



Waste Management
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL SCOTT
Acting Director

April 15, 2016

Sent Via USPS

Robin Rash
HICKORY, NC (2115 US HWY 70 SE) LLC
1400 16th Street, Suite 300
Oak Brook, IL 60523

Subject: Letter of Eligibility
Former Sealtest Dairy
2115 US Highway 70 SE
Hickory, Catawba County
Brownfields Project Number 20023-16-018

Dear Ms. Rash:

The North Carolina Department of Environmental Quality (DEQ) has received and reviewed your March 25, 2016 Brownfields Property Application (BPA) submitted by Mr. Dan Uebelhor on behalf of HICKORY, NC (2115 US HWY 70 SE) LLC as a Prospective Developer seeking a brownfields agreement regarding the subject site. Upon review of the BPA with respect to the requirements of the Brownfields Property Reuse Act of 1997, DEQ has determined that this 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 BFA 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:

- *UST Closure Report*, Salem Environmental, March 25, 1997
- *Excavation and Landfarming Activities Subsequent to a UST Closure Report*, Salem Environmental, September 12, 1997
- *Soil and Groundwater Assessment Report*, Geological Resources, Inc., October 22, 2003
- *Phase I Environmental Site Assessment*, ECS Carolinas, LLP, September 22, 2015
- *Soil and Groundwater Assessment Report*, ECS Carolinas, LLP, November 4, 2015
- *Groundwater Assessment Report*, ECS Carolinas, LLP, March 25, 2016

If available, historical site information from the files of DEQ'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 DEQ 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 multi-tenant retail and restaurant space. Because risk management decisions may vary depending on the nature of the redevelopment, it will be important that DEQ review the locations of the various elements. Please forward any maps or drawings indicating these details, even if they are only preliminary or conceptual.

Please note: pending execution of a final BFA, NCBP eligibility is provisional. The protections a BFA offers the Prospective Developer are *not in effect*, unless and until, the BFA is executed. If you occupy the property or operate or conduct activities at the site that result in a release of regulated substances before a BFA has been finalized for the property, you may be considered to have caused or contributed to contamination at the property. Because an entity that could be considered to have caused or contributed to contamination at the property cannot be a Prospective Developer under the Act, your eligibility for participation in the NCBP would be placed in jeopardy. Consult closely with your Project Manager regarding any planned site activities prior to agreement finalization. You are cautioned to conduct all such 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 participation in the NCBP.

If a party other than the HICKORY, NC (2115 US HWY 70 SE) LLC 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 Prospective Developer, but by that owner. Failure by the Prospective Developer to ensure, by the time the BFA negotiations are complete, the willingness to sign of any such party, and to provide DEQ the exact name, email address, telephone number, and US mail address of the party (along with the signatory/signatory's title in the case of an entity) will delay, and could prevent, the BFA taking effect.

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We are excited about the potential for public benefit offered by the reuse of the Former Sealtest Dairy site, and 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 (Joselyn Harriger) by phone at (704) 235-2195, or by e-mail at Joselyn.Harriger@ncdenr.gov.

Sincerely,



Michael E. Scott, Acting Director
Division of Waste Management

ec: Dan Uebelhor, InSite Real Estate
Central Files, DEQ
Bruce Nicholson, DEQ
Joselyn Harriger, DEQ