



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

August 4, 2014

Sent via E-Mail and USPS

Mr. Joshua S. Freeman  
City of Brevard  
95 West Main Street  
Brevard, NC 28712

**Subject:** Letter of Eligibility  
Former Transylvania Tanning Co.  
Brevard, Transylvania County  
Brownfields Project Number: 18027-14-88

Dear Mr. Freeman:

The North Carolina Department of Environment and Natural Resources (DENR) has received and reviewed your July 2, 2014 Brownfields Property Application (BPA) submitted on behalf of the City of Brevard, as a Prospective Developer seeking a brownfields agreement regarding the subject site. Upon review of the application 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 reports 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. To date DENR has received the report package submitted with the BPA. If there is any additional information or data you may have or can acquire for our evaluation please submit that as well. This should include reports from other DENR agencies or regional offices such as historical site information from the files of DENR's Division of Waste Management and Division of Water Resources. Please coordinate the submission of any additional reports or data with your Project Manager, Tracy Wahl at [tracy.wahl@ncdenr.gov](mailto:tracy.wahl@ncdenr.gov) or by phone at 828-251-7465.

According to the BPA, the City of Brevard, intends to acquire the property to potentially redevelop it for public outdoor recreational space, with the possibility of community gardens or other agricultural purposes. Because risk management decisions may vary depending on the nature of the redevelopment, it will be important that DENR review the locations of these various elements. Please forward any maps or drawings indicating these details, even if they are only preliminary or conceptual at the time.

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

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

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. Consult closely with your 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 delay, and could prevent, the Brownfields Agreement taking effect.

This is an exciting project for the City of Brevard. DENR looks forward to working with you towards its successful completion. If you have questions about this correspondence or require additional information, please feel free to contact your Project Manager.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Scott". The signature is fluid and cursive, with a large, stylized initial "M".

Michael E. Scott, Deputy Director  
Division of Waste Management  
NC DENR

cc: Project File  
ec: Bruce Nicholson, DENR  
Tracy Wahl, DENR