



SC DEPARTMENT of
**ENVIRONMENTAL
SERVICES**

Jerry Stamps
Bureau of Land and Waste Management
2600 Bull Street
Columbia, South Carolina 29201

April 28, 2026

Colby Cooper, Chief Development Officer
Safe Harbor Marinas
14785 Preston Road, Suite 975
Dallas, Texas 75254

**Re: Proposed First Amendment to Voluntary Cleanup Contract 17-5747-NRP
Town Home Lots, 0.233 acres
Former Port Royal Terminal
Beaufort County**

Dear Mr. Cooper:

Enclosed please find the proposed First Amendment to Voluntary Cleanup Contract 17-5747-NRP. This contract contains the terms we negotiated. Please review this document and if acceptable, sign and date the contract, and return it to my attention. If you are unable to sign the document as written, please contact me so that we can discuss the matter further.

Following the thirty (30) day public notice period and assuming there are no adverse comments that would cause the South Carolina Department of Environmental Services not to execute the contract, the Department will sign it and forward a certified copy to you.

Thank you for your interest in South Carolina's Voluntary Cleanup Program. If you have questions or if I can be of further assistance, please contact me at Jerry.Stamps@des.sc.gov or 803-898-0927.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Stamps".

Jerry Stamps, Project Manager
Brownfields/Voluntary Cleanup Program
Site Assessment, Remediation, and Revitalization
Bureau of Land and Waste Management

Enclosure: Voluntary Cleanup Contract 17-5747-NRP

cc: BLWM File # 57498

**FIRST AMENDMENT TO
VOLUNTARY CLEANUP CONTRACT
17-5747-NRP**

**IN THE MATTER OF
FORMER PORT ROYAL TERMINAL, BEAUFORT COUNTY
and
SHM PORT ROYAL, LLC**

WHEREAS, on May 21, 2018, Grey Ghost Properties, LLC (“Grey Ghost”) entered into Voluntary Cleanup Contract 17-5747-NRP (“VCC”) with the South Carolina Department of Health and Environmental Control (“SCDHEC”) pursuant to the Brownfields/Voluntary Cleanup Program, S.C. Code Ann. §§ 44-56-710 et seq. (2018), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C §§ 9601 et seq., pursuant to the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200, with respect to approximately 317 acres identified by Beaufort County Tax Map Serial Numbers R113010-000-0075, R113-010-000-0077, R113-010-000-0079A, R113-010-000-0079, R113-010-000-182A, and R113-010-000-182C (“Property”). This VCC initially addressed the transfer of the Property for future mixed-use development. In entering this First Amendment to Voluntary Cleanup Contract 17-5747-NRP (“First Amendment”), the South Carolina Department of Environmental Services (“SCDES”), the successor agency to SCDHEC, relies on the representations of the “Non-Responsible Party Application for Voluntary Cleanup Contract” received October 14, 2025, which is incorporated into this First Amendment and attached as Appendix A.

WHEREAS, as documented in a letter from SCDHEC dated November 9, 2021 (“Inurement Letter”), the terms and conditions of the VCC inured to SHM Port Royal, LLC (“SHM-PR”) as a Beneficiary and pursuant to Paragraph 15 of the VCC; and

WHEREAS, as described in the Inurement Letter attached as Appendix B, an acreage discrepancy was identified a result of Beaufort County Tax Assessor’s modification of marshland acreage conveyed to Grey Ghost. A 2007 Plat identifies the

marsh area as encompassing approximately 47.89 acres, while a 2017 Plat identified the marsh area as encompassing approximately 110.3 acres. The updated plat accounts for the discrepancy in acreage between the original VCC and the inurement application from SHM-PR. Based on the information provided, the Inurement Letter applies to the approximately 378 acres described in the inurement application.

WHEREAS, pursuant to Act 60 of 2023, SCDHEC was dissolved and the environmental programs of such became the SCDES, effective July 1, 2024.

