



## Buncombe County Commissioners

David Gantt, Chairman  
Bill Stanley, Vice-Chairman

Carol Weir Peterson, Commissioner  
K. Ray Bailey, Commissioner  
Holly Jones, Commissioner

May 5, 2009

The Honorable Beverly Eaves Perdue, Governor  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

Dear Governor Perdue:

On this date the Buncombe County Board of Commissioners, through Board consensus, is formally requesting executive intervention in any proposed Administrative Consent Agreement between the North Carolina Department of Environment and Natural Resources (DENR) Inaction Hazardous Site Branch and the CTS Corporation, responsible for a site located in our County.

As you know, Inaction Hazardous Site Branch implements the State's authority to request and compile assessment and remediation at sites contaminated with hazardous substances. This authority is defined by the Comprehensive Environment Response, Compensation and Liability Act (CER CLA) and the Superfund Amendments and Reauthorization Act (SARA.) and comes through NCGS 130A-310 known as the North Carolina Inactive Hazardous Sites Response Act of 1987. This act provides parties responsible for contamination the opportunity to voluntarily clean up hazardous substance releases or disposal sites in accordance with NCGS 130A-310.9. If responsible parties for a site classified as a priority do not agree to voluntarily perform remedial investigation and clean-up, an Administrative Order compelling the work can be issued.

Specific to the CTS site a proposed Administrative Agreement was developed by DENR and made available with public notice on April 12, 2009. The public has the opportunity to provide written comment on the proposed Administrative Agreement until May 15, 2009.

Our specific concern with the proposed agreement is the \$3 million dollar remediation cost cap that State regulations provide to responsible parties for voluntary clean-up efforts. According to a recent briefing provided by DENR to our Board, the \$3 million dollar cap only covers clean-up activities performed under the direction of the State. We understand that cost associated with the investigation would be the responsibility of CTS under a separate State directive, as would any clean-up that CTS provides for EPA. DENR further advised our Board that there are additional potential responsible parties other than CTS that can be brought into remediation efforts if CTS approaches their \$3 million dollar remediation cost cap and will not willingly continue beyond that amount.



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Our Board is relentlessly committed to protecting our citizens and the natural beauty of our mountains. This commitment is the foundation for our request for your assistance in assuring that the responsible parties are held accountable for a comprehensive clean up of the CTS site. We also ask that arbitrary financial caps do not allow those responsible to limit their accountability.

Our Board lacks the jurisdiction to intervene in this matter and must rely on the assistance of our State and Federal elected officials to ensure that the health of our citizens and protection of our environment is not compromised. We respectfully request the support of your office to ensure a comprehensive clean-up at the expense of the responsible parties. We further call upon our State and Federal elected officials to ensure full oversight and accountability of the State and Federal agencies charged by law with responding to this matter. We believe that it is essential for responsible State and Federal agencies to establish a consistent format to share information and respond to the questions and concerns of our citizens.

Sincerely,

David Gantt, Chairman

Bill Stanley, Vice-Chairman

K. Ray Bailey, Commissioner

Holly Jones, Commissioner

Carol Peterson, Commissioner

CC: Buncombe County Citizens Action Group

