



Council

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Mary Beth Heyward
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Town Manager

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Chief of Police

Jeffrey S. Coppinger
Operations

Linda Bridges
Planning

ORDINANCE 2017 - 20

AN ORDINANCE TO AMEND THE PLANNED UNIT DEVELOPMENT ADOPTED BY ORDINANCE 2011-17 FOR THAT CERTAIN 317 ACRES MORE OR LESS BEING IN THE TOWN OF PORT ROYAL, SOUTH CAROLINA, GENERALLY LYING ALONG BATTERY CREEK AND DEPICTED IN THAT PLAT ENTITLED : "PLAT OF 51.60 ACRES OF HIGHLAND AT SOUTH CAROLINA STATE PORTS AUTHORITY, PORT ROYAL TERMINAL" PREPARED BY THOMAS & HUTTON ENGINEERING CO DATED DECEMBER 20, 2006 AND RECORDED IN PLAT BOOK 0122 AT PAGES 0032-0035 ON OCTOBER 17, 2007, IN THE OFFICE OF THE BEAUFORT COUNTY REGISTER OF DEEDS.

WHEREAS, Grey Ghost Properties, LLC (sometimes alternatively referred to herein as "**GGP**") is the contract purchaser of certain real property owned by the State of South Carolina through its Department of Administration ("**SCDoA**") dated April 6, 2017 ("the "**Contract of Sale**"), located in the Town of Port Royal, South Carolina (the "**Town**") generally located along Battery Creek and consisting of approximately 51.44 acres of highland and 265.91 acres of tidal marshes (the "**Property**"); and

WHEREAS, the Port Royal Redevelopment Group, LLC, a previous contract purchaser of the Property which did not close on the purchase, proposed a rezoning of the Property to Planned Unit Development to regulate the development of the Property, the same being entitled "Planned Unit Development for SC SPA Port of Port Royal Tract" (the "**PUD**"), which was adopted by the Town on November 9, 2011; and

WHEREAS, the Property was rezoned pursuant to the PUD; and

WHEREAS, the Property was further made subject to a Tax Increment Financing District (the "**TIF**") and Redevelopment Plan (the "**Seaport RP**") dated February 8, 2012; and

WHEREAS, due to the unexpected delay and passage of time between the execution of the Development Agreement, the adoption of the PUD, the TIF, and the Seaport RP (the "Development Agreement, PUD, TIF and Seaport RP" collectively sometimes referred to as the "**Governing Documents**"), and other factors developing over time, certain amendments are required to allow the development of the Property in a manner deemed necessary and appropriate by GGP and the Town to meet market and economic conditions (the "**Market Conditions**"); and

WHEREAS, among other matters, the Market Conditions necessitate amendments to extend the Term and modify certain dates and conditions in the Governing Documents; and

WHEREAS, GGP has requested the Town consider the within described amendments, and the SCDoA, as current owner, has consented to the filing of the application with the Town for such amendments; and

WHEREAS, the Joint Municipal Planning Commission has reviewed the PUD amendment request and made its recommendation to the Town Council; and

WHEREAS, after giving the matter consideration, the Town, the SCDoA, and GGP have determined it is appropriate to amend the PUD so as to include the amendments hereinafter set forth, provided that the amendments made pursuant to this Amendment shall only become binding on the Property in the event GGP purchases the Property pursuant to the Contract of Sale; and

WHEREAS, the Town Council finds it in the best interest of the citizens and the Town of Port Royal to amend the Planned Unit Development and to amend its' incorporated regulating plan to reflect the same.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Town of Port Royal, South Carolina, duly assembled and with authority of same and approves the following amendments to the PUD:

Section 1. Section 2.1, **Unified Control**, is amended to reflect that Grey Ghost Properties, LLC is the applicant for the PUD amendment, and shall be the "Master Developer". Further, the last two sentences are deleted and replaced with the following:

"The Master Developer shall provide all the necessary documents and information that may be required by the Town Attorney to assure the Port Royal Town Council that the public infrastructure improvements for each phase of development submitted for approval will be lawfully completed or bonded according to the plan sought to be approved, No development application within that phase (except as regards the drystack storage, see Section 3.3.1) shall be approved until compliance with this requirement has been achieved."

Section 2. Section 2.5, **Modifications to Approved Regulating Plan**, is amended by adding the following sentence to the end of that Section: "See also Section XV, *Modification of Agreement*, of the First Amendment to Development Agreement being adopted contemporaneously by Ordinance 2017-19."

Section 3. Section 3.3.1, **Drystack Facility**, is deleted in its entirety and replaced with the following:

"Notwithstanding anything in this PUD to the contrary, no drystack use is permitted in the building on the Property that formerly housed said use unless, within five (5) years from September 1, 2017, such use has re-commenced within said building; provided, however, such use shall cease if, within five (5) years from September 1, 2017, the building has not been aesthetically improved in a manner that adheres to the general concept plan for landscaping and architectural improvement submitted to the Town for approval as **Exhibit "J"**; and provided further, if the use of the building as a drystack facility is ever abandoned, then such use shall no longer be permitted and cannot be re-established in said building. For purposes of this subsection, "abandoned" shall mean the failure to operate the drystack facility in the building for a period of three consecutive months or for a period of six months over a period of twelve (12) consecutive months, provided, however, that if such non-use is due to damage as a result of a fire, natural disaster, or other unforeseen and unpreventable accident or occurrence, reconstruction and re-establishment of this use will be allowed, provided reconstruction begins within the latter of a twelve month period after the damage is suffered. Or four months after any insurance claims regarding payment for the casualty loss or settled. Neither shall this "abandonment" provision be triggered by any closure

necessary to accommodate normal maintenance or construction time. Further, to the extent Table 2.0 of the PUD characterizes drystack storage as Boat Storage and Recreational Vehicle Storage, said table is amended to allow existing drystack storage, as authorized, in the area in which it is located. Future drystack storage shall only be allowed in the PV2 and MV Districts.”

Section 4. Section 3.5.4(a)(4) is deleted in its entirety and replaced with the following:

“ Four story height limit (4 ½ stories with dormers), not to exceed 62 feet for Hotel”

Section 5. Section 3.5.4(a)(5) is amended by deleting the first sentence and replacing it with the following:

“Hotels may exceed height limits if no taller than five stories (four stories of rooms over one ground floor of service/retail uses).”

Section 6. Section 3.5.5(a)(i) is amended by adding at the end of the first sentence the following:

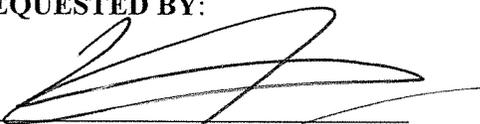
“...(recreation space); the Parties by mutual agreement may adjust the boundaries of this area to accommodate topographical, infrastructure, or other factors or reasons that may appear during site design and approval.”

Section 7. Section 3.5.5(d) shall be amended by deleting the reference to “three (3) years of the effective date of this PUD” and replacing the reference with: “within three (3) years of September 1, 2017, provided sufficient public funding is provided through the TIF funding or other funds from the Town in a timely manner.”

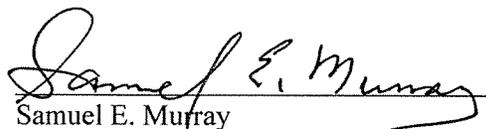
Section 8. A new Exhibit D-3 is added, being the July 2017 Phase 1 Report by S&ME; all other Exhibits remain the same as recorded as part of the Planned Unit Development Exhibit E to the Development Agreement recorded at Book 3217 at Pages 631 through 1534.

Section 9. This ordinance shall become effective upon adoption by Town Council and the acquisition of title to the property described in Section 1 of this ordinance by Grey Ghost Properties, LLC, unless the said acquisition date is extended by Town Council by way of a duly adopted ordinance authorizing such extension.

