

FINAL

**ENVIRONMENTAL ASSESSMENT (EA)
FOR POTABLE WATER AND WASTEWATER
INFRASTRUCTURE IMPROVEMENTS IN
ORANGEBURG COUNTY AT INTERSECTION OF
U.S. HWY 301 AND U.S. HWY 176

ORANGEBURG COUNTY, SOUTH CAROLINA**

**U. S. Army Corps of Engineers
Charleston District**

January 2007

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FINAL

ENVIRONMENTAL ASSESSMENT (EA) FOR POTABLE WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS IN ORANGEBURG COUNTY AT INTERSECTION OF U.S. HWY 301 AND U.S. HWY 176 ORANGEBURG COUNTY, SOUTH CAROLINA

1.0 INTRODUCTION

1.1 Project Purpose and Authority. The U.S. Army Corps of Engineers, Charleston District (The Corps) working in cooperation with the Lake Marion Regional Water Agency, Santee-Cooper, and Orangeburg County, is proposing to construct potable water and wastewater infrastructure at a proposed industrial park (i.e., Matthews Industrial Park) at the intersection of U.S. Highway 301 (Hwy 301) and U.S. Highway 176 in eastern Orangeburg County (see Figure 1). This Environmental Assessment (EA) addresses the environmental impacts due to this potable water/wastewater improvement project.

The U.S. Army Corps of Engineers (USACE) was authorized by the Water Resources Development Act (WRDA) of 1992 (Public Law 102-580), as amended, to provide assistance to non-Federal interests for carrying out water-related environmental infrastructure and resources protection and development projects.

1.2 Project Location and Description. Orangeburg County is located in the south central portion of South Carolina and encompasses approximately 1,100 square miles with 91,582 residents according to the 2000 U.S. Census.

The proposed project includes a one million gallon elevated potable water storage tank and a 500,000 gallon per day (average daily flow) wastewater treatment facility (see Figures 2 and 3). The elevated storage tank will be connected to the 12-inch water main that was recently constructed along Hwy 301 between Interstate 95 and Interstate 26, and will be used to supply potable water to industrial/commercial tenants at the industrial park. The wastewater treatment facility will serve the wastewater needs of the industrial park's tenants and will use membrane treatment technology to achieve tertiary treatment standards. Wastewater from the industrial park will be piped (either through a gravity line or a force main) across Goodbys Swamp from the industrial park to the treatment plant. The treated effluent will be discharged onto upland sprayfields near the confluence of Goodbys Swamp and Four Hole Swamp.



Figure 1 - Location of Matthews Industrial Park

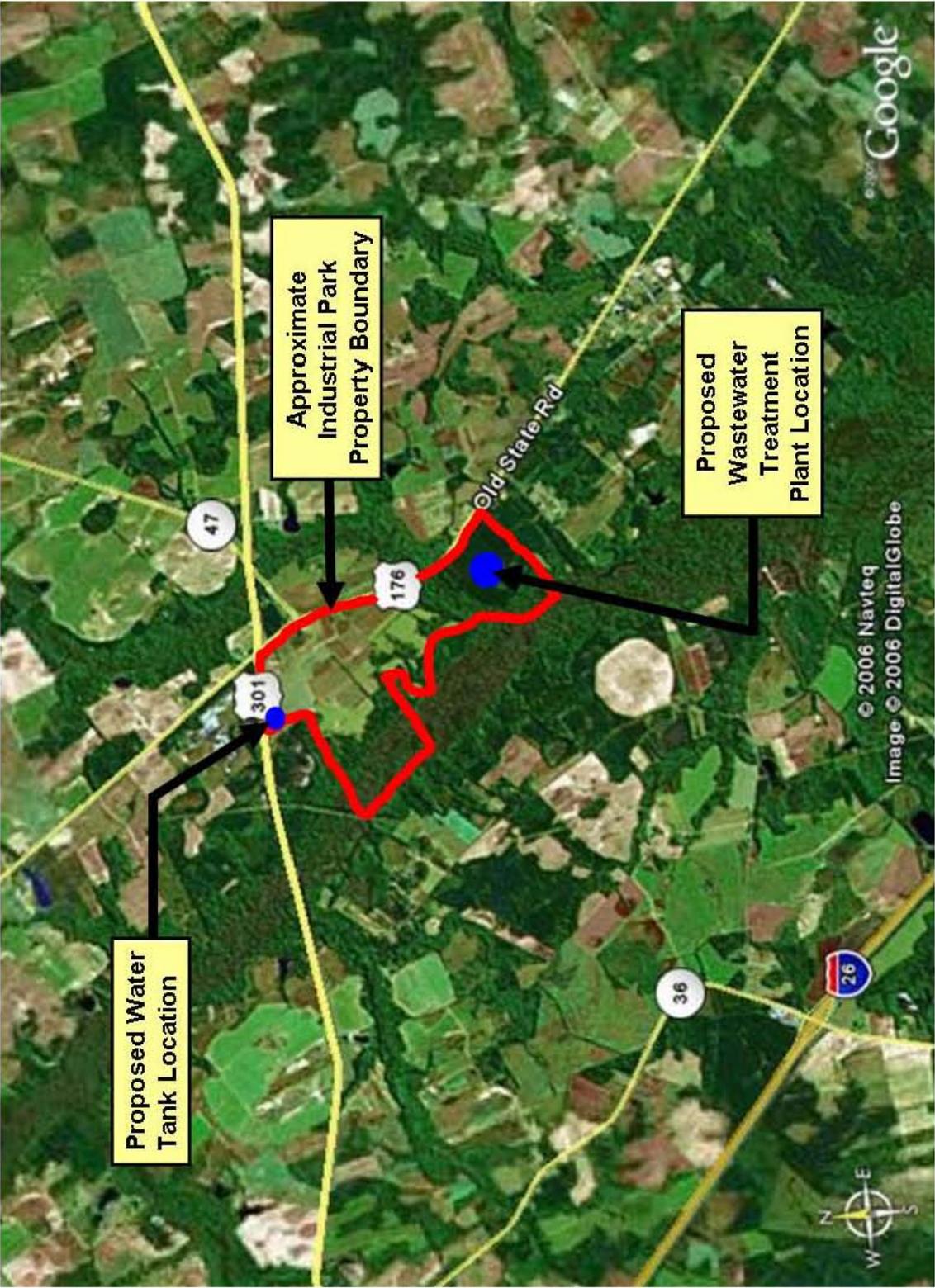


Figure 2 - Location of Proposed Wastewater Treatment Plant and Elevated Potable Water Tank

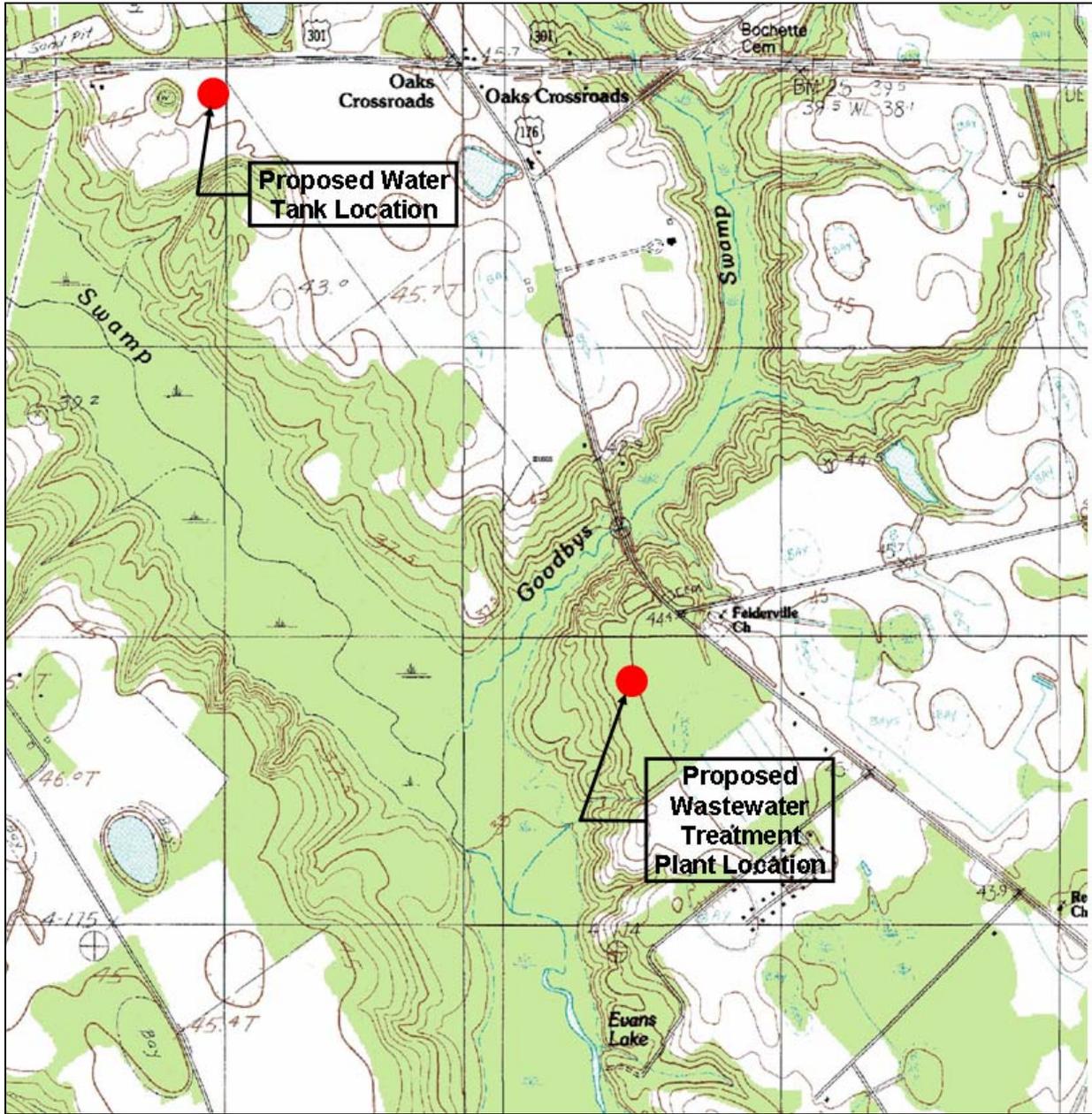


Figure 3 - Topographic Map of Proposed Elevated Potable Water Tank and Wastewater Treatment Plant Locations

2.0 ALTERNATIVES (INCLUDING THE PROPOSED ACTION)

2.1 Proposed Action. This alternative involves the construction of a wastewater treatment plant and an elevated potable water storage tank to provide wastewater services and potable water for the industrial/commercial tenants at the industrial park.

2.2 Wastewater Alternatives. Alternatives to the proposed on-site wastewater treatment facility include septic tanks, on-site wastewater storage, and wastewater collection/transmission lines.

2.2.1 Septic Tanks. This alternative would involve the construction of septic tank systems for commercial and industrial tenants of the Matthews Industrial Park. The use of septic tanks for commercial and industrial facilities is an impractical alternative. Potential commercial and industrial tenants of the industrial park would likely reject tenancy in the park if they would have to rely on septic tank systems for their wastewater treatment needs.

2.2.2 On-Site Wastewater Storage. This alternative would require a large on-site wastewater storage system combined with frequent pump out and hauling to an existing wastewater treatment plant. The use of an on-site wastewater storage system that relies on frequent pump out is an impractical alternative for commercial and industrial facilities. Potential commercial and industrial tenants of the industrial park would likely reject tenancy in the park if they would have to rely on this type of wastewater service for their wastewater treatment needs.

2.2.3 Construction of Wastewater Collection/Transmission Lines. This alternative would involve the construction of gravity wastewater lines, a wastewater pump station, and a wastewater force main. The wastewater would be pumped to the existing City of Orangeburg Department of Public Utilities' (DPU) wastewater treatment plant along U.S. Highway 21. Although this is a technically feasible solution and the existing DPU treatment plant has the necessary capacity, this alternative would require crossing Four Hole Swamp with a wastewater line. This line would require an excavation through the swamp during construction and would result in a permanently cleared corridor through the swamp. This alternative is also more costly than the proposed alternative. For these reasons, this alternative was rejected.

2.3 Potable Water Alternatives. Alternatives to the proposed elevated potable water storage tank are limited. Possible sources of potable water include surface water, groundwater, or installation of a dedicated water main solely for the industrial park.

2.3.1 Surface Water. Four Hole Swamp and Goodby's Swamp are the only local surface water sources adjacent to the industrial park and neither stream has sufficient flow to satisfy the expected peak demand of the industrial park.

2.3.2 Groundwater. There are concerns about the increasing demand on groundwater and its effect on the capability of the aquifer to continue to produce high quality water in the area of the proposed project. These concerns have resulted in the State of South Carolina implementing a program that monitors all new groundwater wells that withdraw more than 3 million gallons per month (i.e., approximately 70 gallons/minute if operated continuously). Because of this increased demand on groundwater and the concerns about the effect on the aquifer as a source of potable water, groundwater is not recommended as a source of potable water for the industrial park.

2.3.3 Dedicated Water Main. A new 12 inch potable water main was recently constructed along U.S. Hwy 301 from Interstate 95 to Interstate 26 (I-26). However, there is not enough capacity in this water main to service the peak demands of the Matthews Industrial Park without construction of a storage tank. Also, this water main serves as a back-up potable water supply for the County-City Industrial Park at the intersection of Hwy 301 and I-26. Construction of a new, larger water main to service the Matthews Industrial Park would be more costly than construction of an elevated storage tank.

2.4 No Action. This alternative would involve no planned additions to the wastewater system in this area of Orangeburg County and no construction of the elevated potable water storage tank. This alternative would eliminate the possibility of developing the industrial park as a planned center for commercial and industrial growth in the project area. However, because of its location along a 4-lane U.S. Highway (i.e., Hwy 301) and its proximity to Interstate 26, sporadic commercial and industrial growth will likely occur in the project area. These industries would likely not be centrally located at the Industrial Park site and would likely use groundwater for their potable water needs and septic systems, small wastewater treatment package plants, or wastewater storage that relies on pump and haul for disposal/treatment for their wastewater needs. This alternative would likely result in uncontrolled, sporadic growth; additional demand on the aquifer; and many, potentially less reliable, wastewater treatment systems. For these reasons, the “no action” alternative was rejected.

3.0 AFFECTED ENVIRONMENT

3.1 Climate. The climate in Orangeburg County, South Carolina consists of long hot summers and cool winters. Summers are warm and humid (average July temperature 81 degrees Fahrenheit), and winters are relatively mild (average January temperature of 45 degrees Fahrenheit). The mean average annual temperature is 63.5 degrees Fahrenheit. Precipitation occurs chiefly as rainfall and averages about 47.5 inches per year.

3.2 Threatened and Endangered Species. Table 1 contains a list of species that have been listed by the U.S. Fish and Wildlife Service as occurring or possibly occurring in Orangeburg County (from list dated March 2006). In addition to the

3.3 Water Quality. Water bodies in the immediate area of the proposed project are Four Hole Swamp and Goodbys Swamp. Goodbys Swamp is a tributary of Four Hole Swamp, with both streams being in the Edisto River watershed. Both Goodbys Swamp and Four Hole Swamp are classified as “*FW*” (i.e., freshwater that is suitable for primary and secondary contact recreation and as a source of drinking water with a site specific classification that requires a dissolved oxygen (DO) level not less than 4.0 mg/L and pH between 5.0 and 8.5). Both Goodbys Swamp and Four Hole Swamp are monitored as part of South Carolina DHEC statewide water quality monitoring program. Water quality monitoring sites on Four Hole Swamp both upstream and downstream of the location of the proposed project are listed as “impaired” on the State of South Carolina 303(d) list due to either high fecal coliform levels or low DO levels. A water quality monitoring site on Goodbys Swamp adjacent to the location of the proposed project is listed on the 303(d) list due to high fecal coliform and an impaired biological community.

Additionally, the Edisto River and Four Hole Swamp are listed on the Nationwide River Inventory.

3.4 Cultural Resources. A preliminary cultural resources survey was performed on the main tract for the industrial park by R.S. Webb & Associates in June 2002 (see Appendix B). Several archaeological sites were discovered that require additional investigation to determine their eligibility status for the National Register of Historic Places. No surveys have been conducted in the area where the wastewater treatment plant will be located.

3.5 Socio-Economic and Environmental Justice. Environmental justice involves addressing disproportionately high and adverse human health or environmental effects of Federal actions on minority and low-income communities. The project area is a rural area of Orangeburg County. Based on the 2000 Census data, the poverty level in the project area ranges from 0% to approximately 30%. Based on the 2000 Census data, the minority ratio in the project area ranges from approximately 0% to 100%.

3.6 Land Use. The majority of the planning area is cropland/pasture or forested. There is little development in the area.

3.7 Air Quality. Air quality in South Carolina is measured and regulated by the South Carolina Department of Health and Environmental Control. At the present time, the Orangeburg County area is in attainment with all National Ambient Air Quality Standards.

3.8 Noise. Environmental noise is a conglomeration of distant and nearby noise sources. Distant noise sources observed within the project area include vehicular noise. Types of nearby noise sources observed within the project area include vehicular noise and naturally occurring noises (buzzing of insects, bird calls, etc.).

3.9 Wetlands. Wetlands in the immediate area of the project consist of Four Hole Swamp and Goodbys Swamp. These wetlands are classified as forested wetland.

4.0 ENVIRONMENTAL CONSEQUENCES

4.1 General. There are periodic, short-term, minimal adverse impacts and beneficial effects related to the proposed wastewater and potable water improvements. These impacts/effects are discussed in detail below.

An Environmental Site Assessment was performed for the wastewater treatment plant site by S&ME in October 2005. The conclusions of the assessment were that there were no potential environmental concerns associated with the property where the treatment plant will be located. A copy of this assessment is included in Appendix C.

4.2 Climate. The proposed project will have no effect on the climate of Orangeburg County

4.3 Biological Resources. To minimize any potential adverse environmental impacts, the following conservation measures/Best Management Practices will be employed:

- Heavy equipment will be placed on mats when working in wetland areas.
- No herbicides will be allowed within or adjacent to wetland areas.
- No fill will be placed in wetlands. Adjacent access roads and drainage ditches will not alter natural flow regimes through wetland areas.
- Prior to the beginning of any construction activities, appropriate erosion control measures, such as silt fences, silt barriers, or other suitable devices, will be placed between the construction area and affected waterways (wetlands) and maintained in a functioning capacity until the area is permanently stabilized upon project completion.
- All necessary steps will be taken to prevent oil, tar, trash, debris, and other pollutants from entering adjacent wetlands and/or waterways.
- Once initiated, the project will be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
- Upon completion, all disturbed areas will be permanently stabilized with vegetative cover and/or rip-rap, as appropriate.
- Construction activities will avoid, to the greatest extent practical, encroachment into any wetland areas. Where practicable, sidecast soil material from trench

excavation will be placed on the side of the trench opposite streams and wetlands.

- Excess soil will be removed to an approved upland disposal site.

4.4 Water Quality. Implementation of the proposed project will result in temporary water quality degradation at the wetland sites; however, the exact impacts to wetlands are not known at this time. As design of the wastewater treatment plant progresses, the impacts to wetlands will be identified. It is anticipated that all work in wetlands will be performed in accordance with the guidelines of Corps of Engineers Nationwide 12 permit.

The impact to wetlands will result from the wastewater line that transfers the wastewater from the industrial park to the wastewater treatment plant. This line must cross Goodbys swamp. This line will either be a gravity line or a pumped force main. Installation of this line will either be by directional drilling or traditional “cut and cover” trenching. The total acreage of impacted wetlands is expected to be less than ½ acre, and the wetlands will be restored to their original grade following completion of the work. The overall impacts on water quality will be low with most of the impact being only temporary. After the design of the wastewater treatment plant is completed, a 404(b)(1) wetlands assessment will be performed and a water quality certification public notice will be issued (if necessary). A WQ public notice will not be issued if all wetlands related work can be performed under the authority of Nationwide Permit 12; however, all environmental resource agencies will be notified of this decision before construction begins. Construction will not proceed until all resource agency requirements/restrictions are satisfied.

4.5 Threatened and Endangered Species. A threatened and endangered species survey will be conducted on the wastewater treatment plant site after the design of the wastewater treatment plant is completed, but before construction activities are initiated. This survey will be coordinated with U.S. Fish and Wildlife Service (USFWS). Construction will not proceed until all USFWS requirements/restrictions are satisfied.

4.6 Cultural Resources. Additional cultural resource surveys are necessary before consultation with SHPO can be completed. These surveys will be conducted after the design of the wastewater treatment plant is completed, but before construction activities are initiated. These surveys will be coordinated with the SHPO and construction will not proceed until all SHPO requirements/restrictions are satisfied.

4.7 Socio-Economic Resources. The proposed wastewater and potable water improvement project should aid in promoting commercial and industrial growth in the area, which will increase jobs in the area.

4.8 Environmental Justice. Environmental justice involves addressing disproportionately high and adverse human health or environmental effects of Federal

actions on minority and low-income communities. There are no minority or low-income communities located in the planning area that would be negatively impacted. The proposed project will provide a positive affect to the population in the project area by providing employment opportunities associated with the development of the Matthews Industrial Park. There are no plans for the wastewater treatment plant to accept residential wastewater; therefore, the proposed project does not have the potential to be a financial burden to low-income residents.

