

Eckard, Sharon

From: Eckard, Sharon
Sent: Friday, September 02, 2011 12:06 PM
To: Mccarty, Bud; Nicholson, Grover; Jesneck, Charlotte; Butler, Jack; Walch, John; Cannon, Elizabeth; Williford, Mike; Cotton, Helen; Davies, Bob; Powers, Mark; Doorn, Peter; Shackelford, Dennis
Cc: Nicholson, Bruce; Culpepper, Linda; Matthews, Dexter; Liggins, Shirley
Subject: Initial Notification for a Brownfields Property -

To DENR Cleanup Programs:

This is an internal courtesy notice to inform your program that the DENR Brownfields Program (Brownfields Program) is in receipt of a Brownfields Property Application (BPA), submitted by Moore & Van Allen on behalf of their client, Corning Road, LLC as prospective developer, seeking entry into the brownfields program for the following property:

Site Name: West Morgan (recombination of 3 parcels)
Address: 925 and 919 W. Morgan Street and 906 Tryon Hill Drive
City/County: Raleigh, Wake County, NC 27603
AKA: Three former uses associated with each of the former parcels: Former bakery (unnamed), former City Ice & Fuel, and former Stainless Steel Fabricator & Bolton Construction Services
Tax ID: 0058966, 0006896, and 0044458
Known Identifying Numbers: None

The project involves reuse of the site for residential development. Phase I and Phase II ESAs have been performed at the property. At least 2 heating oil USTs were reportedly removed from the property circa 1987. Recent soil and groundwater data indicate low concentrations of PCE, 1,2-DCE, and bis-2-ethylhexylphthalate in site groundwater, but no detections in site soil.

We are now evaluating the Corning Road, LLC as an applicant prospective developer and the subject property for eligibility for entry into the Brownfields Program. Corning Road, LLC is a manager-managed company affiliated with Faison in Charlotte. They have indicated that they will purchase the property if found eligible for the Brownfields Program. Under the Brownfields Property Reuse Act, only entities that did not cause or contribute to the contamination at the property are eligible to enter the program. The applicant PD below has asserted that 1) it has not caused or contributed to the contamination at the property, and 2) that it has substantially complied with laws, regulations, and rules for the protection of the environment. If you have any information to suggest otherwise, please provide that information to me at sharon.eckard@ncdenr.gov by ***September 16, 2011***.

Information regarding the applicant prospective developer, including the primary contact person for the prospective developer, is as follows:

PD Contact's Name: Ed Cherry
PD Name: Corning Road, LLC

PD Address: 121 West Trade Street, 27th Floor
Charlotte, NC 28202

PD Phone: 704.972.2612

PD Fax: 704.972.2699

PD Email: Ed.Cherry@Faison.com

If you have information or files for this site that might be of interest to the Brownfields Program as we evaluate potential risks at this site, I would appreciate your bringing it to my attention.

Please be advised that the Program does not desire to inundate all regulatory entities with additional email notices unless you request it. Therefore, if you would like to be notified when this project is deemed eligible to pursue a brownfields agreement, please let me know. If you have any questions, please don't hesitate to contact me.

It is important to note that a Brownfields Agreement (BFA) has no legal effect on your agency's authority to regulate or enforce against any and all parties who caused or contributed to the contamination at the property. Therefore, DENR cleanup programs are free to pursue any and all parties who caused or contributed to the existing contamination at the site. A BFA only provides liability protection to a non-causative redeveloper of the property. In fact, the BFA will require the developer to provide access to the property to any party doing work under another DENR program, and the Brownfields Program has numerous sites where another program is enforcing against a responsible party while we are working with the developer on brownfields actions. The developer will only be required to make the property safe for its intended re-use. That will not include cleanup to unrestricted use standards, unless that is consistent with the developer's proposed use of the property.

Furthermore, the BFA will not change the prospective developer's responsibility to obtain any and all DENR permits (e.g. stormwater, sediment control, NPDES, etc.) required for its operations or activities on site from the appropriate DENR agencies, as required under applicable law.

Thank you,
Sharon Eckard
Brownfields Program Manager

Sharon Poissant Eckard, PG
Brownfield Project Manager
Division of Waste Management
NC Department of Environment & Natural Resources
1646 Mail Service Center
Raleigh, NC 27699-1646
919.508.8425
sharon.eckard@ncdcnr.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.