REQUESTED BY:


Milton E. Willis
Town Manager

APPROVED BY:


Samuel E. Murray
Mayor

ATTEST:

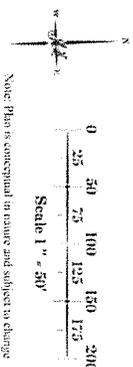
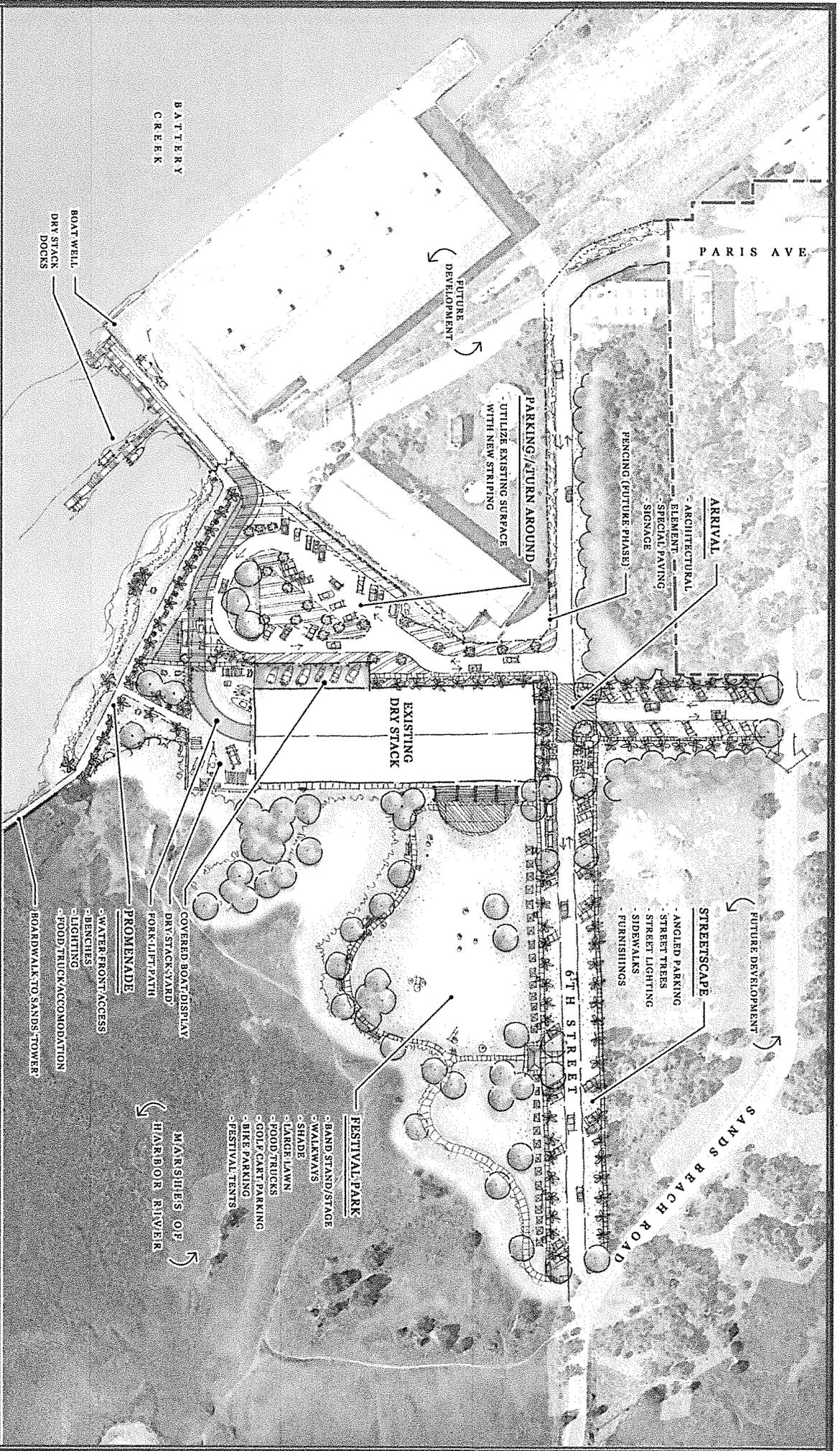

Brooke Plank-Buccola
Municipal Clerk

Introduced: 07/12/2017

Final Reading: 08/09/2017

Exhibit J
Proposed Layout and Landscaping Improvements for Drystack Area
(Conceptual Only – Subject to Change)

PORT ROYAL
PHASE 1 DRY STACK CONCEPT
 JUNE 6, 2017



Note: Plan is conceptual in nature and subject to change.



**Exhibit D-3
Follow-up Phase I**

**July 2017 Phase I by S&ME attached
(Summary Only)**



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- Appendix II - EDR Environmental Records Report
- Appendix III – Vapor Encroachment Screening
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- Appendix V - Site Photographs
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- Appendix VII - Qualifications of Environmental Professionals



Summary

S&ME, Inc. has completed a Phase I Environmental Site Assessment (ESA), in general accordance with ASTM E 1527-13 for the Port Royal Redevelopment Tract (Tract, or subject property) located at the confluence of Battery Creek and the Beaufort River, in the Town of Port Royal, Beaufort County, South Carolina. The work was performed pursuant to S&ME Proposal No. 42-1700768 dated June 21, 2017. This summary is intended as an overview of the Phase I ESA, for the convenience of the reader. The complete report must be reviewed in its entirety prior to making decisions regarding this site.

The subject property is located along the western waterfront of the Town of Port Royal, Beaufort County, South Carolina. The subject property consists of multiple parcels comprising approximately 317 acres, of which approximately 52 acres are considered high-ground. The subject property is currently owned by the South Carolina Department of Administration, Division of General Services.

Historically, uses at the subject property have included a South Carolina State Ports Authority (SCSPA) facility, a cement storage facility, offices, warehouses, a dry stack boat storage facility, a seafood processing facility, a seafood restaurant, and a seafood market. The remaining portions of the subject property have generally consisted of vacant, wooded land and marsh.

The subject property is currently unoccupied except for boat docks and a warehouse located at the western end of 11th Street. The Town of Port Royal Police Department has used the former port facility area on the south end of the subject property periodically for police vehicle driver training.

S&ME contracted Environmental Data Resources, Inc. (EDR) to conduct an environmental database search of the subject property and the surrounding area. The subject property, as Port Royal - South Carolina Ports Authority and Port Royal Seafood, Inc., was listed on the databases reviewed in the EDR Report. The State Ports facility was listed on the State Hazardous Waste Sites (SHWS), Voluntary Cleanup Program (VCP), and SC Brownfields databases. These listings resulted from dealings by a potential purchaser in 2008 that were never followed through with and were terminated. Port Royal Seafood, Inc. was listed on the Underground Storage Tank (UST), Leaking Underground Storage Tank (LUST), and National Pollutant Discharge Elimination System (NPDES) databases. Three underground storage tanks (USTs) were removed from a seafood processing facility at the subject property in the 1990s. Two petroleum releases associated with the former USTs were investigated. Both releases were issued No Further Action (NFA) status by the South Carolina Department of Health and Environmental Control (SCDHEC). In addition, three (3) off-site locations within the ASTM specified search radius were listed in the EDR Report. Based on their regulatory status, reported or assumed groundwater flow direction(s), the likely potential for vapor migration, and their proximity to the subject property, these sites are not considered to pose a threat to the environmental regime of the subject property and are not considered recognized environmental conditions.

This Phase I ESA has revealed no evidence of recognized environmental conditions in connection with the subject property.



1.0 Introduction

S&ME, Inc. (S&ME) has conducted a Phase I ESA of an approximate 317-acre property composed of multiple parcels (subject property) located in Port Royal, South Carolina. This ESA was conducted using the American Society for Testing and Materials (ASTM E 1527-13), Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, and in accordance with S&ME Proposal No. 42-1700768 dated June 21, 2017.

1.1 Purpose

The purpose of the ESA was to evaluate the current and historical conditions of the subject property in an effort to identify recognized environmental conditions (RECs), controlled recognized environmental conditions (CREC's), and historical recognized environmental conditions (HRECs) in connection with the subject property. This Phase I ESA is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs, CRECs, and HRECs in connection with the subject property.

ASTM E 1527-13 defines the term recognized environmental condition (REC) as the presence or likely presence of hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The term includes hazardous substances or petroleum products even under conditions in compliance with laws.

ASTM E 1527-13 defines the term controlled recognized environmental condition (CREC) as "a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)".

ASTM E 1527-13 defines the term historical recognized environmental condition (HREC) as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

The terms do not include de minimis conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions.



1.2 Detailed Scope of Services

1.2.1 *ASTM E 1527-13*

S&ME's approach to performing this Environmental Site Assessment consisted of four major tasks in accordance with ASTM Standard Practice E 1527-13.

1. Task 1 - A review of reasonably ascertainable public records for the subject property and the immediate vicinity was conducted. This review was performed to characterize environmental features of the site and to identify past and present land use activities, on or in the vicinity of the site, which may indicate a potential for recognized environmental conditions. The review of the reasonable ascertainable public records included:
 - A. Examination of federal, state, tribal and reasonably ascertainable local public records for the subject property and immediate vicinity.
 - B. Examination of one or more of the following standard sources: aerial photographs, fire insurance maps, tax files, building department records, zoning/land use records, street directories and topographic maps of the site and vicinity for evidence suggesting past uses that might have involved hazardous substances or petroleum products.
2. Task 2 - A site reconnaissance was performed to identify visual signs of past or existing contamination on or adjacent to the subject property. This reconnaissance was also performed to evaluate evidence found in our public record review that might indicate activities resulting in hazardous substances or petroleum products being used or deposited on the subject property. The site reconnaissance included the following activities:
 - A. A reconnaissance of the subject property and adjacent properties was performed to look for evidence of current and past property uses, signs of spills, stressed vegetation, buried waste, underground or above ground storage tanks, subsidence, transformers, or unusual soil discoloration which may indicate the possible presence of contaminants on the properties. Photographs are provided to document these conditions.
 - B. The exterior reconnaissance involved a viewing of the periphery of the subject property and a walk-through of accessible areas was performed of the site interior.
3. Task 3 - Interviews with past and present property owners, operators and occupants and adjacent property owners, operators and occupants, as well as with appropriate local officials were attempted to consider any local knowledge of hazardous substances or petroleum products on the property or on adjacent properties.
4. Task 4 - Report preparation and review.