- 4.9 Land Use.** The land use associated with the Matthews Industrial Park property will change from cropland/pasture and forested to commercial/industrial; however, there are no known conflicts with any existing or proposed Federal, state, or local land use plans. With population growth in the area spurred by the industrial park, some land use changes will likely occur as cropland/pasture or forest are converted to residential; however, most of this development will likely occur in already established residential areas.
- 4.10 Air Quality.** The wastewater treatment plant will not generate any air emissions. Air quality will only be affected during the construction phase. Minor fugitive emissions may be created due to increased dust levels, machinery exhausts, odors, and smoke, in the event burning is required. These minor emissions could aggravate respiratory problems such as emphysema or other pulmonary conditions for individuals in the immediate vicinity of the construction for a brief time only during construction. Air quality should return to normal following completion of the project. There likely will be some odor associated with the wastewater plant; however, this will be confined to the immediate area around the plant, and no odor is expected to be detectable beyond the property boundaries.
- 4.11 Noise.** The wastewater treatment plant will not cause a significant increase in ambient noise levels; however, ambient noise levels will increase as a result of the project construction machinery and any associated equipment during project construction. The increase will be minor and temporary in nature. Noise levels will return to near normal following completion of the project. As development of the Matthews Industrial Park occurs, noise levels may increase due to the increase in traffic in the area.
- 4.12 Cumulative Impacts.** The cumulative impacts associated with this project are associated with the Matthews Industrial Park. Development of the industrial park will result in land use changes (see Paragraph 4.9 above) and some impacts to isolated wetlands. No air emissions are expected as a result of development of the industrial park. No manufacturing facilities that would have significant air emissions are expected to be tenants at the industrial park. The exact impacts to isolated wetlands are not known at this time, but these impacts will be addressed at the time when

development of the industrial park occurs. Development of the industrial park is expected to cause some additional population growth in the area; however, this growth is not expected to be detrimental.

5.0 UNAVOIDABLE ADVERSE ENVIRONMENTAL CONSEQUENCES

There are short-term impacts that will result with the construction of the wastewater and potable water improvement project. Construction of the wastewater line from the industrial park to the treatment plant will be performed using either the “cut and cover” method or directional drilling techniques. “Cut and cover” construction involves the use of backhoes and track hoes for digging the trench for pipe placement. Bulldozers would be used for required clearing and for spreading clean fill dirt, if needed. Trucks would be used for any necessary backfill after pipe placement and for hauling debris. In areas along the route that cannot support the equipment, the trucks would be used to place fill on the ground in order to stabilize the work area. Fill material will be placed in unstable areas to allow construction, but the material will be removed and the area restored to natural elevations following construction. Minimal adverse effects may be expected to result from this action, and this action would not contribute to any long-term or large-scale adverse impacts or detrimental effects in the area. A detailed discussion of all environmental impacts expected to result from the project is contained in Section 4.0 above. The principal adverse impact would be related to the impact to wetlands. There will be no net fill added to any wetlands and no loss of wetland acreage.

6.0 COORDINATION WITH OTHERS

Copies of the Draft Environmental Assessment and Finding of No Significant Impact were sent to approximately 75 agencies/organizations/tribes/individuals for coordination and consultation. The list of addressees and the comments that were received from these addressees are provided in Appendix A.

7.0 CONCLUSIONS

The proposed potable water and wastewater infrastructure project does not have any long-term, unacceptable adverse impacts that are expected to occur. The total acreage of impacted wetlands is expected to be less than ½ acre, and the wetlands will be restored to their original grade following completion of the work. No fill will be added to wetlands and there will be no net loss of wetland acreage.

APPENDIX A

List of Addressees for Draft EA and FONSI

Mr. Van Stickles, Mayor, Town of Elloree
Mr. Jason Ward, Dorchester County Administrator
Mr. Everett Gasque, Town of Elloree
Mr. John Singh, Elloree Town Administrator
Ms. Beth Phillips, Mayor, Town of Summerton
Mr. Jim Jeffers, Mayor, Town of Holly Hill
Mr. Bill Noonan, Sumter County Administrator
City of Manning Administrator
Mrs. Vivian F. McGhaney, Sumter County Council
Mr. Richard Rosebrock, Dorchester County Council
Mr. David Sojourner, Mayor, Town of St. George
Mr. F. Lee Prickett, Calhoun County Administrator
Mr. Bill Houser, Clarendon County Administrator
Mrs. Gayle Austin, Town of Holly Hill Administrator
Mr. William G. Irick, Elloree Water System
Mr. Johnnie Wright, Sr., Lake Marion Regional Water Agency
Mr. Donnie Hilliard, Town of Santee Administrator
Mr. Silas Seabrooks, Mayor, Town of Santee
Mrs. Helen Carson, Calhoun County Council Member
Mr. Bill Clark, Orangeburg County Administrator
Mr. Ted Johnson, Town of Summerton
Mr. Dwight Stewart, Clarendon County Council
Mr. Jason Purvis, Town of St. George Administrator
Mr. Charles Ackerman, Mayor, Town of Harleyville
Ms. Rebecca Rhodes, Town of Summerton Administrator
Mr. James H. Rozier, Berkeley County Supervisor
Mr. Joseph T. McElveen, Jr., Mayor, City of Sumter
Mrs. Virginia Turbeville, Mayor, Town of Turbeville
SC Wildlife Federation
Sierra Club, SC State Chapter
Honorable Joe Wilson, U.S. House of Representatives
Mr. William Robinson, Santee Cooper Regional Water System
Mr. Deepal Eliatamby, Alliance Consulting Engineers
Mr. Dana Beach, SC Coastal Conservation League
Honorable James E. Clyburn, U.S. House of Representatives
Mr. Douglas B. Kinard, P.E., SCDHEC Bureau of Water
SC Department of Transportation
Ms. Liz Kress, Santee Cooper
SC Nature Conservancy
Mr. John McLaughlin, Orangeburg County
Honorable Jim W. DeMint, United States Senate
Mr. Darryl Bullock, Berkeley-Charleston-Dorchester COG
Honorable Lindsey Graham, United States Senate

US Department of Agriculture, Natural Resources Conservation Service, Columbia, SC
Office

Ms. Beth Pierce, South Carolina Department of Commerce

Mr. David Price, SCDHEC Bureau of Water

Ms. Carolyn Boltin, SCDHEC Office of Ocean and Coastal Resource Management

Dr. Pace Wilbur, National Marine Fisheries Services

Ms. Gina Kirkland, SCDHEC Bureau of Water

Mr. Ed Duncan, SCDNR

Dr. Rodger Stroup, SC Department of Archives

Dr. Gerald Miller, EPA Region IV

Mr. Tim Hall, US Fish and Wildlife Service

Catawba Indian Nation

The Chickasaw Nation

Cherokee Nation

The Eastern Band of the Cherokee Nation

Alabama-Quassarte Tribal Town

Eastern Shawnee Tribe

Kialegee Tribal Town

Choctaw Nation of Oklahoma

Muscogee (Creek) Nation

Tuscarora Nation

Thlopthlocco Tribal Town

Poarch Band of Creek Indians

Shawnee Tribe

Seminole Tribe of Florida

United Keetoowah Band of Cherokee Indians

Absentee-Shawnee Tribe of Indians of Oklahoma



CHOCTAW NATION OF OKLAHOMA

Cultural Resources

P.O. Drawer 1210 • Durant, OK 74702-1210
1-580-924-8280 • 1-800-522-6170 • Fax: 580-920-3102

July 28, 2006

Joseph A. Jones
Department of the Army
Charleston District, Corps of Engineers
69A Hagood Avenue
Charleston, South Carolina 29403-5107

Dear Joseph A. Jones:

We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Entity Requesting Service: Potable Water and Wastewater Infrastructure Improvements

Site Location: Intersection of U.S. Hwy 301 and U.S. Hwy 176

County: Orangeburg County, South Carolina

Comments: After further review of the above mentioned project (s), to the best of our knowledge it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, this office should be contacted immediately @ 1-800-522-6170 ext. 2137.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: 
Caren A. Johnson
Administrative Assistant

CAJ: cp

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August 9, 2006

Joseph A. Jones, Chief, Planning Branch
Department of the Army
Charleston District, Corps of Engineers
69A Hagood Avenue
Charleston, South Carolina 29403

RE: Potable Water and Wastewater Infrastructure Improvements in Orangeburg County

Dear Mr. Jones:

The South Carolina Department of Health and Environmental Control Bureau of Water administers applicable regulations pertaining to water quality standards and classifications, including wetland protection, in accordance with the South Carolina Pollution Control Act and the Federal Clean Water Act.

After reviewing the above referenced project, it does not appear that the proposed work will adversely impact water quality or contravene water quality standards. However, to ensure protection and maintenance of water quality standards and classified uses, including wetlands functions, the Department recommends the following issues be addressed when planning and constructing these projects.

1. Any non-point discharges into a stream or river from construction areas of 2 acres or more will require a Department administered Stormwater Management and Sediment Control Permit. Construction areas of 1 acre or more will also be subject to NPDES Stormwater Permit regulations.
2. A Construction in Navigable Waters Permit will also be required for all construction within navigable waters of South Carolina.
3. With new businesses and other commercial/industrial operations, wastewater pre-treatment permits and/or other local approvals may be required.
4. This project would require DHEC to approve a preliminary engineering report and a land application permit and associated wastewater construction permits. DHEC's final review of the suitability of the project would be during these processes.

Page 2
Joseph A. Jones
August 9, 2006

5. Drinking water system construction requires a permit from DHEC. Our review of acceptability will occur with review of application for permit. Also, applicant should check with local water utility on available capacity.

6. Sewer system construction requires a permit from DHEC. Our review of acceptability will occur with review of application for permit. Also, applicant should check with local sewer utility on available capacity.

Other regulations not administered by this Bureau may apply to your project. Thank you for the opportunity to comment on this project. Please call Jessica V. Artz at 803-898-4261 if you have any questions.

Sincerely,



for M. Rheta Geddings, Assistant Bureau Chief
Bureau of Water



United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

August 2, 2006

Mr. Joseph A. Jones
Chief, Planning Branch
U.S. Army Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107

Dear Mr. Jones:

The U.S. Fish and Wildlife Service has reviewed the Draft Environmental Assessment (DEA) and Finding of No Significant Impact, received with your letter of July 19, 2006, for construction of potable water and wastewater infrastructure at a proposed industrial park (Matthews Industrial Park) in Orangeburg County, South Carolina. The project includes construction of a one million gallon elevated potable water storage tank and a 500,000 gallon per day wastewater treatment facility.

The DEA is generally adequate in its description of the existing fish and wildlife resources and the evaluation of project impacts. In order to reduce impacts to forested wetlands, we recommend that the directional drilling alternative be used for the wastewater line crossing of Goodbys Swamp. As stated in the document, consultation under Section 7 the Endangered Species Act, as amended (16 U.S.C. 1531-1543), will be completed after design of the wastewater treatment plant and before construction activities are initiated.

We appreciate the opportunity to provide these comments. Please contact Ed EuDaly at 843-727-4707 extension 227 if you have any questions.

Sincerely,

Timothy N. Hall
Field Supervisor

TNH/EME

Shirey, Alan D SAWatSAC

From: Long, Chad [REDACTED]@SCDAH.STATE.SC.US]

Sent: Friday, July 28, 2006 9:52 AM

To: Shirey, Alan D SAWatSAC

Subject: Potable Water and Wastewater Infrastructure Improvements FONSI (Orangeburg County)

Dear Alan,

We received the draft FONSI for the Potable Water and Wastewater Infrastructure Improvements project in Orangeburg County. As noted in the draft FONSI, additional investigations are needed to satisfy the requirements of the National Historic Preservation Act.

No comments on the draft FONSI. Please provide our office with the results of additional testing upon availability.

Sincerely,

Chad C. Long
Archaeologist/GIS Manager
SC State Historic Preservation Office
8301 Parklane Road
Columbia, SC 29223
Office: (803) 896-6181
Fax: (803) 896-6167
email: [REDACTED]@scdah.state.sc.us

8/25/2006

Shirey, Alan D SAWatSAC

From: William Robinson [REDACTED]@santeecooper.com]
Sent: Wednesday, July 26, 2006 3:30 PM
To: Shirey, Alan D SAWatSAC
Cc: Elizabeth Kress; Tom Kierspe
Subject: Matthews Industrial Park

Alan, I hope all is going well. I have received the EA and Finding of No Significant Impact (FONSI) regarding the water and wastewater project for the Matthews Industrial Site in Orangeburg County. After reviewing the FONSI, I have the following comment:

(1) on page 3 - Dedicated Water Main - the 12" water main will not **normally** provide water to the County-City Industrial Park at the intersection of I26 and Hwy 301. It will only be used in an emergency situation. There is a valve that will allow water from Lake Marion plant to enter into City's system, but it remains locked and in the closed position.

I thought I would pass this along. Let me know if you have any questions.

Thanks,
William Robinson

Confidentiality Notice:

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8/9/2006



Audubon SOUTH CAROLINA

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www.beidlerforest.com

August 19, 2006

Mr. Alan Shirey
U.S. Army Corps of Engineers
Charleston District
69-A Hagood Avenue
Charleston, SC 29403-5107

RE: Potable Water and Wastewater Infrastructure Improvements in Orangeburg County at Intersection of U.S. Hwy 301 and U.S. Hwy 176, Orangeburg County, South Carolina

Dear Mr. Shirey,

Please accept this letter as the official comments of Audubon South Carolina (ASC) on the above referenced project.

ASC has worked for over thirty years to protect and preserve Four Holes Swamp, one of the most intact and undisturbed hydrological systems in South Carolina. ASC's efforts have included the acquisition and permanent conservation of nearly 15,000 acres downstream of the John W. Matthews, Jr. Industrial Park. ASC submits these comments both as an organization representing the best interests of the wildlife and communities of Four Holes Swamp and as a significant landowner with the potential for significant impacts downstream of this site.

ASC supports economic development as a means to improve the quality of life of the residents of Orangeburg County, South Carolina. ASC has long held the belief that conservation and growth are not incompatible and has entered into a partnership with the Orangeburg County Economic Development Commission and Orangeburg County Government to support economic development where most appropriate. ASC is pleased to see that the innovative potable water and wastewater treatment solutions, as proposed by ASC, have been adopted for the Matthews Industrial Park.

Orangeburg County's intent to cluster its industrial and commercial development, rather than allow those activities to create sprawl is to be complimented. The clustering of the infrastructure and future businesses for this primarily rural, agricultural landscape protects the surrounding communities and natural resources of Four Holes Swamp.

Audubon South Carolina would like to offer the following comments on potential impact to Four Holes Swamp:



- a) Turbidity – ASC accepts that the one-time disturbance of Goodbys Swamp will increase turbidity levels on a temporary basis. As the projected impact on water quality is a single occurrence ASC feels that this impact is acceptable
- b) Biological Resources – ASC would like to see baseline sampling conducted of the macroinvertebrate community of Goodbys Swamp where the proposed wastewater line will cross. ASC would request follow-up sampling after construction of the wastewater line to determine if recolonization has indeed occurred in a timely manner. ASC has thirty years experience in the sampling of Four Holes Swamp's macroinvertebrate populations and would offer its services to conduct such sampling.

Thank you for the opportunity to submit comments on this proposed project.

Sincerely Yours,



April Stallings,
Conservation Coordinator
Audubon South Carolina

Catawba Indian Nation
Tribal Historic Preservation Office
P. O. Box 750
Rock Hill, South Carolina 29731
803-328-2427 Fax 803-328-5791



29 August 2006

Department of the Army
Charleston Corps of Engineers
69 A Hagood Avenue
Charleston, South Carolina 29403-5107

Re. THPO#	P/N #	Project description and location
2006-1-254	Not given	Letter re. Lake Marion Regional Water Agency, Santee-Cooper, and Orangeburg Co., at US Hwy 301 / US Hwy 176 in eastern Orangeburg Co., SC

Dear Sir or Madam:

The Catawba have concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas.

Regardless of which alternative is chosen, if there is any new horizontal or vertical ground disturbance, we want to see a Section 106 carried out. **The Catawba are to be notified if Native American artifacts and / or human remains are located during the construction phase of this project.**

If you have questions please contact Sandra Reinhardt at 803-328-2427 ext. 233, or e-mail sandrar@ccppcrafts.com.

Sincerely,

Sandra Reinhardt for
Wenonah G. Haire
Tribal Historic Preservation Officer

APPENDIX B

R.S. Webb & Associates

Cultural Resource Management Consultants
2800 Holly Springs Parkway, Suite 200 • P.O. Drawer 1319
Holly Springs, Georgia 30142
Phone: 770-345-0706 • Fax: 770-345-0707

July 8, 2002

Mr. Chris Lake
Law Engineering & Environmental Services, Inc.
720 Gracern Road, Suite 132
Columbia, South Carolina 29210

**Subject: Cultural Resources Literature Review and Reconnaissance Survey
570-Acre Proposed Development Tract - Intersection of SC-176 and SC-301,
Orangeburg County, South Carolina
R.S. Webb and Associates No. 02-LAW-260**

Dear Mr. Lake:

BACKGROUND

From June 24 through June 28, R. S. Webb and Associates conducted a cultural resources literature review and field reconnaissance for a 570-acre development site in northern Orangeburg County, South Carolina (Figure 1). The study was conducted to determine if state-recognized archeological resources and historic structures are located within or adjacent to the proposed project area. The study also included a walkover to locate ostensible cultural resources and assess land use history of the property. A "cultural resource" is defined as a discrete area of human activity that is more than 50 years old.

This document is for information and guidance purposes only. The fieldwork and reporting is not meant to adhere to state and federal reporting guidelines for projects that fall under the regulation of the National Historic Preservation Act (NHPA). The current field effort was designed to identify conspicuous cultural resources and assess the overall condition and potential of the project area.

If the proposed project requires federal permitting, licensing or funding, compliance with the NHPA may be required. Under the NHPA the federal agency issuing a permit is required to consult with the State Historic Preservation Office (SHPO) to determine how and to what extent the proposed undertaking may effect properties eligible for or listed on the National Register of Historic Places (NRHP). In order to formulate recommendations relevant to the eligibility status of structures, archeological sites and other cultural features more than 50 years old, an intensive cultural resources survey may be conducted and a report of the findings submitted to the appropriate federal agency.

The federal agency will then consult with the SHPO to determine the eligibility status of each structure and archeological site.

METHODOLOGY

Literature Review: A literature review was conducted to determine the presence of previously documented archeological sites or historic structures located within or around the study area. Documents and files reviewed include the NRHP, state archeological site files, appropriate county historic survey files, compliance and research reports, historic maps and library collections. The literature and records searches were conducted on June 24 and 25, 2002 at the South Carolina Institute of Archaeology and Anthropology, the South Carolina Department of Archives and History, and the University of South Carolina's Caroliniana Library in Columbia, South Carolina.

Field Reconnaissance: The field reconnaissance involved visitation and inspection of selected portions of the project area for archeological sites and historic structures. The survey team walked landforms with a high probability of containing archeological sites and historic structures (Figure 1). Along each transect, surfaces were inspected for artifacts, and 30 by 30-centimeter (cm) screened shovel tests were excavated to depths of approximately 80 cm below the surface or until the recognition of sterile subsoil. Shovel testing was conducted to search for subsurface cultural deposits and to assess the condition and land use history of the project area. Locations with a high likelihood of containing historic structures within or adjacent to the project area were also visited.

RESULTS

Literature Review: No NRHP-listed properties, state-recognized historic structures or previously recorded archeological sites are located within the project area. A review of the Mills Atlas published in 1825, reveals that no structures were located in the vicinity of the proposed project in the early 1800s. The Orangeburg County Soil Survey map published in 1915 shows four structures within the project area (Figure 2). Sections of the modern Indian Camp Branch and Felderville (7.5 minute series) USGS Quad maps show only two structures within the project area and several structures in the immediate vicinity.

Field Reconnaissance: Thirty-eight survey transects were walked and approximately 250 shovel tests were performed during the field reconnaissance (Figure 1). During the survey it was observed that approximately forty percent of the project area is planted or was recently plowed, forty percent is pastured and approximately twenty percent is wooded. Soils within the project area are sandy, well-drained soils with sandy clay subsoil. Soils on the higher elevations have been deflated through agriculture and erosion and tend not to possess the deep soil profiles found on the depositional planes of the ridge slopes and swamp edges.

Fifteen archeological sites (Figure 3: Sites 1 through 15) and three historic structures (Figure 3: S-1 through S-3) were discovered as a result of this investigation. The historic structures are all located within clusters of structures, the majority of which are not 50 years old and were not evaluated as a part of this investigation.

The three clusters of historic structures all contain a mix of both historic and modern structures. Cluster S-1 (Figure 3) contains four late 20th century commercial structures arranged along SC-301 at the intersection of SC-301 and SC-176. Located behind these modern structures is a turn of the century Queen Anne style residence with Craftsman elements. This structure is considered potentially eligible for nomination to the NRHP. However, it is located behind an unbroken line of modern structures and is separated from the proposed project by these structures, the highway and an operating gas station. Therefore, the proposed development project will have no effect on this resource. No further management consideration of this resource is warranted.

Two other clusters of structures contain both modern and historic buildings but neither of these contain structures that are considered eligible for the NRHP. Cluster S-2 (Figure 3) consists of an early 20th century commercial building that has been renovated into several small residential apartments. This structure is surrounded by several residential structures of recent construction. Cluster S-3, the only historic architectural element located within the project area (Figure 3), is a free standing 1950s wooden garage complimented by a more recent concrete block garage. Cluster S-3 is associated with the historic archeological deposit, Site 14 (Figure 3), but neither are recommended significant and no further management consideration is warranted.