WHEREAS, SHM-PR is now prepared to add approximately 0.223 acres (“Town Lots”) to the VCC. The Town Lots consist of five (5) full parcels and a portion of a 6th parcel more fully identified by Beaufort County TMS Numbers R113-010-000-0326-0000, R113-010-000-0327-0000, R113-010-000-0328-0000, R110-010-000-0329-0000, R110-010-000-0330-0000, and a portion of R110-010-000-177B-0000.

WHEREAS, based on the information known by or provided to SCDES, the following findings are asserted for purposes of this First Amendment:

Owners and Operators: The owners and operators of the Town Lots include the following:

TMS R110-010-000-0330-0000

Owner	From	To
Kaizen Development, LLC	12/31/1976	2/28/2011
Ameris Bank	2/28/2011	8/24/2015
Merle D Post	8/24/2015	12/11/2024
Millies Heavenly Hotdog, LLC	12/11/2024	12/11/2024
Town of Port Royal Present date	12/11/2024	Present

TMS R110-010-000-0329-0000

Owner	From	To
Kaizen Development, LLC	9/04/2007	5/22/2020
Donald A Tapscott	5/22/2020	5/22/2020
Town of Port Royal	5/22/2020	Present

TMS R110-010-000-177B, -000, and -177

Owner	From	To
Beaufort County / Beaufort County Council	9/17/1966	7/29/1994
Town of Port Royal	7/29/1994	Present

TMS R113-010-000-0326-0000

Owner	From	To
Kaizen Development, LLC	12/31/1976	2/9/2009
Lowcountry National Bank	2/9/2009	3/30/2011
Town of Port Royal	3/30/2011	Present

TMS R113-010-000-0327-0000

Owner	From	To
Kaizen Development, LLC	12/31/1976	2/9/2009
Low Country National Bank	2/9/2009	3/30/2011
Town of Port Royal	3/30/2011	Present

TMS R113-010-000-0328-0000

Owner	From	To
Low Country National Bank	2/9/2009	3/30/2011
Town of Port Royal	3/30/2011	Present

The Property is bounded generally to the north by residential properties; to the south by undeveloped land with commercial property beyond; to the east by Paris

Avenue; and to the west by undeveloped land with Battery Creek beyond.

According to the Phase I Environmental Site Assessment (ESA) performed by Evans Environmental Consulting, dated July 15, 2025, the Town Lots property is currently undeveloped with a railroad right-of-way adjoining to the west. The Phase I ESA identified the following recognized environmental condition:

- The past use of the adjoining property to the west as a railroad right-of-way with documented arsenic concentrations in soil samples greater than the regulatory limit.

SHM-PR will acquire the Property and intends to develop it for residential and commercial reuse including updating the existing marina facility.

NOW THEREFORE IT IS AGREED, that Voluntary Cleanup Contract 17-5747-NRP is hereby amended to include the approximately 0.223 acres as described in Appendix C by the inclusion of the following modifications and additional terms:

ASSESSMENT OF ENVIRONMENTAL MEDIA

1. Assess soil quality across the Property:
 - a. SHM-PR shall collect and analyze a minimum of eight (8) soil samples from four (4) locations on the Town Lots. SHM-PR shall collect one surface soil sample (0-1 foot below ground surface) and one subsurface soil sample (2 foot minimum depth) from each location. Locations shall include:
 - i. Three (3) locations approximately equidistant along the western boundary of the Town Lots.
 - ii. One (1) location near the center of the Town Lots.
 - b. Each surface soil sample shall be analyzed for TAL-Metals and SVOCs. Each subsurface sample shall be analyzed for TAL-Metals, VOCs and

SVOCs. A minimum of one (1) surface and one (1) subsurface sample shall be analyzed for the full EPA-TAL and EPA-TCL.

- c. Soil quality results shall be compared to the Residential and Industrial Screening Levels and to the applicable Protection of Groundwater SSL.