1.2.2 *Exclusions from and Additions to Scope of Services*

Unless specifically authorized as an addition to the Phase I ESA work scope, the scope did not include any assessment of environmental conditions not specifically included in the ASTM E 1527-13 standard including, but not limited to sampling of materials (i.e., soil, surface water, groundwater or air), or the assessment of business risk issues such as wetlands, lead in drinking water, asbestos containing materials,



mold, fungi or bacteria in on-site buildings, regulatory compliance, cultural/historic risks, industrial hygiene, health/safety, ecological resources, endangered species, indoor air quality (including an evaluation of vapor intrusion), radon or high voltage power lines.

1.3 Significant Assumptions

The groundwater within the local geologic province is typically contained in an unconfined (water table) aquifer. The slope of the water table under static conditions (no pumping interference) often approximates the land surface topography. Thus, the interpreted groundwater flow direction is assumed to be approximately the same as the slope of the ground surface. Perennial surface waters (creeks, rivers, marshes, lagoons etc.) are assumed to act as a discharge point for groundwater flow.

1.4 Limitations and Exceptions of Assessment

This Phase I ESA was conducted using ASTM E 1527-13. The findings of this report are applicable and representative of conditions encountered at the subject property on the date of this assessment, and may not represent conditions at a later date. The review of public records was limited to that information which was available to S&ME at the time this report was prepared. Interviews with local and state government authorities were limited to those people whom S&ME was able to contact during the preparation of this report. Information was derived from "reasonably ascertainable" and "practically reviewable" sources in compliance with our understanding of the standards set forth by ASTM E 1527-13. Specific limitations to this assessment were that portions of the subject property are covered with structures, pavement, wooded, and overgrown with weeds and grasses preventing the observation of the underlying soils in those areas. The review of aerial photographs was limited by the scale and clarity of the individual photographs, and some historical documents were not available in five year intervals back to its first developed use, or back to 1940, whichever is earlier. Information provided by the user is assumed to be correct.

1.5 Special Terms and Conditions

This Phase I ESA was authorized and conducted in accordance with S&ME Proposal No. 42-1700768 dated June 21, 2017. A copy of the executed Agreement for Services (AS-071) is included in Appendix VI. The resulting report is provided for the sole use of Grey Ghost Properties, LLC. Use of this report by any other third party will be at such party's sole risk except when granted under written permission by S&ME.

According to standards set forth by ASTM E 1527-13, certain components of the Phase I ESA will expire 180 days from the date of initiation of that component and will therefore require updating if the date of use exceeds this time period. The following table lists the dates of initiation for pertinent components:

Table 1-1 – Dates of Initiation for Phase I ESA Components

Component	Date of Initiation
Environmental Database Search	July 11, 2017
Site Reconnaissance	July 14, 2017
Interviews	July 12, 2017
Environmental Lien Search	Responsibility of the user
Environmental Professional Declaration	Date of Report



2.0 Site Description

2.1 Site Location

The subject property is located along the western waterfront in Port Royal, South Carolina. The subject property consists of multiple parcels comprising approximately 317 acres, of which approximately 52 acres are considered high-ground. The subject property is generally bounded by residential and commercial development to the east, Battery Creek to the west and south, and by Ribaut Road to the north. A Site Location Map (Figure 1) and a copy of the Tax Map (Figure 2) are located in Appendix I.

2.2 Site and Vicinity Characteristics

The southern end of the subject property contains structures associated with a former SCSPA port terminal and other former businesses. The Town of Port Royal Police Department has used the former port facility area on the south end of the subject property on occasion in recent years for police vehicle driver training, otherwise, this area has been vacant for many years. Boat docks and a warehouse on the central portion of the subject property at the west end of 11th Street are currently used by the Town of Port Royal for local fishing boat access. A fire on July 19, 2015 destroyed a seafood processing facility located at this area and also caused an adjacent restaurant to permanently close. Primarily wooded land is located on the northern portion of the subject property. Most of the tracks and wooden ties of a decommissioned railway line that once routed through the subject property have been removed. A recreational area and boat landing (Sands Beach) are located south of the subject property.

2.3 Site Improvements (Descriptions of Roads, Other Improvements on the Site)

The southern portion of the subject property (former port terminal) can be accessed through a locked gate via Parris Avenue. This portion of the subject property is surrounded by a chain link fence with asphalt paved roads extending throughout. Former Port Royal Cement Company buildings, including two large single-story warehouses, a small concrete block electrical building, and a similarly constructed pump house, a one-story metal building (Building 607) and a trailer formerly used as offices are also located on this portion of the subject property. The foundations of three former above ground storage tanks (ASTs) used to store fertilizer and water are also located in this area. A metal boat storage building (former Port Royal Dry-Stack Marina) is also located within this area.

A former seafood restaurant (Dockside) is located on the central portion of the subject property at the west end of 11th Street. The area of a former seafood market store and seafood processing facility (Building 627) adjacent to the restaurant was destroyed by fire and is now bare land except for remnants of foundations and utilities. The boat docks along Battery Creek at this area are still present. Other structures located on this portion of the subject property include a former ice production and seafood processing building (Building 630), and several other former seafood processing buildings (Buildings 629, 631 and 632). A 10,000-gallon diesel aboveground storage tank (AST) is located next to Building 630. Building 630 and the AST are currently used by the Town of Port Royal to service local fisherman.

A dilapidated office building formerly occupied by the South Carolina Department of Health and Environmental Control (SCDHEC), is located north of the former seafood processing buildings, and accessible from 13th Street. Chain link fencing surrounds the former SCDHEC office building area.



The remainder of the subject property is generally wooded, undeveloped land with several foot paths extending primarily along the waterfront. The majority of the decommissioned railroad tracks that extended through the subject property from Ribaut Road to the former Port facility have been removed. Some large piles of railings were observed to remain near Ribaut Road.

2.4 Current Use of Adjoining Properties

The following is a brief description of the current uses of the properties adjoining the subject property.

North Ribaut Road / Residential property and Martin Landscape Company beyond

West Residential property / Battery Creek

East Residential property / Pender Brothers, Inc.

South Boat landing / Sands Beach / Battery Creek



3.0 User Provided Information

This section is provided to summarize information provided by the user (Grey Ghost Properties, LLC) that may help in identifying recognized environmental conditions. As indicated in the ASTM standard, the environmental professional does not typically generate this information.

3.1 Title Records

Chain-of-Title information was not provided by the user. According to information obtained from the Beaufort County website, the majority of the subject property is owned by the South Carolina Department of Administration, Division of General Services having acquired it by Quit Claim Deed in 2016 from the South Carolina State Ports Authority (SCSPA). General property ownership information obtained from the Beaufort County website is included in Appendix I.

3.2 Environmental Liens or Activity and Use Limitations

The user indicated that they were not aware of any environmental cleanup liens or activity and use limitations (AUL) for the subject property.

3.3 Specialized Knowledge

No specialized knowledge that was material to any current recognized environmental conditions at the subject property was provided by the user. The user was aware that previous environmental assessments have been conducted at the subject property (See Section 4.6).

3.4 Commonly Known or Reasonably Ascertainable Information

The user provided no commonly known or reasonably ascertainable information that is material to any current recognized environmental conditions in connection with the subject property.

3.5 Valuation Reduction for Environmental Issues

The user was not aware of a valuation reduction of the subject property for any environmental issues.

3.6 Owner, Property Manager and Occupant Information

Refer to Section 6.0 of this report.

3.7 Reason for Performing the Phase I ESA

The purpose of the ESA is to identify, pursuant to ASTM E 1527-13, recognized environmental conditions in connection with the property. S&ME assumes that this Phase I ESA is being performed to assist the user in qualifying for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability, and to assist in a property transaction.

3.8 Other

The user completed a User Questionnaire which is included in Appendix I.



4.0 Records Review

4.1 Standard Environmental Record Sources

S&ME contracted Environmental Data Resources, Inc. (EDR) to prepare a report compiling federal and state environmental database information from the regulatory records of the United States Environmental Protection Agency (USEPA) and the State of South Carolina. The purpose of the EDR Radius Map™ Report was to identify environmental sites and activities within a radius of potential concern from the subject property, as outlined by ASTM E 1527-13. The following table lists databases included in the search.

