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August 22, 2013

VIA ELECTRONIC MAIL

Carolyn F. Minnich
Brownfields Project Manager
North Carolina Department of Environment and Natural Resources
1314 Mallard Ridge Drive
Tega Cay, SC 29708

Re: Suttle Avenue, LLC/Brownfields Agreement – Inapplicability of Vapor Barrier/Mitigation Requirements

Dear Carolyn:

I am writing in response to your email to me dated July 26, 2013 in which you requested more information to confirm that the requirements of paragraph 15.d. of the Brownfields Agreement regarding the need for a vapor barrier or vapor mitigation system did not apply. Specifically, you requested a figure showing the proposed building locations, the locations where historic sampling showed the presence of volatile contamination in soil, and where those soils would be relocated so as to be outside the 100-foot radius specified in paragraph 15.d.

To that end, I have enclosed a figure showing the information you requested. The sampling locations highlighted in green show where previous sampling detected volatile contamination in the soil. The hashed area in green is the area where soils from these locations will be placed as part of the site's development. As you can see, that area is more than 100 feet from the closest building to be constructed on the property. In addition, this location will be under a impervious parking area which will essentially serve as a cap.

Carolyn F. Minnich
August 22, 2013
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If you have any other questions or need additional information, please let me know. If we do not hear further from you regarding this issue, we will take that to mean that the requirements of paragraph 15.d. of the Brownfields Agreement are not triggered by this development.

Sincerely,

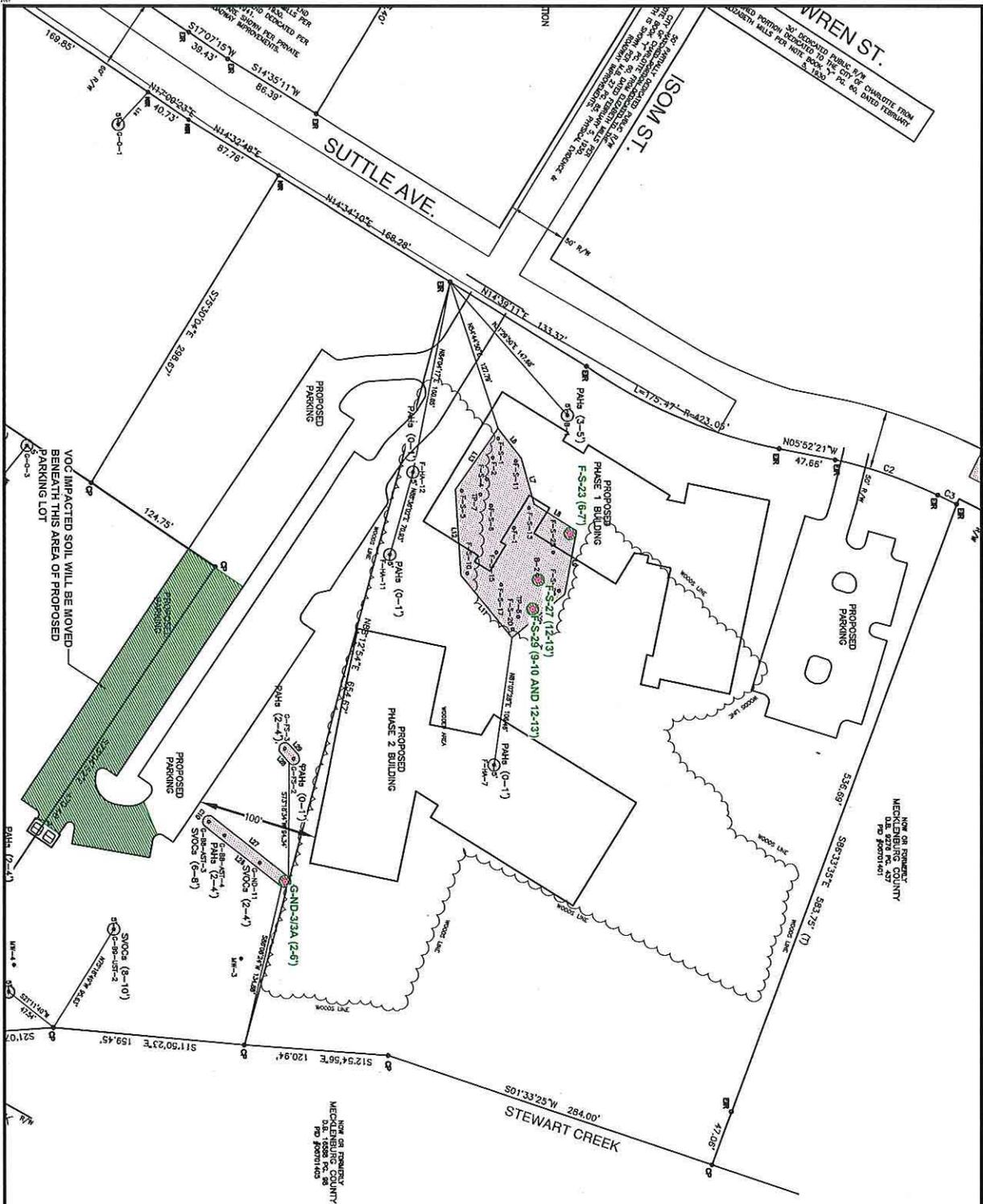
McGuireWoods LLP



Benne C. Hutson

Enclosure

cc: George Macon
Pete Lash
Leo Moretz
Chad Grubbs
Bill Sullivan
Ron Weiner
Amanda Short



- LEGEND**
- AREA OF KNOWN SOIL CONTAMINATION
 - LOCATION OF VOC CONTAMINATION AND SAMPLE DEPTH
 - PROPOSED LOCATION FOR VOC IMPACTED SOIL



<p>LOCATION OF VOC IMPACTED SOIL</p> <p>SUTTLE AVENUE, LLC 2007 SUTTLE AVENUE CHARLOTTE, NORTH CAROLINA</p>	
<p>hart hickman SMARTER ENVIRONMENTAL SOLUTIONS</p> <p>2023 South Tryon Street, Suite 1100 Charlotte, North Carolina 28203 704-586-0007/69 704-586-0370 License # C-25897 / TC-285 (Geology)</p>	<p>DATE: 8-12-13</p> <p>REVISION NO. 0</p>
<p>JOB NO. BTP-002</p>	<p>FIGURE NO. 1</p>