



Restoring the Community Fabric

*Planning Redevelopment of
the US Finishing/Cone Mills
Superfund site*

Wednesday, May 4, 2022



Overview

- Introduction to Superfund Redevelopment
- Introduction to the US Finishing/Cone Mills Superfund site
- Developer's Perspective: Framework for Planning Redevelopment
- Superfund Redevelopment Resources and Contacts
- Question & Answer Session





Introduction to Superfund Redevelopment

Scott Miller, EPA Region 4

Superfund Redevelopment Program

Supports EPA staff and works with communities and other partners in considering future use opportunities and integrating appropriate reuse options into the cleanup process.



Davis Timber Superfund site
in Hattiesburg, Mississippi



Former Spellman Engineering Superfund site
in Orlando, Florida



Solitron Microwave Superfund site
in Stuart, Florida



Woolfolk Chemical Works Superfund site
in Fort Valley, Georgia



Martin-Marietta, Sodyeco, Inc. Superfund site
in Charlotte, North Carolina

Benefits of Reuse at Superfund Sites

Sales generated by businesses at Superfund sites in reuse totaled \$65.8 billion in just one year (2021), which is nearly four times the \$17.3 billion that EPA spent cleaning up these sites cumulatively.

**Social
Equity**

A woman wearing a light blue face mask and black gloves is holding a freshly harvested carrot. She is wearing a grey long-sleeved shirt and purple patterned pants. In the background, another person is visible working in a garden.

**Economic
Improvement**

A row of commercial buildings with storefronts for Starbucks, Chipotle Mexican Grill, and Subway. The buildings are modern with large windows and awnings.

**Environmental
Protection**

A large array of solar panels installed in a desert landscape. In the background, there are snow-capped mountains under a blue sky with some clouds.

EPA's ultimate goal with the Superfund program is to return sites back to productive use in a protective manner.



Lexington County Landfill Area Superfund site
in Cayce, South Carolina



Arlington Blending & Packaging
Superfund Site in Arlington, Tennessee



Piper Aircraft Corp./Vero Beach Water & Sewer Department
Superfund site in Vero Beach, Florida



LCP Chemicals Georgia Superfund site
in Brunswick, Georgia



Calhoun Park Area Superfund site
in Charleston, South Carolina

Reuse is fun and the possibilities can be endless!

Sites Can and Are Redeveloped at Any Stage of Cleanup

EPA benefits from reuse information at any stage of the cleanup process because EPA continues to ensure sites meet protectiveness standards.



Before and After
PJP Landfill Superfund site in Jersey City, New Jersey



Introduction to the US Finishing/Cone Mills Superfund site

Ken Taylor, Gary Stewart, Susan Fulmer

South Carolina Department of Health and Environmental Control

Healthy People. **Healthy Communities.**



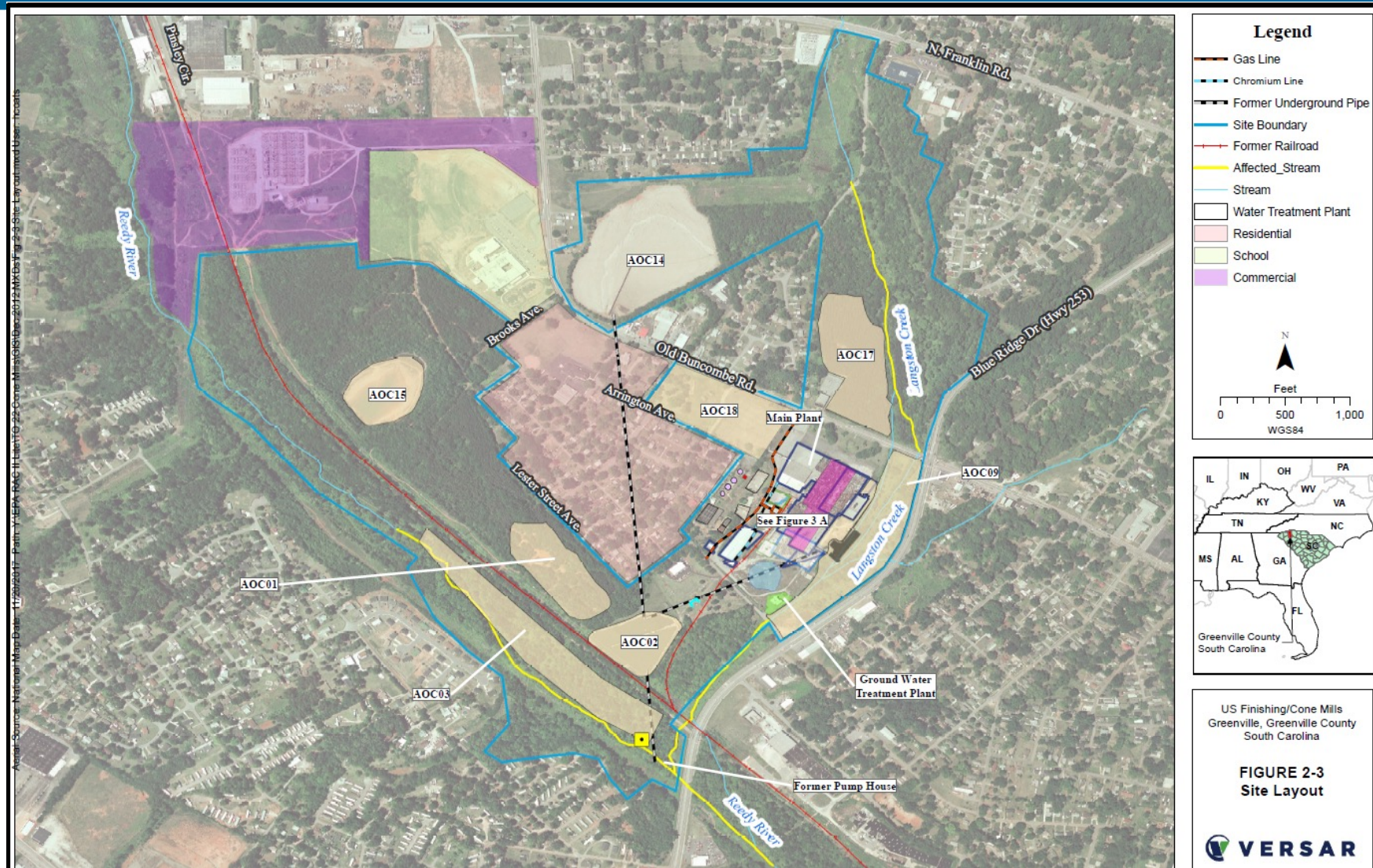
South Carolina Department of Health and Environmental Control
Healthy People. Healthy Communities.



