

ENVIRONMENTAL

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AND **BROWNFIELD**

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3440 Augusta Road
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State Brownfield Programs

-SC DHEC

-GA EPD

(Non-Responsible Party Contracts)



State Brownfield Contracts: FAQs

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

- NOT existing owners
- 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

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

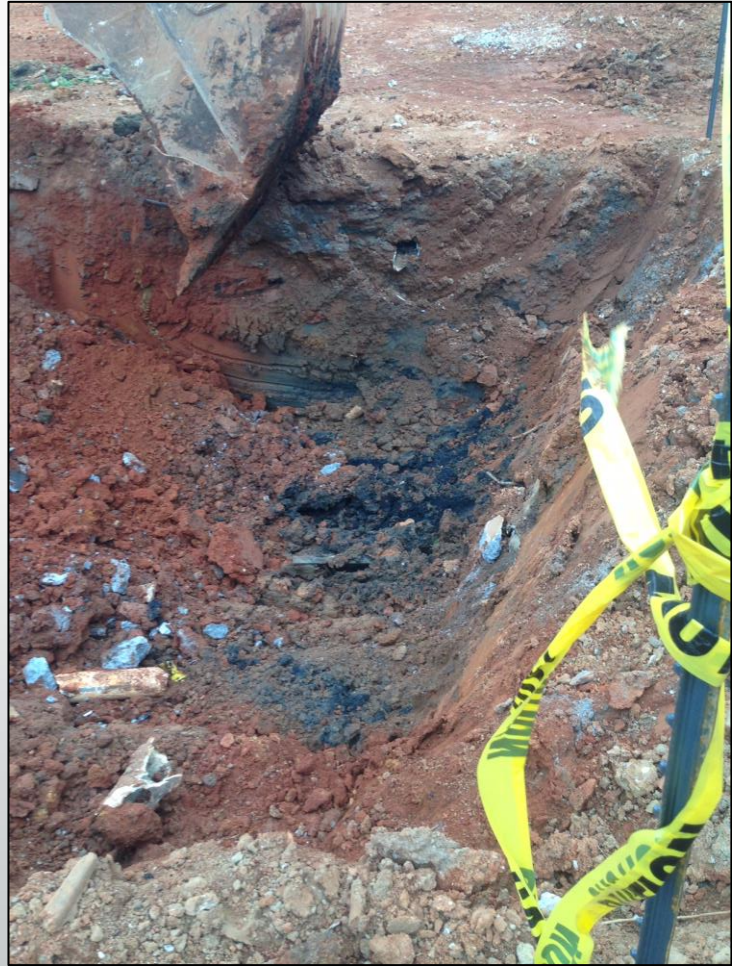
Is the future use of the property limited by a Brownfield Contract?

- 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

Most Common Soil/Groundwater Contaminants

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

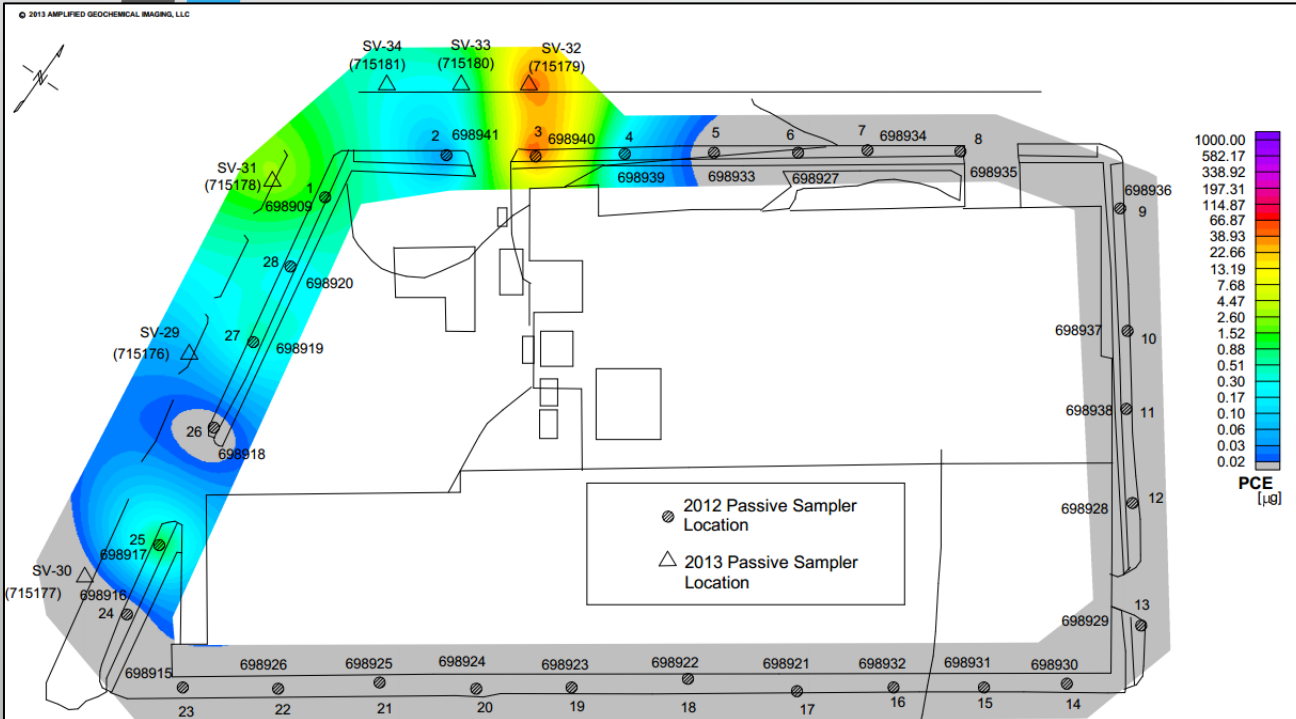
Soil Sampling



Groundwater Sampling



Vapor and Indoor Air Sampling



Most Common Source or Groundwater Contamination

- **Underground Storage Tanks (USTs)**
 - Petroleum UST Releases are source of over 90% of groundwater contamination cases in U.S.
 - State UST Trust Funds -- A "safety net" for UST owners and buyers
 - South Carolina -- SUPERB Fund; \$25,000 deductible; 0.5 cent per gallon
 - Georgia -- GUST Trust Fund; \$10,000 deductible; 0.75 cent per gallon