2. Assess groundwater quality:

- a. SHM-PR shall collect a groundwater sample from one (1) temporary monitoring well to be installed on the Property.
- b. The sample from this groundwater monitoring well shall be analyzed for the full TAL/TCL parameters.
- c. Groundwater quality results shall be compared to the primary maximum contaminant level (MCL) standards in the South Carolina State Primary Drinking Water Regulations, R.61-58, or, if not specified in R.61-58, to the Regional Screening Tables values for "Tapwater."

FURTHER IT IS AGREED that this First Amendment in no way is intended to or does affect VCC 17-5747-NRP except as specifically provided herein and such VCC remains in full force and effect, subject to this First Amendment.

[Remainder of page left blank]

SIGNATORIES

The signatories below hereby represent that they are authorized to and do enter into this contract on behalf of their respective parties.

THE SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES

Juli E. Blalock, Chief
Bureau of Land and Waste
Management

DATE: _____

Reviewed by Office of General Counsel

DATE: _____

SHM PORT ROYAL, LLC

BY:  _____

DATE: 6/2/26

 _____
Cousy J. Cooper, Chief Development Officer
Printed Name and Title

APPENDIX A

SHM Port Royal, LLC

Application for Non-Responsible Party Voluntary Cleanup Contract

Amendment

October 14, 2025

APPENDIX B

Inurement Letter dated November 9, 2021

APPENDIX C

Town Parcels Legal Description



VERIFIED
10/20/25 BR SA
SCANNED
10-20-25 CD

October 14, 2025

South Carolina Department of Environmental Services
Bureau of Land and Waste Management
2600 Bull Street
Columbia, South Carolina 29201

RECEIVED

OCT 16 2025

SITE ASSESSMENT,
REMEDIATION, &
REVITALIZATION

Attention: Mr. Jerry Stamps, Project Manager
Jerry.Stamps@des.sc.gov

Reference: **NRP Application for Amendment to Existing VCC 17-5747-NRP
Port Royal Town Lots**
Port Royal, Beaufort County, South Carolina
EEC Project No. 2025-117

Dear Mr. Stamps:

On behalf of SHM Port Royal, LLC (SHM) and their legal consul Maynard Nexsen PC, Evans Environmental Consulting (EEC) respectfully submits the attached Voluntary Cleanup Contract (VCC) application as a non-responsible party (NRP) for the property known as the Port Royal Town Lots (subject property). SHM requests that existing VCC 17-5747-NRP for the Port Royal Redevelopment Tract be amended to include the subject property.

The subject property, located at the western end of 8th Street in the Town of Port Royal, South Carolina, consists of five parcels identified by Beaufort County as parcel TMS Nos. R113-010-000-0326-0000, R113-010-000-0327-0000, R113-010-000-0328-0000, R110-010-000-0329-0000, R110-010-000-0330-0000, and a portion of R110-010-000-177B-0000, totaling approximately 0.223-acres. A legal description of the subject property is included in this application. The subject property adjoins the railroad right-of-way portion of the Port Royal Redevelopment Tract to the east.

A recent Phase I Environmental Site Assessment (ESA) Report for the subject property, dated July 15, 2025 and prepared by EEC, listed the following *recognized environmental condition* for the subject property:



- The past use of the adjoining property to the west as a railroad right-of-way with documented arsenic concentrations in soil samples greater than the regulatory limit is considered a *recognized environmental condition*.

SHM understands certain response actions may be required as part of an amendment to existing VCC 17-5747-NRP. SHM further understands the subject property may be included in additional assessment activities of the former railroad right-of-way and the Port Royal Redevelopment Tract, as discussed in your letter dated February 3, 2024 following your review of the December 2023 VCC ESA Report of the Port Royal Redevelopment Tract prepared by S&ME, Inc.

We appreciate the opportunity to submit this NRP Application for a VCC and we appreciate your continued technical support with the Port Royal Redevelopment Tract. If you need any additional information or have any questions please let us know.