Cone Mills – 1970 &
Today

Site History

- Union Bleachery - Constructed in 1902 on the banks of Langston Creek
- Small mill in an area known for its textile mills
- Bleaching, dyeing, and finishing
- Steady growth during the ownership by Union Bleachery
- Early 1900s - one of the most robust and successful mills in the upstate of South Carolina



Operational History

- 1902 – 1947 - Union Bleachery (Arrington Family)
- 1947 – 1952 – Aspinook Corporation
- 1952 – 1984 – Cone Mills Corporation
- 1984 – 2003 - American Fast Print Limited
- November 2003 – Main plant partially destroyed by fire

Sense of Community

- Employees were affectionately referred to as “lintheads”
- They lived, worked, and worshipped in the community
- John Arrington ensured there were schools, churches, a community building, a playground, even a golf course
- Sponsored sports teams, Christmas parties, barbeques, etc.
- Arrington was known for looking out for the workers and ensuring they had a sense of community

Operational History

- 1902 – 1947 - Union Bleachery (Arrington Family)
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- 1984 – 2003 - American Fast Print Limited (AFP)
- November 2003 – Main plant partially destroyed by fire



Regulatory History

- Early 1980s – Cone Mills began investigating contamination in soil, groundwater, and surface water of Langston Creek
- Very high levels of chromium
- 1982 – Cone Mills began operating a groundwater remediation system to address chromium contamination adjacent to the creek



Regulatory History, cont.

- 1984 – Cone Mills and AFP - consent order (CO)
 - Required continued GW treatment
- 1991 – "RI" Report – Identified significant contamination
- 1994-95 - Soil Removal – Over 13,000 tons
- 2004 - Cone Mills ceased GW remediation pending bankruptcy
- June 2004 - Site lead was transferred from DHEC's Water Program to DHEC's State Superfund Program

Legal Actions

- December 2004 – DHEC filed a complaint in federal court against American Fast Print Limited
- July 2005 – Amended Complaint added Duke Energy and Piper Properties
- November 2006 – Consent Decree
 - Payment of approx. \$370,000 of DHEC's past costs
 - Removal – Duke Energy – PCB contaminated soil
 - RI/FS, RD/RA – AFP and Piper

Legal Actions and EPA Involvement

- AFP and Piper failed to conduct required response actions
- 2008/2009 – DHEC filed motions to appoint a receiver
- Receiver Activities
 - Market property
 - Maintain Security
- Concurrently, DHEC was conducting pre-remedial activities to support listing on the NPL
- EPA Involvement – Listing on the NPL in 2011



South Carolina Department of Health and Environmental Control
Healthy People. Healthy Communities.

CONTACT US

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S.C. Department of Health
and Environmental Control

EPA Overview of the US Finishing/Cone Mills Superfund site

Scott Martin, EPA Region 4

Site History



- **Union Bleachery from 1903 – 1947 Textile Manufacturing**
- **Aspinook Corporation from 1947 – 1952 Textile Manufacturing**
- **Cone Mills from 1952-1984 Textile Manufacturing**
- **American Fast Print, Ltd. 1984-present (operating as US Finishing)**

Site History (Continued)

- 2003 - American Fast Print closes due to fire which destroys main plant.
- 2011 - EPA listed site on the National Priority List (NPL) as an EPA fund lead site.
- 2011 - EPA initiated a Time Critical Removal Action at the main facility to remove and contain asbestos which had become exposed to the environment after the fire destroyed the main factory building
- 2011 - EPA began the sitewide remedial investigation to determine the nature and extent of site contamination.



