



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

August 27, 2012

Sent Via E-mail and USPS

Mr. Hang Lae Cho  
Sirius Metal Recycling, Inc.  
560 Oak Crest Drive  
Chapel Hill, NC 27516

Subject: Letter of Eligibility  
Former Southern States Site  
6601 Ward Boulevard  
Wilson, Wilson County 27894  
**Brownfields Project Number 16029-12-098**

Dear Mr. Cho:

The North Carolina Department of Environment and Natural Resources (DENR) has received and reviewed your July 26, 2012 Brownfields Property Application (BPA) on behalf of Sirius Metal Recycling, Inc. as a Prospective Developer seeking a brownfields agreement regarding the subject site referenced above. Upon review of the information 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 to specify information gaps that will require additional assessment. We are in receipt of the following documents submitted with your BPA:

Title	Author	Date
Phase I Environmental Assessment Report, Former Southern States	Mid-Atlantic Associates, Inc.	July 25, 2012

Please forward any additional pertinent information or data you may have or can acquire for our evaluation, including a copy of the Special Use Permit from the City of Wilson when this becomes available, and a copy of your business plan. This should include reports from other DENR agencies or regional offices, if applicable. We will contact you regarding whether additional assessment 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 initially as a small to medium recycling center for paper, white goods, electronic scrap, and ferrous and non-ferrous metals with a long term goal to include automotive batteries developing an export market. Please clarify the types of materials that will be recycled and their placement at the site in your business plan. 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 provide drawings of the planned redevelopment, even if conceptual in nature.

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. Please consult closely with our Brownfield Project Manager, Ms. Sharon Eckard, regarding any planned site activities prior to agreement finalization, including potential demolition activities. Onsite demolition, if conducted, must be performed in accordance with applicable legal requirements, including without limitation those related to lead and asbestos abatement that are administered by the Health Hazards Control Unit within the Division of Public Health of the North Carolina Department of Health and Human Services.

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 acquire 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 are enthusiastic about the potential for public benefit offered by the redevelopment of the former Southern States site, and 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 Sharon Eckard by phone at 919.707.8379, or by e-mail at [sharon.eckard@ncdenr.gov](mailto:sharon.eckard@ncdenr.gov).

Sincerely,



Linda Culpepper  
Deputy Director  
Division of Waste Management

cc: Project File  
ec: Sharon Eckard, DENR  
Bruce Nicholson, DENR