



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

August 6, 2015

Sent Via USPS and email

Mr. Charles Rulick
Davidson Depot, LLC
6135 Park South Drive, Suite 510
Charlotte, NC 28210
Charles.rulick@mvg.com

Subject: Letter of Eligibility
Metrolina Warehouse
301 Depot Street
Davidson, Mecklenburg County
Brownfields Project Number **19041-15-060**

Dear Mr. Rulick:

The North Carolina Department of Environment and Natural Resources (DENR) has received and reviewed your June 8, 2015 Brownfields Property Application (BPA) submitted by Hope Duckworth of K&L Gates on behalf of Davidson Depot, LLC as a Prospective Developer seeking a brownfields agreement regarding the subject site. Upon review of the BPA and after our meeting and site visit on July 30, 2015 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 (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:

Title	Author	Date
Report of Environmental Services, Metrolina Warehouse	Law Gibb Group	February 14, 2002
Phase I Environmental Site Assessment	Mactec Engineering & Consulting, Inc.	December 20, 2007
Mactec Site Observations, Metrolina Warehouse	Mactec Engineering & Consulting, Inc.	September 29, 2008

Historical site information is also available from the files of DENR's Division of Waste Management, Solid Waste Section, and files obtained through the Charlotte-Mecklenburg County-Land Use & Environmental Services Agency (LUESA), Air Quality and Solid Waste branches. These

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-707-8200 \ Internet: <http://portal.ncdenr.org/web/wm>

Metrolina Warehouse
August 6, 2015

documents 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.

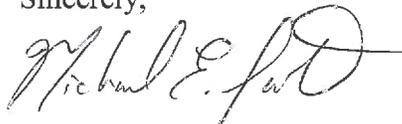
According to the BPA, the intended redevelopment for the site is mixed commercial and residential with associated parking. Because risk management decisions may vary depending on the nature of the redevelopment, it will be important that DENR review the locations of the various elements. We have drawings dated November, 11, 2014. If this design is modified, 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 Davidson Depot, 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 the 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 DENR 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.

We are pleased about the potential for public benefit offered by the reuse of the Metrolina Warehouse 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 Carolyn Minnich by phone at 704.661.0330 or by e-mail at carolyn.minnich@ncdenr.gov.

Sincerely,



Michael E. Scott, Deputy Director
Division of Waste Management

cc: Bruce Nicholson, DENR
Carolyn Minnich, DENR