The archeological resources discovered as a result of this investigation include seven historic sites (Figure 3; Sites 1, 2, 3, 8, 13, 14, and 15), seven prehistoric sites (Figure 3; Sites 4, 5, 6, 7, 10, 11 and 12) and one multi-component site yielding both historic and prehistoric materials (Figure 3; Site 9). Three of the historic deposits, Sites 1, 2 and 3 (Figure 3) are located in the approximate locations of structures represented on the 1915 Orangeburg County soil survey map (Figure 2). The majority of these resources are sparse to moderate density artifact deposits restricted to the plow zone and are therefore, considered ineligible for the NRHP. These resources warrant no further management action.

Four prehistoric sites located on the margin of Four Hole Swamp (Figure 3; Sites 4, 6, 11, and 12) demonstrate some potential for yielding significant archeological information. These sites are deeply buried and demonstrate density, clarity and physical integrity often associated with significant archeological resources and are considered potentially eligible for the NRHP. These resources require additional investigation, (i.e. Phase I/II) before the potential of these sites can be assessed.

CONCLUSIONS

The field reconnaissance identified 15 archeological sites and three complexes of historic structures (Figure 3). Two of the clusters of historic structures, S-2 and S-3 (Figure 3), are recommended ineligible for the NRHP and require no further consideration. One structure within the S-1 complex is considered potentially eligible for the NRHP, but the proposed project will have no effect on this property and no further management is warranted.

Eleven of the archeological sites documented as a result of this investigation were found to lack the clarity, uniqueness and physical integrity typically associated with significant archeological resources and are therefore recommended ineligible for the NRHP. Four of the 15 archeological sites (Figure 3; Sites 4, 6, 11 and 12) demonstrate the potential for yielding significant information and are therefore, considered potentially eligible for the NRHP. The only means of determining if

these and other sites in the project area are clearly eligible or clearly ineligible for the NRHP is to conduct Phase I/II cultural resources investigations.

CONTACTS

If you have any questions concerning these findings, please contact Ms. Beth Gantt or Mr. Steve Webb at (770)345-0706. We appreciate the opportunity to work with Law Engineering & Environmental Services, Inc on this project.

Sincerely,

R.S. WEBB & ASSOCIATES

A handwritten signature in cursive script, appearing to read "Beth Gantt", with a long horizontal line extending to the right.

Beth Gantt
Principal Archeologist

Attachments: Figures 1, 2 and 3

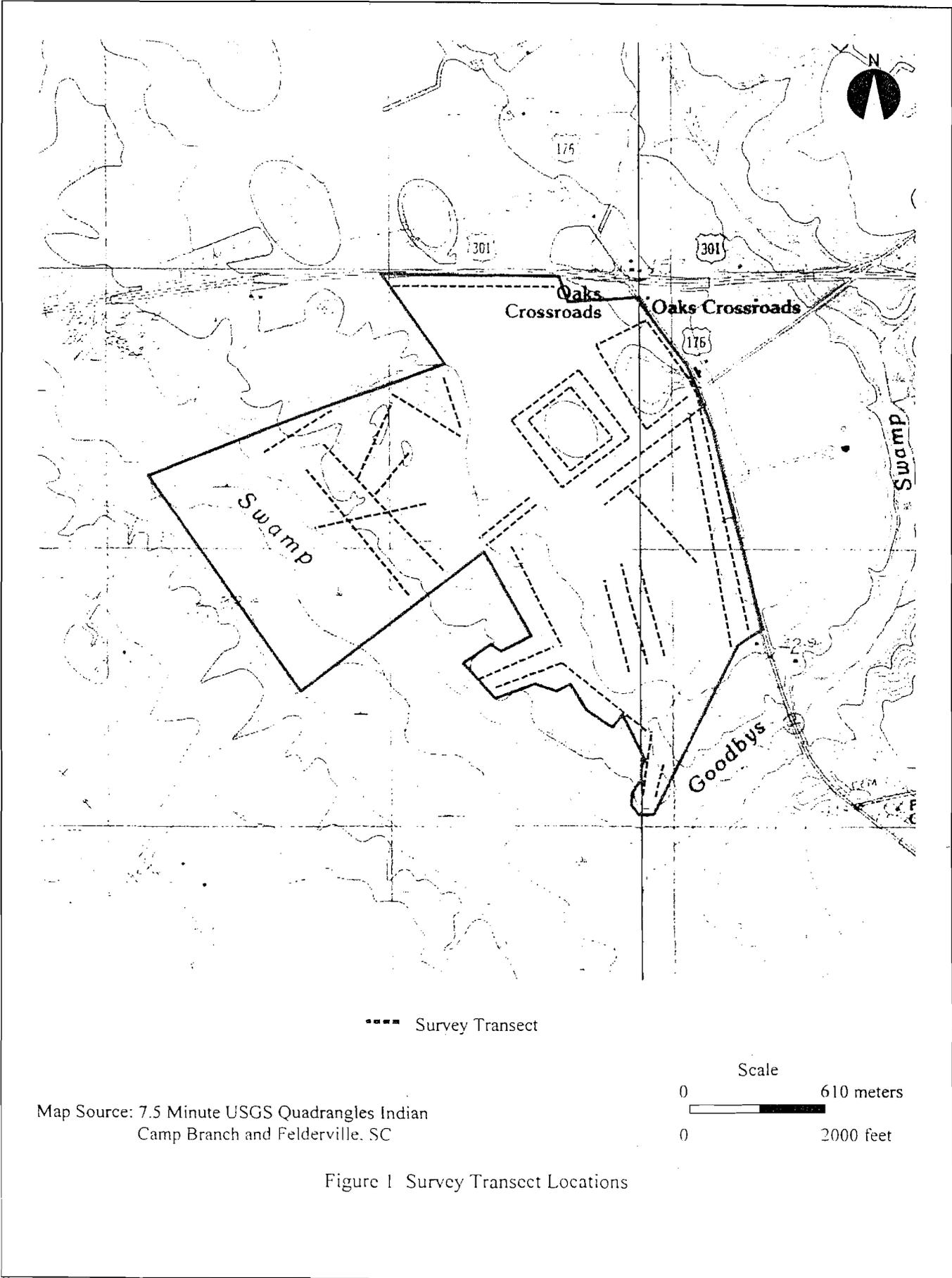


Figure 1 Survey Transect Locations

**Figure 2 Deleted Due to the Sensitivity of the
Location of Cultural Resource Sites**

**Figure 3 Deleted Due to the Sensitivity of the
Location of Cultural Resource Sites**

APPENDIX C

**PHASE I ENVIRONMENTAL
SITE ASSESSMENT**

**GOODBYS CREEK PARCEL – 226 ACRES
ORANGEBURG COUNTY, SOUTH CAROLINA
S&ME PROJECT NO. 1614-05-474**

Prepared For:

Alliance Consulting Engineers, Inc.
Post Office Box 8147
Columbia, South Carolina 29202-8147

Prepared By:



134 Suber Road
Columbia, South Carolina 29210

November 2, 2005



November 2, 2005

Alliance Consulting Engineers, Inc.
Post Office Box 8147
Columbia, South Carolina 29202-8147

ATTENTION: Mr. Deepal Eliatamby, P.E.

Reference: **PHASE I ENVIRONMENTAL SITE ASSESSMENT**
Goodbys Creek Parcel - 226 Acres
Orangeburg County, South Carolina
S&ME Project No. 1614-05-474

Dear Mr. Eliatamby:

This report presents the findings of a Phase I Environmental Site Assessment (ESA) for the referenced property. The purpose of the Phase I ESA was to assess the probability or potential for recognized environmental conditions being present or having impacted the subject site. The attached report represents the findings of S&ME's assessment of the referenced site as authorized by acceptance of S&ME Proposal No. 1614-4316-05.

S&ME appreciates the opportunity to provide these services for this phase of your project. Please contact us at your convenience if there are questions regarding the information contained in this report.

Sincerely,

S&ME, Inc.

Chris Daves
Biologist

Sonny Chestnut, P.E.
Senior Reviewer

S:/environ/1614Jobs/2005/1614-05-374/PIESA

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- D** **INTERVIEW DOCUMENTATION**
- E** **CONTRACT BETWEEN USER AND S&ME, INC.**

1.0 SUMMARY

This Summary is presented for the convenience of the reader. The complete report must be reviewed in its entirety prior to making decisions regarding this site.

S&ME, Inc. has completed a Phase I Environmental Site Assessment (ESA) for the approximate 226-acre subject property located west of U.S. Highway 176 approximately seven miles southwest of Elloree in Orangeburg County, South Carolina. The purpose of this Phase I ESA is to identify, to the extent feasible pursuant to ASTM E 1527-00, *Recognized Environmental Conditions* (RECs) in connection with the property. The ASTM Standard Practice E 1527-00 defines "good commercial and customary practice for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and to petroleum products". This practice is intended to permit a user to satisfy one of the requirements to qualify for the "innocent landowner defense" to CERCLA liability.

A site visit was conducted by an environmental professional to evaluate the subject property for drainage patterns, vegetation patterns, stains, discoloration, surrounding land use, and other visual aspects suggestive of the presence of RECs. The property is currently used as timberland and as hunting grounds.

No onsite or offsite findings were identified as potential environmental concerns. In summary, this assessment has revealed no RECs in connection with the subject property.

2.0 INTRODUCTION

2.1 PURPOSE

The purpose of this Phase I ESA was to identify, to the extent feasible following the processes described herein, *Recognized Environmental Conditions* (RECs) in connection with the subject property. This Phase I ESA was completed in accordance with our understanding of the guidelines set forth in ASTM E1527-00 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*.

ASTM defines a *REC* as the presence or likely presence of hazardous substances or petroleum products on the property under conditions that indicate an existing release, a past release, or a material threat of a release of hazardous substances or petroleum products into the structures on the property or into the ground, groundwater, or surface water of the property. The term does not include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of enforcement action if brought to the attention of appropriate governmental agencies.

2.2 SCOPE OF SERVICES

This Phase I ESA consists of four components; records review, site reconnaissance, interviews and report preparation.

Task 1 - A review of reasonably ascertainable and practically reviewable public records for the site and the immediate vicinity was conducted 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 public record included:

1. Examination of public records made available to S&ME by regulatory personnel regarding past, present, and pending enforcement actions and investigations at the site and within the immediate vicinity.
2. Examination of one or more of the following resources: aerial photographs, fire insurance maps, street directories and topographic maps of the site and vicinity for evidence suggesting past uses that might have involved hazardous substances or petroleum products.

Task 2 - A site reconnaissance was performed to identify visual signs of past or existing contamination on or adjacent to the site, and to evaluate any evidence found in the review of public records that might be indicative of activities resulting in hazardous substances or petroleum products being used or deposited on the site. The site reconnaissance included the following activities:

1. A visual reconnaissance of the site was performed to observe 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. Adjacent properties were observed from the subject property.
2. The periphery of the property was viewed and a walk-through of accessible areas of the site interior was conducted.
3. Areas of the site were photographed to document the current use(s) of the property as well as significant conditions such as unusually discolored soil, stressed vegetation, or other significant features associated with the property.

Task 3 - Interviews with appropriate local officials were conducted to consider any local knowledge of hazardous substances or petroleum products on the subject property or on adjacent properties. Interviews were also conducted with the current property owner or site manager regarding their knowledge of any hazardous substances or petroleum products on the subject property or on adjacent properties.

Task 4 - The collected data were evaluated, and this report was prepared.

2.3 SIGNIFICANT ASSUMPTIONS

- The slope of the water table under static conditions (no pumping interference) often approximates the land surface topography in the geologic province in which the subject property is located. Thus, the movement of groundwater is assumed to be in approximately the same direction as the drop of the topographic slope.
- Information acquired from public record and interviews is accurate and reliable.
- Existing creeks and perennial surface waterways are either losing to or gaining from the groundwater regime. Thus, existing creeks and perennial surface waterways delineate the locations of hydrogeologic barriers for flow within the subsurface groundwater regime.

2.4 LIMITATIONS AND EXCEPTIONS

Appropriate inquiry has been conducted to identify REC at the subject site. However, no Phase I ESA can wholly eliminate uncertainty regarding the potential for other unidentified environmental conditions in connection with a property. That is, an appropriate inquiry does not mean an exhaustive assessment of a subject property.

The findings of this report are applicable and representative of conditions encountered at the subject property on the date of this evaluation, and may not represent conditions at a later date. The review of public records was limited to that information that was available to S&ME at the time this report was prepared. Interviews with knowledgeable people and local and state government authorities were limited to those people whom S&ME was able to contact during the preparation of this report. S&ME presumes information obtained from the public records and from interviews is reliable. However, S&ME cannot warrant or guarantee that information provided is complete or accurate. Materials and information used for this project were obtained by S&ME from "reasonably ascertainable" and "practically reviewable" sources in compliance with our understanding of the standards set forth by ASTM E1527-00.

Historical documentation was not available prior to 1958. The operational history of the subject property was not documented at intervals of approximately five years because adequate historical sources were not reasonably ascertainable. This is a limitation to our assessment.

2.5 SPECIAL TERMS, CONDITIONS, AND RELIANCE

The resulting report is provided for the use of the client (Alliance Consulting Engineers, Inc.) and its designees for the current real estate transaction for which it was prepared. Use and reliance on the report by any parties will be subject to the same rights, obligations, and limitations contained in our Agreement for Services Form (AS-041). However, the total liability of S&ME to all addressees of the ESA, shall be limited to the remedies and amounts as provided in the Agreement for Services Form (AS-041) as a single contract. A copy of this Agreement is included in Appendix E.

3.0 SITE DESCRIPTION

3.1 LOCATION AND SITE DESCRIPTION

The 226-acre property is located west of U.S. Highway 176 approximately seven miles southwest of Elloree in Orangeburg County, South Carolina. The Orangeburg County tax parcel for the property is 0265-00-01-038. Refer to Figures 1-3 in Appendix A for the property location.

3.2 SITE AND VICINITY GENERAL CHARACTERISTICS

The property is located in a rural area along U.S. Highway 176. The property is irregularly shaped. Properties in the vicinity consist of residences, farmland and woodland. Flat topography is present in the general site vicinity. The property has a downward slope to the west and northwest. The major surface water features in the area are Goodbys Creek on the northern portion of the property and Four Holes Swamp on the western portion of the property.

3.3 CURRENT USE OF THE PROPERTY

The property is currently used as timberland (planted pines) and as hunting grounds.

3.4 DESCRIPTIONS OF ROADS, STRUCTURES, OTHER IMPROVEMENTS ON THE SITE

The property does not contain any structures or improvements. U.S. Highway 176 borders the property to the east. Multiple dirt roads traverse the property. Ingress and egress are from four dirt roads running west from U.S. Highway 176.

3.5 CURRENT USES OF THE ADJOINING PROPERTIES

- North: Woodland, timberland, farmland and a residence are located north of the property.
- South: Timberland and woodland are located south of the property.
- East: Two residences, the Felderville AME Church and farmland are located east of the property across U.S. Highway 176.
- West: Woodland is located west of the property.

4.0 USER PROVIDED INFORMATION

This section is provided to summarize information provided by the user that may help in identification of RECs. As indicated in the standard, the environmental professional does not typically generate this information.

4.1 TITLE RECORDS

The user did not provide ownership records for this assessment. Review of property ownership records on the Orangeburg County tax assessor's website indicated the property is currently owned by Plum Creek Timber Company, Inc. Plum Creek purchased the property in 2001 from the North American Timber Corporation. The North American Timber Corporation purchased the property from the Georgia Pacific Company in 1999. Georgia Pacific purchased the property from William Furniture Company in 1967.

An interview with Raymond Sifly of Coldwell Banker-Middleton indicated Paul Heron is the current owner of the property. Mr. Heron purchased the property from Plum Creek within the last year.

4.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS

The user did not indicate knowledge of any environmental liens on the property.

4.3 SPECIALIZED KNOWLEDGE

The user did not provide specialized knowledge that is material to RECs identified in connection with the property.

4.4 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

The user did not indicate the property has had its value reduced for environmental issues.

4.5 OWNER, PROPERTY MANAGER AND OCCUPANT INFORMATION

The user did not provide S&ME with any site contacts.

4.6 REASON FOR PERFORMING PHASE I ESA

The purpose of this Phase I ESA is to identify, to the extent feasible pursuant to ASTM E 1527-00, *Recognized Environmental Conditions* (REC) in connection with the property. The ASTM Standard Practice E 1527-00 defines "good commercial and customary practice for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and to petroleum products". This practice is intended to permit a user to satisfy one of the requirements to qualify for the "innocent landowner defense" to CERCLA liability.

4.7 OTHER

No other information was provided.

5.0 RECORDS REVIEW

5.1 STANDARD ENVIRONMENTAL RECORD SOURCES

S&ME contracted Environmental Data Resources (EDR) to prepare a FieldCheck Report compiling federal and state environmental database information from the regulatory records of the United States Environmental Protection Agency (USEPA) and the South Carolina Department of Health and Environmental Control (SCDHEC). The purpose of the EDR report was to identify environmental sites and activities within a designated radius of potential concern from the subject property, as outlined by ASTM E 1527-00.

General descriptions of the databases are included within the EDR report, which is attached in Appendix C. The databases reviewed along with the date the information was issued and the search radius employed are provided in the following table.

TABLE 1 - DATABASES

DATABASE	AGENCY	RELEASE DATE	SEARCH RADIUS
NPL	US EPA	July 1, 2005	1.0-mile
CORRACTS	US EPA	June 28, 2005	1.0-mile
CERCLIS	US EPA	June 27, 2005	0.5-mile
CERCLIS-NFRAP	US EPA	May 17, 2005	0.25-mile
RCRA-Generators	US EPA	August 11, 2005	0.25-mile
RCRA-TSD	US EPA	August 11, 2005	0.5-mile
ERNS	US EPA	December 31, 2004	Target Property
SPL/SHWS	SCDHEC	August 8, 2005	1.0-mile
SWLF	SCDHEC	June 27, 2005	0.5-mile
LUST	SCDHEC	June 7, 2005	0.5-mile
UST	SCDHEC	September 6, 2005	0.25-mile
AST	SCDHEC	March 25, 2004	Target Property
SPILLS	SCDHEC	July 28, 2005	Target Property
SCGWCI	SCDHEC	July 1, 2004	0.5-mile
DRY CLEANERS	SCDHEC	December 14, 2004	0.5-mile

S&ME evaluated the EDR report for sites located within the ASTM designated search radii. The subject property did not appear on any of the listed databases. No offsite facilities appeared on the listed databases.

5.2 ADDITIONAL ENVIRONMENTAL RECORD SOURCES

- S&ME reviewed the South Carolina Groundwater Contamination Inventory (SCGWCI) dated August 2004. The SCGWCI lists sites in which documented cases of contaminated groundwater have been submitted to the SCDHEC. The subject property did not appear on this list: No additional facilities were noted.
- A search of the Environmental Protection Agency (EPA) Envirofacts database (<http://maps.epa.gov/enviromapper>) was conducted. Review of the Envirofacts database did not result in the identification of any additional facilities of potential concern in the immediate vicinity of the subject property.

5.3 PHYSICAL SETTING SOURCES

The property is illustrated on the United States Geological Survey (USGS), 7.5-minute series Topographic Maps, Felderville and Indian Camp Branch, South Carolina Quadrangles, both dated 1982. The maps have a scale of one-inch equals 2,000 feet. A Site Topographic Map, prepared using portions of the maps, is included as Figure 2 in Appendix A.

The map depicts the subject property as wooded with no structures or roads. U.S. Highway 176 borders the property to the east. Two structures are depicted north of the property. The Felderville Church is located east of the property. Topography is relatively flat on the eastern portion of the property. Slope on the remainder of the property is to the west toward Four Hole Swamp and the north toward Goodbys Creek. Surface elevation ranges from approximately 145-110 feet above mean sea level across the property.

The subject property is located in the Atlantic Coastal Plain Physiographic Province. The Coastal Plain consists of unconsolidated sands, silts, and clays of the Pleistocene epoch. During this time, the ocean retreated over the land and left formations and terraces indicating former shorelines. The parent material of most of the soils is marine or fluvial deposits. The sedimentary beds of the Coastal Plain overlap each other in the sequence they were laid down and slope gently to the coast.

S&ME reviewed the *Soil Survey of Orangeburg County, South Carolina* that depicts the soil types underlying the subject site and surrounding area. Sheets #42 and #52 of the Soil Survey maps depict the subject property as being underlain by the following soils:

TABLE 2 - SOILS

Soil Series	Drainage	Permeability	Available Water Capacity	Location
Ailey sand (AeB)	Well	Slow	Low	Broad ridges & side slopes
Bonneau sand (BoB)	Well	Moderate	Low	Low ridges & side slopes
Coxville sandy loam (Cx)	Poor	Mod. slow	High	Depressional bays & poorly defined drainages
Dothan loamy sand (DaB)	Well	Moderate	Moderate	Broad, smooth ridges
Mouzon fine sandy loam (Mo)	Poor	Slow	High	Broad, flat floodplains & depressions
Troup sand (TrB)	Well	Mod. rapid	Moderate	Ridges & side slopes
Udorthents (Ud)	Varies	Varies	Varies	Borrow areas

5.4 HISTORICAL USE INFORMATION ON THE PROPERTY

The historical use of the subject property was obtained by reviewing topographic maps and aerial photographs. Refer to Appendix B for more detailed information on the historical records review. The property has consisted of woodland and cut-over woodland since at least 1958. A borrow area was evident on the eastern portion of the property in the 1958-1973 aerial photographs.

5.5 HISTORICAL USE INFORMATION ON ADJOINING PROPERTIES

The historical use of the adjoining properties was obtained by reviewing topographic maps and aerial photographs. Refer to Appendix B for more detailed information on the historical records review. The adjoining properties have consisted of woodland, farmland, residences and a church since at least 1958.

