat to the health and safety of nearby residents" (4 April 2002 EPA Action Memorandum); and

WHEREAS, the City of Asheville has already expended \$103,459.05 and Buncombe County has expended more than \$182,000 to extend water lines to the area potentially affected by the contamination to ensure a safe and reliable source of water for the residents; and

WHEREAS, CTS Corporation has requested that NCDENR enter into an agreement with CTS, pursuant to the Inactive Hazardous Sites Response Act of 1987 (IHSRA), to implement a voluntary remedial action program in an effort to clean up the contamination located at the former CTS of Asheville site; and

WHEREAS, pursuant to IHSRA, no one owner, operator, or other responsible party who voluntarily participates in the implementation of a remedial action program may be required to pay in excess of \$3,000,000.00 for the cost of implementing a remedial action program at a single inactive hazardous substance or waste disposal site; and

WHEREAS, the Asheville City Council supports a full and proper cleanup at the former CTS of Asheville site and has been advised: (1) that the cost of remediating the CTS of Asheville site has not yet been reliably estimated and could exceed \$3,000,000, and (2) that there are other potentially responsible parties who could become involved in the remediation effort; and

WHEREAS, entering into an agreement that would have the effect of limiting remediation expenditures or participation by other parties before the full extent of the remediation that will be required is known has the potential for negative effects on the health, safety, and welfare of Asheville area citizens, and on the environment in the French Broad River basin;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Conditions at the CTS of Asheville site, as described in the USEPA's 4 April 2002 Action Memorandum and other material, are a matter of grave concern to the Council.
2. A full, proper, and timely remediation of the CTS Asheville site is necessary for the continued health, safety and welfare of the citizens of the area and the surrounding environment.
3. The Department of Environment and Natural Resources of the State of North Carolina is respectfully requested: (a) to give strong consideration to whether conditions at the CTS of Asheville site constitute an imminent hazard pursuant to N.C.G.S. 130A-310.5(a); (b) to take appropriate action to ensure that the full extent of the contamination from the CTS Asheville site, and the full extent of the remediation required for said site, are known; and (c) deny the request of CTS Corporation to enter into a voluntary remediation agreement.

Read, approved and adopted this 12th day of May, 2009.

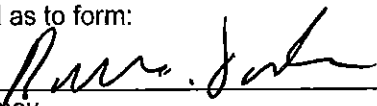


City Clerk



Mayor

Approved as to form:



City Attorney