Site Description

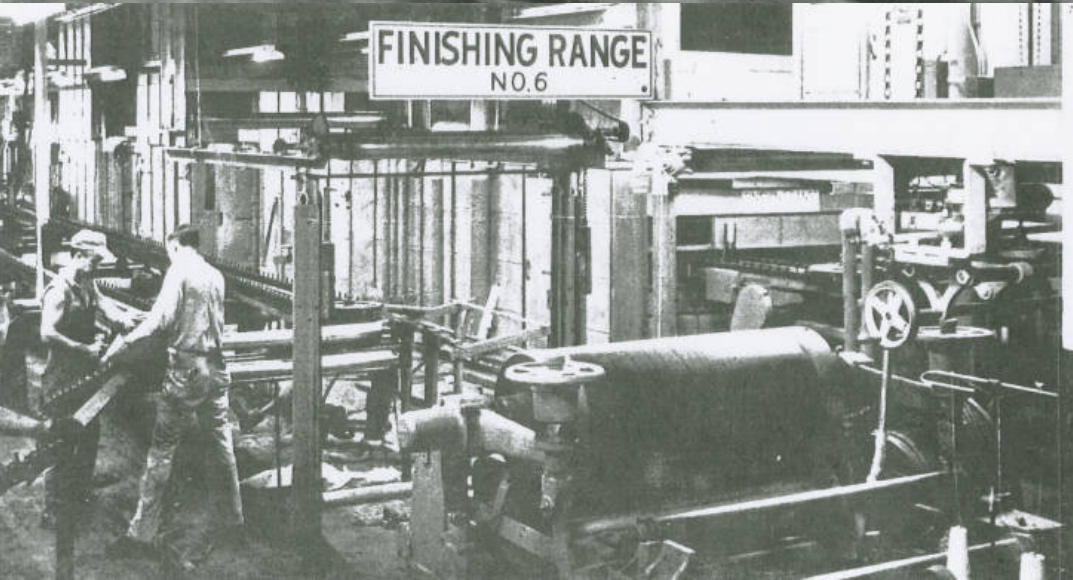
- Located approximately 2.5 miles north of downtown Greenville, SC, and is approximately 260 acres in size.
- Three Operable Units
 - OU1: Main Facility
 - OU2: Off Main Facility
 - OU3: Sitewide Groundwater
- The site is currently not in use.
- Listed on EPA's Top 20 Sites with reuse potential.
- Approximately 150 acres of OU2 were delisted from the National Priority List in 2021.
- Recently issues a proposed plan for OU1: Main Facility
- EPA intends to finalize the OU1 Record of Decision in June 2022 and propose portions of OU1 for partial delisting in September.



DEVELOPER'S PERSPECTIVE: FRAMEWORK FOR PLANNING REDEVELOPMENT

Dean Warhaft, Warhaft, LLC
Warren Zinn, Atlas Capital Group, Inc.







Past



ON THE TRAIL
Greenville



Present



Future

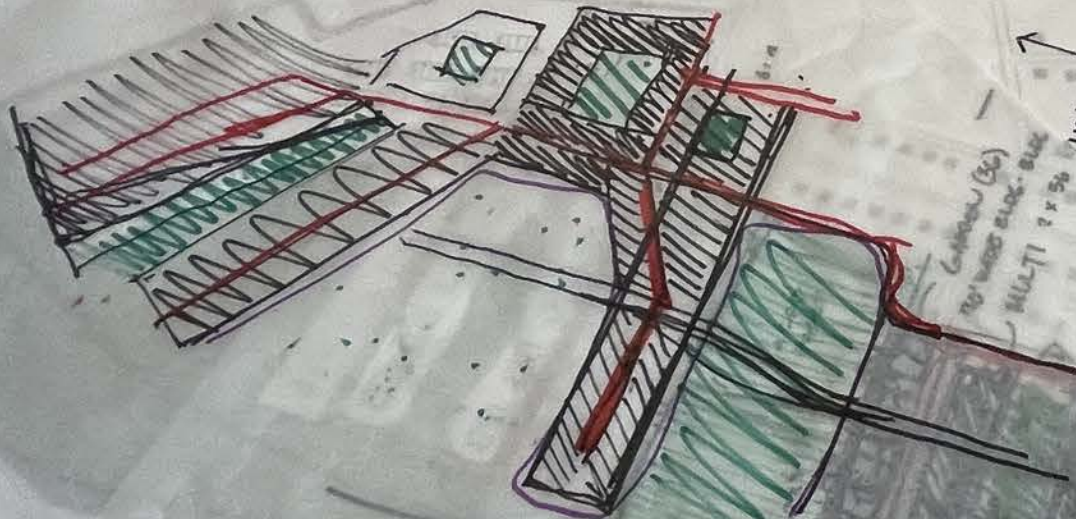












296
UNITS
PHASE 1
68 AK
45 UNITS/AC
IF BUILDINGS
264 UNITS
68 AK
388 units/AC

GARDEN (36)
70' WIDE BLDG. BLDG.
MULTI 2 x 50 (112)
MULTI (112)
GARDEN (36)
VOLUME

MUL 11
RCD = VENUE
A.P.R. = RED 20' WIDE
MULTI
GARDEN

RED
ROAD.
60'

MIRRO

SKT



















Cone Mills Redevelopment

Legal Issues

Perrin Dargan III
David Rieser
Matt Ogurick
K&L Gates LLP

Statement of Problem

Client:

I'd like to build a mixed use development, including residential, on an NPL Site.

Me:



Problems to solve



- How do we avoid liability for site, including past costs, if we take ownership?
- How do we get the site out of the NPL?
- When will EPA be done investigating the site?
- How do we integrate remediation costs into the redevelopment process?