Table 4-1 - Federal Environmental Record Sources

Database	Approximate Search Distance	Search Results (No. of Sites)
National Priority List (NPL)	1 mile	1
Proposed NPL	1 mile	0
DELISTED NPL	1 mile	0
NPL LIENS	Target Property	0
CERCLIS (SEMS)	0.5 mile	1
SEMS ARCHIVE	0.5 mile	0
CORRACTS	1 mile	1
RCRA-TSDF	0.5 mile	1
RCRA-LQG/SQG/CESQG	0.25 mile	1
RCRA-NonGen	0.25 mile	0
US ENG CONTROLS	0.5 mile	1
US INST CONTROLS	0.5 mile	1
ERNS	Target Property	0
HMIRS	Target Property	0
CONSENT	1 mile	0
US BROWNFIELDS	0.5 mile	0
DOD	1 mile	1
FUDS	1 mile	0
ROD	1 mile	1
TRIS	Target Property	0
TSCA	Target Property	0
FTTS	Target Property	0
PADS	Target Property	1
MLTS	Target Property	0
MINES	0.25 mile	0
FINDS	0,25 mile	1



Table 4-2 - State Environmental Records Sources

Database	Approximate Search Distance	Search Results (No. of Sites)
State Hazardous Waste Site (SHWS)	1 mile	1
Solid Waste Facilities/Landfills (SWF/LF)	0.5 mile	0
Groundwater Contamination Inventory (GWCI)	0.5 mile	1
Drycleaners	0.5 mile	0
ALLSITES	0.5 mile	0
Record of Controlled Remedy (RCR)	0.5 mile	0
Underground Storage Tanks (UST)	0.25 mile	2
Leaking Underground Storage Tanks (LUST)	0.5 mile	2
Financial Assurance	Target Property	1
Aboveground Storage Tanks (AST)	0.25 mile	0
Activity and Use Limitations (AUL)	0.5 mile	0
Voluntary Cleanup Program (VCP)	0.5 mile	1
SC BROWNFIELDS	0.5 mile	1
AIRS	Target Property	1
Manifest	0.25 mile	1
Spills	Target Property	0
NPDES	Target Property	1

The subject property was listed on the databases. Three off-site facilities were also identified on the environmental databases in the EDR report within the ASTM designated search radii of the subject property. The EDR report with complete descriptions of all databases reviewed is located in Appendix II. Details of the database listed sites are provided in the following table.

4-3 EDR Database Listed Sites

Facility Name	Location	Database Listing	Comments
Port Royal Seafood, Inc.	1111 11 th Street Subject Property	UST, LUST, NPDES	Two 3,000 gallon and one 10,000 gallon diesel tanks were removed in 1991 and 1996 respectively. Petroleum release reported 10/25/91. NFA* issued on 9/1/92. Second petroleum release reported 1/23/97. NFA issued on 6/30/98.
Port Royal – South Carolina Ports Authority	601 Parris Avenue Subject Property	SHWS, VCP, SC Brownfields	VCP Contract No. 08-5747-NRP. Contract terminated 1/31/2008.



Facility Name	Location	Database Listing	Comments
Circle K 2720295	1810 Ribaut Rd 1,184 feet north	UST, LUST	Petroleum release reported 12/3/04. Assessment activities continuing. Groundwater flow reported to the north.
Parris Island U.S. Marine Corps	Beaufort County 1586 feet South	DOD	Marine Corps Training Facility.
USMC-Recruit Depot	Parris Island, SC 1715 feet South	RCRA-TSDF, NPL, CERCLIS, PADS, MANIFEST, AIRS, CORRACTS, RCRA-LQG, US ENG-CONTROLS, US INST-CONTROLS, ROD, SHWS, GWCI	Same site as above. Facility is located on the opposite side (west side) of Battery Creek.

*NFA = No further action status issued by the SCDHEC.

4.2 Additional Environmental Record Sources

A search of the Environmental Protection Agency (EPA) Envirofacts database was conducted. A review of the Envirofacts database resulted in the identification of no other facilities of potential concern in the immediate vicinity of the subject property.

Based on available information, previous assessments, and interviews, it was the opinion of the environmental professional that a regulatory file review for the subject property and other database listed sites was not warranted at this time.

S&ME reviewed the US Drug Enforcement Agency National Clandestine Laboratory Register. A review of the register, updated July 5, 2017, did not indicate any clandestine drug laboratories located in the direct vicinity of the subject property.

4.2.1 EDR Supplementary Sources

An EDR Zip Code Scan Search was also conducted in the preparation of this report. This report was reviewed and no other sites of concern were discovered. The EDR Zip Code Scan Report is included with the EDR Radius Map Report in Appendix II.

4.2.2 Tribal Record Sources

A search of available tribal record databases by EDR, Inc. revealed no sites within the specified search distances. The following tribal databases were searched.

Table 4-4 - Tribal Records

Database	Active Date	Approximate Search Distance	Search Results (number of sites)
Indian Reservations	1/10/17	1.0 mile	0
Indian LUST	5/5/17	1.0 mile	0
Indian UST	5/5/17	1.0-mile	0



Indian lands are areas with boundaries established by treaty, statute, or executive or court order. These lands are recognized by the United States Federal Government as territories in which American Indian tribes have primary governmental authority. S&ME reviewed data compiled by the United States Geologic Survey (www.nationalatlas.gov) in order to identify properties owned by Indian tribes or the United States Federal Government. No federal lands or lands under the authority of federally recognized tribes are located in the immediate area.

4.3 Physical Setting Sources

S&ME reviewed the United States Geological Survey (USGS) 7.5-minute series topographic map (Beaufort Quadrangle dated 1979). The subject property is located in the Town of Port Royal, southwest of the City of Beaufort. The surface elevation at the subject property varies from approximately 30 feet above mean sea level (MSL) near Ribaut Road to 10 feet MSL on the south end of the property. Mostly residential development is located east of the subject property. The closest commercial sites are located along Ribaut Road. Battery Creek is located adjacent to the western and southern portions of the subject property.

Beaufort County is located in the lower coastal plain Physiographic province of South Carolina. Pliocene and Pleistocene age units consisting of sands, silts and clays, to a depth of 30 feet below land surface (bls), overlie the Parachucla and Marks Head marls of the Hawthorne Formation which extend to a depth of approximately 80 feet below existing grade. Beneath the Hawthorne Group lies the Cooper Group of the Oligocene Age. The Cooper group acts as the primary confining layer to the surficial aquifer. The groundwater in the surficial aquifer normally occurs in unconfined (water table) conditions, as is the case at the subject site. Topographic features such as tidal creek tributaries, wetlands and marshes control the surface contours and flow directions of the surficial aquifer.

The major source of groundwater recharge to the surficial aquifer is the infiltration of surface water, which leaves this aquifer exposed to contamination from surficial spills. The overall water quality of this aquifer is considered poor and is generally used for irrigation and sewage purposes, and not human consumption. The Cooper Group serves as the confining layer between the surficial aquifer and the Floridian Aquifer that underlies the Hawthorne Formation. The Floridian Aquifer system is composed of an upper unit of fossiliferous, calcitized, moderately indurated limestone, argillaceous limestone, and marl (Hussein, 1985). This aquifer is one of the principal sources of drinking water in the region. In general, the groundwater flow of a surficial aquifer will mimic the topography of a given site and will flow with the slope of the land. Based on our review of the topographic map, it appears that groundwater in the direct vicinity of the subject property would flow to the west-southwest, toward Battery Creek. However, groundwater direction can be affected by rainfall, tides, construction activities, and other subsurface and climatic conditions.

4.4 Historical Use Information on the Subject Property

Based on available information, permanent European settlements were established in the Port Royal area by the 17th century. During the colonial period, although an official port of entry was established on Port Royal, the local planters found it more advantageous to ship their goods through Charleston. The area received its first railroad in 1869, when the Port Royal Railroad was established and as a result the town was incorporated in 1874. When phosphate deposits were found in the 1870s and 1880s, a booming phosphate trade began in the area.



The SCSPA's involvement began in 1942, when legislation authorized development of the Beaufort-Port Royal harbor as one of the state's three official ports. In 1945, requests were made to the U.S. Army Corps of Engineers (USACE) to dredge the channel of the port to a depth of 24-30 feet. After multiple denials, dredging of the channel was approved and began in 1956. Construction at the terminal began in 1957 and was officially dedicated in October 1958. In July 1960, the Port Royal Shipping Company opened for business to load and discharge cargoes at the new port; however, the port was not able to attract significant business during the first decade of operation. In 1963, the SCSPA leased a portion of the property to the Home Building Corporation of Sedalia, Missouri for the construction of prefabricated houses for export. The growth of the port was hindered by the channel depth and lack of navigational facilities. In 1968, the SCSPA leased the facility and Pier 21 to the Port Royal Clay Company to export kaolin clay which was mainly used for the production of clay-coated (glossy) paper. Additionally, the warehouse adjacent to the terminal was leased to the Seaboard Coast Line. After 15 years of operation, the SCSPA then leased the property to the Port of Port Royal, Inc. in 1984 for the shipping of pulp, paper products and kaolin clay. In 1984, the Seaboard Line System, Inc. received permission from the Federal Railroad Administration to abandon the 25-mile spur from Port Royal to Yemassee, South Carolina. This decision impacted the terminal operations, since most of the cargo was moved by rail.

