



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

September 6, 2012

Sent Via E-mail and USPS

Scott L. Wippel
Matthews Property 1, LLC
701 Crestdale Road
Matthews, NC 28105
swippel@harristeeter.com

Subject: Letter of Eligibility
PCA International
815 Matthews Mint Hill Road
Charlotte, Mecklenburg County
Brownfields Project Number 16003-12-60

Dear Mr. Wippel:

The North Carolina Department of Environment and Natural Resources (DENR) has received and reviewed your August 14, 2012 Brownfields Property Application (BPA) submitted on behalf of Matthews Property 1, 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 reports submitted with the BPA:

<i>Title</i>	<i>Prepared by</i>	<i>Date of Report</i>
Phase I Environmental Site Assessment	Bureau Veritas North America, Inc.	March 21, 2007
Amendment Phase I Environmental Site Assessment	Bureau Veritas North America, Inc.	May 24, 2007
Report of Asbestos Inspection Services	S&ME, Inc	July 2, 2008
UST Removal Report	Terracon	December 24, 2008
Environmental Sampling Report	S&ME	April 1, 2009
Report of Soil Sampling and Analysis	Terracon	July 1, 2009
Closure Report	Terracon	April 16, 2010

<i>Title</i>	<i>Prepared by</i>	<i>Date of Report</i>
Phase I Environmental Site Assessment	Terracon	August 16, 2010
Closure Report Addendum	Terracon	April 13, 2011
Results of Additional Soil Sampling	Terracon	December 5, 2011

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 commercial and office. 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.

I am excited about the potential for public benefit offered by the reuse of the former PCA International facility, and I 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 me by phone at 704-661-0330, or by e-mail at carolyn.minnich@ncdenr.gov.

Sincerely,

Carolyn Minnich

Carolyn F. Minnich
Brownfield Project Manager
Division of Waste Management

cc: Project File

ec: Bruce Nicholson, DENR
Linda Culpepper, DENR
Amanda Short, McGuireWoods
rfink@harristeeter.com