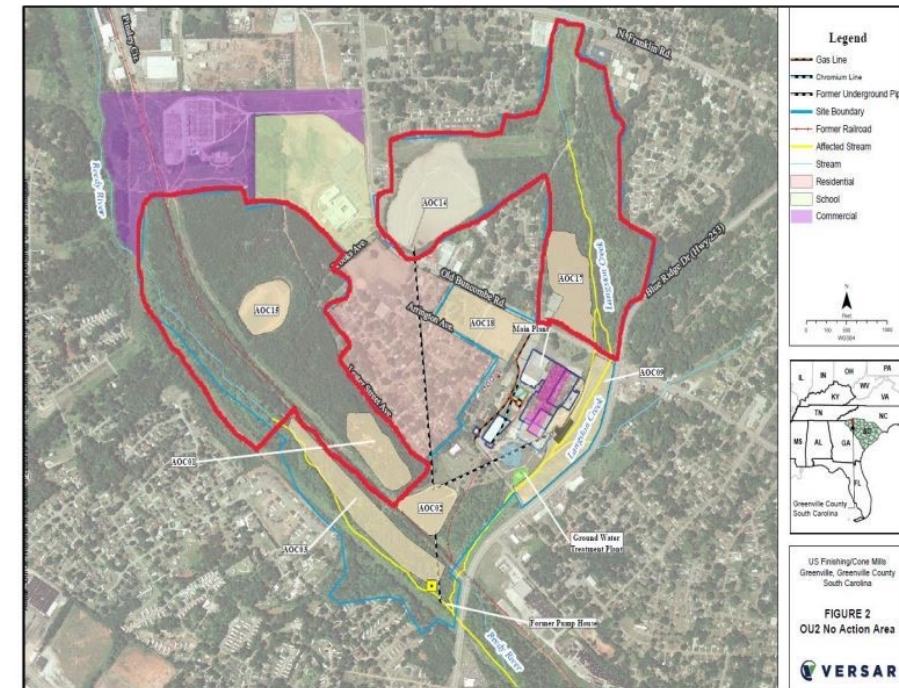
Assets

- Investigation shows that a lot of the site is clean;
- EPA motivated by prospect of redevelopment;
- South Carolina has favorable brownfields program, including liability relief;
- Developer prepared to invest in process
- No PRPs



Development Preparation

- Planning for new development
- Due to environmental issues, it will have to be developed in stages
- Obtained approval for rezoning, tax incentives



Plan – Phase I

- For clean parcels (OU2):
 - EPA No Action ROD
 - Delisting Determination
 - Admit site into SC Brownfield Program
 - Take title to property
 - Perform DHEC Work Plan and begin redevelopment



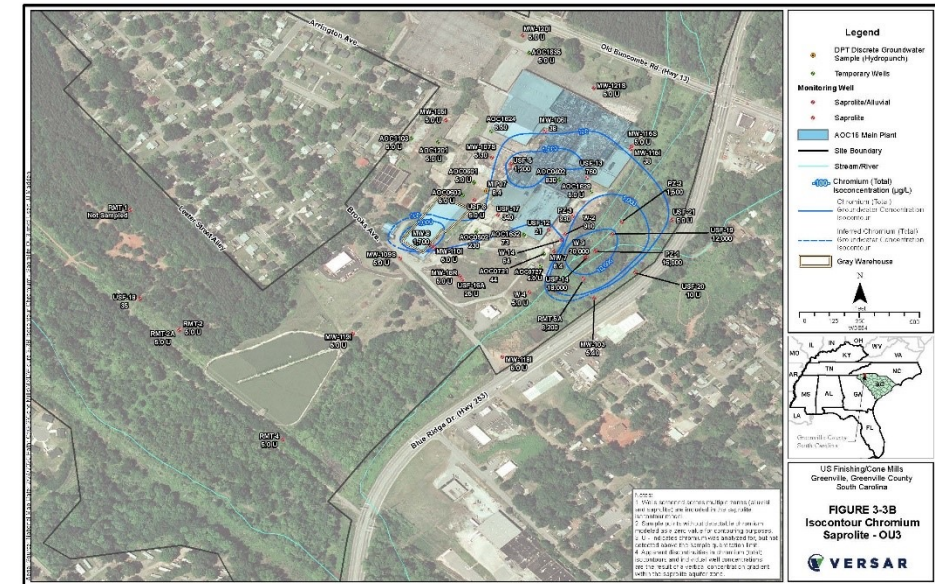
Plan – Phase II



- For not so clean parcels (OU1)
 - Manufacturing Area
 - Can't delist without remediation
 - Develop agreed work plan (ROD)
 - Enter into prospective purchaser agreement (PPA) with EPA
 - Complete work
 - Enter into DHEC brownfields program
 - Take title to property

Groundwater

- OU3
 - Limited to area beneath manufacturing building
 - Some source removal from OU1 work
 - Will remain EPA responsibility
 - Can separate groundwater from surface for purpose of federal issues but not state



Liability Limitations



- OU2
 - No action ROD
 - EPA Superfund comfort/status letter
 - DHEC Brownfields
- OU1
 - PPA
 - Covenants not to Sue
 - Contribution protection
 - Lien waiver
 - DHEC Brownfields

Lessons Learned

- Pick the right site
- Invest in the process
- Community involvement
- Plan early for participation in state brownfield programs



Contacts

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K&L GATES



Framework for Planning Redevelopment - Environmental Considerations

Robert Hodges, DHEC
Jason Sheasley, Kimley-Horn and Associates, Inc. **Kimley»Horn**

South Carolina Department of Health and Environmental Control
Healthy People. **Healthy Communities.**

Code of Laws - Title 44 - Chapter 56 - South Carolina Hazardous Waste Management

SECTION 44-56-750. Prerequisites to and provisions of [Voluntary Cleanup] contract entered into by or on behalf of nonresponsible party.