Sincerely,

Evans Environmental Consulting

Edward L. Evans, Jr., CHMM
President

Kathy Evans
Owner

Attachments:

- NRP Application for VCC (Form 2956) with legal description
- July 15, 2025 Phase I ESA Report

VERIFIED
10-21-25
SCANNED



Non Responsible Party Application for Voluntary Cleanup Contract

I. Applicant Information

- 1. Applicant is a: Single Entity Co-Entity (Each Co-Entity must complete items 1-8)
- 2. Applicant Type: Private Individual /Sole Proprietorship For-profit Business (Corp., Partnership, etc.) Tax-Exempt Trust/ Corporation/ Organization Government / Other Public Funded Entity

3. Applicant's Legal Name Safe Harbor Marinas / SHM Port Royal, LLC

4. Contract Signatures for this Applicant

a. Authorized Signatory

<u>John Ray</u>	Chief Transactions Officer	
Name	Title	Email
<u>14785 Preston Road Suite 975</u>	<u>972.540.6575</u>	<u>jray@shmarinas.com</u>
Address	Phone1	Phone2
<u>Dallas</u>	<u>Texas</u>	<u>75254</u>
City	State	Zip

b. Other Signatories None

Name	Title	Phone	Email	Signature Required On Contract?
		() -		<input type="checkbox"/>
		() -		<input type="checkbox"/>
		() -		<input type="checkbox"/>

5. Physical Location of Applicant's Headquarters

<u>14785 Preston Road</u>	<u>975</u>
Street address	Suite Number
<u>Dallas</u>	<u>Texas</u>
City	State
	<u>75254</u>
	Zip

6. Mailing address: Same as Authorized Signatory Go to question 7

Contact person (if different from Authorized Signatory)		Title	
Street Number or PO Box		Phone1	Phone 2
City	State	Zip	Email

7. Company Structure Information Not-applicable (Local Government, Sole Proprietorship, Private Individual) - Go to Question #8

a. Company is Incorporated/ Organized/ Registered in Delaware (state)

b. List all principals, officers, directors, controlling shareholders, or other owners with >5% ownership interest.

Attach additional pages if needed.

Name	Name
_____	_____
_____	_____
_____	_____

RECEIVED

OCT 16 2025

SITE ASSESSMENT, REMEDIATION, & REVITALIZATION

c. Is the applicant a subsidiary, parent or affiliate of any other business organization not otherwise identified on this form? Yes No

d. If yes, identify all affiliations: _____

8. Non-Responsible Party Certification

By signature below, it is affirmed that no person or entity identified anywhere above:

- 1. Is a current owner of the property
- 2. Is a Responsible Party for the site
- 3. Is a parent, successor, or subsidiary of any Responsible Party or owner of the property
- 4. Has had any involvement with the property in the past other than activities performed in anticipation of participation in the Voluntary Cleanup Program

Authorized Signatory

Co Signatories

II. Property Information

9. Location

a. Physical Address Western end of 8th Street

b. County Beaufort

Zip Code 29935

c Property is outside any municipal boundaries Property is inside the municipal limits of Port Royal

(town/city)

10. List any Companies or Site names by which the Property is known

Town Lots

11. Total Size of Property Covered by this Contract 0.223 Acres

12. How many parcels comprise the Property? 5 full parcels and a portion of a 6th.

13. Current Zoning (general description)

T5 - Main Street District

According to the Town of Port Royal, T5 Main Street Zone consists of higher density, mixed- use buildings that accommodate retail, rowhouses, offices, and apartments along primary thoroughfares within a neighborhood framework. A tight network of streets defines this Zone as a highly walkable area. Buildings are set very close to the frontages in order to define the public realm.

14. a. Does the property have any above- or below-ground storage tanks? Yes No

b. If Yes, provide information on the number and capacity of the tanks, their contents, and whether they will be retained, or closed and/or removed.