In 1987, the SCSPA provided the Town of Port Royal with a portion of land to the southeast of the port terminal for public waterfront access to include a park, beach and recreational area known as the Sands. In return, a portion of four streets was to be turned over to the SCPA to provide the port with a fenced property line and an area for the port to add another warehouse and floating dock. In 1988, the SCSPA purchased approximately 5.6 acres from the Blue Channel Corporation to create a tourist-oriented section of the waterfront near 11th Street.

In addition to use as a port facility, portions of the subject property have been developed with a restaurant, a seafood processing facility and seafood market, and boat docks. For many years, offices of the SCDHEC were located in a building on the subject property located at the end of 13th Street. The following is a summary of historical sources reviewed:

4.4.1 *Aerial Photographs*

S&ME reviewed available aerial photographs dated 1939 to 2017 to observe previous conditions and development of the subject property as well as the immediately adjacent properties.

Table 4-5 – Aerial Photographs

Date	Comments
1939	A large warehouse structure and wharf, a dock, and a few small support buildings are visible on the southern portion of the subject property at the port terminal facility area. Railroad tracks route from the terminal site northward through the subject property and continuing past Ribaut Road. Development is visible on the central portion of the subject property at the end of 11 th Street in the area of the existing boat docks, restaurant, and seafood processing buildings. The remaining portions of the subject property appear to comprise mostly wooded, undeveloped land. Residential sites are visible nearby. Due to the scale and clarity of the aerial photograph, no specific details at the subject property are discernable.



Date	Comments
1951	Some additional development may have occurred on the former port terminal portion of the subject property. Additional development is visible in the area at the end of 11 th Street. Roads can be seen on adjoining and surrounding properties to the east with what appears to be residential development.
1961	Some filling of marsh areas next to the port facility is visible. No other significant changes are noted.
1965	The port terminal area appears to have expanded by filling portions of the marshland to the southeast. Additional residential development on properties east of the northern portion of the subject property is visible.
1968	A road has been constructed to the east of the northern border of the port terminal portion of the subject property routing to what appears to be a boat landing developed southeast of the terminal property.
1972	Conditions on the subject property appear similar to those in the 1968 aerial photograph.
1977	No significant changes are noted.
1983	No significant changes are noted.
1989	No significant changes are noted.
1994	Additional structures are visible on the port terminal portion of the subject property, including three large above ground storage tanks and the existing dry-stack boat storage building.
2005	No significant changes are noted.
2011	An outside storage yard next to the east side of the boat storage building appears vacant. No other significant changes are noted.
2014	No significant changes are noted.
2017	The subject property and surrounding area appear somewhat similar to current conditions.

The scales and clarity of the reviewed aerial photographs limited our ability to identify specific conditions indicative of releases or threatened releases of hazardous substances on or in the vicinity of the subject property. Copies of the aerial photographs are located in Appendix IV.

4.4.2 Sanborn Fire Insurance Maps

S&ME reviewed available Sanborn Fire Insurance Maps provided by EDR dated 1899, 1905, 1912, 1924, 1942, and 1958. Copies of the Sanborn Maps are included in Appendix IV.



Table 4-6 – Sanborn Fire Insurance Maps

Date	Comments
1889	A warehouse labeled Charleston and Western Carolina (C&WC) Railroad is depicted at the port terminal area. A C&WC Railroad shipping dock is depicted on the wharf of the warehouse at Battery Creek (incorrectly labeled as the Beaufort River). According to the Sanborn Map, coal was used to fuel hoists used to load and off-load ships. Coal was brought to the hoists by a conveyor belt, seen northwest of the warehouse. North of the warehouse and shipping dock is an additional warehouse for storing coal and phosphate. Northeast of the coal and phosphate warehouse was the location of the railroad freight and passenger depots. A structure labeled as an oil house is shown north of the depots. Of the adjoining and surrounding properties to the east, along what is now Parris Avenue, some are labeled as dwellings, while others are labeled as being used for commercial or municipal purposes including grocery stores, drug stores, a clothier and a public school.
1905	Conditions on the port terminal portion of the subject property appear similar to those seen on the 1899 Sanborn Map with the exception that the warehouse (shown north of the railroad warehouse and shipping dock) which previously stored coal and phosphate is now labeled as only storing coal.
1912	Tidewater Fertilizer and Storage Co. is located in the south end of the C&WC Railroad warehouse. The map depicts a 25 horsepower engine fueled by gasoline in use at the facility. The coal storage warehouse to the north is labeled as a coal platform.
1924	The Tidewater Fertilizer and Storage Co. is no longer depicted on the map. The northern portion of a wooden dock located adjacent to the C&WC Railroad warehouse, along Battery Creek, is labeled as an oil dock. The building formerly labeled as an oil house located adjacent to the railroad depot and offices is no longer present. The coal platform is now labeled as a coal pile. Scattered structures, labeled as dwellings, are shown on adjoining and surrounding properties to the east.
1942	Conditions on the terminal property appear similar to those seen on the 1924 Sanborn Map, with the exception of the C&WC Railroad warehouse which appears to be a significantly smaller building. The seafood processing portion of the subject property, north of the port terminal, is now developed with multiple structures labeled as belonging to the Blue Channel Corporation – Crab Meat Packers. The structures include those labeled as a factory building with a boiler room, a cook shed, pump house, a warehouse and an office structure. According to the Sanborn Map, coal was used to fuel the boiler. Several apartment buildings are depicted north of this area.
1958	Conditions on the terminal property appear similar to those seen on the 1942 Sanborn Map. Four additional structures are shown on the Blue Channel seafood processing facility. Two of the structures are labeled as a warehouse or storage buildings, one as an office, and the other is not discernable. The apartment buildings are no longer visible.

The 1899, 1905 and 1912 Sanborn Maps each contained an insert depicting a phosphate mining company facility located along Battery Creek. According to the Sanborn Maps, this facility was no longer in



operation as of 1899. In addition, the facility is listed as being 3.5 miles SW of either the Beaufort Court House or Beaufort. The same maps list Port Royal as being 5 miles from the same reference point, indicating that the phosphate mining company was not located on, or within 1.5 miles of, the subject property. Other possible items of concern noted on the Sanborn Maps, such as the presence of an oil house north of the railroad depots depicted on the 1899 Sanborn Map, and the presence of a 25-gallon fuel tank for an engine used by the Tidewater Fertilizer and Storage Co., as depicted on the 1912 Sanborn Map, were satisfactorily addressed in the August 2005 Limited Phase II ESA and are no longer considered to pose a potential environmental threat to the subject property.

4.4.3 Topographic Maps

Available historical topographic maps dated 1944, 1958, 1979 and 1998 were reviewed to observe development of the subject property, as well as immediately adjoining and surrounding properties. Copies of the Historical Topographic Maps are included in Appendix IV.

Table 4-7 – Historical Topographic Maps

Date	Comments
1944	The northern portion of the subject property appears mostly wooded and undeveloped. Battery Creek and associated marshlands are located to the west and south. Multiple structures are depicted on the subject property, including structures on the central portion of the subject property, in the vicinity of the former seafood processing area, and on the southern portion of the subject property, in the vicinity of the former ports facility. A railroad line extends through the subject property, primarily along the eastern border. Apparent residential development is depicted to the east.
1958	Six structures are depicted in the area of the seafood businesses on the central portion of the subject property. More concentrated development, also assumed to be residential, is depicted adjoining the entire eastern border of the subject property. The area of the former ports facility is not as detailed.
1979	A new road near the southern portion of the subject property routes to Sands Beach. No other significant changes are noted on this map.
1998	No significant changes are noted on this map.

4.4.4 Property Record Information / Plats

S&ME reviewed a plat and a topographic survey of the subject property prepared by Thomas & Hutton Engineering Company in 2006 and obtained from the Port Royal Development Site website. No unusual conditions were noted on the drawings. Copies of these drawings are included in Appendix I.

An attempt to review historical sources such as building department records, and zoning/land use records was not made because it has been our experience that within Beaufort County historical copies of these records are rarely available or productive to our purpose.