§44-56-750(B)(5) - After considering existing and future use or uses of the property, the department may approve submitted work plans or reports that do not require removal or remedy of all discharges, releases, and threatened releases at a site as long as the response action:

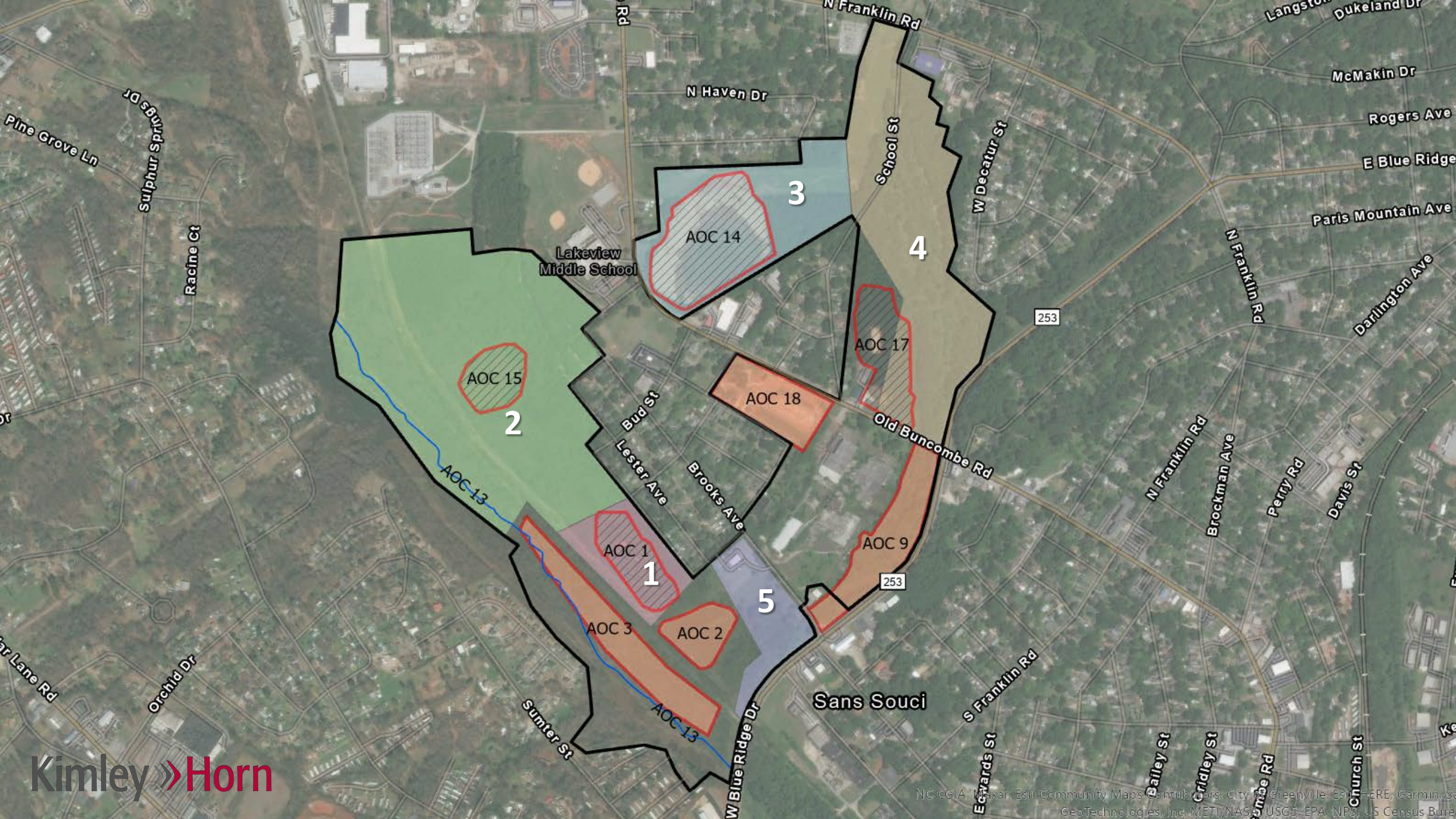
- is consistent and compatible with the proposed future use of the property;
- will not contribute to or exacerbate discharges, releases, or threatened releases;
- will not interfere with or substantially increase the cost of response actions to address the remaining discharges, releases, or threatened releases; and
- requires deed notices or restrictions, or both, determined appropriate by the department, to be placed on the property after completion of the work plan.

