

Environmental Brochure For Pointe West Development



HIGHPOINTETM
OF CLEMSON
A student community like no other.

Pointe West Development (including The Pier, Pointe West and Highpointe) – Environmental Status

This document is to be provided to all potential property purchasers, and residents, along with a copy of the restrictive covenant map.

Q. I have heard this property was the site of a former textile mill and the land might have been contaminated.

Yes. The Pointe West property is located on a portion of the former West Point Home, Inc. textile mill. Past industrial use resulted in the release of some commercial chemicals to soil and groundwater. When the developer acquired the entire site from West Point, they entered into a voluntary cleanup contract (Contract) with the South Carolina Department of Health and Environmental Control (DHEC or Department). Through professional scientific effort, and with close oversight by DHEC's Brownfields Program, Pointe West has satisfactorily addressed the soil contamination; groundwater issues are being addressed by the previous owner, West Point Home, Inc., in concert with DHEC as discussed below.

We've provided more information about how this process was conducted for this site in the questions and answers that follow. Further general information about this government program follows these site questions.

Q. What is a Brownfield and is it serious?

Brownfields are real property, where the expansion, redevelopment, or reuse has been complicated by the presence or potential presence of a pollutant. The Brownfields Program extends liability protection to purchasers and future purchasers for any existing contamination but also requires that redevelopment be protective of public health and the environment.

Q. How does this effect The Pier, Pointe West and Highpointe?

First of all, it has resulted in an environmental assessment of the Pointe West site. Generally, portions of the site soils were found to be impacted by the previous industrial practices, as well as, legacy groundwater contamination which had already been identified. Environmental conditions, other than the previously known impacted groundwater, that were noted during the assessment were corrected under oversight of DHEC's Brownfields Program prior to redevelopment. Thus, a Brownfield is actually subject to considerably more investigation than most other developments.

There are three areas on the Pointe West property that were used to dispose of flyash and biosolids. Flyash is a residue resulting from the burning of coal in the textile mill boilers to generate steam. Biosolids is material remaining from the state permitted operation of a wastewater treatment plant about 30 years ago.

Analyses for nearly 30 years have shown the flyash and biosolids to be non-hazardous, of no health risk in its current status, and presenting no impact to surrounding areas. Flyash continues to be extensively reused nationally as a cement supplement in concrete along with numerous other beneficial uses. Biosolids are applied to pasture land throughout the U.S. to promote vegetative growth.

Besides the flyash and biosolids there are four areas where industrial solvents (specifically tetrachloroethene - PCE) and petroleum compounds have been found in soil and groundwater. Construction debris from former textile activities over forty years ago was discovered in another area of the property.

The former owner of the site, West Point Home, Inc., is under obligation directly to DHEC for the cleanup of four site areas where the presence of PCE and petroleum compounds are well below ground level; no material has ever shown up at the surface.

Q. How do these below ground PCE and petroleum compounds affect the property or Lake Hartwell?

No evidence of these materials has been identified at or near the surface of the ground in nearly 10 years of evaluation. Likewise, testing conducted in the Lake Hartwell waters close to shore as well as the shoreline sand and sediment has indicated no presence of these materials. We would like to note that several local communities draw their drinking water from the Lake.

Thus, besides the use restrictions placed on Lake Hartwell by the United States Army Corps of Engineers, there are no further restrictions to the Lake's use.

Q. What does all this mean to me?

Pointe West and SCDHEC have worked together to accomplish the following:

- The flyash and biosolids disposal areas were consolidated and covered with clean native soils. This area is safe to be used as an open green space for recreation. The small amounts of organic material found in surface soil were removed and replaced with clean native soils.
- The area of the property found to contain surficial construction debris has been improved with a cover and is also designated a green space.

Regarding the four areas assigned to West Point Home, Inc., there are legal agreements in place between West Point Home, Inc. and DHEC that require the former owner to address removal or abatement of the PCE and petroleum compounds from sources and/or groundwater beneath the property. When DHEC is satisfied with this removal or the abatement, these areas will be considered returned to unrestricted use.

Q. Will I ever have any liability for removing remaining materials?

No. Another benefit of participation in the Brownfields Program is the liability protection afforded to purchasers, provided that all reporting requirements are met and purchasers comply with the covenants and restrictions. To-date the developer has fully satisfied all reporting requirements for the property. While there are minor restrictions, all subsequent purchasers are protected from ever having liability to address any materials, whether flyash, biosolids, debris, or organic material.

The restrictions consist of:

- Maintaining the cover and prohibiting digging into the flyash/biosolids greenspace;

- Maintaining the cover and prohibiting digging into the construction debris greenspace;
- Prohibition of the use of groundwater for drinking water or for irrigation;
- Construction and maintenance of any vapor barriers, if needed, in structures for human occupancy in areas where subsurface organics may be present.
- Adherence to a Department approved Site Management Plan, which requires that infrastructure materials for piping and appurtenances be suitable for placement in the PCE and petroleum compounds plume areas.

Overview of S.C. Brownfields Program

The following information provides further summary information regarding the Brownfields/ Voluntary Cleanup Program (VCP).

The program was created in order to encourage the sale and redevelopment of impacted properties that might otherwise be avoided due to health concerns and liability issues. By enrolling the property in the VCP, Pointe West, Inc. (PWI) was able to secure liability protections that would otherwise follow the property.

Prior to the site purchase PWI signed a written Contract with DHEC agreeing to perform environmental assessment of the property to establish a baseline for any existing contamination. The Department provided oversight of this activity to ensure that the property did not pose any on-going health issues that may affect people living or working on the property as a result of the redevelopment.

With all site work very nearly complete to the satisfaction of DHEC's Brownfields Program, a final Certificate of Completion will be issued to PWI. Since the site has not been cleaned up for full unrestricted use, PWI and the Department have executed and recorded a restrictive covenant limiting use of the property as explained above. PWI will document on an annual basis that the restrictive covenant remains on the property deed.

While PWI is not held responsible for contamination caused by the previous owner(s), PWI is required to take "reasonable measures" to reduce any exposure resulting from remaining contamination. These measures include soil removal, capping, non-use of site groundwater, and, potentially, vapor barriers. The Department uses stringent criteria that specify the allowable concentrations of materials that may remain in soil, water, and groundwater. Cost contribution protection is a legal process. PWI secured protection as a non-responsible party when they entered into the VCP contract with DHEC. The VCP contract ensures that PWI cannot be named in a "Contribution Lawsuit". This protection extends to new purchasers – that's you! - Of the property provided that all reporting requirements are met and you, as a purchaser, comply with the covenants and restrictions.

For additional information about DHEC's Brownfields Program, you are encouraged to contact Ms. Donna Rowe, the Upstate Regional Community Liaison at 864.241.1092 or the Brownfields Program Manager, Robert Hodges, at 803.896.4069. The Brownfields Program can also be reached through a toll-free number: 866.576.3432.