

Liggins, Shirley

From: Eckard, Sharon
Sent: Friday, June 12, 2015 11:13 AM
To: Bateson, James; Lown, David; Jesneck, Charlotte; Caulk, Kim; Qi, Qu; Walch, John; Doorn, Peter; Alexander, Delonda; Mccarty, Bud; Woosley, Julie; Jackson, Vance; Davies, Robert; Williford, Mike; Cotton, Helen; Lorscheider, Ellen; Mussler, Ed; Marks, Cheryl; Pitner, Andrew; Taraban, Ron; ryan.spidel@mecklenburgcountync.gov; joe.hack@mecklenburgcountync.gov; jennifer.fickler@mecklenburgcountync.gov; don.ceccarelli@mecklenburgcountync.gov; Lisa.Corbitt@mecklenburgcountync.gov; Shawna.Caldwell@mecklenburgcountync.gov; dwolfe@ci.charlotte.nc.us; vmosley@charlottenc.gov
Cc: Nicholson, Bruce; Scott, Michael; Culpepper, Linda; Liggins, Shirley
Subject: Initial Notification of a Brownfields Property Application - Davidson, Mecklenburg County

To DENR Cleanup Programs:

This is an internal courtesy notice to inform your program that the DENR Brownfields Program has received a Brownfields Property Application submitted by Davidson Depot, LLC as the Prospective Developer (PD) seeking entry into the Brownfields Program for the following property:

Site Name: Metrolina Warehouse

Address: 301 Depot Street (Property is full City block; GIS site includes multiple Depot St and Eden St addresses associated with the Property)

City/County/Zip: Davidson, Mecklenburg County, 28036

BF Project Number: 19041-15-060

Tax ID: 00325301

AKA: (Give other regulatory site name(s), if applicable): Carolina Asbestos Company, Linden Manufacturing, Davidson Cotton Mill, Recycled Paints (tenant)

Known Identifying Numbers from: e.g. APS, DWQ, UST, SF, HW: NA

NCD#: NCD986204998 (Recycled Paint)/EPA Registry No. 110004047273

GW Incident #: NA

Map link: <https://www.google.com/maps/place/301+Depot+St,+Davidson,+NC+28036/@35.5006836,-80.851282,151m/data=!3m1!1e3!4m2!3m1!1s0x8856aa35a02b6011:0x8bef7c6a4f68f5fc>

We are now evaluating Davidson Depot, LLC and the subject property for eligibility for entry into the Brownfields Program. The Property is 4.74 acres near the town center. It has two warehouse buildings currently used for commercial tenants, but the property was formerly used for manufacturing including asbestos shingles.

The Property was used for multiple purposes including manufacturing and mill uses. Carolina Asbestos Company, a manufacturer of asbestos shingles, operated at the site beginning in the 1930s. The site includes an abandoned asbestos disposal area in the western portion of the site, which was used reportedly until 1975. The disposal site was covered with layers of soil and sealed with a permanent ground cover in 1984. The Mecklenburg County Department of Environmental Health concluded that the site was in compliance with requirements at the time. A subsurface investigation conducted in 2002 estimated that approximately 2100 – 2300 cy of ACM is buried at the site. In 2008 the cover to the former disposal site was observed to be settling.

PD is proposing to construct multi-family residential at the Property. Information regarding the applicant PD is as follows:

PD Contact Name: Dave Liette (authorized signer of Miller-Valentine Partners LTD II, 100% owner of PD)
PD Company: Davidson Depot, LLC
PD Address: 6135 Park South Drive, Suite 510
Charlotte, NC 28210

PD Owner: Miller-Valentine Partners LTD II
9349 WaterStone Blvd
Cincinnati, OH 45249
Dave.Liette@mvg.com

Phone No.:513.588.2687
Fax No.: 937.913.5355

PD Representative: Charles A. Rulick
Phone: 980.613.8109
Fax No.:614.961.3496
Email: Charles.rulick@mvg.com

Website: www.mvg.com (Miller-Valentine Group)

PD Contact: David A. Franchina
Company: K&L Gates LLP
Mailing Address: 214 North Tryon Street, 47th Floor
Charlotte, NC 28202

Phone: 704.331.753
Fax No.: 704.353.3243
Email: dave.franchina@klgates.com

Under the Brownfields Property Reuse Act, only entities that did not cause or contribute to the contamination at the property are eligible to enter the program. The applicant PD listed below have asserted that: 1) they have not caused or contributed to the contamination at the property, and 2) they have substantially complied with laws, regulations, and rules for the protection of the environment. If you have any information to suggest otherwise, please provide that information to me at sharon.eckard@ncdenr.gov by **June 26, 2015**.

A Brownfields Agreement (BFA) has no legal effect on your agency's authority to regulate or enforce against any and all parties who caused or contributed to the contamination at the property. In fact, the BFA will require the developer to provide access to the property to any party doing work under any DENR program.

A BFA provides liability protection only to a non-causative redeveloper of the property. The developer will be required to make the property safe for its intended re-use. Cleanup to unrestricted use standards will not be required unless deemed necessary based on the developer's proposed use of the property. Furthermore, the BFA will not change the developer's responsibility to obtain any and all DENR permits (e.g. storm water, sediment control, NPDES, etc.) as required under applicable law.

If you have any questions, please don't hesitate to contact me.

Thank you,

Sharon

Sharon Poissant Eckard, PG
Brownfields Project Manager

NC Dept. of Environment & Natural Resources
Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646
919.707.8379 phone & fax
sharon.eckard@ncdenr.gov

<http://www.ncbrownfields.org>

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.