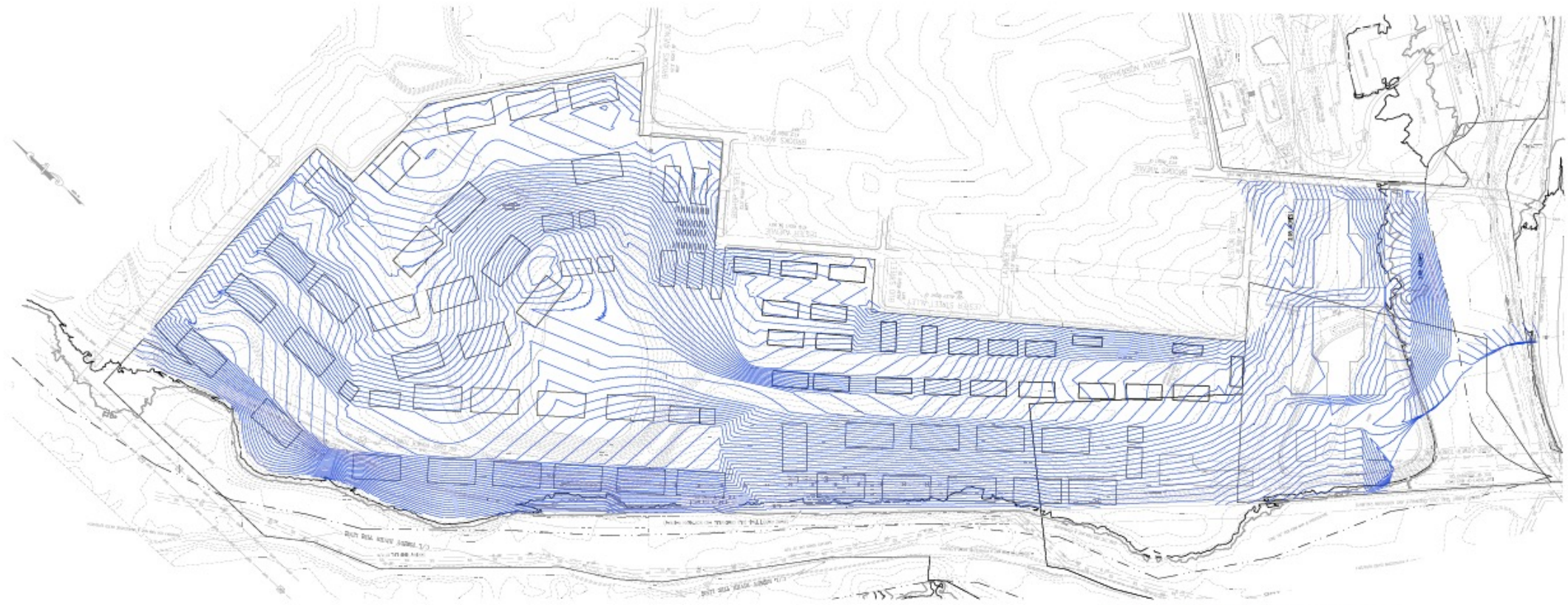


VOLUNTARY CLEANUP CONTRACT 21-4755-NRP

RESPONSE ACTION

4. In Accordance with the response actions specified in the sub-paragraphs below, CMAG agrees to conduct site assessment activities as set forth in the attached Sampling Plan, attached hereto as Exhibit "A" (the "Sampling Plan"). The Department and CMAG acknowledge that the Sampling Plan may be modified. Development of the property will be conducted in phases in various Development Areas, which are set forth in the Sampling Plan. More detailed Work Plans (the "Work Plans") shall be submitted for each Development Area considering the planned future uses. The schedule for Work Plan submission shall allow ample time for the Department's review and approval prior to the start of work. A report of the assessment results shall be submitted by CMAG, or its designee, in accordance with schedules provided in the Work Plans.





Cut/Fill Report

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Volume Summary							
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SOUTHWEST	Sub	1.000	1.000	304,149.18	30,387.81	30,387.81	282,759
Totals				St Area (Sq. Ft.)	Cut (Cu. Yds.)	Fill (Cu. Yds.)	Net (Cu. Yds.)
Total				304,149.18	30,387.81	30,387.81	282,759

* Values adjusted by user on GFI Section after Review

* Value adjusted by cut or fill distance other than 5.0







Superfund Redevelopment Resources and Contacts

Scott Miller, EPA Region 4

Superfund Redevelopment Resources & Tools

- Technical Assistance & Reuse Planning
- EPA Guidance, Handbooks & Fact Sheets
- Prospective Purchaser Inquiry (PPI) service calls
- Status/Comfort Letters
- Ready for Reuse (RfR) Determinations
- EPA Agreements (e.g., PPAs)



Prospective Purchaser Inquiry Service



Using the Superfund Redevelopment Program's Prospective Purchaser Inquiry Service to Support Superfund Site Reuse

EPA's Superfund Redevelopment Program works in partnership with EPA staff and communities to support the beneficial reuse of Superfund sites across the country. The Prospective Purchaser Inquiry (PPI) Service is an effective best practice that EPA regional site teams can use when they respond to inquiries from stakeholders interested in purchasing, reusing or facilitating the reuse of Superfund site properties. At the same time, the PPI Service can provide tribal, state and local governments, communities, developers and other stakeholders with valuable information on how EPA can support their reuse efforts.



EPA's Prospective Purchaser Inquiry (PPI) Service

EPA Regions use a variety of tools to support reuse at Superfund sites. EPA's PPI Service brings these tools together to provide accurate, comprehensive information about both removal and remedial Superfund sites. The information provided by EPA helps prospective purchasers make informed and timely decisions. The service is free of charge.

PPI Meeting Agenda and Discussion Topics

1. What is the current status of EPA's cleanup? What are the future anticipated actions?
2. Is the proposed reuse compatible with EPA's cleanup and the site's current or potential site restrictions?

day, May 28, 2020,
Environmental Protection Agency Determines that the

EPA **12.5-acre Facility Property at the Fairfax Street Wood Treaters Superfund Site Is Ready for Unrestricted Use**

Carol J. Monell
Carol J. Monell
Director, Superfund & Emergency Management Division
U.S. Environmental Protection Agency Region 4

Tim J. Bahr
Tim J. Bahr
Director, Division of Waste Management
Florida Department of Environmental Protection

This Ready for Reuse (RfR) Determination is for the 12.5-acre facility property of the Fairfax St. Wood Treaters Superfund Site ("Site") located in the city of Jacksonville, Duval County, Florida. This RfR Determination provides that the EPA and the Florida Department of Environmental Protection (FDEP) have made a technical determination that the 12.5-acre facility property cleaned up pursuant to the 2017 Record of Decision is ready for unrestricted use and the completed remedy will remain protective of human health and the environment. These conclusions are summarized in the attached Ready for Reuse Determination report for the Fairfax St. Wood Treaters Superfund site, _____, 2020. This RfR Determination remains valid unless new information becomes available to suggest that conditions at the Site are no longer protective of human health and the environment.