4.5 Historical Use Information on Adjoining Properties

Adjoining properties on the southern portion of Port Royal, adjacent to the eastern border of the subject property, have been developed since at least the early 1800s. Early uses of these properties included residential, commercial, and municipal development, including grocery stores, drug stores, retail businesses, and a public school. Adjoining properties to the northeast, east and north of the subject property appear to have been developed for primarily residential purposes prior to the early 1900s. A business, Pender Brothers (truck rental and plumbing, welding and HVAC services), currently adjoins the northeast corner of the subject property at Ribaut Road. Residential properties and Martin Landscape Company are located to the north on the opposite side of Ribaut Road.

4.6 Previous Assessments

S&ME previously performed environmental assessments at the subject property in 2005, 2007, 2010, 2012, and 2015. The following is a general summary of the past assessments:

In an April 2005 Phase I ESA by S&ME, the following recognized environmental conditions (RECs) were identified at the subject property:

- Based on the historical presence of an oil house located adjacent to the railroad depot and an office, it is considered a recognized environmental condition. The building is no longer present, but spills and leaks of the oil may have occurred during its existence.
- The 1912 Sanborn Map identified the Tidewater Fertilizer and Storage Co. located in the location of Building 601. A 25 horsepower gas engine was used at the facility. It is unknown if any fertilizer products were produced or stored at the facility and if any spills or leaks of gas used by the engine occurred. Based on the historical use of the site, it is considered a recognized environmental condition.
- The 1924 Sanborn Map identified a portion of the wooden dock located adjacent to what is now Building 601 was labeled oil dock. As it is unknown if any spills or leaks occurred while operated as an oil dock, it is considered a recognized environmental condition.
- The small shed containing a used oil tank, miscellaneous 55-gallon drums and 5-gallon buckets of oil/lubricants. Stains and spills were observed within the concrete bermed containment. Based on the exposure to the elements on one side of the shed, the containment could fill up with water and spill over onto the surrounding soils and for this reason it is considered a recognized environmental condition. Two monitoring wells were observed on the terminal property: It is unknown the reason for the monitoring wells; however, the monitoring wells would not likely exist if there were not reason for concern to the environment; therefore, they are considered recognized environmental conditions.
- Two 280-gallon ASTs containing used oil were observed on the seafood facility. Pans situated underneath or adjacent to the ASTs catch leaks associated with ASTs. Additionally, a 55-gallon drum of an unknown substance was observed adjacent to this AST. Staining was observed near the 55-gallon drum. Based on the ease of the pans to overflow during inclement weather



conditions and the staining near the 55-gallon drum, the ASTs and 55-gallon drum are considered recognized environmental conditions.

- A 10,000-gallon diesel AST fuels a dispenser located on the dock west of the seafood processing property. Based on interviews with the Port Royal Fire Department, minor incidents have occurred while fueling the boats at the dock. Based on the presence of the AST and its proximity to Battery Creek, it is considered a recognized environmental condition.
- In Building 630, a seafood processing structure, two forklifts were observed with minimal staining beneath them on the concrete surface near a trench drain within the building. Due to the proximity of the leaking petroleum products from the forklifts to the trench drains, the forklifts are considered recognized environmental conditions.

To address the RECs identified in the April 27, 2005 Phase I ESA, S&ME performed a Limited Phase II ESA. The Limited Phase II ESA consisted of the collection of seven subsurface soil samples (S-1 through S-7) and the collection of one groundwater sample from each of the seven shallow temporary monitoring wells installed at the PRDT (GW-1 through GW-7). The samples were submitted to an analytical laboratory for analysis of chemicals of concern associated with RECs. The results of the soil and groundwater sampling were presented in the Limited Phase II ESA Report dated August 19, 2005. Arsenic was detected in soil samples S-4 and S-6 and mercury was detected in soil sample S-5 at concentrations exceeding their respective US EPA Region 9 Preliminary Remediation Goals for direct contact with soil in the then existing industrial scenario (industrial PRGs). Barium, lead, and mercury were detected in groundwater sample GW-6 and lead was detected in groundwater sample GW-5 at concentrations exceeding their respective US EPA drinking water maximum contaminant levels (MCLs). The August 19, 2005 Limited Phase II ESA Report was submitted to the South Carolina Department of Health and Environmental Control (SCDHEC) for review (in accordance with the temporary well approval obtained from the SCDHEC).

The SCDHEC reviewed the August 19, 2005 Limited Phase II ESA Report and in a letter dated September 8, 2005, provided comments concerning the data presented in the Report. The SCDHEC stated in the letter that no further investigation would be required at that time concerning the soil samples S-1 through S-7 or groundwater samples GW-1 through GW-4 and GW-7, with certain conditions. However, based on the concentrations of metals detected in groundwater samples GW-5 and GW-6, the SCDHEC suggested that sediments in the groundwater samples may have contributed to the elevated concentrations of metals in the samples. Therefore, the SCDHEC requested that confirmatory groundwater samples be obtained from the locations of GW-5 and GW-6.

To address the September 8, 2005 SCDHEC letter, S&ME performed a Follow-up Limited Phase II ESA. The Follow-Up Limited Phase II ESA consisted of installing two shallow temporary groundwater monitoring wells (GW-1 and GW-2) at the locations of previous wells GW-5 and GW-6. A groundwater sample was collected from each well and the samples were submitted to an analytical laboratory for analysis of the 8 RCRA Metals (dissolved). The samples were filtered in the laboratory prior to analysis. The results of the groundwater sampling were presented in the Follow-Up Limited Phase II ESA Report dated October 11, 2005. None of the 8 RCRA metals were detected in the groundwater samples at concentrations exceeding their respective MCLs. The October 11, 2005 Follow-Up Limited Phase II ESA Report was submitted to the SCDHEC for review (in accordance with the temporary well approval obtained from the SCDHEC).



The SCDHEC reviewed the October 11, 2005 Follow-Up Limited Phase II ESA Report and in a letter dated November 2, 2005, provided comments concerning the data presented in the Report. The SCDHEC stated in the letter that no further investigation would be required concerning the groundwater data collected from shallow temporary groundwater monitoring wells GW-1 and GW-2.

A 2007 ESA performed by S&ME identified the following REC:

- Metals exceeding Preliminary Remediation Goals (PRGs) in soil samples collected during previous assessment activities is considered a recognized environmental condition.

This statement was made in view of the fact that the proposed re-development of the property by a prospective buyer at that time contemplated residential uses and that the environmental quality of surface soil could be a factor in locating and designing the final development.

During its due diligence process, the potential buyer at that time submitted an Information and Certification (I&C) package to the SCDHEC Voluntary Cleanup Program (VCP) with the intent to enter into a Non-Responsible Party Voluntary Cleanup Contract (NRP-VCC) with the SCDHEC prior to purchasing the property. The VCP offers certain statutory liability protections, as well as possible incentives available under state and federal Brownfield programs. The first liability protection is a covenant by the State not to sue the NRP for cleanup of existing contamination. The second is protection from suits by third parties for contribution to cleanup costs associated with existing contamination. Finally, and unique to most state programs, the VCP affords liability protection from suits by third parties for damages resulting from existing contamination. The potential buyer did not purchase the property, negotiations with the SCDHEC to draft and enter into a Final NRP-VCC were terminated and, to our knowledge, the VCC contract was never executed.

In June 2010, S&ME performed limited soil sampling and analysis on behalf of the SCSPA at a former fertilizer storage area on the former port facility area. Fertilizer (as calcium nitrate) had been stored near Building 601 in two approximately 100,000-gallon above-ground storage tanks (ASTs) with associated underground piping. The ASTs were located approximately 160 feet southeast of the intersection of Paris Avenue and 6th Street. A third AST was located nearby that reportedly held water. In 2010, following closure of the fertilizer storage business, the ASTs were cleaned and removed from the property. S&ME was requested by SCSPA to collect surface and subsurface soil samples for analysis Nitrate and Nitrite and to review the results of the limited soil assessment as compared to the residential Soil Screening Levels (SSLs), based upon the US EPA Regional Screening Level Summary Table (RSLs Table) dated May 2010.

In June 2010, S&ME collected composite surface and subsurface soil samples from the area of the former ASTs. In addition, S&ME collected a subsurface soil sample along the underground piping connecting the former ASTs to the marine dock facility. The results of the assessment revealed the Nitrate and Nitrite concentrations in the collected soil samples were below the residential SSLs.

An April 2012 Phase I ESA of the subject property by S&ME, documented previous assessment activities including a discussion of the REC presented in the 2007 Phase I ESA regarding metals concentrations in site soils as discussed in our 2005 Limited Phase II ESA.

Comparing the metals concentrations in soil samples collected in 2005 to the soil screening levels (SSLs) in the US EPA RSLs Table (which replaced the PRG Table) arsenic was the only metal detected in soils



exceeding residential and industrial SSLs. The soil sample data were compared to the analyte-specific SSLs for direct contact exposure to soil through ingestion, inhalation of particulates, and dermal contact in a residential and industrial use settings. The SCDHEC has adopted the use of these values benchmarks. The soil SSLs are intended for comparison purposes only; they are not standards enforceable by either the US EPA or the SCDHEC and are not considered cleanup standards. Rather, they are health-protective guidance levels derived from conservative default assumptions and based on the specific health- based criteria.