6.0 SITE RECONNAISSANCE

The site reconnaissance was conducted on October 27, 2005, to observe the current uses of the property, adjoining property, and properties in the surrounding area, as well as the geologic, hydrogeologic, hydraulic, and topographic conditions of the property and the surrounding area. Photographs were taken of various portions of the subject property to document existing conditions. Copies of these photographs are included in Appendix A of this report.

6.1 METHODOLOGY AND LIMITING CONDITIONS

The subject property was observed by walking the perimeter of the property, as well as the interior portions of the property. No limiting conditions were encountered.

6.2 GENERAL SITE SETTING

6.2.1 Current Use(s) of the Property

The property is currently used as timberland (Photos 1-2) and as hunting grounds (Photo 3).

6.2.2 Past Use(s) of the Property

Site observations did not reveal previous operations on the property that are different from their current uses.

6.2.3 Current Uses of Adjoining Properties

North: Woodland, timberland, farmland and a residence are located north of the property.

South: Timberland and woodland are located south of the property.

East: Two residences, the Felderville AME Church and farmland are located east of the property across U.S. Highway 176.

West: Woodland is located west of the property.

6.2.4 Past Uses of Adjoining Properties

Site observations did not reveal other previous operations of adjoining properties that are different from their current uses.

6.2.5 Geologic, Hydrogeologic, Hydrologic, and Topographic Conditions

The surface of a majority of the eastern portion of the subject property is relatively flat with a slight downward slope to the west and northwest. Increased relief was observed as the slopes neared the two main surface water features (Goodbys Creek and Four Holes Swamp) on the property. Surface soils consisted of sand, sandy loams and loams. Large, wetland areas were observed along Goodbys Creek and the Four Holes Swamp (Photo 4) on the northern and western portions of the property. Slowly flowing water within poorly-defined drainage channels were observed as part of the Goodbys Creek and the Four Holes Swamp watercourses. Areas to the south and east were slightly higher or equal in elevation than the subject property. Areas to the north and west were slightly lower in elevation than the subject property. Area hydrogeologic conditions were not confirmed during the site reconnaissance. No confirmation of groundwater conditions was made during the site visit.

6.2.6 General Description of Roads, Structures and Other Improvements on the Site

The property does not contain any structures or improvements. U.S. Highway 176 (Photo 5) borders the property to the east. Multiple dirt roads traverse the property. Ingress and egress (Photo 6) are from four dirt roads running west from U.S. Highway 176.

6.2.7 Potable Water Supply and Sewage Disposal System

There are no community water and sewer connections available to the property.

6.3 EXTERIOR OBSERVATIONS

The site reconnaissance included a search for the following items:

- Hazardous Substances & Petroleum Products in Connection with Identified Uses – None observed.
- Storage Tanks – None observed.
- Odors – None observed.
- Pools of Liquid – None observed.
- Drums – None observed.
- Hazardous Substances & Petroleum Products Containers (Not Necessarily in Connection with Identified Uses) – None observed.
- Unidentified Substance Containers - None observed.
- PCBs – No observed.
- Pits, Ponds, or Lagoons – None observed.
- Stained Soil or Pavement – None observed.
- Stressed Vegetation – None observed.
- Solid Waste – None observed.
- Waste Water – None observed.
- Wells – None observed.
- Septic Systems – None observed.

6.4 INTERIOR OBSERVATIONS

The site does not contain any structures; therefore, no interior observations were made.

7.0 INTERVIEWS

Interviews were conducted to obtain information from individuals who have knowledge of current and past activities at the site, and to clarify observations made during the site reconnaissance or data review of the site.

7.1 INTERVIEW WITH OWNER

S&ME interviewed a representative of the current property owner, Mr. Raymond Sifly of Coldwell Banker-Middleton, regarding the property. Mr. Sifly stated Paul Heron purchased the property within the last year from Plum Creek and that it has been wooded and used as timberland during his ownership. The property was logged in 2001 and replanted in 2002. Mr. Sifly was unaware of any UST, AST, environmental litigation, past contamination, or additional environmental conditions concerning the property.

7.2 INTERVIEW WITH KEY SITE MANAGER

See Section 7.1.

7.3 INTERVIEW WITH OCCUPANT

There are currently no occupants of the property.

7.4 INTERVIEW WITH LOCAL GOVERNMENT OFFICIALS

S&ME contacted the Orangeburg County Fire Department to inquire of any spills or emergency responses involving hazardous materials or petroleum products on the subject property. Personnel at the fire department were not aware of any problems or spills on or near the immediate area of the subject property.

7.5 INTERVIEWS WITH OTHERS

No other interviews were conducted.

8.0 FINDINGS

Onsite Findings: No onsite findings of potential environmental concern were identified during the Phase I ESA for the subject property.

Offsite Findings: No offsite findings of potential environmental concern were identified during the Phase I ESA for the subject property.

9.0 OPINIONS

No onsite or offsite findings of environmental concern were identified during the Phase I ESA for the subject property. Due to the absence of any onsite or offsite findings of environmental concern, the property does not appear to contain any RECs.

10.0 CONCLUSIONS

S&ME has performed a Phase I Environmental Site Assessment in conformance with our understanding of the scope and limitations of ASTM Practice E 1527-00 of the 226-acre subject property located west of U.S. Highway 176 in Orangeburg County, South Carolina. Exceptions to this practice are described in Section 2.4 of this report.

This assessment has revealed no evidence of RECs in connection with the subject property.

11.0 DEVIATIONS

The operational history of the subject property was not documented at intervals of approximately five years because adequate historical sources were not reasonably ascertainable. S&ME has performed this Phase I ESA in substantial conformance with the scope and limitations of ASTM Standard Practice E1527-00, without significant deviation.

12.0 ADDITIONAL SERVICES

No additional services were performed for this assessment.

13.0 REFERENCES

1. *Geology of the Carolinas*, J. Wright Horton and Victor A Zullo, University of Tennessee Press, 1991.
2. *Soil Survey of Orangeburg County, South Carolina*, United States Department of Agriculture, Soil Conservation Service, 1988.
3. United States Geological Survey (USGS), 7.5-minute Series, Topographic Maps, Felderville and Indian Camp Branch, South Carolina Quadrangle, 1982.

14.0 SIGNATURE(S) OF ENVIRONMENTAL PROFESSIONAL(S)

Signatures are on the cover letter inside the title page of this report.

15.0 QUALIFICATION(S) OF ENVIRONMENTAL PROFESSIONAL(S)

The environmental professionals for this project are Mr. Chris Daves and Mr. Sonny Chestnut. Mr. Daves is a Biologist with over 4.5 years work experience in environmental consulting. He has performed over 200 environmental assessments for real estate transactions. Mr. Daves has attended ASTM training for Phase I Environmental Site Assessments.

Mr. Chestnut is a Senior Environmental Engineer with over 23 years of experience. Projects he has managed include asbestos surveys, groundwater contamination and flow evaluation; and Phase I & Phase II assessments for real estate transactions. Mr. Chestnut is a Regional Manager and senior reviewer for S&ME and has also attended ASTM training for Phase I ESAs.

APPENDIX A

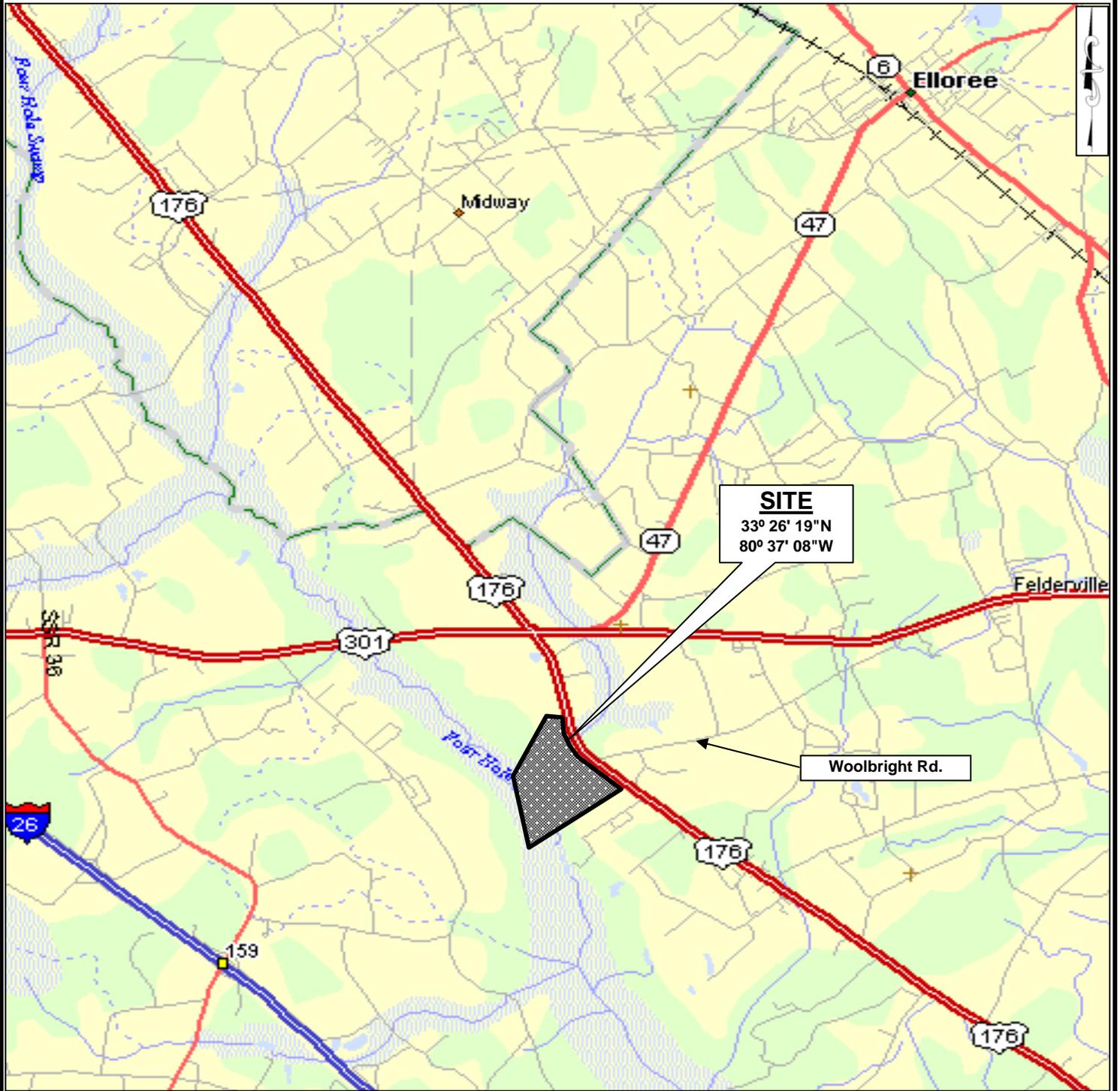
FIGURES

FIGURE 1 – VICINITY MAP

FIGURE 2 – TOPOGRAPHIC MAP

FIGURE 3 – AERIAL MAP

SITE PHOTOGRAPHS



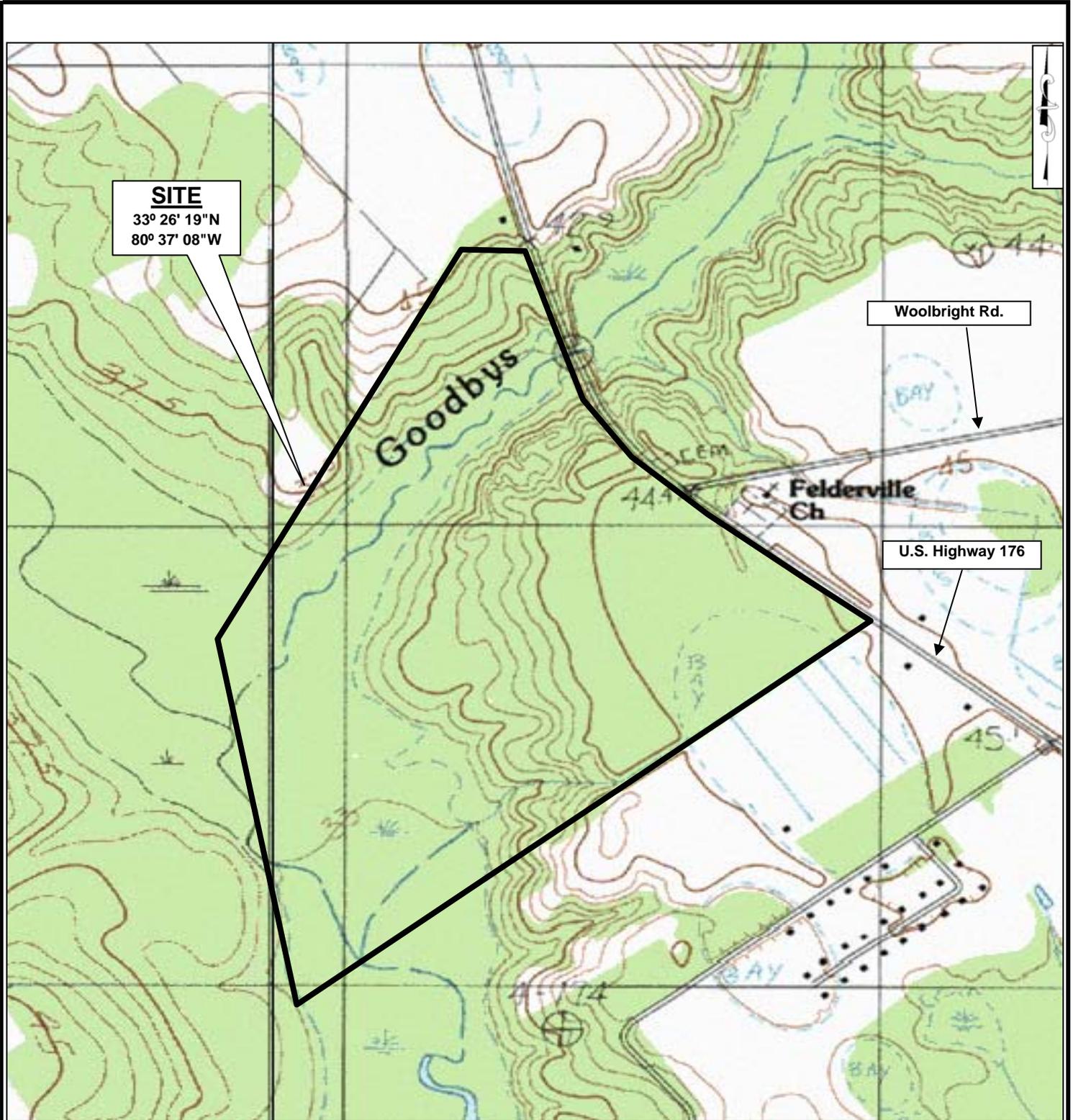
SOURCE: DeLORME STREET ATLAS - 1999

SCALE: NTS
 CHECKED BY: SC
 DRAWN BY: WCD
 DATE: 10/5/2005



VICINITY MAP
 GODBYS CREEK PARCEL - 226 ACRES
 ORANGEBURG COUNTY, SOUTH CAROLINA
 S&ME PROJECT NO. 1614-05-474

FIGURE NO.
 1



SOURCE: USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLE
 FELDERVILLE & INDIAN CAMP BRANCH, SC - 1982

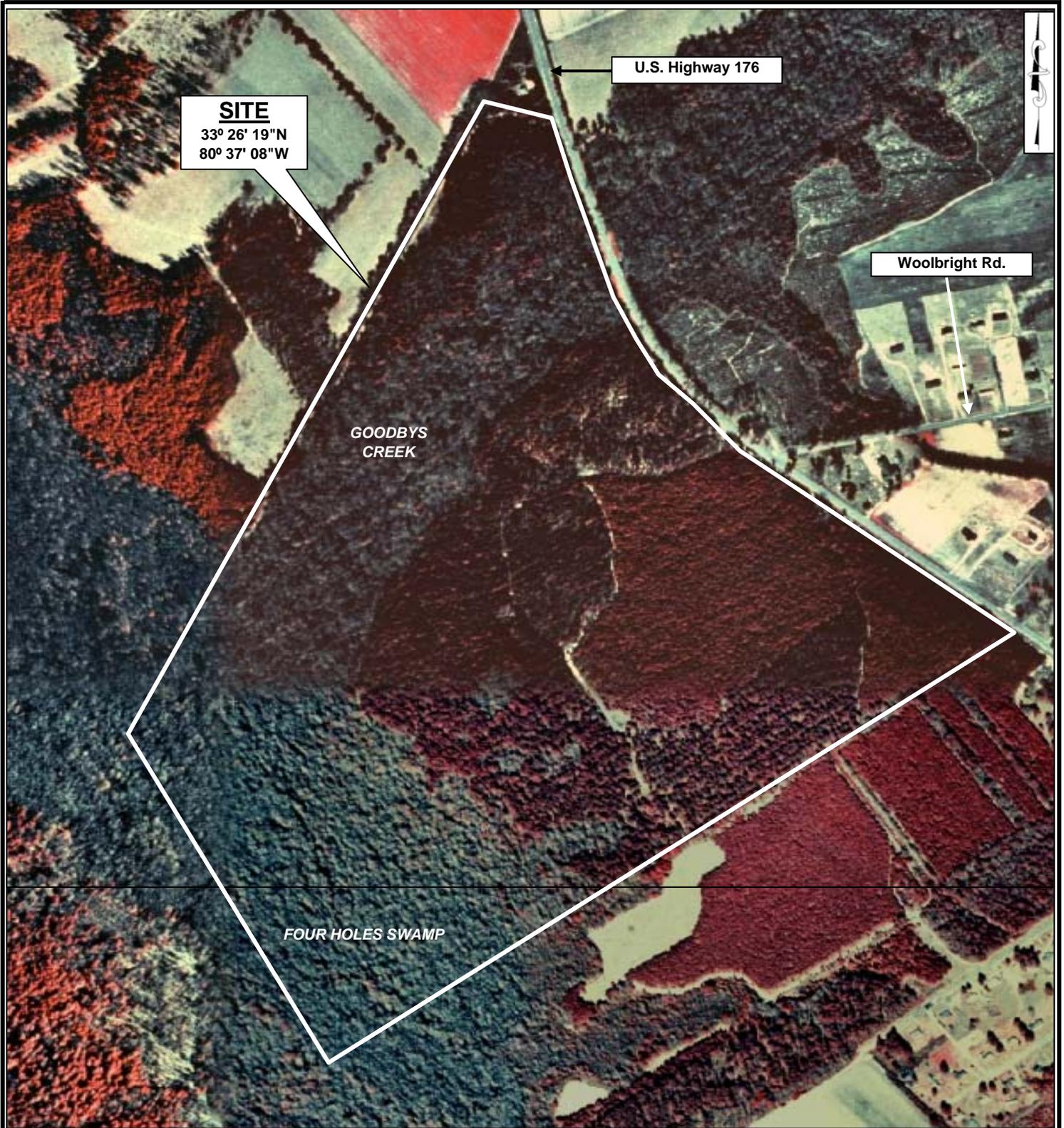
SCALE: NTS
 CHECKED BY: SC
 DRAWN BY: WCD
 DATE: 10/5/2005



TOPOGRAPHIC MAP
 GOOBY'S CREEK PARCEL - 226 ACRES
 ORANGEBURG COUNTY, SOUTH CAROLINA

S&ME PROJECT NO. 1614-05-474

FIGURE NO.
 2



SOURCE: NAPP AERIAL PHOTOGRAPH - 1999

SCALE:	NTS
CHECKED BY:	SC
DRAWN BY:	WCD
DATE:	10/272005



AERIAL MAP
GOODBYS CREEK PARCEL - 226 ACRES ORANGEBURG COUNTY, SOUTH CAROLINA
S&ME PROJECT NO. 1614-05-474

FIGURE NO. 3

SITE PHOTOGRAPHS



Photo #1: Planted pines on eastern portion of property.



Photo #2: Planted pines on central portion of property.



Photo #3: Dirt road/pines/hunting stand on property.



Photo #4: Wetlands on western portion of property.

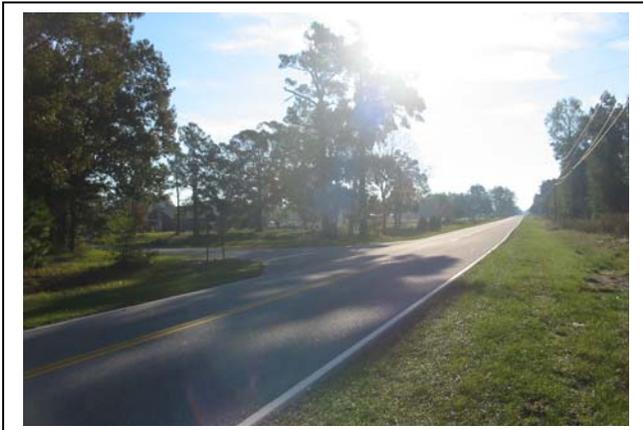


Photo #5: U.S. Highway 176 at intersection with Woolbright Rd.



Photo #6: Ingress/egress from dirt road along U.S. 176.

APPENDIX B

HISTORICAL RESEARCH DOCUMENTATION

Aerial Photographs

Aerial photographs were reviewed to observe previous conditions and development of the subject property, as well as immediately adjacent properties. The following table presents the findings of the aerial photograph review.

