

Brownfields Program
File Room Document Transmittal Sheet

Your Name: Shirley Liggins
Project ID: 1600912065
Facility Name: Dean Hardwoods ~~OLD~~
Document Group: Brownfields Property Application (BPA)
Document Type: Letter of Eligibility (LOE)
Description: eligibility status given to proceed
Date of Doc: 7/18/2012
Author of Doc: Linda Culpepper

File Room Use Only

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Date Recieved by File Room:

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North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

July 18, 2012

Sent Via E-mail and USPS

Mr. Patrick Melton
Sawmill Point Investors, LLC
1820 Cumberland Ave
Charlotte, NC 28203
pmelton@southstreetpartners.com

Subject: Letter of Eligibility
Former Dean Hardwoods Site
15 Cowan Street
Wilmington, NC 28401
Brownfields Project Number 16009-12-65

Dear Mr. Melton:

The North Carolina Department of Environment and Natural Resources (DENR) has received and reviewed your July 3, 2012 Brownfields Property Application (BPA) submitted on behalf of Sawmill Point Investors, LLC as a Prospective Developer seeking a brownfields agreement regarding the subject site. Upon review of the letters with respect to the requirements of the Brownfields Property Reuse Act of 1997, DENR has determined that this project is eligible for entry into the North Carolina Brownfields Program and for continued evaluation for a Brownfields Agreement.

The next step in the process will involve a detailed review of available environmental and other relevant data to determine what is currently known about contamination at the site, and what, if any, information gaps may exist that may require additional assessment. We are in receipt of the following documents submitted with your BPA:

Title	Prepared by	Date of Report
Limited Phase II Environmental Site Assessment	Froehling & Robertson, Inc.	March 7, 2011
Phase I Environmental Site Assessment	Froehling & Robertson, Inc.	November 4, 2010
Phase II Environmental Site Assessment	Right Angle Engineering, P.C.	April 2006

Historical site information from the files of DENR's Division of Waste Management will also be utilized during the evaluation process. Please forward any additional information or data you may have or can acquire for our evaluation. This should include reports from other DENR agencies or regional offices. We will

contact you regarding any additional assessment that may be necessary to establish that the property is or can be made suitable for the intended reuse, as required by statute.

According to the BPA, the intended redevelopment for the site is mixed-use that will likely include residential and commercial uses with the possibility of light industrial use. Because risk management decisions may vary depending on the nature of the redevelopment, it will be important that DENR review the locations of the various elements. Please forward any maps or drawings indicating these details, even if they are only preliminary or conceptual. Also: Pending execution of a Brownfields Agreement, eligibility is provisional. You do not have the protections such an agreement offers unless and until it is executed. Thus, you operate at the site pending conclusion of a Brownfields Agreement at the risk of jeopardizing your eligibility and/or becoming a party responsible for the contamination at the site if an agreement is not finalized. This makes it very much in your interest to consult closely with the Project Manager regarding any planned site activities prior to agreement finalization.

If a party other than the Prospective Developer will own the Brownfields property at the conclusion of the brownfields process, the final document (which gets recorded at the Register of Deeds' office) must be signed not only by the Prospective Developer but by that owner. Failure by the Prospective Developer to ensure, by the time Brownfields Agreement negotiations are complete, the willingness to sign of any such party, and to provide DENR the exact name, e-mail address, telephone number and U.S. mail address of the party (along with signatory/signatory's title in the case of an entity) will retard, and could prevent, the Brownfields Agreement taking effect.

If the Prospective Developer does not actually buy the property for redevelopment, it loses its eligibility for the Brownfields Program. That means the Prospective Developer itself, not an affiliate or any other party.

We look forward to working with you to advance this brownfields redevelopment project. If you have questions about this correspondence or require additional information, please feel free to contact the Project Manager, Sam Watson, by phone at 910-796-7408, or by e-mail at samuel.watson@ncdenr.gov.

Sincerely,



Linda Culpepper
Deputy Director
Division of Waste Management

cc: Project File

ec: Bruce Nicholson, DENR