15 Parcel Information Complete the information below for each Parcel (attach additional sheets if needed)

a. Tax Map Parcel# R113-010-000-0326-000
 b. Acreage 0.04
 c. Current Owner Town of Port Royal
 d. Owner Mailing Address PO Drawer 9
Port Royal, SC
29935
 e. Contact Person for Access Van Willis
 f. Access Person's Phone # 843.986.2205
 g. Is Parcel Currently Vacant? Yes No
 h. Buildings on the parcel? None
 (check all that apply) Demolished/Ruins
 Intact, To be demolished
 Intact, To be re-used
 i. Business/facility operations Never Operated on the parcel
 Not operating since _____
 (approx date)
 In operation: nature of the
 business _____

a. Tax Map Parcel# R113-010-000-0327-000
 b. Acreage 0.03
 c. Current Owner Town of Port Royal
 d. Owner Mailing Address PO Drawer 9
Port Royal, SC
29935
 e. Contact Person for Access Van Willis
 f. Access Person's Phone # 843.986.2205
 g. Is Parcel Currently Vacant? Yes No
 h. Buildings on the parcel? None
 (check all that apply) Demolished/Ruins
 Intact, To be demolished
 Intact, To be re-used
 i. Business/facility operations Never Operated on the parcel
 Not operating since _____
 (approx date)
 In operation: nature of the
 business _____

a. Tax Map Parcel# R113-010-000-0328-000
 b. Acreage 0.04
 c. Current Owner Town of Port Royal
 d. Owner Mailing Address PO Drawer 9
Port Royal, SC
29935
 e. Contact Person for Access Van Willis
 f. Access Person's Phone # 843.986.2205
 g. Is Parcel Currently Vacant? Yes No
 h. Buildings on the parcel? None
 (check all that apply) Demolished/Ruins
 Intact, To be demolished
 Intact, To be re-used
 i. Business/facility operations Never Operated on the parcel
 Not operating since _____
 (approx date)
 In operation: nature of the
 business _____

a. Tax Map Parcel# R110-010-000-0329-000
 b. Acreage 0.05
 c. Current Owner Town of Port Royal
 d. Owner Mailing Address PO Drawer 9
Port Royal, SC
29935
 e. Contact Person for Access Van Willis
 f. Access Person's Phone # 843.986.2205
 g. Is Parcel Currently Vacant? Yes No
 h. Buildings on the parcel? None
 (check all that apply) Demolished/Ruins
 Intact, To be demolished
 Intact, To be re-used
 i. Business/facility operations Never Operated on the parcel
 Not operating since _____
 (approx date)
 In operation: nature of the
 business _____

a. Tax Map Parcel# R110-010-000-0330-000
 b. Acreage 0.05
 c. Current Owner Town of Port Royal
 d. Owner Mailing Address PO Drawer 9
Port Royal, SC
29935
 e. Contact Person for Access Van Willis
 f. Access Person's Phone # 843.986.2205
 g. Is Parcel Currently Vacant? Yes No
 h. Buildings on the parcel? None
 (check all that apply) Demolished/Ruins
 Intact, To be demolished
 Intact, To be re-used
 i. Business/facility operations Never Operated on the parcel
 Not operating since _____
 (approx date)
 In operation: nature of the
 business _____

a. Tax Map Parcel# 0.013-acre portion of
R110-010-000-177B-000
 b. Acreage Town of Port Royal
 c. Current Owner PO Drawer 9
 d. Owner Mailing Address Port Royal, SC
29935
 e. Contact Person for Access Van Willis
 f. Access Person's Phone # 843.986.2205
 g. Is Parcel Currently Vacant? Yes No
 h. Buildings on the parcel? None
 (check all that apply) Demolished/Ruins
 Intact, To be demolished
 Intact, To be re-used
 i. Business/facility operations Never Operated on the parcel
 Not operating since _____
 (approx date)
 In operation: nature of the
 business _____

III. Property Redevelopment

16. Describe the intended re-use of the property:
(attach additional sheets if necessary)

Redevelopment of Former SCSPA property and Port. Applicant intends to develop the property for multi- uses - residential and commercial along with updating the existing marina facility. The Town of Port Royal has a development plan for the former port that the applicant intends to implement.