LOCATION	DATE	SCALE	COMMENTS
Orangeburg County Tax Assessors Aerial (http://gis.orangeburgcounty.org/maps/start.asp)	2000	1" = 400'	The eastern, western and northern portions of the property consist of woodland. The central portion of the property is cleared. Several roads are evident within the property boundaries. Woodland, farmland and several residences occupy the surrounding properties.
SC Department of Natural Resources NAPP Aerial	1999	1" = 1000'	The entire property is wooded. Surrounding properties remain the same
USGS Aerial Photograph Database (www.terraserver.com)	1994	1" = 1000'	Similar to 1999.
University of South Carolina Map Library Columbia, SC	1981	1" = 1320'	Similar to 1994.
University of South Carolina Map Library Columbia, SC	1973	1" = 1320'	The central portion of the property is cleared. The remainder of the property is wooded. A borrow pit is evident on the eastern portion of the property near U.S. Highway 176.
University of South Carolina Map Library Columbia, SC	1963	1" = 1320'	Similar to 1973 except the eastern portion of the property is cleared.
University of South Carolina Map Library Columbia, SC	1958	1" = 1320'	Similar to 1963.

Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps were not available for the property.

City Directories

City directories were not available for the property.



"Linking Technology with Tradition"®

Sanborn® Map Report

Ship To: Chris Daves
S&ME, Inc.
134 Suber Road
Columbia, SC 29210

Order Date: 10/28/2005 **Completion Date:** 10/28/2005
Inquiry #: 1543384.2
P.O. #: NA
Site Name: Goodbys Creek Parcel

Customer Project: 1614-05-474
1131635ERN 803-561-9024

Address: US 176 - Old State Road
City/State: Elloree, SC 29047
Cross Streets:

This document reports that the largest and most complete collection of Sanborn fire insurance maps has been reviewed based on client supplied information, and fire insurance maps depicting the target property at the specified address were not identified.

NO COVERAGE

This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT. Purchaser accepts this Report AS IS. Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

APPENDIX C

**ENVIRONMENTAL DATABASE
REPORT**

EDR FieldCheck® Report



**Goodbys Creek Parcel
US 176 - Old State Road
Elloree, SC 29142**

Inquiry Number: 1543384.1s

October 28, 2005

**The Standard in
Environmental Risk
Management Information**

440 Wheelers Farms Road
Milford, Connecticut 06461

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

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Overview Map	2
Detail Map	3
Map Findings Summary	4
Map Findings	6
Orphan Summary	7
Government Records Searched/Data Currency Tracking	GR-1

GEOCHECK ADDENDUM

GeoCheck - Not Requested

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

Important information about The EDR FieldCheck(TM) Report

This is The EDR FieldCheck (TM) Report. Through its continuing emphasis in online technological advancements, EDR has developed the FieldCheck (TM) system, which enables EDR's customers to make certain online modifications to the maps and text contained in EDR Radius Map Reports. With FieldCheck (TM), an EDR customer can relocate and/or delete plotted sites and/or plot or delete orphan sites that would otherwise appear or be noted with an EDR Radius Map Report. Such modifications may be based on site visits, independent data verification and/or other actions taken or decisions made by EDR's customer. As a result, the maps and text contained in The EDR FieldCheck (TM) Report that you receive may have been so modified. Please note: EDR has not taken any action to verify any such modifications, and this report and the findings set forth herein must be read in light of this fact. S&ME, INC. should be contacted for information concerning all such modifications.

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EXECUTIVE SUMMARY

At the request of S&ME, INC., a search of the environmental records covering the area detailed herein was conducted by Environmental Data Resources, Inc. (EDR). This report was derived from the results of such search, which, as conducted by EDR, met the government records search requirements of ASTM Standard Practice for Environmental Site Assessments, E 1527-00. Search distances were per ASTM standard or custom distances requested by the user.

NOTE: ALL MAPS AND TEXT INCLUDED HEREIN MAY HAVE BEEN MODIFIED BY S&ME, INC. BASED ON SITE VISITS, INDEPENDENT DATA VERIFICATION AND/OR OTHER ACTIONS TAKEN OR DECISIONS MADE BY S&ME, INC.. EDR HAS NOT TAKEN ANY ACTION TO VERIFY ANY OF SUCH MODIFICATIONS, AND THIS REPORT AND THE FINDINGS SET FORTH HEREIN MUST BE READ IN LIGHT OF THIS FACT. S&ME, INC. SHOULD BE CONTACTED FOR INFORMATION CONCERNING ALL SUCH MODIFICATIONS.

TARGET PROPERTY INFORMATION

ADDRESS

US 176 - OLD STATE ROAD
ELLOREE, SC 29142

COORDINATES

Latitude (North): 33.438000 - 33° 26' 16.8"
Longitude (West): 80.619900 - 80° 37' 11.6"
Universal Transverse Mercator: Zone 17
UTM X (Meters): 535331.8
UTM Y (Meters): 3699717.2
Elevation: 134 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property: 33080-D5 FELDERVILLE, SC
Source: USGS 7.5 min quad index

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No sites were found in an online review and analysis by S&ME, INC. of EDR's search of available ("reasonably ascertainable") government records either on the target property or within the ASTM E 1527-00 search radius around the target property for the following databases:

FEDERAL ASTM STANDARD

NPL..... National Priority List
Proposed NPL..... Proposed National Priority List Sites
CERCLIS..... Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP..... CERCLIS No Further Remedial Action Planned

EXECUTIVE SUMMARY

CORRACTS	Corrective Action Report
RCRA-TSDF	Resource Conservation and Recovery Act Information
RCRA-LQG	Resource Conservation and Recovery Act Information
RCRA-SQG	Resource Conservation and Recovery Act Information
ERNS	Emergency Response Notification System

STATE ASTM STANDARD

SHWS	Site Assessment Section Project List
SWF/LF	Permitted Landfills List
LUST	Leaking Underground Storage Tank List
UST	Comprehensive Underground Storage Tanks
VCP	Voluntary Cleanup Sites

FEDERAL ASTM SUPPLEMENTAL

CONSENT	Superfund (CERCLA) Consent Decrees
ROD	Records Of Decision
Delisted NPL	National Priority List Deletions
FINDS	Facility Index System/Facility Registry System
HMIRS	Hazardous Materials Information Reporting System
MLTS	Material Licensing Tracking System
MINES	Mines Master Index File
NPL Liens	Federal Superfund Liens
PADS	PCB Activity Database System
INDIAN RESERV	Indian Reservations
UMTRA	Uranium Mill Tailings Sites
US ENG CONTROLS	Engineering Controls Sites List
ODI	Open Dump Inventory
FUDS	Formerly Used Defense Sites
DOD	Department of Defense Sites
RAATS	RCRA Administrative Action Tracking System
TRIS	Toxic Chemical Release Inventory System
TSCA	Toxic Substances Control Act
SSTS	Section 7 Tracking Systems
FTTS INSP	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

STATE OR LOCAL ASTM SUPPLEMENTAL

AST	Aboveground Storage Tank List
SC Spills	Spill List
GWCI	Groundwater Contamination Inventory
DRYCLEANERS	Drycleaner Database

EDR PROPRIETARY HISTORICAL DATABASES

Coal Gas	Former Manufactured Gas (Coal Gas) Sites
-----------------------	--

BROWNFIELDS DATABASES

US BROWNFIELDS	A Listing of Brownfields Sites
US INST CONTROL	Sites with Institutional Controls

EXECUTIVE SUMMARY

VCP..... Voluntary Cleanup Sites
BROWNFIELDS..... Brownfields Sites Listing
AUL..... Land Use Controls

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

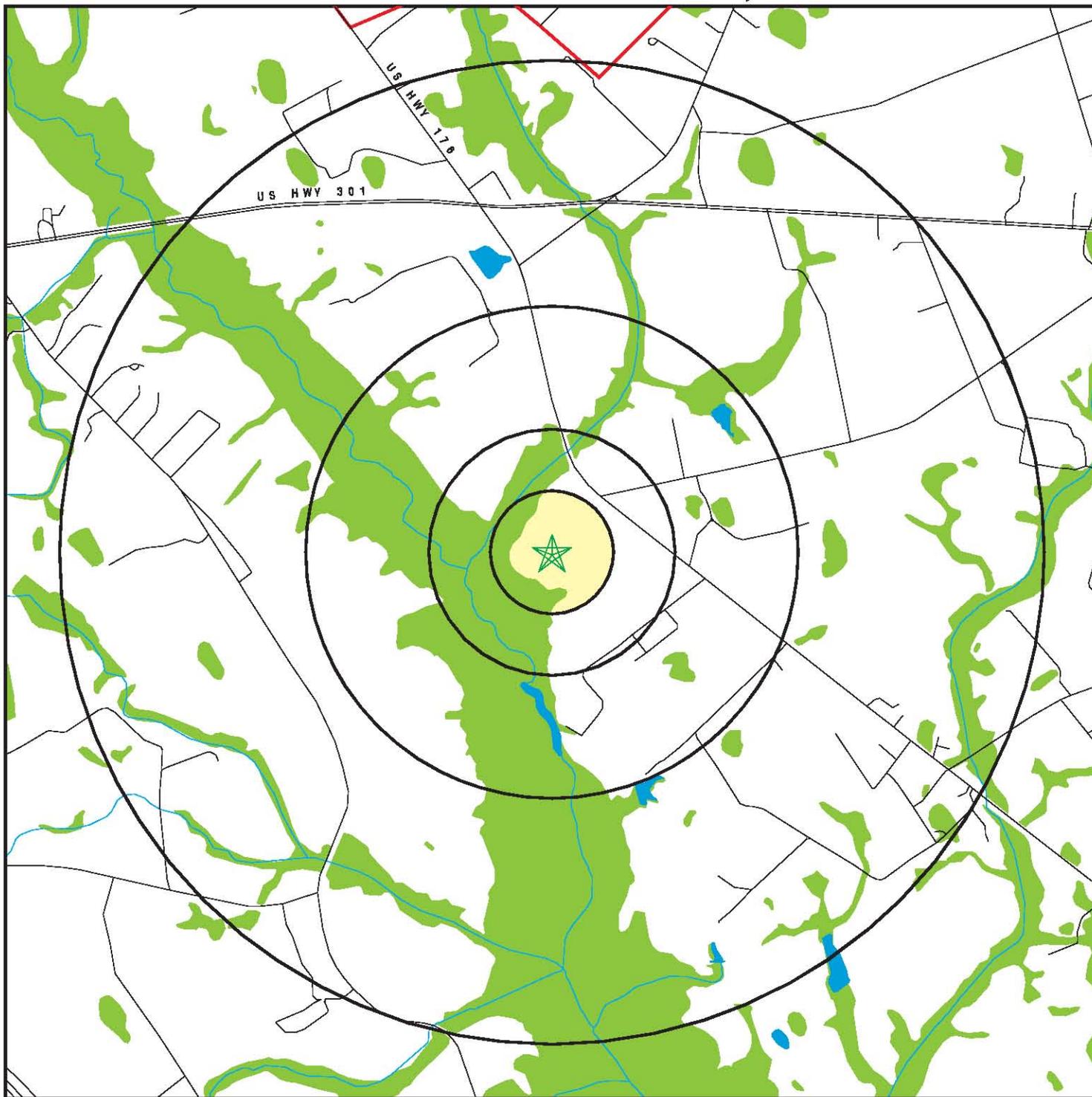
Unmappable (orphan) sites are not considered in the foregoing analysis.

EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped:

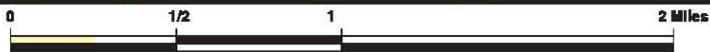
<u>Site Name</u>	<u>Database(s)</u>
WHETSELL FARM SITE	CERCLIS, FINDS, SHWS
HUFF BATTERY SALVAGE	SHWS
HUFF BATTERY SALVAGE	CERCLIS, FINDS
E E GASQUE JR FARM	FINDS, LUST
THE CORNER STORE/ELLOREE DINER	LUST, GWCI, UST
FOOD MART 110	FINDS, LUST
POPLAR CREEK LANDING	FINDS, LUST
SEA ISLAND BONDED STORAGE	UST
WEATHERS FARMS INC	UST
BOWMAN EXXON	GWCI, UST
N B FELKEL	UST
L C DANTZLER	UST
WILBUR & LEWIS WILLIAMS	UST
FOOD MART 110	UST
POPLAR CREEK LANDING	GWCI, UST
E E GASQUE & SON	GWCI, UST
KAISER AG CHEM	UST
POPLAR CREEK	FINDS

OVERVIEW MAP - 1543384.1s - S&ME, Inc.



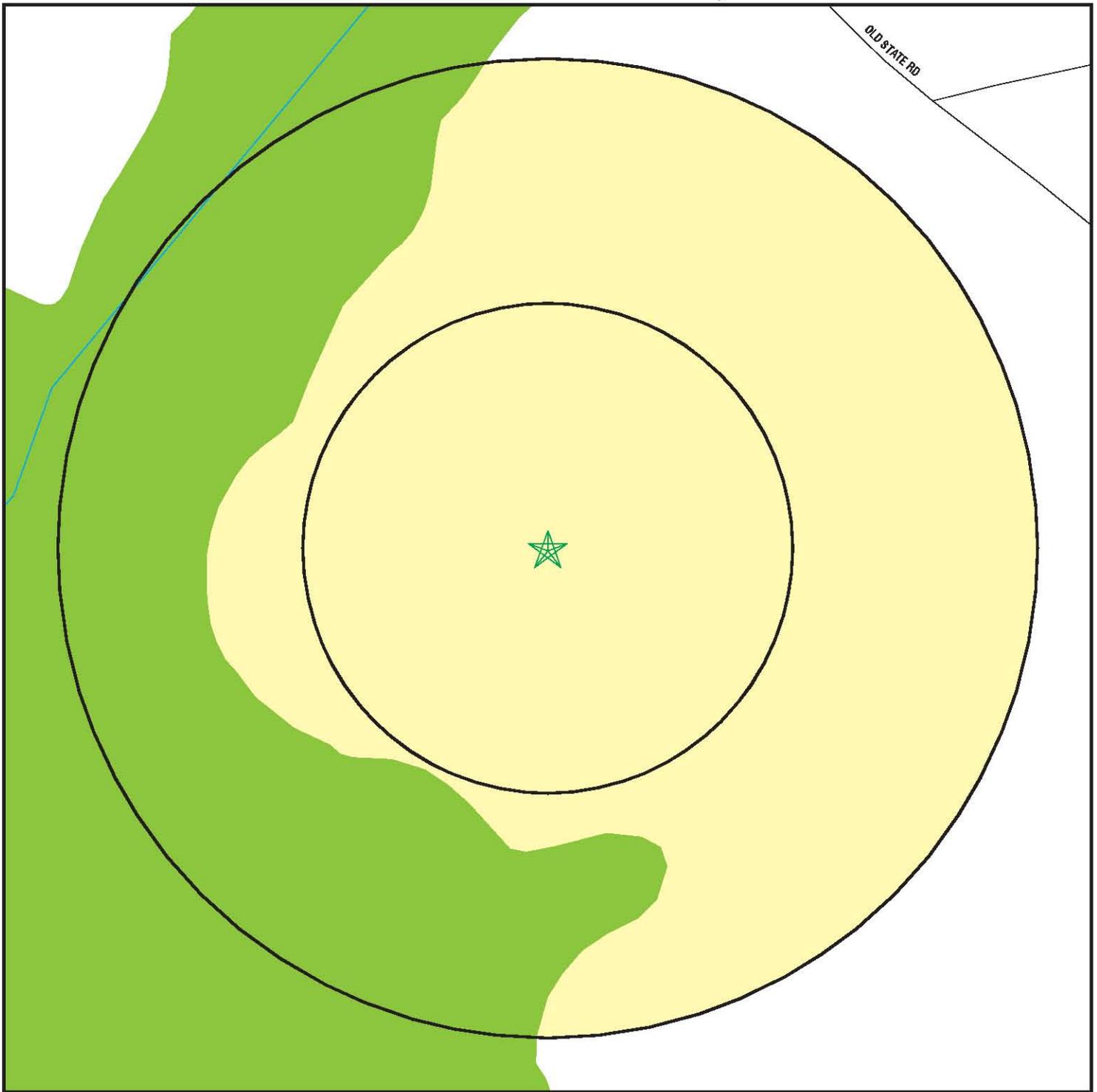
- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Coal Gasification Sites
- National Priority List Sites
- Landfill Sites
- Dept. Defense Sites

- Indian Reservations BIA
- ▬ County Boundary
- ▬ Oil & Gas pipelines
- Federal Wetlands



<p>TARGET PROPERTY: Goodbys Creek Parcel ADDRESS: US 176 - Old State Road CITY/STATE/ZIP: Elloree SC 29142 LAT/LONG: 33.4380 / 80.6199</p>	<p>CUSTOMER: S&ME, Inc. CONTACT: Chris Daves INQUIRY #: 1543384.1s DATE: October 28, 2005 8:02 pm</p>
---	--

DETAIL MAP - 1543384.1s - S&ME, Inc.



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Coal Gasification Sites
- ♣ Sensitive Receptors
- ☒ National Priority List Sites
- ☒ Landfill Sites
- ☒ Dept. Defense Sites

- 0 1/16 1/8 1/4 Miles
- ☒ Indian Reservations BIA
- ↯ County Boundary
- ↯ Oil & Gas pipelines
- Federal Wetlands

<p>TARGET PROPERTY: Goodbys Creek Parcel ADDRESS: US 176 - Old State Road CITY/STATE/ZIP: Elloree SC 29142 LAT/LONG: 33.4380 / 80.6199</p>	<p>CUSTOMER: S&ME, Inc. CONTACT: Chris Daves INQUIRY #: 1543384.1s DATE: October 28, 2005 8:02 pm</p>
---	--

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>FEDERAL ASTM STANDARD</u>								
NPL		1.250	0	0	0	0	0	0
Proposed NPL		1.250	0	0	0	0	0	0
CERCLIS		0.750	0	0	0	0	NR	0
CERC-NFRAP		0.500	0	0	0	NR	NR	0
CORRACTS		1.250	0	0	0	0	0	0
RCRA TSD		0.750	0	0	0	0	NR	0
RCRA Lg. Quan. Gen.		0.500	0	0	0	NR	NR	0
RCRA Sm. Quan. Gen.		0.500	0	0	0	NR	NR	0
ERNS		0.250	0	0	NR	NR	NR	0
<u>STATE ASTM STANDARD</u>								
State Haz. Waste		1.250	0	0	0	0	0	0
State Landfill		0.750	0	0	0	0	NR	0
LUST		0.750	0	0	0	0	NR	0
UST		0.500	0	0	0	NR	NR	0
VCP		0.750	0	0	0	0	NR	0
<u>FEDERAL ASTM SUPPLEMENTAL</u>								
CONSENT		1.250	0	0	0	0	0	0
ROD		1.250	0	0	0	0	0	0
Delisted NPL		1.250	0	0	0	0	0	0
FINDS		0.250	0	0	NR	NR	NR	0
HMIRS		0.250	0	0	NR	NR	NR	0
MLTS		0.250	0	0	NR	NR	NR	0
MINES		0.500	0	0	0	NR	NR	0
NPL Liens		0.250	0	0	NR	NR	NR	0
PADS		0.250	0	0	NR	NR	NR	0
INDIAN RESERV		1.250	0	0	0	0	0	0
UMTRA		0.750	0	0	0	0	NR	0
US ENG CONTROLS		0.750	0	0	0	0	NR	0
ODI		0.750	0	0	0	0	NR	0
FUDS		1.250	0	0	0	0	0	0
DOD		1.250	0	0	0	0	0	0
RAATS		0.250	0	0	NR	NR	NR	0
TRIS		0.250	0	0	NR	NR	NR	0
TSCA		0.250	0	0	NR	NR	NR	0
SSTS		0.250	0	0	NR	NR	NR	0
FTTS		0.250	0	0	NR	NR	NR	0
<u>STATE OR LOCAL ASTM SUPPLEMENTAL</u>								
AST		0.250	0	0	NR	NR	NR	0
SC Spills		0.250	0	0	NR	NR	NR	0
GWCI		0.750	0	0	0	0	NR	0

MAP FINDINGS SUMMARY

<u>Database</u>	<u>Target Property</u>	<u>Search Distance (Miles)</u>	<u>< 1/8</u>	<u>1/8 - 1/4</u>	<u>1/4 - 1/2</u>	<u>1/2 - 1</u>	<u>> 1</u>	<u>Total Plotted</u>
DRYCLEANERS		0.500	0	0	0	NR	NR	0
<u>EDR PROPRIETARY HISTORICAL DATABASES</u>								
Coal Gas		1.250	0	0	0	0	0	0
<u>BROWNFIELDS DATABASES</u>								
US BROWNFIELDS		0.750	0	0	0	0	NR	0
US INST CONTROL		0.750	0	0	0	0	NR	0
VCP		0.750	0	0	0	0	NR	0
BROWNFIELDS		0.750	0	0	0	0	NR	0
AUL		0.750	0	0	0	0	NR	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

Map ID
Direction
Distance
Distance (ft.)
Elevation

MAP FINDINGS

Site Database(s) EDR ID Number
EPA ID Number

Coal Gas Site Search: No site was found in a search of Real Property Scan's ENVIROHAZ database.