Although the detected concentrations of arsenic exceeded the US EPA SSLs for industrial and residential scenarios, according to data presented in Elements in South Carolina Inferred Background Soil and Stream Sediment Samples (Canova 1999) South Carolina Geology, the average and range for arsenic in South Carolina soil is 6.1 mg/kg and 0.23 mg/kg - 210 mg/kg, respectively. Also, according to data presented in Elemental Concentrations in Soils of South Carolina (Franklin et al. 2003) Soil Science, the geometric mean and range for arsenic in South Carolina surface soil is 2.5 mg/kg and <2 .8 mg/kg - 10 mg/kg, respectively. Upon comparison, the arsenic concentrations detected in soil samples collected at the subject site appear to be consistent with background arsenic concentrations in South Carolina soil.

In addition, the regulatory community has issued several opinions concerning the acceptable levels of metals, specifically arsenic, in soils in residential settings during recent years. In fact, the current opinion of the regulatory community is that arsenic concentrations greater than those detected in the soils at the subject property are protective of human health.

Based upon this information, the presence of arsenic in soil samples collected in 2005 at concentrations exceeding soil screening levels is considered a de minimis condition and was therefore considered a finding, not a recognized environmental condition in the 2012 Phase I ESA Report.

Most recently, S&ME performed a Phase I ESA for a prospective buyer in a report dated January 26, 2015. During this ESA, no RECs in connection with the subject property were identified. For reasons unknown to S&ME, the sale of the subject property at that time was not successful.

4.7 Vapor Encroachment Screening

A Vapor Encroachment Screening (VES) conducted as part of this Phase I ESA indicates that vapor migration onto the subject property from the off-site environmental database listed sites of potential concern is not likely to exist. A copy of the vapor migration screening is located in Appendix III.



5.0 Site Reconnaissance

A site reconnaissance was conducted on July 14, 2017 by Norvin Duncan of S&ME, to observe the current uses of the subject property, immediately adjoining properties, and properties in the surrounding area.

5.1 Methodology and Limiting Conditions

The subject property was observed by walking accessible areas of the property and visually observing adjoining properties. Portions of the subject property are wooded, covered with pavement and structures and overgrown with weeds and grasses preventing the observation of the underlying soils in those areas. Photographs were taken of various portions of the subject property to document existing conditions. Copies of these photographs are included in Appendix V.

5.2 General Site Setting

The subject property is located along the western waterfront in the Town of Port Royal in Beaufort County, South Carolina. Battery Creek borders the western portions of the property. Battery Creek intersects with the Beaufort River (part of the Intracoastal Waterway) just south of the subject property. Primarily residential development adjoins to the east of the subject property. Ribaut Road borders the northern border of the subject property.

5.2.1 *Current Use(s) of the Subject Property*

The Town of Port Royal leases the docks and a warehouse on a portion of the subject property located at the west end of 11th Street to provide facilities for local commercial fishermen. The remainder of the subject property is currently vacant.

5.2.2 *Past Use(s) of the Subject Property*

No evidence of any past uses of the subject property was observed during the site reconnaissance other than the vacated structures previously described in Section 2.4.

5.2.3 *Current Use(s) of Adjoining and Surrounding Properties*

North Ribaut Road / Residential property and Martin Landscape Company beyond

West Residential property / Battery Creek

East Residential property / Pender Brothers, Inc.

South Boat landing / Sands Beach / Battery Creek

5.2.4 *Past Use(s) of Adjoining and Surrounding Properties*

Site observations did not reveal previous operations of adjoining and surrounding properties that are different from their current uses (See Section 4.4).



5.2.5 *Geologic, Hydrogeologic, Hydrologic, and Topographic Conditions*

The surface of the subject property appeared to be comprised of sandy soils. Area hydrogeologic conditions were not confirmed during the site reconnaissance. No confirmation of groundwater conditions was made during the site visit. Based on observations made during the site reconnaissance, the subject property appeared relatively level with a slight downward slope to the south-southwest.

5.2.6 *Description of Structures and Roads*

The southern portion of the subject property (former port terminal), which is surrounded by a chain link fence, contains several buildings once used by the former Port Royal Cement Company, including two large single-story concrete warehouses, a small concrete block electrical building and a similarly constructed pump house, a one-story metal building (Building 607) and a trailer formerly used as office space. The bases of three large former above ground storage tanks (ASTs) used to store fertilizer and water are located in this area as well. A metal dry-stack boat storage building of the former Port Royal Dry-Stack Marina business is located at the southern end of the port area.

North of the former port terminal at the west end of 11th Street is a former seafood restaurant. A bare area adjacent to the north of the restaurant building is where a former seafood market store and seafood processing business (Building 627) were located. This structure was destroyed by fire in July 2015. Due to water damage from firefighting efforts, the restaurant closed permanently. Boat docks are located west this area on Battery Creek. Other structures located on this portion of the subject property include a metal building (Building 630) containing office space and seafood processing equipment used by local fisherman. The operation of the boat docks is run out of this building by the Town of Port Royal. A 10,000 gallon diesel AST is located west of Building 630. Several former seafood processing buildings (Buildings 629, 631 and 632 are located to the north of Building 630.

A metal office building, once the offices of the SCDHEC and accessible from 13th Street, is located nearby to the north of the former seafood processing buildings. Chain link fencing surrounds this building lot.

The remainder of the subject property is generally wooded, undeveloped land, with several foot paths extending primarily toward the waterfront. The railroad bed of decommissioned railroad tracks extends through the subject property from Ribaut Road in an approximate north to south direction to the former port terminal area on the south end of the subject property.

5.2.7 *Potable Water Supply and Sewage Disposal System*

Municipal water and sanitary sewer service are provided by the Beaufort-Jasper Water & Sewer Authority.

5.3 **Site Observations**

Former Port Terminal Area

The former port terminal area located at the south end of the subject property was entered from Parris Avenue through a locked gate. The majority of this portion of the subject property is fenced. Structures of the former Port Royal Cement Company are located in this area, including a warehouse (Building 601). Building 601 appeared to be empty with the exception of some office furniture, supplies and debris located in some of the offices on the eastern side of the structure. The interior of this structure, excluding



the offices, was completely covered with a thick layer of concrete dust. It appeared that most railroad tracks that had been located in this area have been removed.

East of Building 601 is another warehouse that was used by the former Port Royal Cement Company. The structure is empty and coated with concrete dust. On the northern side of this structure a small shed contains an AST (approximate 250-gallon capacity) and several 55 gallon drums of unknown contents as noted in the 2015 ESA report. The shed has a concrete floor that serves as secondary containment for the AST. Some staining was observed on the floor of structure. However, no staining or distressed vegetation was observed outside of the shed.

A large vacant metal warehouse building south of the Port Royal Cement building was the former location of a boat storage business. The building is empty with the exception of a fork lift. South and east of this building are clearings in which some debris, wood, and concrete were observed. None of the debris appeared to contain hazardous substances.

The foundations of three former fertilizer and water ASTs and two concrete block structures are located north of the warehouse structures. The concrete block structures were used as a pump house and an electrical room. Both are stripped of most equipment. High weeds and grasses are now present around the structures and the bases of the former ASTs.

North of the location of the former ASTs are two additional structures: a former maintenance shop (Building 607) and a former office trailer (Building 609). Building 607 was empty, with the exception of some miscellaneous items including two 55-gallon drums labeled as containing used oils, another drum containing used oil filters, and two empty drums labeled as bleach. Minimal staining was observed on the floor in this structure. What appeared to be a 3-4 inch diameter drain in the floor of Building 607 was observed. No staining was observed on the concrete floor around the drain. The drain is assumed to connect to the sanitary sewer. Building 609 was vacant with most furnishings and office equipment having been removed.

North of the former port terminal portion of the subject property, just outside of the entrance gate, and west of Parris Avenue, is a warehouse structure last used by Charter Communications. The structure, which could not be entered at the time of the site visit, appeared to remain vacant. No unusual conditions were observed round the building.

Seafood Restaurant and former Seafood Market and Processing Facility Area

This portion of the subject property lies north of the former port terminal area of the subject property and is accessed from the west end of 11th Street. A former structure (Building 627) containing a seafood market and processing facility is no longer present in this area after having been destroyed by fire in July 2015. A restaurant building is still located adjacent to the south of where Building 627 was located, but due to water damage during the fire, it has been permanently closed since that time. Docks extending onto Battery Creek west of the restaurant are still in use. North of the restaurant is a 10,000 gallon double-walled diesel AST situated on a concrete pad behind a locked chain-link fence. A newer fuel supply line (aboveground) routing to the boat docks appeared to have been installed. No evidence of spills or staining was observed around the AST or fuel supply line.