EPA's 2020 Final Close-Out Report confirms the successful remediation of all site surface soils to residential cleanup levels at the Fairfax St. Wood Treaters Superfund Site and removal of all contaminated facility debris from former operations. Because all hazardous wastes were remediated to meet cleanup standards, there are no operation and maintenance requirements, or limitations on reuse of the Site. The types of uses identified as protective in this RfR Determination remain subject to (i) applicable federal, state, and local regulation, including, but not limited to, zoning ordinances and building codes, and so (ii) title documents, including, but not limited to, easements, restrictions, and institutional controls.

This Ready for Reuse Determination is an environmental status report and does not have any legally binding effect, nor does it expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including but not limited to legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, and/or require environmental response actions in connection with the Site, including but not limited to instances when new or additional information has been discovered regarding the contamination or conditions at the Site that indicate that the response and/or the conditions at the Site are no longer protective of human health or the environment for the uses identified in the Ready for Reuse Determination.

prospective purchaser understand federal landowner liability protections?

A settle or resolve any Section 107(l) liens or Section 107(r) Windfall liens?

ools and support may be helpful?



Munisport Landfill
Superfund site in
North Miami, Florida



Harris Corp. (Palm Bay
Plant) Superfund site in
Palm Bay, Florida

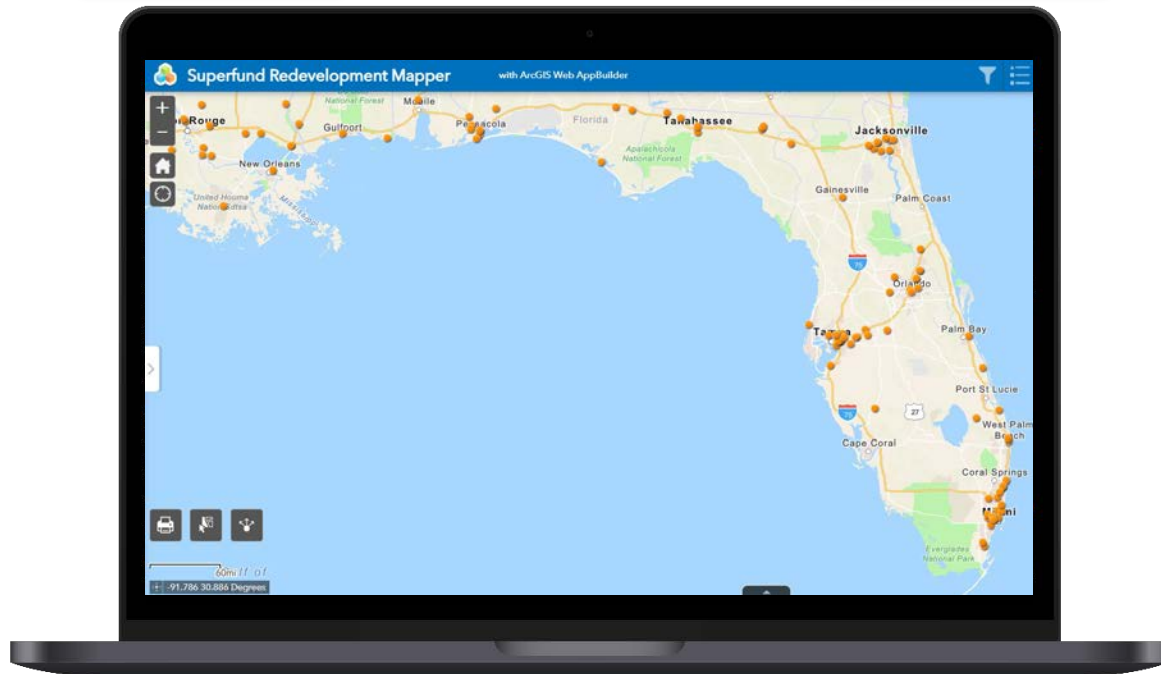


Brown's Dump
Superfund site in
Jacksonville, Florida

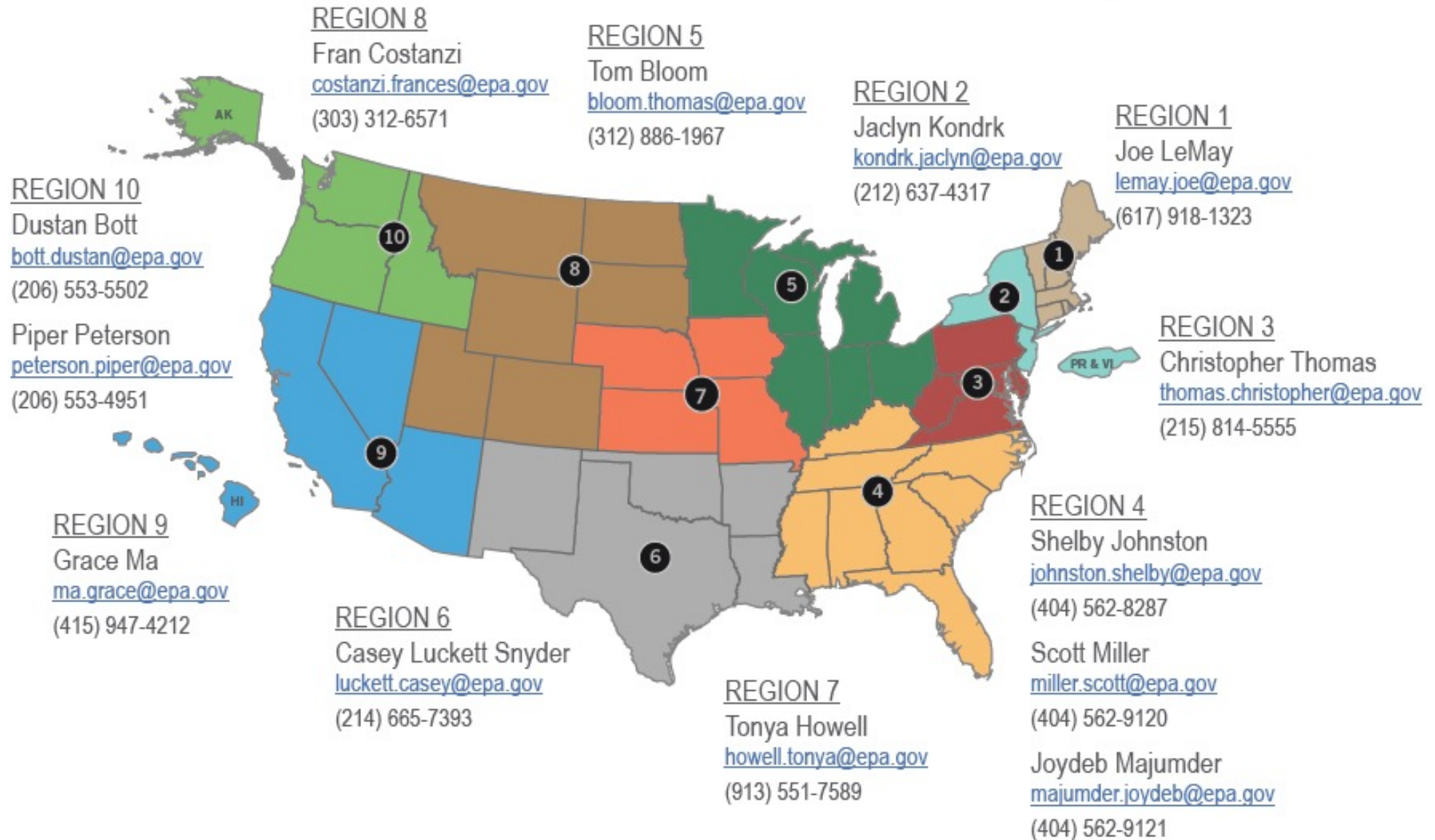


Superfund Redevelopment Mapper

- Web-based mapping tool created to interactively explore reuse opportunities on or near Superfund sites.
- Useful for:
 - Developers
 - Land managers
 - Local, state and tribal governments
 - Community development organizations



Redevelopment Coordinators by Region



For More Information

Scott Miller

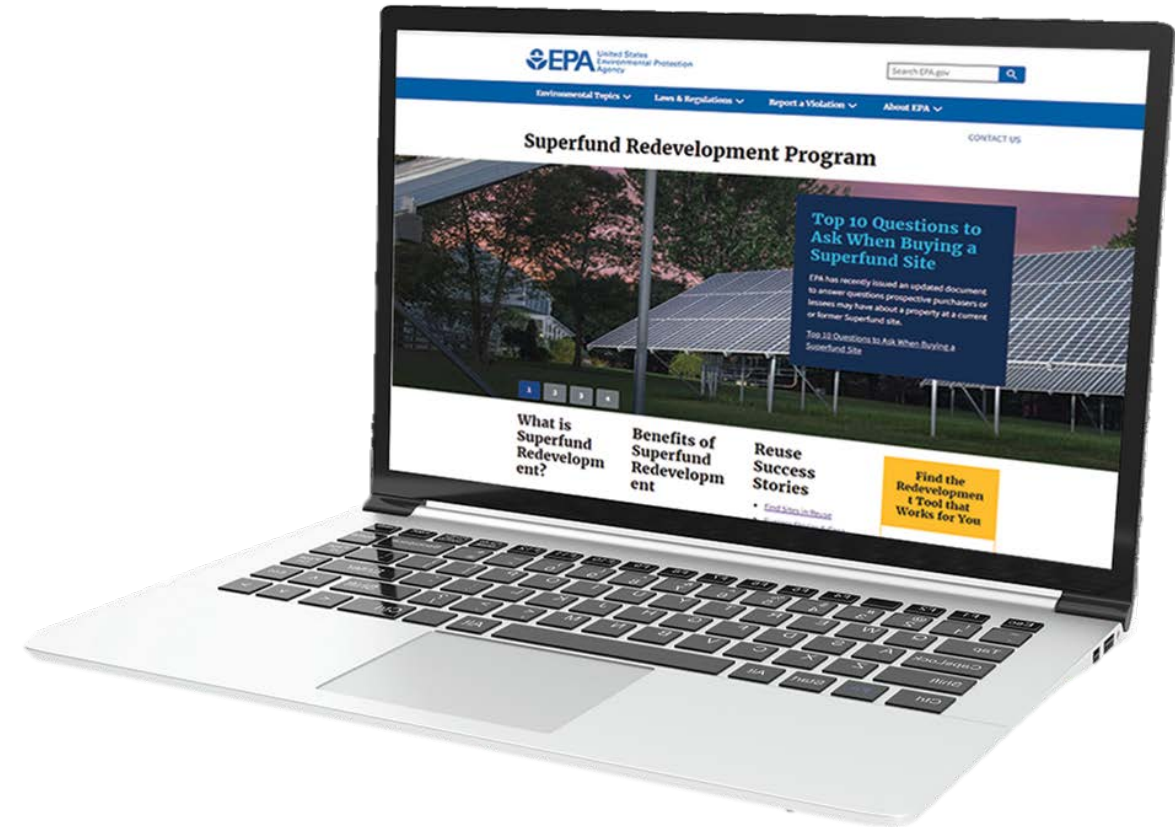
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Visit the Superfund Redevelopment
Program Website at:
www.epa.gov/superfund-redevelopment



Questions?

Josie Torres, Moderator