

ATTACHMENT G

A RESOLUTION TO TERMINATE THE AGREEMENT TO GRANT USE OF PUBLIC WORKS SITE TO CAROLINA BIODIESEL, LLC, FORMERLY PIEDMONT BIOFUELS, INC

WHEREAS, on October 12, 2004, the Town Council granted permission to Piedmont Biofuels, Inc., a Cooperative Association, for the installation of a 500-gallon biodiesel fuel tank at Public Works facility for a maximum period of one year; and

WHEREAS, the Town renewed its agreement with Piedmont Biofuels, Inc. on August 15, 2006, which automatically renews for additional one-year terms unless either party provides written notice of non-renewal at least 60 days before the expiration date; and

WHEREAS, Piedmont Biofuels, Inc. filed Articles of Dissolution with the Secretary of State on January 5, 2018, and the biodiesel tank is currently owned and managed by Carolina Biodiesel, LLC, a limited liability company founded in June 2010; and

WHEREAS, the aboveground biodiesel tank and fueling station are approximately 20 years old, nearing the end of its lifespan, and may pose potential risks of structural failure or leaks; and

WHEREAS, the Town's NPDES permit includes responsibility for preparing for, responding to, and being liable for any release associated with the tank's operation or unforeseen disasters, with downstream areas of concern for health, safety, and environmental impact in case of a fuel release; and

WHEREAS, the North Carolina League of Municipalities risk control consultant recommended in February 2023 to relocate the biofuel operation outside the facility due to potential added risks to public safety and liability when allowing general public access to the facility grounds; and

WHEREAS, the Public Works facility houses the Town's fueling depot and stores emergency response vehicles and equipment; and

WHEREAS, removal of the biodiesel tank from Public Works facility would enhance security and protect the Town's assets;

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council authorizes the Town Manager to provide written notice to Carolina Biodiesel, LLC, informing them of the decision to remove the biodiesel tank and to coordinate the necessary actions for its prompt and safe removal.

This 4th day of June 2024.