NO SITES FOUND

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
BEAUFORT	U003557855	SEA ISLAND BONDED STORAGE	SR 234	29047	UST
BOWMAN	U003526536	WEATHERS FARMS INC	210 WEST & BRANCH HWY	29018	UST
BOWMAN	1001230530	WHETSELL FARM SITE	ROUTE 2	29018	CERCLIS, FINDS, SHWS
BOWMAN	U003519504	BOWMAN EXXON	I 26 / RD 36	29018	GWCI, UST
BOWMAN	1003869342	HUFF BATTERY SALVAGE	COUNTY RD 170 AT INTERSTATE HWY 26	29018	CERCLIS, FINDS
BOWMAN	S103245722	HUFF BATTERY SALVAGE	CO. RD. 170 AT I-26	29602	SHWS
ELLOREE	U003523800	N B FELKEL	RT 1 BOX 91	29047	UST
ELLOREE	U003523029	L C DANTZLER	RT 1 BOX 374	29047	UST
ELLOREE	1008009882	POPLAR CREEK	RT 1 BOX 285	29047	FINDS
ELLOREE	U003526681	WILBUR & LEWIS WILLIAMS	RT 2 BOX 363	29047	UST
ELLOREE	1007225164	E E GASQUE JR FARM	OFF US 176 STATE RD 289	29047	FINDS, LUST
ELLOREE	U003879166	THE CORNER STORE/ELLOREE DINER	6642 OLD 6 HWY	29047	LUST, GWCI, UST
ELLOREE	U004001391	FOOD MART 110	6405 OLD 6 HWY	29047	UST
ELLOREE	1007239201	FOOD MART 110	6405 OLD 6 HWY	29047	FINDS, LUST
ELLOREE	U003524365	POPLAR CREEK LANDING	HWY S 9 203	29047	GWCI, UST
ELLOREE	1007239130	POPLAR CREEK LANDING	HWY S 9 203	29047	FINDS, LUST
ELLOREE	U003520946	E E GASQUE & SON	645 SNIDER ST	29047	GWCI, UST
ORANGEBURG	U003522877	KAISER AG CHEM	HWY 210	29018	UST

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that this EDR report meets or exceeds the 90-day updating requirement of the ASTM standard.

FEDERAL ASTM STANDARD RECORDS

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 07/01/05	Source: EPA
Date Data Arrived at EDR: 08/03/05	Telephone: N/A
Date Made Active in Reports: 08/22/05	Last EDR Contact: 08/03/05
Number of Days to Update: 19	Next Scheduled EDR Contact: 10/31/05
	Data Release Frequency: Quarterly

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)
Telephone: 202-564-7333

EPA Region 1
Telephone 617-918-1143

EPA Region 6
Telephone: 214-655-6659

EPA Region 3
Telephone 215-814-5418

EPA Region 8
Telephone: 303-312-6774

EPA Region 4
Telephone 404-562-8033

Proposed NPL: Proposed National Priority List Sites

Date of Government Version: 04/27/05	Source: EPA
Date Data Arrived at EDR: 05/04/05	Telephone: N/A
Date Made Active in Reports: 05/16/05	Last EDR Contact: 08/05/05
Number of Days to Update: 12	Next Scheduled EDR Contact: 10/31/05
	Data Release Frequency: Quarterly

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 09/19/05	Source: EPA
Date Data Arrived at EDR: 10/21/05	Telephone: 703-413-0223
Date Made Active in Reports: 10/27/05	Last EDR Contact: 09/20/05
Number of Days to Update: 6	Next Scheduled EDR Contact: 12/19/05
	Data Release Frequency: Quarterly

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned

As of February 1995, CERCLIS sites designated "No Further Remedial Action Planned" (NFRAP) have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration. EPA has removed approximately 25,000 NFRAP sites to lift the unintended barriers to the redevelopment of these properties and has archived them as historical records so EPA does not needlessly repeat the investigations in the future. This policy change is part of the EPA's Brownfields Redevelopment Program to help cities, states, private investors and affected citizens to promote economic redevelopment of unproductive urban sites.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 08/22/05
Date Data Arrived at EDR: 09/20/05
Date Made Active in Reports: 10/27/05
Number of Days to Update: 37

Source: EPA
Telephone: 703-413-0223
Last EDR Contact: 09/20/05
Next Scheduled EDR Contact: 12/19/05
Data Release Frequency: Quarterly

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 06/28/05
Date Data Arrived at EDR: 07/05/05
Date Made Active in Reports: 08/08/05
Number of Days to Update: 34

Source: EPA
Telephone: 800-424-9346
Last EDR Contact: 09/06/05
Next Scheduled EDR Contact: 12/05/05
Data Release Frequency: Quarterly

RCRA: Resource Conservation and Recovery Act Information

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS). The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month. Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator off-site to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 08/11/05
Date Data Arrived at EDR: 08/23/05
Date Made Active in Reports: 10/06/05
Number of Days to Update: 44

Source: EPA
Telephone: 800-424-9346
Last EDR Contact: 08/23/05
Next Scheduled EDR Contact: 10/24/05
Data Release Frequency: Quarterly

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/31/04
Date Data Arrived at EDR: 01/27/05
Date Made Active in Reports: 03/24/05
Number of Days to Update: 56

Source: National Response Center, United States Coast Guard
Telephone: 202-260-2342
Last EDR Contact: 07/25/05
Next Scheduled EDR Contact: 10/24/05
Data Release Frequency: Annually

FEDERAL ASTM SUPPLEMENTAL RECORDS

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/03
Date Data Arrived at EDR: 06/17/05
Date Made Active in Reports: 08/04/05
Number of Days to Update: 48

Source: EPA/NTIS
Telephone: 800-424-9346
Last EDR Contact: 09/12/05
Next Scheduled EDR Contact: 12/12/05
Data Release Frequency: Biennially

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 12/14/04
Date Data Arrived at EDR: 02/15/05
Date Made Active in Reports: 04/25/05
Number of Days to Update: 69

Source: Department of Justice, Consent Decree Library
Telephone: Varies
Last EDR Contact: 07/25/05
Next Scheduled EDR Contact: 10/24/05
Data Release Frequency: Varies

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 06/08/05
Date Data Arrived at EDR: 07/11/05
Date Made Active in Reports: 08/08/05
Number of Days to Update: 28

Source: EPA
Telephone: 703-416-0223
Last EDR Contact: 07/06/05
Next Scheduled EDR Contact: 10/03/05
Data Release Frequency: Annually

DELISTED NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 07/01/05
Date Data Arrived at EDR: 08/03/05
Date Made Active in Reports: 08/22/05
Number of Days to Update: 19

Source: EPA
Telephone: N/A
Last EDR Contact: 08/03/05
Next Scheduled EDR Contact: 10/31/05
Data Release Frequency: Quarterly

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 07/11/05
Date Data Arrived at EDR: 07/19/05
Date Made Active in Reports: 08/08/05
Number of Days to Update: 20

Source: EPA
Telephone: (404) 562-9900
Last EDR Contact: 07/05/05
Next Scheduled EDR Contact: 10/03/05
Data Release Frequency: Quarterly

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 06/27/05
Date Data Arrived at EDR: 07/22/05
Date Made Active in Reports: 09/01/05
Number of Days to Update: 41

Source: U.S. Department of Transportation
Telephone: 202-366-4555
Last EDR Contact: 07/22/05
Next Scheduled EDR Contact: 10/17/05
Data Release Frequency: Annually

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 07/14/05
Date Data Arrived at EDR: 07/22/05
Date Made Active in Reports: 08/22/05
Number of Days to Update: 31

Source: Nuclear Regulatory Commission
Telephone: 301-415-7169
Last EDR Contact: 07/05/05
Next Scheduled EDR Contact: 10/03/05
Data Release Frequency: Quarterly

MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 05/13/05
Date Data Arrived at EDR: 06/27/05
Date Made Active in Reports: 08/08/05
Number of Days to Update: 42

Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959
Last EDR Contact: 09/27/05
Next Scheduled EDR Contact: 12/26/05
Data Release Frequency: Semi-Annually

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner receives notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/91
Date Data Arrived at EDR: 02/02/94
Date Made Active in Reports: 03/30/94
Number of Days to Update: 56

Source: EPA
Telephone: 202-564-4267
Last EDR Contact: 08/22/05
Next Scheduled EDR Contact: 11/21/05
Data Release Frequency: No Update Planned

PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 08/30/05
Date Data Arrived at EDR: 09/13/05
Date Made Active in Reports: 10/27/05
Number of Days to Update: 44

Source: EPA
Telephone: 202-564-3887
Last EDR Contact: 08/25/05
Next Scheduled EDR Contact: 11/07/05
Data Release Frequency: Annually

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 10/01/03
Date Data Arrived at EDR: 11/12/03
Date Made Active in Reports: 11/21/03
Number of Days to Update: 9

Source: USGS
Telephone: 703-692-8801
Last EDR Contact: 08/09/05
Next Scheduled EDR Contact: 11/07/05
Data Release Frequency: Semi-Annually

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized. In 1978, 24 inactive uranium mill tailings sites in Oregon, Idaho, Wyoming, Utah, Colorado, New Mexico, Texas, North Dakota, South Dakota, Pennsylvania, and on Navajo and Hopi tribal lands, were targeted for cleanup by the Department of Energy.

Date of Government Version: 12/29/04
Date Data Arrived at EDR: 01/07/05
Date Made Active in Reports: 03/14/05
Number of Days to Update: 66

Source: Department of Energy
Telephone: 505-845-0011
Last EDR Contact: 09/19/05
Next Scheduled EDR Contact: 12/19/05
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

Date of Government Version: 06/30/85
Date Data Arrived at EDR: 08/09/04
Date Made Active in Reports: 09/17/04
Number of Days to Update: 39

Source: Environmental Protection Agency
Telephone: 800-424-9346
Last EDR Contact: 05/23/95
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 12/31/04
Date Data Arrived at EDR: 06/29/05
Date Made Active in Reports: 08/08/05
Number of Days to Update: 40

Source: U.S. Army Corps of Engineers
Telephone: 202-528-4285
Last EDR Contact: 06/29/05
Next Scheduled EDR Contact: 10/03/05
Data Release Frequency: Varies

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 10/01/03
Date Data Arrived at EDR: 11/12/03
Date Made Active in Reports: 11/21/03
Number of Days to Update: 9

Source: USGS
Telephone: 202-208-3710
Last EDR Contact: 08/09/05
Next Scheduled EDR Contact: 11/07/05
Data Release Frequency: Semi-Annually

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 08/02/05
Date Data Arrived at EDR: 08/12/05
Date Made Active in Reports: 10/06/05
Number of Days to Update: 55

Source: Environmental Protection Agency
Telephone: 703-603-8867
Last EDR Contact: 10/03/05
Next Scheduled EDR Contact: 01/02/06
Data Release Frequency: Varies

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/95
Date Data Arrived at EDR: 07/03/95
Date Made Active in Reports: 08/07/95
Number of Days to Update: 35

Source: EPA
Telephone: 202-564-4104
Last EDR Contact: 09/06/05
Next Scheduled EDR Contact: 12/05/05
Data Release Frequency: No Update Planned

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/03
Date Data Arrived at EDR: 07/13/05
Date Made Active in Reports: 08/17/05
Number of Days to Update: 35

Source: EPA
Telephone: 202-566-0250
Last EDR Contact: 09/19/05
Next Scheduled EDR Contact: 12/19/05
Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/02
Date Data Arrived at EDR: 04/27/04
Date Made Active in Reports: 05/21/04
Number of Days to Update: 24

Source: EPA
Telephone: 202-260-5521
Last EDR Contact: 07/18/05
Next Scheduled EDR Contact: 10/17/05
Data Release Frequency: Every 4 Years

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

Date of Government Version: 07/15/05
Date Data Arrived at EDR: 07/25/05
Date Made Active in Reports: 08/22/05
Number of Days to Update: 28

Source: EPA
Telephone: 202-566-1667
Last EDR Contact: 09/19/05
Next Scheduled EDR Contact: 12/19/05
Data Release Frequency: Quarterly

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/03
Date Data Arrived at EDR: 01/03/05
Date Made Active in Reports: 01/25/05
Number of Days to Update: 22

Source: EPA
Telephone: 202-564-4203
Last EDR Contact: 07/18/05
Next Scheduled EDR Contact: 10/17/05
Data Release Frequency: Annually

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 07/15/05
Date Data Arrived at EDR: 07/25/05
Date Made Active in Reports: 08/22/05
Number of Days to Update: 28

Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Telephone: 202-566-1667
Last EDR Contact: 09/19/05
Next Scheduled EDR Contact: 12/19/05
Data Release Frequency: Quarterly

STATE OF SOUTH CAROLINA ASTM STANDARD RECORDS

SHWS: Site Assessment Section Project List

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: 08/08/05
Date Data Arrived at EDR: 09/02/05
Date Made Active in Reports: 10/06/05
Number of Days to Update: 34

Source: Department of Health and Environmental Control
Telephone: 803-734-5376
Last EDR Contact: 07/11/05
Next Scheduled EDR Contact: 10/10/05
Data Release Frequency: Annually

SWF/LF: Permitted Landfills List

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/10/05
Date Data Arrived at EDR: 10/10/05
Date Made Active in Reports: 10/26/05
Number of Days to Update: 16

Source: Department of Health and Environmental Control
Telephone: 803-734-5165
Source: Department of Health and Environmental Control, GIS Section
Telephone: 803-896-4084
Last EDR Contact: 10/10/05
Next Scheduled EDR Contact: 01/09/06
Data Release Frequency: Varies

LUST: Leaking Underground Storage Tank List

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

Date of Government Version: 10/07/05
Date Data Arrived at EDR: 10/07/05
Date Made Active in Reports: 10/26/05
Number of Days to Update: 19

Source: Department of Health and Environmental Control
Telephone: 803-898-4350
Last EDR Contact: 08/22/05
Next Scheduled EDR Contact: 11/21/05
Data Release Frequency: Quarterly

UST: Comprehensive Underground Storage Tanks

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 09/06/05
Date Data Arrived at EDR: 09/12/05
Date Made Active in Reports: 10/07/05
Number of Days to Update: 25

Source: Department of Health and Environmental Control
Telephone: 803-898-4350
Last EDR Contact: 08/22/05
Next Scheduled EDR Contact: 11/21/05
Data Release Frequency: Quarterly

VCP: Voluntary Cleanup Sites

Date of Government Version: 04/20/05
Date Data Arrived at EDR: 06/03/05
Date Made Active in Reports: 06/29/05
Number of Days to Update: 26

Source: Department of Health and Environmental Control
Telephone: 803-896-4049
Last EDR Contact: 07/11/05
Next Scheduled EDR Contact: 10/10/05
Data Release Frequency: Varies

STATE OF SOUTH CAROLINA ASTM SUPPLEMENTAL RECORDS

AST: Aboveground Storage Tank List

Registered Aboveground Storage Tanks.

Date of Government Version: 03/25/04
Date Data Arrived at EDR: 08/04/04
Date Made Active in Reports: 09/23/04
Number of Days to Update: 50

Source: Department of Health and Environmental Control
Telephone: 803-898-4350
Last EDR Contact: 09/26/05
Next Scheduled EDR Contact: 12/26/05
Data Release Frequency: Varies

SPILLS: Spill List

Date of Government Version: 07/28/05
Date Data Arrived at EDR: 08/15/05
Date Made Active in Reports: 09/13/05
Number of Days to Update: 29

Source: Department of Health and Environmental Control
Telephone: 803-898-4111
Last EDR Contact: 09/26/05
Next Scheduled EDR Contact: 12/26/05
Data Release Frequency: Varies

GWCI: Groundwater Contamination Inventory

An inventory of all groundwater contamination cases in the state.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 07/01/04
Date Data Arrived at EDR: 10/26/04
Date Made Active in Reports: 11/29/04
Number of Days to Update: 34

Source: Department of Health and Environmental Control
Telephone: 803-898-3798
Last EDR Contact: 07/27/05
Next Scheduled EDR Contact: 10/24/05
Data Release Frequency: Annually

DRYCLEANERS: Drycleaner Database

The Drycleaning Facility Restoration Trust Fund database is used to access, prioritize and cleanup contaminated registered drycleaning sites.

Date of Government Version: 12/14/04
Date Data Arrived at EDR: 12/20/04
Date Made Active in Reports: 02/02/05
Number of Days to Update: 44

Source: Department of Health & Environmental Control
Telephone: 803-898-3882
Last EDR Contact: 08/29/05
Next Scheduled EDR Contact: 11/28/05
Data Release Frequency: Varies

EDR PROPRIETARY HISTORICAL DATABASES

Former Manufactured Gas (Coal Gas) Sites: The existence and location of Coal Gas sites is provided exclusively to EDR by Real Property Scan, Inc. ©Copyright 1993 Real Property Scan, Inc. For a technical description of the types of hazards which may be found at such sites, contact your EDR customer service representative.

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BROWNFIELDS DATABASES

BROWNFIELDS: Brownfields Sites Listing

The Brownfields component of the Voluntary Cleanup Program allows a non-responsible party to acquire a contaminated property with State Superfund liability protection for existing contamination by agreeing to perform an environmental assessment and/or remediation.

Date of Government Version: 07/12/05
Date Data Arrived at EDR: 07/13/05
Date Made Active in Reports: 08/05/05
Number of Days to Update: 23

Source: Department of Health & Environmental Control
Telephone: 803-896-4069
Last EDR Contact: 07/11/05
Next Scheduled EDR Contact: 10/10/05
Data Release Frequency: Varies

VCP: Voluntary Cleanup Sites

Date of Government Version: 07/14/04
Date Data Arrived at EDR: 07/14/04
Date Made Active in Reports: 08/09/04
Number of Days to Update: 26

Source: Department of Health and Environmental Control
Telephone: N/A
Last EDR Contact: 07/11/05
Next Scheduled EDR Contact: 10/10/05
Data Release Frequency: Varies

US BROWNFIELDS: A Listing of Brownfields Sites

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Included in the listing are brownfields properties addresses by Cooperative Agreement Recipients and brownfields properties addressed by Targeted Brownfields Assessments. Targeted Brownfields Assessments-EPA's Targeted Brownfields Assessments (TBA) program is designed to help states, tribes, and municipalities--especially those without EPA Brownfields Assessment Demonstration Pilots--minimize the uncertainties of contamination often associated with brownfields. Under the TBA program, EPA provides funding and/or technical assistance for environmental assessments at brownfields sites throughout the country. Targeted Brownfields Assessments supplement and work with other efforts under EPA's Brownfields Initiative to promote cleanup and redevelopment of brownfields. Cooperative Agreement Recipients-States, political subdivisions, territories, and Indian tribes become Brownfields Cleanup Revolving Loan Fund (BCRLF) cooperative agreement recipients when they enter into BCRLF cooperative agreements with the U.S. EPA. EPA selects BCRLF cooperative agreement recipients based on a proposal and application process. BCRLF cooperative agreement recipients must use EPA funds provided through BCRLF cooperative agreement for specified brownfields-related cleanup activities.

Date of Government Version: 08/18/05
Date Data Arrived at EDR: 08/18/05
Date Made Active in Reports: 10/06/05
Number of Days to Update: 49

Source: Environmental Protection Agency
Telephone: 202-566-2777
Last EDR Contact: 08/11/05
Next Scheduled EDR Contact: 12/12/05
Data Release Frequency: Semi-Annually

AUL: Land Use Controls

The term Land Use Controls or "LUCs" encompass institutional controls, such as those involved in real estate interests, governmental permitting, zoning, public advisories, deed notices, and other legal restrictions. The term also includes restrictions on access, whether achieved by means of engineered barriers (e.g., fence or concrete pad) or by human means (e.g., the presence of security guards). Additionally, the term includes both affirmative measures to achieve the desired restrictions (e.g., night lighting of an area) and prohibitive directives (e.g., restrictions on certain types of wells for the duration of the corrective action). Considered altogether, the LUCs for a facility will provide a tool for how the property should be used in order to maintain the level of protectiveness that one or more corrective actions were designed to achieve.

Date of Government Version: 07/12/05
Date Data Arrived at EDR: 07/13/05
Date Made Active in Reports: 08/05/05
Number of Days to Update: 23

Source: Department of Health & Environmental Control
Telephone: 803-896-4049
Last EDR Contact: 07/11/05
Next Scheduled EDR Contact: 10/10/05
Data Release Frequency: Varies

US INST CONTROL: Sites with Institutional Controls

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 01/10/05
Date Data Arrived at EDR: 02/11/05
Date Made Active in Reports: 04/06/05
Number of Days to Update: 54

Source: Environmental Protection Agency
Telephone: 703-603-8867
Last EDR Contact: 07/05/05
Next Scheduled EDR Contact: 10/03/05
Data Release Frequency: Varies

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Electric Power Transmission Line Data

Source: PennWell Corporation
Telephone: (800) 823-6277

This map includes information copyrighted by PennWell Corporation. This information is provided on a best effort basis and PennWell Corporation does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of PennWell.

APPENDIX D

INTERVIEW DOCUMENTATION

RECORD OF TELEPHONE CALL		Project #: 1614-05-474	
DATE: 10/31/2005	PHONE NO: 803-534-8152	START: 11:15 AM	FINISH:
CALL TO: Raymond Sifly			CALL FROM: C. Daves
FIRM: Coldwell Banker - Middleton			FIRM: S&ME, Inc.

CONVERSATION

S&ME, Inc.	Other Party
Owner?	Paul Heron – purchased from Plum Creek Timber within the last year. Option to sell to Orangeburg County now. Mr. Sifly is a representative of Paul Heron.
Current/Past Uses?	Timberland. Logged in 2001 and replanted in 2002.
Structures?	None.
Knowledge of USTs, ASTs, environmental concerns, litigation, liens, spills, adjacent properties issues?	None to his knowledge.

RECORD OF TELEPHONE CALL		Project #: 1614-05-474	
DATE: 10/31/2005	PHONE NO: (803) 533-6218	START: 12:20 AM	FINISH:
CALL TO: Orangeburg County Fire Department			CALL FROM: C. Daves
FIRM: Orangeburg County Fire Department			FIRM: S&ME, Inc.

CONVERSATION

S&ME, Inc.	Other Party
Hazmat incidents, spills or fires at 226-acre property at intersection of U.S. 176 and Woolbright Rd.?	None.

APPENDIX E

CONTRACT BETWEEN USER & S&ME, INC.



