

# ENVIRONMENTAL

DUE DILIGENCE

AND **BROWNFIELD**

REDEVELOPMENT





## Most Common Soil/Groundwater Contaminants

- Petroleum Fuels (benzene, toluene, xylenes, MTBE, EDB)
- Dry Cleaning Solvents (PCE)
- Industrial Degreasers (TCE, TCA, DCE, etc.)
- Metals (lead, arsenic, mercury, hexavalent chromium)



# Soil Sampling

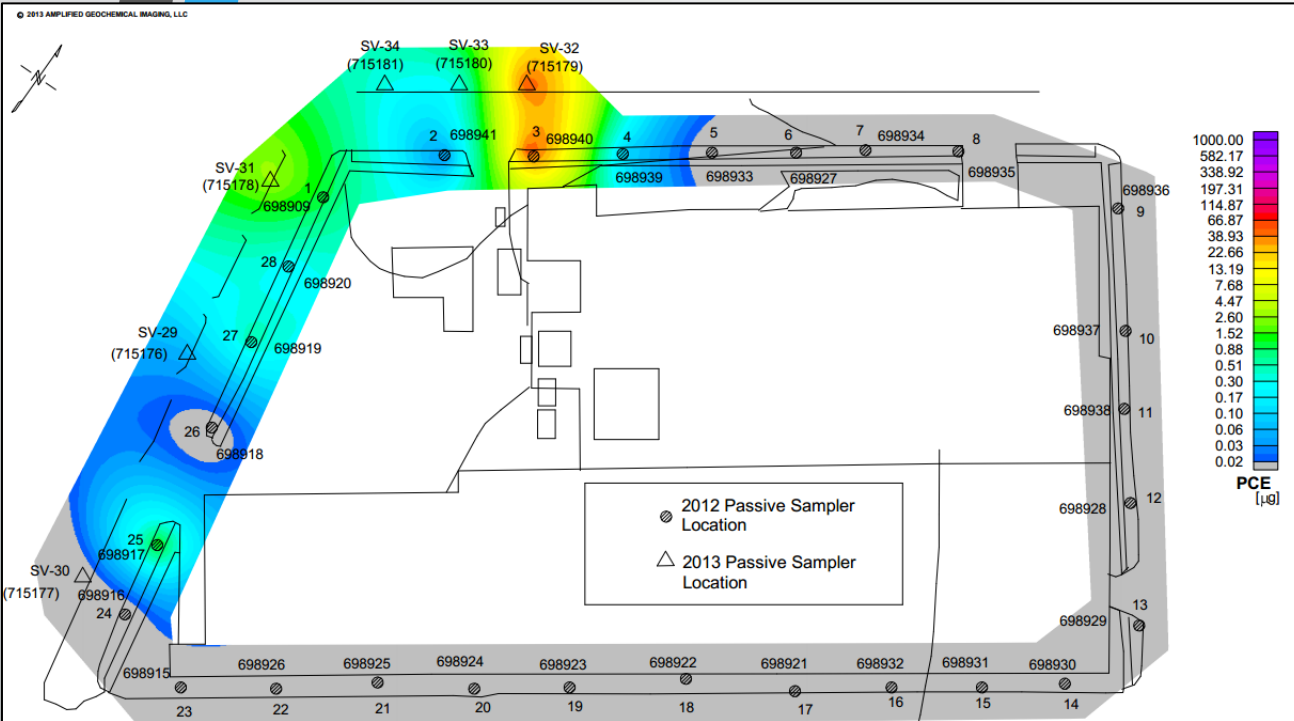




# Groundwater Sampling



# Vapor and Indoor Air Sampling





# Environmental Due Diligence (Timeframe and Costs)

- **Phase I ESA** -- \$2,200 (most sites in Upstate); up to \$2,800 if large acreage
  - 3 weeks
- **Phase II Assessment (as needed)** -- \$5,000 to \$7,000 (scope dependent)
  - 3-4 weeks
- **NRP-VCC Requirements (soil, water, vapor, waste disposal, plans and reports)** -- \$25,000 to \$55,000 (less tax credits)
  - 8 weeks to close; 5-6 months to Certificate of Completion

# **SC Brownfield Program**

**(SCDHEC Non-Responsible Party  
Voluntary Cleanup Contracts)**



# SCDHEC Brownfield Process

Buyer Submits VCC Application with Current Phase I ESA

**Wait 6+ weeks for DHEC Response**

SCDHEC Provides Draft VCC Contract for Buyer's Review

Buyer Reviews / Negotiates Changes / Signs Contract

**\*\*\* Closing can now occur with VCC Protections for Buyer\*\*\***

Then...30-Day SCDHEC Public Notice / Sign(s) Erected at Entrance(s)

**Work Plan Submitted**

SCDHEC Approval of Work Plan

Field Sampling / Lab Analyses (soil, groundwater, vapor, surface water)

**Assessment Report Submitted to SCDHEC**

SCDHEC Approves Report

**Media Management and Stewardship Plans Submitted**

SCDHEC Issues Draft Deed Restrictions

Buyer Records Final Deed Restrictions

SCDHEC Issues Certificate of Completion

# State Brownfield Contracts: FAQs

## Who is eligible for State Brownfield contracts (and related liability protections)?

- Buyers who do not have any current or past ownership of the property
- Buyers who do not have a financial or familial connection with past or current owners
- Buyers who have not contributed to existing on-site contamination
- NOT any existing or past owners



# State Brownfield Contracts: FAQs

**Does a Brownfield contract provide the seller any liability protections from existing contamination?**

- Not directly, but often yes.
- Helps sellers who didn't create, contribute to, or worsen the contamination during their ownership

# State Brownfield Contracts: FAQs

## Is the Buyer responsible for any existing contamination?

... not as a responsible party, but risk reduction standards must be met to assure occupants are not exposed to contaminants:

Often required to:

- Disposal of Any Remaining Waste
- Soil -- Removal or Placement of an Exposure Barrier (pavement, buildings slabs, clean layer of soil)
- Indoor Air -- If vapors from subsurface contaminants impact indoor air, required to mitigate problem through:
  - Sub-slab barrier
  - Sealing of existing floor slab
  - Active (fan-driven) sub-slab depressurization system



# State Brownfield Contracts: FAQs

## Is the future use of the property limited by a Brownfield Contract?

- Yes, according to the restrictive covenants, which often include:
  - No groundwater usage
  - No single-family residences
  - No daycare or residential care facilities
  - No on-site chemical usage related to existing contaminants