Three metal, former seafood processing structures (Buildings 630, 631, and 632) are also located north of the former restaurant. Building 630 is currently leased by the Town of Port Royal, along with the docks on Battery Creek, to provide docking and seafood processing for local fishermen. The large diesel AST is located adjacent to the west of Building 630. A forklift and various supplies including small quantities of paints, solvents, and a drum of oil were observed in the rear portion of this building. No significant stains or spills were observed. Some items including boat trailers, an empty portable water tank, and other boating related equipment was observed outside along the east side of Building 630.

Buildings 631 and 632 are located to the rear (north) of Building 630 and are generally empty. No changes were apparent since the 2015 ESA and no unusual conditions were observed at these buildings.

Remainder of the Subject Property

North of the former seafood processing area is a metal office building that was formerly occupied by the SCDHEC. The area around this building is fenced. The lot is overgrown, the building is vacant and in disrepair, with some miscellaneous, non-hazardous trash scattered throughout.

The remainder of the subject property, north of the former SCDHEC office building, generally consists of vacant, wooded land. With the exception of the old railroad bed, no structures were observed on this portion of the subject property. Most railroad tracks and ties along the railroad bed appeared to have been removed, but several large stacks of railroad ties were observed to remain on the north end of the subject property near Ribaut Road.

Residential properties adjoin portions of the subject property. Battery Creek and associated marshlands adjoin the western border of the subject property. A business, Pender Brothers, Inc. (truck rentals, plumbing, welding, and HVAC services), adjoins the northeast end of the subject property at Ribaut Road. No unusual conditions were observed around this business. A recreational area (Sands Beach) is located adjacent to the south end of the subject property.



6.0 Interviews

6.1 Interview with Past and Present Owners

S&ME interviewed Mr. David Avant (803-737-6898) a representative for the SC Department of Administration. Mr. Avant stated that the SCSPA deeded the property to the SC Department of Administration last year (2016). When the property is sold to a private buyer, the sale may exclude several areas that will be retained by the Town of Port Royal to provide for local improvements such as boating facilities and a park. Mr. Avant was not aware of any significant incidents of potential concern at the subject property since S&ME performed the 2015 ESA other than the fire that destroyed a seafood market and seafood processing business (Building 627) in July 2015.

S&ME was not provided with contact information for any previous property owners.

6.2 Interview with Key Site Manager

There was not a Key Site Manager.

6.3 Interview with Occupants

During the site reconnaissance, S&ME spoke with Mr. Joey Morris, Manager of 11th St. Seafood located in Building 630 at the subject property. According to Mr. Morris, he works for the Town of Port Royal who leases Building 630 and the nearby docks to provide docking, fueling, and seafood processing services to local fishermen. Mr. Morris was not aware of any current environmental concerns in this area of the subject property. He recalled that there were no spills or damage to the large diesel fuel AST next to Building 630 during the fire that destroyed Building 627 in July 2015. For safety purposes, a new supply line was installed from the AST to the dock.

6.4 Interview with Local Government Officials

S&ME interviewed Chief Reese Bertholf (843-525-7055), Fire Chief for the City of Beaufort and Town of Port Royal. According to Chief Bertholf, a fire destroyed Building 627 containing a seafood market and seafood processing facility at the subject property in July 2015. Water damage to the adjacent Dockside Restaurant building forced the owner to close the restaurant permanently. According to Chief Bertholf, there were no spills or damage to the nearby 10,000-gallon diesel AST that serves fishing boats, but for safety reasons, a new supply line to the docks was later installed. Chief Bertholf was not aware of any other incidents of potential concern at the subject property.

S&ME contacted the Town of Port Royal Town Manager, Mr. Van Willis (843-986-2205). According to Mr. Willis, the former port terminal portion of the subject property has not been used in years, with the exception of occasional driver training exercises by the Town of Port Royal Police Department. The seafood restaurant at the end of 11th Street closed due to water damage from the fire in July 2015. The boat docks and a warehouse building (Building 630) north of the restaurant are currently leased by the Town of Port Royal to provide local fisherman with docking, fueling, and seafood processing services.

During the 2012 ESA, S&ME interviewed SCDHEC Brownfields Program Project Manager Mr. Jerry Stamps regarding the subject property listing in the EDR Report on the State Hazardous Waste Site (SHWS) database. Mr. Stamps reviewed SCDHEC databases and found no reference to Comprehensive



Environmental Response, Compensation, and Liability Information System (CERCLIS) or Resource Conservation and Recovery Act (RCRA) investigations on the subject property. Mr. Stamps speculated that the SHWS listing was likely triggered by the Brownfields listing and VCP application that was terminated in 2008, not a separate investigation.

6.5 Interviews with Others

No other interviews were conducted at this time.



7.0 Findings

7.1 On-Site Findings

- ◆ Portions of the subject property were listed on the environmental databases in the EDR Report, including the Leaking Underground Storage Tank (LUST), Underground Storage Tank (UST), State Hazardous Waste Sites (SHWS), SC Brownfields, and Voluntary Cleanup Program (VCP) databases.
- ◆ One 10,000-gallon double-walled AST used to fuel fishing boats is located west of Building 630 on the portion of the subject property located at the west end of 11th Street.
- ◆ A small AST and several 55 gallon drums and smaller containers of varying sizes were observed in different areas of the subject property. No significant spills or stains were observed around the containers.
- ◆ Three USTs were removed from a seafood processing facility at the subject property in the 1990s. Two petroleum releases associated with the former USTs were investigated in the past. Both petroleum releases were issued no further action status (NFA) status by the SCDHEC.

7.2 Off-Site Findings

No obvious environmental concerns were observed on adjoining properties. Three off-site facilities were identified on the environmental databases reviewed within the ASTM-specified search radius.



8.0 Opinion

8.1 On-Site Opinions

- ◆ Based on information gathered during interviews and previous assessments, the inclusion of the subject property on databases in the EDR Report is considered a finding, but not a recognized environmental condition.
- ◆ Due to the lack of staining or distressed vegetation indicative of a past release, the presence of the 10,000-gallon, double-walled AST, located west of Building 630 at the boat docks and seafood processing area of the subject property, is considered a finding, but not a recognized environmental condition.
- ◆ Due to the lack of any significant staining, the presence of the small AST, several 55 gallon drums and other containers of varying sizes observed in different areas of the subject property, this is considered a de minimis condition, not a recognized environmental condition. These items should be properly disposed.
- ◆ The two past petroleum releases from three former USTs at a seafood processing facility at the end of 11th Street are considered a historical recognized environmental condition, not a recognized environmental condition.

8.2 Off-Site Opinions

- ◆ Based on their current regulatory status, the reported and/or assumed groundwater flow direction(s), the potential for vapor migration, and their proximity to the subject property, the off-site environmental database listed sites do not appear to represent a threat to the environmental regime of the subject property and are not considered recognized environmental conditions.

8.3 Data Gaps and Data Failure

The user did not provide chain of title information. Some historical documents reviewed were not available in five-year intervals back to the subject property's first developed use, or 1940, whichever was earlier. Based on available information, it is our opinion that these data gaps did not significantly affect our ability to identify recognized environmental conditions in connection with the subject property.



9.0 Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of the referenced property located in Port Royal, South Carolina. Any exceptions to, or deletions from this practice are described in Section 1 of this report.

This Phase I ESA has revealed no evidence of recognized environmental conditions in connection with the subject property.

10.0 Deviations

S&ME has endeavored to perform this Phase I ESA in substantial conformance with the scope and limitations of ASTM Standard Practice E 1527-13 without significant deviation.

11.0 Additional Services

No additional services were provided during this assessment.



12.0 References

ASTM, 2013. *ASTM Standards on Environmental Site Assessments for Commercial Real Estate. E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.* American Society for Testing and Materials, Philadelphia, PA.

Environmental Assessments at the Subject Property by S&ME in 2005, 2007, 2010, 2012, and 2015

U.S.G.S. Topographical Maps - Beaufort, South Carolina Quadrangle –
<https://geonames.usgs.gov/apex/f?p=262:1:12622249500977>

Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Beaufort County website – [www. bcgov.net](http://www.bcgov.net)

University of South Carolina, 1983. *Surface and Subsurface Stratigraphy, Structure and Aquifers of the South Carolina Coastal Plain;* Colquhoun, Woollen, Van Nieuwenhuise, Padgett, Oldham, Boylan, Bishop and Howell

EPA Envirofacts Website - <https://www3.epa.gov/enviro/index.html>

Sanborn Fire Insurance Maps, EDR

Aerial Photographs – EDR, Beaufort County GIS, Google Earth

Port Royal Development Site - www.naiavantportroyal.com

South Carolina Department of Health and Environmental Control – [www. dhec.sc.gov](http://www.dhec.sc.gov)

DEA National Clandestine Laboratory Register website - www.justice.gov/dea/clan-lab/clan-lab.shtml