AGREEMENT FOR SERVICES

Form AS-041

Date: October 24, 2005	Job Number:
S&ME, Inc. (hereafter Consultant)	Client Name: Alliance Consulting Engineers, Inc. (hereafter Client)
Address: 134 Suber Road City: Columbia State: SC Zip: 29210	Address: Post Office Box 8147 City: Columbia State: SC Zip: 29202-8147
Telephone: (803) 561-9024 Fax: (803) 561-9177	Telephone: 803-779-2078 Fax: 803-779-2079
PROJECT	
Project Name: Goodbys Creek Parcel - 226 Acres	
Project location: (Street Address) US Highway 176	
City: Ellore	State: SC Zip:
SERVICES TO BE RENDERED	
Proposal Number: 1614-4316-05 dated: October 24, 2005 is incorporated into this Agreement For Services. This Agreement For Services is incorporated into the above Proposal.	

WITNESSETH: WHEREAS, Client desires to contract with Consultant to furnish Services to Client's project identified above.

WHEREAS, Consultant is engaged in the business of providing Services and related labor, materials, and equipment. (Herein individually and collectively referred to as Services.)

NOW, THEREFORE, in consideration of the Mutual Covenants and Promises included herein, Client and Consultant agree as follows:

1. **OFFER ACCEPTANCE:** Client hereby accepts Consultant's offer to provide Services as described in Consultant's proposal for Services referenced under "SERVICES TO BE RENDERED" and agrees that such Services and any additional Services authorized by Client shall be governed by this Agreement. **If Client requests Consultant to start performing Services prior to receipt of this Agreement, Client agrees that Consultant's beginning of performance is based on reliance that Client will accept and execute this Agreement for Services. If Client requests Consultant to start performing Services prior to the execution of this Agreement For Services by the Client, then such request is an acceptance of this Agreement for Services to the same extent as if Client had executed this Agreement.** Should Client choose to accept this Agreement for Services through the use of a Purchase Order, all preprinted terms and conditions on Client's purchase order are inapplicable to this Agreement as this Agreement is for Services that are not compatible with purchase order agreements. Unless this offer is previously accepted, it will be withdrawn automatically at 5:00 pm EST, ninety (90) days from the date of issue.
2. **CONTRACT DOCUMENTS:** "Contract Documents" shall mean this document as well as the proposal listed under "SERVICES TO BE RENDERED" each of which is incorporated into the other.
3. **PAYMENT:** Client will pay Consultant for Services and expenses in accordance with the Contract Documents. If prices for Services are not established under SERVICES TO BE RENDERED then the current fee schedule in effect for the location providing the Services shall be used as the amount to be paid by Client for Services provided. Consultant will submit progress invoices to Client monthly and a final invoice upon completion of its Services. Payment is due upon receipt of the invoice unless otherwise agreed to in writing prior to the submittal of the invoice. Invoices are past due 30 calendar days after the date of the invoice. Past due amounts are subject to a late payment fee of one and one-half percent per month (18 percent per annum) or the highest amount allowed by applicable law on the outstanding balance, whichever is less. Attorney's

fees and other costs incurred in collecting past due amounts shall be paid by Client. The Client's obligation to pay under this Agreement is in no way dependent upon the Client's ability to obtain financing, payment from third parties, approval of governmental or regulatory agencies, or upon the Client's successful completion of the Project

Consultant shall be paid in full for all Services rendered under this Agreement, including any additional Services authorized by Client in excess of those stated in this Agreement. However, if Client objects to all or any portion of any invoice, Client shall so notify Consultant in writing of the objection within fifteen (15) days from date of invoice, give reasons for the objection, and pay that portion of the invoice not subject to Client's objection. Client and Consultant will informally discuss Client's objections to the invoice and attempt to reach a resolution mutually acceptable to Client and Consultant. If Client or Consultant determine that an informal resolution is not possible then that party shall so state in writing to the other party and initiate a final resolution pursuant to the Dispute Resolution provisions of this Agreement for Services. If the Client does not object in writing to all or a portion of the invoice within fifteen (15) calendar days from date of invoice then the full amount of the invoice is due and payable and all objections are waived.

Without incurring any liability to the Client, Consultant may either suspend or terminate this Agreement if Client fails to pay any undisputed invoice amounts within 60 calendar days of the invoice date, or if Client states its intention not to pay forthcoming invoices. Such suspension or termination will not waive any other claim Consultant may have against Client. Following such suspension or termination, Consultant may resume work by mutual agreement with Client after payment by Client of all outstanding invoiced amounts and collection expenses. In case of such suspension or termination, Client waives all claims for damages or delay as a result of such suspension or termination.

Any invoices that are not paid within thirty (30) calendar days of Client's receipt of letter from Consultant demanding payment of the invoices or a collection action notification by an attorney or collection agency shall constitute a release of Consultant by Client from any and all claims whatsoever, including, but not limited to, tort or contractual claims which Client may have against Consultant for Services performed under said invoice(s).

4. **STANDARD OF CARE:** Consultant and its agents, employees and subcontractors shall endeavor to perform Services for Client using that degree of care and skill ordinarily exercised, under similar circumstances, by others ordinarily providing Services in the same or similar locality as the project at the time Services are provided. In the event any portion of the Services fails to substantially comply with this standard of care obligation and Consultant is promptly notified in writing prior to one year after completion of such portion of the Services, Consultant will re-perform such portion of the Services, or if re-performance is impractical, Consultant will refund the amount of compensation paid to Consultant for such portion of the Services. **THE REMEDIES SET FORTH HEREIN ARE EXCLUSIVE.** This **STANDARD OF CARE** is in lieu of all other warranties and standards of care. No other warranty or standard of care, expressed or implied, is made or intended by this Agreement, or by the proposal, by oral communications, or by any representations made regarding the Services included in this Agreement.
5. **LIMITATION OF LIABILITY: CONSULTANT AND CLIENT MUTUALLY AGREE THAT THE SERVICES PROVIDED PURSUANT TO THIS AGREEMENT INVOLVE RISKS OF LIABILITY WHICH CANNOT BE ADEQUATELY COMPENSATED FOR BY THE PAYMENTS CLIENT WILL MAKE UNDER THIS AGREEMENT. THEREFORE, THE TOTAL CUMULATIVE LIABILITY OF CONSULTANT, ITS AGENTS, EMPLOYEES, AND SUBCONTRACTORS WHETHER IN CONTRACT, TORT INCLUDING NEGLIGENCE (WHETHER SOLE OR CONCURRENT), PROFESSIONAL ERRORS OR OMISSIONS, BREACH OF WARRANTY (EXPRESS OR IMPLIED), NEGLIGENT MISREPRESENTATION, AND STRICT LIABILITY, OR OTHERWISE ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM THE SERVICES PROVIDED PURSUANT TO THIS AGREEMENT SHALL NOT EXCEED THE TOTAL FEES PAID BY CLIENT OR FIFTY THOUSAND DOLLARS, WHICHEVER IS GREATER. CLIENT AGREES THAT PAYMENT OF THE LIMIT OF LIABILITY AMOUNT IS THE SOLE REMEDY TO THE EXCLUSION OF ALL OTHER REMEDIES AVAILABLE FOR THE TOTAL CUMULATIVE LIABILITY OF CONSULTANT, ITS AGENTS, EMPLOYEES, AND SUBCONTRACTORS ARISING OUT OF, CONNECTED WITH OR RESULTING FROM THE SERVICES PROVIDED PURSUANT TO THIS AGREEMENT. AT ADDITIONAL COST, CLIENT MAY OBTAIN A HIGHER LIMIT OF LIABILITY PRIOR TO COMMENCEMENT OF SERVICES. THE ADDITIONAL COST IS COMPENSATION TO CONSULTANT FOR INCREASING THE CONSULTANT'S LIMIT OF LIABILITY. THE ADDITIONAL COST IS NOT AN INSURANCE COST. THE HIGHER LIMIT OF LIABILITY APPLIES ONLY IF MUTUALLY AGREED TO IN WRITING BY CONSULTANT AND CLIENT AT THE TIME CLIENT ACCEPTS THIS AGREEMENT FOR SERVICES AND THE ADDITIONAL COST PAID WITHIN SEVEN DAYS OF THE DATE OF THE MUTUAL AGREEMENT TO INCREASE THE LIMIT OF LIABILITY. CLIENT MAY AT THE TIME OF EXECUTION OF THIS AGREEMENT ELECT TO INCREASE THE LIMIT OF LIABILITY AMOUNT TO FIVE HUNDRED THOUSAND DOLLARS UPON THE PAYMENT OF FIVE HUNDRED DOLLARS OR TO ONE MILLION DOLLARS UPON THE PAYMENT OF ONE THOUSAND DOLLARS IN ADDITIONAL COST AS CONSIDERATION FOR THE HIGHER LIMIT OF LIABILITY. CONSULTANT'S CONSIDERATION TO CLIENT FOR THIS LIMIT OF LIABILITY IS SPECIFICALLY REFLECTED IN CONSULTANT'S FEES FOR SERVICES UNDER THIS AGREEMENT AS SUCH FEES ARE LESS THAN CONSULTANT WOULD BE PAID FOR SERVICES UNDER THIS AGREEMENT WITHOUT A LIMITATION OF LIABILITY. CLIENT MUST ELECT THE HIGHER LIMIT OF LIABILITY BY CHECKING AND INITIALING BELOW:**
I HEREBY AGREE TO PAY \$500.00 TO INCREASE THE LIMIT OF LIABILITY TO \$ 500,000. _____ (INITIAL)
I HEREBY AGREE TO PAY \$1000.00 TO INCREASE THE LIMIT OF LIABILITY TO \$ 1,000,000 _____ (INITIAL)
CLIENT IS CAUTIONED THAT THIS IS A LIMITED LIABILITY AGREEMENT LIMITING THE LIABILITY OF CONSULTANT; THEREFORE, CLIENT IS ADVISED TO CAREFULLY REVIEW CLIENT'S RISKS OF LIABILITY RELATED TO THIS CONTRACT AND ADDRESS SUCH RISKS THROUGH CLIENT'S INSURANCE OR OTHER MEANS.

6. **DISCLAIMER OF CONSEQUENTIAL DAMAGES:** In no event shall Consultant or Client be liable to the other for any special, indirect, incidental or consequential loss or damages, including, but not limited to, lost profits and loss of use arising from or related to Services provided by Consultant.
7. **REPORTS:** In connection with the performance of the Services, Consultant shall deliver to Client one or more reports or other written documents reflecting Services provided and the results of such Services. All reports and written documents delivered to Client are instruments reflecting the Services provided by Consultant pursuant to this Agreement and are made available for Client's use subject to the limitations of this Agreement. Instruments of Service provided by Consultant to Client pursuant to this Agreement are provided for the exclusive use of Client, and Client's agents and employees for the Project and are not to be used or relied upon by third parties or in connection with other projects. Subject to the authorized use of Client, and Client's agents, and employees, all Instruments of Service, other written documents, all original data gathered by Consultant and work papers produced by Consultant in the performance of or intrinsic to the Services included in the Services are, and shall remain, the sole and exclusive property of Consultant. Unless a shorter period is stated in the Instrument of Service, all Instruments of Service provided pursuant to this Agreement will be valid for a period of three years from the date of this Agreement after which the Instruments of Service are void and can no longer be used or relied upon by anyone for any purpose whatsoever. The period for which an Instrument of Service is valid may be extended by mutual written consent of the Consultant and Client.

Documents that may be relied upon by Client are limited to the printed copies (also known as hardcopies) that are signed or sealed by Consultant. Files in electronic media format of text, data, graphics or of other types that are furnished by Consultant to Client are only for the convenience of Consultant and Client. Any conclusion or information obtained or derived from such electronic files will be at the Client's or other user's sole risk. Data stored in electronic format can deteriorate or be modified inadvertently or otherwise. Consultant shall not be responsible to maintain documents stored in electronic media. When transferring documents in electronic media format, Consultant makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by Consultant.

Consultant shall not be responsible for any alterations, modifications, or additions made in the electronic data by the Client or any reuse of the electronic data by the Client or any other party for this project or any other project without Consultant's written consent. Client shall indemnify, and hold Consultant harmless against any claims, damages or losses arising out the reuse of the electronic data without Consultant's consent or arising out of alterations, modifications, or additions to the electronic data made by anyone other than Consultant.

Any Instruments of Service, including reports, generated as part of this Agreement are intended solely for use by Client and shall not be provided to any other person or entity without Consultant's written authorization. To the fullest extent permitted by law, Client shall indemnify and hold harmless Consultant from and against any action or claim brought by any person or entity claiming to rely on the information or opinions contained in the Instrument of Service without Consultant's written authorization.

8. **SAFETY:** Consultant will maintain a safety program for its employees. Consultant specifically disclaims any authority or responsibility for general job safety and for the safety of persons who are not employed by Consultant. Should Client, or third parties, be conducting activities on the Site, then each shall have responsibility for their own safety and compliance with applicable safety requirements.

Field Personnel: The presence of Consultant's field personnel, either full-time or part-time, may be for the purpose of providing project administration, assessment, observation or field testing of specific aspects of the project as authorized by Client. Should Client retain the Services of a Contractor(s) for the project, Consultant is not responsible in any way whatsoever for the supervision or direction of the work of the Contractor(s), its' employees or agents. The presence of Consultant's field personnel for project administration, assessment, observation or testing shall not relieve the Contractor(s) of his responsibility for performing work in accordance with the project plans and specifications.

If a Contractor (not a subcontractor of Consultant) is involved in the project, Client agrees, in accordance with generally accepted construction practices, that the Contractor will be solely responsible for working conditions on the jobsite, including safety of all persons and property during performance of the work, and compliance with OSHA regulations. These requirements will apply continuously and will not be limited to normal working hours. It is agreed that Consultant will not be responsible for job or jobsite safety on the project, other than for Consultant's employees and subcontractors, and that Consultant does not have the duty or right to stop the work of the Contractor.

9. **CONFIDENTIALITY:** Subject to any obligation Consultant may have under applicable law or regulation, Consultant will endeavor to release information relating to the Services only to its employees and subcontractors in the performance of the Services, to Client's authorized representative(s) and to persons designated by the authorized representative to receive such information.

10. **SAMPLES:** Unless otherwise requested, test specimens or samples will be disposed of immediately upon completion of tests and analysis. Upon written request, Consultant will retain samples for a mutually acceptable storage charge and period of time. In the event that samples contain or may contain hazardous materials, Consultant shall, after completion of testing and at Client's expense, return such samples to Client or make samples available for disposal by Client's agent. Client recognizes and agrees that Consultant is acting as a bailee and at no time assumes title to said samples.
11. **INVENTIONS:** Any and all inventions or discoveries relating to the Services, including improvements and modifications to existing products or processes made or conceived by Consultant or its employees during the term of this Agreement are and shall remain the sole and exclusive property of Consultant.
12. **REPRESENTATIONS OF CLIENT:** Client warrants and covenants that sufficient funds are available or will be available upon receipt of Consultant's invoice to make payment in full for the Services rendered by Consultant. Client warrants that all information provided to Consultant regarding the project and project location are complete and accurate to the best of Client's knowledge.
13. **CLIENT OBLIGATIONS:** Client agrees to furnish Consultant, its agents, employees, and subcontractors a right-of-entry and any authorizations needed for Consultant to enter onto the project site to perform the Services included in this Agreement. Consultant will take reasonable precautions to minimize damage to the Project Site from Consultant's activities and use of equipment. Client recognizes that the performance of the Services included in this Agreement may cause alteration or damage to the site. Client accepts the fact that this is inherent in the work and will not look to Consultant for reimbursement or hold Consultant liable or responsible for any such alteration or damage. Should Client not be owner of the property, then Client agrees to notify the owner of the aforementioned possibility of unavoidable alteration and damage and to indemnify, and hold harmless Consultant against any claims and claims related costs including attorney's fees by the owner or persons having possession of the site through the owner which are related to such alteration or damage.
14. **UTILITIES:** Client agrees to disclose the identity of all utilities serving the Project Site and the presence and accurate location of hidden or obscure man-made objects known to Client relative to field tests or boring locations. Client agrees to indemnify and hold harmless Consultant from all claims, suits, losses, personal injuries, death, and property liability including costs and attorney's fees resulting from damage or injury to utilities or subterranean structures (pipes, tanks, etc.) arising from the performance of Consultant's Services when the existence of such are not called to Consultant's attention or the location not correctly identified in information furnished Consultant.
15. **CERTIFICATIONS:** Client agrees not to require that Consultant execute any certification with regard to work performed, tested or observed under this Agreement unless : 1) Consultant believes that it has performed sufficient work to provide a sufficient basis to issue the certification; 2) Consultant believes that the work performed, tested or observed meets the criteria of the certification; and 3) Consultant has reviewed and approved in writing the exact form of such certification prior to execution of this Agreement. Any certification by Consultant is limited to an expression of professional opinion based upon the Services performed by the Consultant, and does not constitute a warranty or guarantee, either expressed or implied.
16. **FAILURE TO FOLLOW RECOMMENDATIONS:** The Client agrees that it would be unfair to hold the Consultant liable for problems that may occur if the Consultant's recommendations are not followed. Accordingly, the Client waives any claim against the Consultant, and agrees to indemnify, and hold harmless the Consultant from any claim or liability for injury or loss that results from failure to implement the Consultant's recommendations or from implementation of the Consultant's recommendations in a manner that is not in strict accordance with them.
17. **TERMINATION:**

For Convenience - Upon written notice, Client or Consultant may terminate the performance of any further Services included in this Agreement if the terminating party determines termination is in the terminating party's interest. Upon dispatch or receipt of the termination notice, Consultant shall stop work on all Services included in this Agreement and deliver any Instruments of Service complete at that time to Client and Client shall pay Consultant within 30 days for all Services performed up to the dispatch or receipt of the termination notice. Upon Termination for Convenience, Consultant and Client shall have no further rights or remedies other than those included in this paragraph.

For Cause -In the event of material breach of this Agreement, the party not breaching the Agreement may terminate it upon 10 days written notice delivered or mailed to the other party, which notice must identify the material breach. The Agreement may not be terminated for cause if the breaching party cures the breach within ten days of receipt of the written notice. Upon Termination for Cause, Consultant shall stop work on all Services included in this Agreement and deliver any instruments of service complete at that time to Client and Client shall pay Consultant within 30 days for all Services performed up to the termination. Upon Termination for Cause, Consultant and Client shall have no further rights or remedies other than those included in this paragraph.

18. **UNFORESEEN CONDITIONS OR OCCURRENCES:** If, during the performance of service hereunder, any unforeseen hazardous substance, material, element or constituent or other unforeseen conditions or occurrences are encountered which, in Consultant's judgment significantly affects or may affect the services, the risk involved in providing the Services, or the recommended scope of Services, Consultant will notify Client thereof. Subsequent to that notification, Consultant may: (a) If practicable, in Consultant's judgment and with approval of Client, complete the original scope of Services in accordance with the procedures originally intended in the Proposal; (b) Agree with Client to modify the scope of Services and the estimate of charges to include the previously unforeseen conditions or occurrences, such revision to be in writing and signed by the parties and incorporated herein; or (c) Terminate the Services effective on the date of notification pursuant to the terms of **TERMINATION FOR CONVENIENCE**. Client is responsible for reporting any releases of hazardous substances to appropriate government agencies as required by law. Client waives any claim against Consultant and will indemnify and hold Consultant harmless from any claim, injury or loss arising from the discovery of unforeseen hazardous substances.
19. **FORCE MAJEURE:** Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of an obligation (other than the payment of money) results from any causes beyond its reasonable control and without its fault or negligence. For this purpose, such acts or events shall include, but are not limited to, storms, floods, unusually severe weather, epidemics, civil disturbances, war, riot, strikes, lockouts or other industrial disturbances, and inability within reasonable diligence to supply personnel, information or material to the project. In the event that such acts or events occur, it is agreed that both parties shall attempt to overcome all difficulties arising and to resume as soon as reasonably possible the normal pursuit and schedule of the Services covered by this Agreement. The time for performance shall be extended for a period equal to the delay.
20. **INSURANCE:** Consultant shall maintain at its own expense the following insurance subject to normal industry exclusions: (1) Worker's Compensation Insurance and Employer's Liability Insurance. (2) Commercial Automobile Liability Insurance with limits of \$1,000,000.00. (3) Commercial General Liability Insurance with limits of \$1,000,000.00. (4) Professional Liability Insurance. Certificates can be issued upon request identifying details and limits of coverage.
21. **INDEMNITY:** Client agrees to indemnify, and save harmless Consultant, its agents, employees, and subcontractors from and against any and all losses, liabilities, and costs and expenses of every kind (including cost of defense, investigation, settlement, and reasonable attorney's fees), which Consultant, its agents, employees, and subcontractors may incur, become responsible for, or pay out as a result of bodily injuries (including death) to any person, damage to any property, or both, to the extent caused by Client's negligence or willful misconduct.
- Subject to the Limitation of Liability in Article 5, Consultant agrees to indemnify, and save harmless Client from and against any and all losses, liabilities, and costs and expenses of every kind (including cost of defense, investigation, settlement, and reasonable attorney's fees) which Client may incur, become responsible for, or pay out as a result of bodily injuries (including death) to any person, damage to any property, or both, to the extent caused by Consultant's negligence or willful misconduct.
- Subject to the Limitation of Liability in Article 5, Client and Consultant shall, in the event of liability arising out of their joint negligence or willful misconduct indemnify, and save harmless each other in proportion to their relative degree of fault.
22. **DISPUTE RESOLUTION:** Consultant may in Consultant's sole discretion pursue collection of past due invoices by litigation in a court of competent jurisdiction. Other than Consultant's collection of past due invoices, in the event of a dispute between Consultant and Client with regard to any matter arising out of or related to this Agreement, the Parties will use their best efforts to resolve the dispute amicably within fifteen (15) calendar days. If the dispute cannot be settled amicably, the Parties agree that the dispute shall be subject to mediation in accordance with the mediation rules of the American Arbitration Association or similar Dispute Resolution organization. Mediation in good faith shall be a condition precedent to the institution of legal or equitable proceedings by either party. Once a party files a request for mediation with the other party and with the American Arbitration Association, or similar Dispute Resolution organization, the parties agree to commence such mediation within thirty (30) days of the filing of the request. The costs of such mediation shall be borne equally by both parties. If the dispute is not resolved after such mediation, then the dispute shall be resolved by litigation in a court of competent jurisdiction.
23. **CAPTIONS AND HEADINGS:** The captions and headings throughout this Agreement are for convenience and reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, modify, or add to the interpretation, construction, or meaning of any provision of or scope or intent of this Agreement.
24. **SEVERABILITY:** If any provision of this Agreement, or application thereof to any person or circumstance, shall to any extent be invalid, then such provision shall be modified if possible, to fulfill the intent of the parties as reflected in the original provision, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
25. **ASSIGNMENT AND SUBCONTRACTS:** Neither party may assign this Agreement, in whole or in part, without the prior written consent of the other party, except for an assignment of proceeds for financing purposes. Consultant may subcontract for the Services of others without obtaining Client's consent if Consultant deems it necessary or desirable to have others perform Services.

