



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

May 29, 2014

Mr. Todd Wigfield  
Greystar GP II, LLC  
18 Broad Street, Suite 300  
Charleston, SC 29401

**Subject: LETTER OF ELIGIBILITY – 3RD & POPLAR PROJECT**  
Eastern Corner W. 3<sup>rd</sup> & S. Poplar Streets  
Charlotte, Mecklenburg County  
N.C. Brownfields Program Project No. 18017-14-060

Dear Mr. Wigfield:

The North Carolina Department of Environment and Natural Resources (DENR) received, on March 19, 2014, and has reviewed the Brownfields Property Application (BPA) prepared and submitted by Mary Katherine Stukes of Parker Poe Adams & Bernstein, LLP on behalf of Greystar GP II, LLC (Greystar) as the applicant Prospective Developer seeking a brownfields agreement regarding the subject site. We understand that the property consists of all of one tax parcel and a portion of a second parcel totaling approximately 0.6 acres and that the property has been used as a gasoline station, an auto sales and service facility and for residential use, but has been used as a paved surface parking lot since the 1960s. We understand further that Greystar intends to purchase the property and redevelop it as a high-rise building with commercial uses on the lower floors and residential use on the higher floors. The building will utilize sub-grade parking. Upon review of the BPA with respect to the requirements of the Brownfields Property Reuse Act of 1997, DENR has determined that the 3<sup>rd</sup> & Poplar redevelopment project is eligible for entry into the North Carolina Brownfields Program (NCBP) and for continued evaluation for a Brownfields Agreement (BFA).

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 two Phase I Environmental Assessments (dated November 3, 2010 and March 14, 2014, respectively), and a Phase II Environmental Site Assessment (dated November 17, 2010) which were submitted with the BPA. Any existing 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 environmental reports, data or site information you may have or can acquire to assist in our evaluation. This should include reports from other DENR agencies or regional offices, if available. 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.

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Phone: 919-707-8200 \ Internet: <http://portal.ncdenr.org/web/wm>

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Risk management decisions, which will ultimately be memorialized in the BFA, are made in order to achieve the safe and productive reuse of the property. These decisions vary depending on the type and extent of site impacts and on the nature of the redevelopment, and it will be important that DENR review the locations of any future construction at the site. For those reasons, please forward to NCBP Project Manager Tony Duque any maps or drawings of future construction plans, even if they are only preliminary or conceptual, as soon as they become available.

**Please note:** pending execution of a final BFA, NCBP eligibility is provisional. You do not have the protections a BFA offers unless and until the BFA is executed. If you conduct redevelopment activities or otherwise operate at the site before a BFA has been finalized for the property, you do so at the risk of jeopardizing your eligibility and/or becoming a party responsible for the contamination at the site. This makes it very much in your interest to consult closely with the NCBP Project Manager regarding any and all planned site activities prior to the finalization of the agreement. You are cautioned to conduct all operations and activities at the site with great care not to cause a release of regulated substances at the property that could jeopardize your eligibility for the NCBP.

We are excited about the substantial public benefit offered by the redevelopment of the 3<sup>rd</sup> & Poplar property. We thank you for your interest in the N.C. Brownfields Program, and we look forward to working with you to advance your important brownfields redevelopment project. If you have questions about this correspondence or require additional information about the BFA process, please feel free to contact Tony Duque by phone at 919-707-8380 or by e-mail at [tony.duque@ncdenr.gov](mailto:tony.duque@ncdenr.gov).

Sincerely,



Linda M. Culpepper  
Deputy Director  
Division of Waste Management

cc: Project File

ec: Mary Katherine H. Stukes, PPA&B, LLP  
Bruce Nicholson, DENR  
Tony Duque, DENR