26. **NO WAIVER:** No waiver by either party of any default by the other party in the performance of any provision of this Agreement shall operate as or be construed as a waiver of any future default, whether like or different in character.

27. **LAW TO APPLY:** The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the laws of the state in which the project is located.

CONSULTANT HEREBY ADVISES CLIENT THAT ITS PERFORMANCE OF THIS AGREEMENT IS EXPRESSLY CONDITIONED ON CLIENT'S ASSENT TO THE TERMS AND CONDITIONS DETAILED HEREIN.

ENTIRE AGREEMENT – This Agreement represents the entire understanding and agreement between the parties hereto relating to the Services and supersedes any and all prior negotiations, discussions, and Agreements, whether written or oral, between the parties regarding same.

TO THE EXTENT that any additional or different Provisions conflict with the Provisions of this Agreement, the Provisions of this Agreement shall govern. No amendment or modification to this Agreement or any waiver of any provisions hereof shall be effective unless in writing, signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representative.

CLIENT: Alliance Consulting Engineers, Inc.

S&ME, Inc.

BY: _____
(Signature)

BY: M. Baltazar
(Signature)

(Print Name / Title)

M. BALTZEGAR / MGR.
(Print Name / Title)

DATE: _____

DATE: 10/28/05

PROPOSAL NUMBER: 1614-4316-05

Client's FAXED or DIGITAL signature to be treated as original signature.

APPENDIX D

July 19, 2002



LAW
RESOURCES CREATING SOLUTIONS

RECEIVED

JUL 23 2002

B. P. BARBER & ASSOCIATES
COLUMBIA, S. C.

B.P. Barber and Associates, Inc.
Attn: Mr. Deepal Eliatamby
101 Research Drive
Columbia, South Carolina 29203

Subject: Preliminary Protected Species Survey
Proposed US Hwy 301/US Hwy 176 Industrial Park
Orangeburg County, South Carolina
LAW Project No. 30500-2-8050

Dear Mr. Eliatamby:

Law Engineering and Environmental Services, Inc. (LAW) is pleased to submit this report of the findings on the protected species survey for the approximately 570-acre tract for the proposed US Highway 301/US Highway 176 Industrial Park in Orangeburg County, South Carolina (Figure 1). The study was designed to determine the potential for presence, absence or likelihood of occurrence of protected species.

1.0 PRELIMINARY PROTECTED SPECIES SURVEY

A preliminary protected species survey was conducted on the 570-acre site by LAW to determine the potential for the occurrence of animal and plant species listed as endangered or threatened by current Federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543)]. The survey investigation consisted of a literature and records search performed by LAW personnel and a pedestrian survey by LAW staff on July 15 and 16, 2002. Observed plants were identified to the lowest taxonomic unit level possible and/or necessary to determine if the observed specimen was a protected species.

1.1 Protected Species Literature Review Summary

The South Carolina Department of Natural Resources (SCDNR) – Heritage Trust Database provided existing data (downloaded from the DNR website on July 18, 2002, last updated September 10, 2001) concerning the potential occurrence of threatened or endangered species within Orangeburg County, Felderville and Indian Camp Branch quadrangles, South Carolina. The SCDNR database also provided a list of all protected species known to occur in Orangeburg County. This information was cross referenced with the USFWS list of Endangered, Threatened, and Candidate Species, dated February 20, 2002, and current protected species data available on the SCDSR internet site. This database suggests that federally endangered and threatened species within Orangeburg County include the bald eagle (*Haliaeetus leucocephalus*), red-cockaded woodpecker (*Picoides borealis*), shortnose sturgeon (*Acipenser brevirostrum*), and Canby's dropwort (*Oxypolis canbyi*). The USFWS list includes these species, but also lists the flatwoods salamander (*Ambystoma cingulatum*) as a threatened species possibly occurring in Orangeburg County. Although above-listed species are not known to occur in this portion of Orangeburg County, pedestrian surveys were conducted to determine the presence or absence of all five listed species. Federally listed threatened and endangered species, indicated as "T" and "E", respectively, and their respective habitats are described below.

LAW's on-site field investigation conducted on July 15 and 16, 2002, to determine the presence of suitable habitat for the aforementioned protected species, revealed that shortnose sturgeon, Canby's dropwort, bald eagle, flatwoods salamander, and red-cockaded woodpecker are unlikely to occur on the subject property. None of the five species described below are listed as occurring in either the Felderville or Indian Camp Branch quadrangles of Orangeburg County. However, they will be briefly discussed since they are listed for Orangeburg County.

1.2 Listed Species for Orangeburg County

Bald Eagle (*Haliaeetus leucocephalus*) T

The bald eagle was not found during the preliminary protected species survey. The SCDNR lists no occurrences of bald eagle nesting activities within the Felderville and Indian Camp Branch quadrangles.

The current range of this bird of prey includes all of North America from northern Alaska and Canada, south to southern California and Florida. In 1993, there were 88 bald eagle occupied territories in South Carolina¹. The habitat of the bald eagle includes riparian areas associated with coasts, rivers, and lakes, and usually nest near bodies of water where it feeds. Selection of nesting sites varies widely depending on the species of trees growing in a particular area. In the Southeast, nests are constructed in dominant or codominant pines or cypress. Nests are usually constructed in living trees, but bald eagles will occasionally use dead ones. There are certain general elements which seem to be consistent among nest site location. These include: 1) the proximity of water (usually within one-half mile) and a clear flight path to a close point on the water; 2) the largest living tree in a stand; and 3) an open view of the surrounding area. The proximity of good perching trees may also be a factor in site selection. An otherwise suitable site may not be used if there is excessive human activity in the area.

Based on the habitat requirements for the bald eagle, potential habitat (limited feeding and nesting habitat) was observed on the western portion of the subject property along Four Holes Swamp. The site was examined for evidence of the bald eagle, but no birds were found. LAW was informed by Mr. John Culbreath of B.P. Barber and Associates (pers. comm., July 18, 2002) that no development is planned within the wetland areas associated with Four Holes Swamp. Therefore, a determination of "may affect, not likely to adversely affect" has been made for the bald eagle.

Red-cockaded Woodpecker (*Picoides borealis*) E

The red-cockaded woodpecker (RCW) is a federally listed, endangered bird species. It is approximately 7.25 inches long. It is marked by a black and white "ladder back" and flecked sides. Its large white cheek patches are visible in the field. The RCW colony is comprised of a complex social network. RCW's nest and roost in living pines of 10 inch or greater diameter and which are at least usually 60 years old. The maximum height of hardwood understory of habitat suitable for cavity trees is less than about 15 feet. The bird forages in mature pine stands usually of 30 years of age or older.

LAW conducted pedestrian transects through portions of the 570-acre tract to locate mature pine stands for the presence of RCWs. However, such pine stands were not located on the subject tract. The other habitat types have little or no potential to support RCWs.

¹ United States Fish and Wildlife Service. 1993. *Endangered and Threatened Species of the Southeastern United States (The Red Book). Region 4.*

Based on the information from the SCDNR, the results of the pedestrian transects, and investigation of surrounding property, it is unlikely that extant RCW colonies are present on the site or surrounding property due to the amount of agricultural and residential development and lack of mature pine tree stands. In addition, the SCDNR occurrence map indicated that there are no known occurrences of RCWs located within the area contained on the Felderville and Indian Camp Branch USGS topographic quadrangles.

Based on the available information, a determination of "no effect" has been made for RCW populations. Considering the requirements for RCW surveys, no additional work to confirm this conclusion would be likely required (Guidelines for the Preparation of Biological Assessments for Red-Cockaded Woodpecker, USFWS, 1989).

Canby's dropwort (*Oxypolis canbyi*) E

Canby's dropwort is a federally listed, endangered perennial herb. It has an erect aspect, hollow stems, aromatic foliage and elongate, stoliferous rhizomes. It has minute white flowers produced in terminal or axillary umbels; sepals may be tinged red. The fruit is a strongly winged schizocarp. Canby's dropwort flowers from late May through early August and fruits in early Fall.

This plant grows in certain coastal plain habitats including wet meadows, wet pineland savannah, ditches/sloughs, and around the edges of cypress-pine ponds. Ideal soils for Canby's dropwort have a medium to high organic content and a high water table.

No pond cypress dominated wetlands or wetland-upland transitional habitat that is similar to the preferred habitat of Canby's dropwort was observed on project site.

Based on the information from the SCDNR and the results of the pedestrian transects, habitat required by this species is not found on this site. In addition, the SCDNR occurrence map indicated that there are no known occurrences located within the area described by the Felderville and Indian Camp Branch USGS topographic quadrangles.

Based on the available information, a determination of "no effect" has been made for Canby's dropwort populations.

Flatwoods Salamander (*Ambystoma cingulatum*) T

The flatwoods salamander, a federal-listed threatened amphibian, is a slender, small-headed mole salamander that rarely exceeds five inches in length when fully mature. Adult dorsal color ranges from black to chocolate-black with highly variable fine, light gray lines forming a netlike or cross-banded pattern across the back. Undersurfaces are plain gray to black with a few creamy or pearl-gray to black blotches or spots.

The optimum habitat for the flatwoods salamander is open, mesic woodland of longleaf/slash pine (*Pinus palustris*/*Pinus elliottii*) flatwoods maintained by frequent fires. Pine flatwoods are typically flat, low-lying open woodlands that lie between the drier sandhill community upslope and wetlands down slope. Adult flatwoods salamanders move to their wetland breeding sites during rainy weather from October to December. Breeding sites are generally small, shallow, isolated pond cypress (*Taxodium ascendens*), swamp gum (*Nyssa sylvatica* var. *biflora*), or slash pine dominated depressions that dry completely on a cyclic basis.

Based on the literature and records search and our field review of the 570-acre tract, potential habitat for flatwoods salamander does not occur on the site. Therefore, a determination of "no effect" has been made for the flatwoods salamander.

Shortnose Sturgeon (*Acipenser brevirostrum*) E

The shortnose sturgeon is a semi-anadromous fish, which migrate from the estuary into rivers to spawn. Adults migrate upstream in early spring and forage in the lower reaches of rivers at the fresh tidal water and estuarine water interface. This area is also an important nursery habitat for juveniles, which do not usually migrate.

Shortnose sturgeon occur in most major river systems along the eastern seaboard of the United States. In South Carolina, the shortnose sturgeon occurs Winyah Bay Rivers, those that drain into Lake Marion, the Santee, Cooper, and Savannah rivers, and the ACE (Ashepoo, Combahee, and Edisto rivers) Basin. In the latter, shortnose sturgeon are typically found at the freshwater-saltwater interface. Adult and sub-adult shortnose sturgeon are known to inhabit this area during spring and through fall. The main branch associated with Four Holes Swamp may offer necessary habitat to certain life stages of the shortnosed sturgeon, as this branch is contiguous with the Edisto River. Although the reviewed literature states that shortnose sturgeon are typically found at the freshwater-saltwater interface in the ACE Basin, confirmation of its presence or absence in Four Holes Swamp is beyond the scope of the preliminary assessment. However, LAW was informed by Mr. John Culbreath of B.P. Barber and Associates (pers. comm., July 18, 2002) that no development is planned within the wetland areas associated with Four Holes Swamp. Therefore, a determination of "may affect, not likely to adversely affect" has been made for the shortnose sturgeon.

2.0 Soils

The soils mapped by the Soil Conservation Service (SCS) for the proposed US 301/US 176 Industrial Park are in the Ailey, Bonneau, Blanton, Goldsboro, Lucy, Lynchburg, Mouzon, Weeses, Noboco, Pelham, Rains, Stallings, and Troup series. Areas mapped by the Orangeburg County SCS as Goldsboro sandy loam are identified as having inclusions of hydric soils in low lying areas. Areas mapped as Lynchburg fine sandy loam in Orangeburg County are identified as having inclusions of hydric soils in low lying areas. Areas mapped as Mouzon fine sandy loam are poorly drained and subject to frequent flooding for long duration in winter and in early spring. Areas mapped as Pelham loamy sand are poorly drained and found in slight depressions or poorly defined drainageways. Areas mapped as Rains sandy loam are poorly drained and found in broad, flat areas, slightly depressional oval bays, and shallow drainageways. Areas mapped as Stallings loamy sand are broad interstream divides or slightly depressional upland flats. None of the other soils series listed for this site are classified as hydric soils. In general, our field evaluations indicated the SCS mapping. Our field evaluations revealed hydric soil conditions only in the areas preliminarily identified as jurisdictional wetlands. The observed indicators of wetland hydrology were soil saturation, wetland drainage patterns, water stained leaves, and sediment deposits.

3.0 Habitats

Approximately 80% of the site is maintained pastureland and agricultural fields. Agricultural fields mainly consist of corn (*Zea mays*) and sorghum (*Sorghum* sp.), but also include other herbaceous species, such as sicklepod (*Cassia obtusifolia*), pigweed (*Amaranthus* sp.), and dog fennel (*Eupatorium capillifolium*). Portions of agricultural fields do not appear to have been planted in the past year and are dominated by sicklepod, pigweed, dog fennel, verbena (*Verbena brasiliensis*), and various grasses.

¹ ACE Basin Species Gallery: Shortnose Sturgeon, SC Department of Natural Resources website, <http://www.dnr.state.sc.us/marine/mrri/acechar/specgal/sturgeon.htm>.

Wetland areas on the 570-acre site are generally associated with Four Holes Swamp, which runs through the western portion of the U.S. 301/U.S. 176 Industrial Park site. These wetlands can generally be classified as hardwood seeps and bottomland hardwoods. Four historic Carolina bays (depressions) also exist in the agricultural fields on the eastern portion of the site. The overstory vegetation in these hardwood seeps associated with Four Holes Swamp are generally dominated by tulip tree (*Liriodendron tulipifera*), sweetgum (*Liquidambar styraciflua*), American elm (*Ulmus americana*), red maple (*Acer rubrum*), and various oaks (*Quercus* sp.). Species observed in the herbaceous layer in wetlands included soft rush (*Juncus effusus*), jewel weed (*Impatiens capensis*), river cane (*Arundinaria gigantea*), lizard tail (*Saururus cernuus*), and netted chain fern (*Woodwardia areolata*). The portion of Four Holes Swamp located on the subject property contains the same species, but also includes sporadic bald cypress (*Taxodium distichum*) and swamp gum.

Overstory vegetation observed at upland locations on the site included various oaks, black walnut (*Juglans nigra*), American beech (*Fagus grandifolia*), basswood (*Tilia* sp.), sycamore (*Platanus occidentalis*), loblolly pine (*Pinus tneida*), and hackberry (*Celtis occidentalis*). Midstory vegetation was sparse, but did include limited regeneration of overstory species. Herbaceous and vine layers in uplands included muscadine (*Vitis rotundifolia*), catbriar (*Smilax* sp.), blackberry (*Rubus* sp.), Christmas fern (*Polystichum acrostichoides*), verbena, and sumac (*Rhus glabra*).

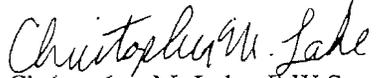
4.0 Summary

The preliminary protected species survey conducted by LAW personnel on July 15 and 16, 2002, on the approximately 570-acre site did not reveal the presence of federally or state protected plants or animals. Moreover, the development of the proposed subject site is not likely to impact any threatened or endangered species provided wetland areas are not impacted. The only potential habitat for protected species (shortnose sturgeon and bald eagle) is the portion of Four Holes Swamp located along the western portion of the property. Since these areas are not proposed to be impacted by site development, it is unlikely that these species would be affected.

If you have any questions regarding this preliminary protected species survey please call Mr. Allen Conger or Mr. Chris Lake at (803) 795-1200.

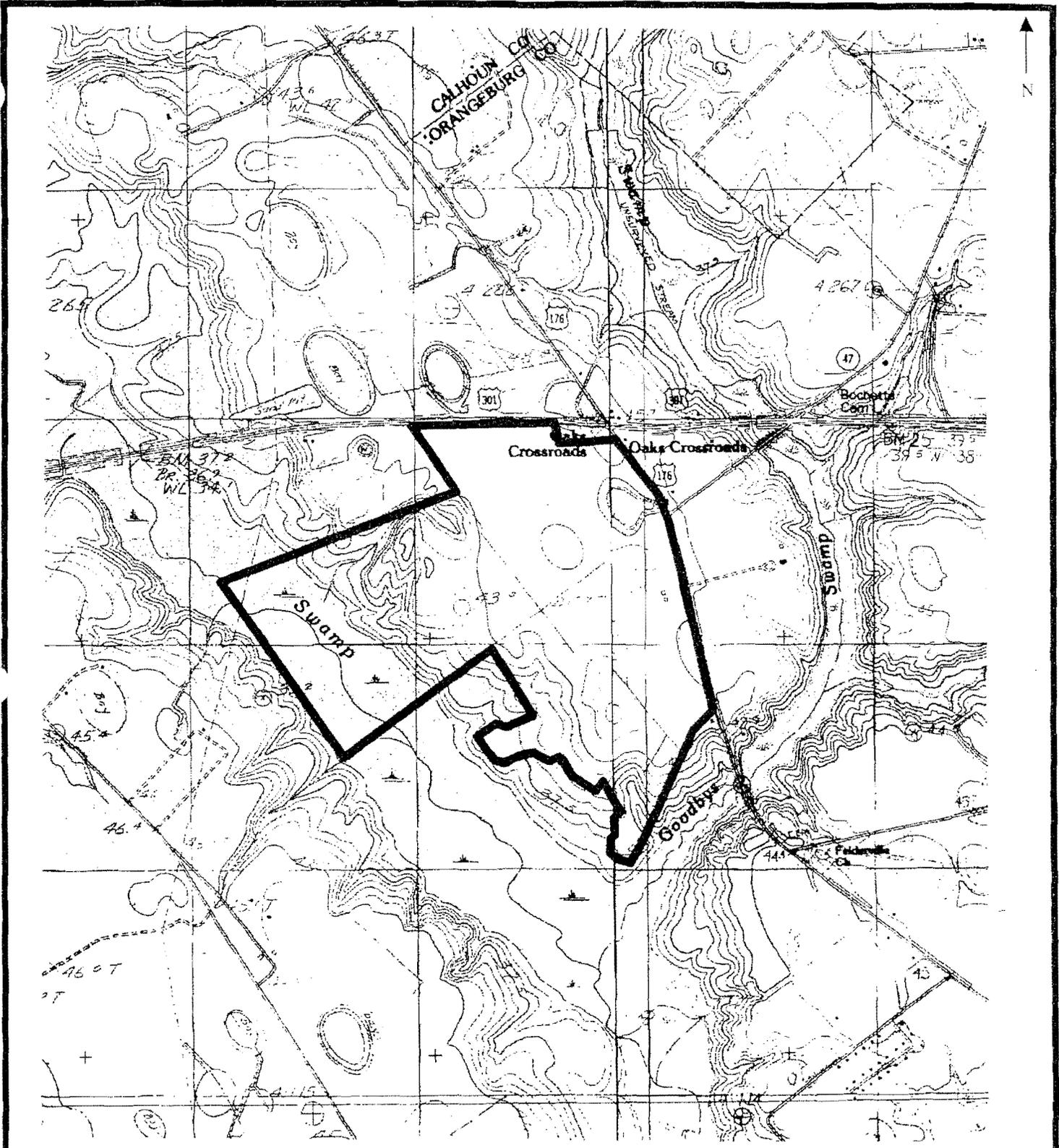
Sincerely,

LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC.


Christopher M. Lake, P.W.S.
Project Scientist


Allen W. Conger, P.W.S.
Principal
Environmental Scientist

Attachment: Figure 1 – Site location Map



Explanation



Approximate Site Location

Approximate Scale
1" = 2000'

Source: USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE MAP OF INDIAN CAMP BRANCH, SC, DATED 1982 AND FELDERVILLE, SC, DATED 1982

BP Barber and Associates, Inc
Columbia, South Carolina

Lat: N 33 27'0" Lon: W 80 37'45"

Prepared by: *RFB* Date: *7-19-02*

LAW
LAWGIBB Group Member 
Columbia, South Carolina

Checked: *AWC* Date: *7-19-02*

TOPOGRAPHIC MAP
U.S. 301 U.S. 176 Industrial Park
Orangeburg County, South Carolina

Job No. 30500-2-8050 Figure 1