17. a. Will the future use include any chemical processes, petroleum or chemical storage and handling, on-site waste disposal, or generate any hazardous substances? Yes No
b. If Yes, identify the substances and discuss steps that will be taken to prevent their release to the environment.

18. Will redevelopment lead to the creation of permanent jobs on the property? Yes Anticipated Number 150
 No

19. Projected Increase to the Tax Base as a result of this redevelopment: \$ \$250,000.00

20. a. Will there be Intangible benefits from this redevelopment such as:
 LEED, Earth Craft, EnergyStar, or similar certification of Sustainable Development
 Creation / Preservation of Green Space on the Property
 Deconstruction/ Recycling of demolition or building debris
 Other _____

b. Please Describe.

21. Anticipated date of closing or acquiring title to the property November / 1 / 2025

22. Redevelopment Certification

By signature below, the applicant(s) affirm that their proposed use and activities will not knowingly aggravate or contribute to existing contamination or pose significant human health or environmental risks on the property.


Signature(s)

IV. Project Management And Financial Viability (Co-Entities, refer to instruction sheet)

23. Environmental Consulting Firm

None as of this application date

Evans Environmental Consulting

Company

Post Office Box 12635 Charleston SC 29412

Address City State Zip

Ed Evans 843.696.7923 eevans@eecllc.

Project Contact1 S.C PE/PG Reg. # Phone1 Phone 2 email

Project Contact 2 S C PE/PG Reg. # Phone1 Phone 2 email

24. Legal Counsel (Optional)
 Maynard Nexsen PC
 Firm
 Mary D. Shahid 843.720.1788 843.345.5838
 Attorney Phone1 Phone 2
 205 King Street Suite 400 Charleston SC 29401 mshahid@maynardnex:
 Street Number or PO Box City State Zip email

25. Applicant's Billing Address Same as Contact person in #6 above Go to question #26

Financial Contact Title
 Company Phone
 Address
 City State Zip

26. Financial Viability

By signature(s) below, the applicant agrees to:

1. Pay the Department's costs upon receipt of invoices for implementing the Voluntary Cleanup Program for this Property, and
2. Provide financial statements, if requested, to document financial viability to conduct the response actions on the Property.

Waiver Requested (Check Box If applicable)

The applicant is a Local Government or qualifies as a 501(c) Non-Profit Organization, and requests waiver of some Departmental costs of implementing this contract.


 Signatures

V. Application Completion (The following are required along with this form. Check applicable boxes)

27. The Legal Description of the Property is attached as a: Plat Map Metes and Bounds Text Both

28. The Phase I Environmental Site Assessment Report is attached as a:

- New report completed in the past six months by Evans Environmental Consulting
 (Name of Environmental Firm)
- Older report updated in the past six months by _____
 (Name of Environmental Firm)

29. Environmental sampling data and other reports: (check one)

- The Applicant is not aware of any environmental testing on the property
- The Applicant believes the Department already has all environmental data in its files on: _____
 (Site Name)
- The Following reports are attached: _____
 (Site Name)

Report Date	Report Name	Environmental Firm
Julya 15, 2025	Phase 1 Environmental Site Assessment Port Royal Town Lots	Evans Environmental Consulting

30. Mailing addresses of Former Owners, Operators and other Potentially Responsible Parties:(check one)

- Enclosed with this Application as an Attachment
- Will be submitted along with (or before) the signed contract

31. The applicants attest by signature below that this application is accurate to their best knowledge. Furthermore, the applicants request DHEC evaluate the Property for inclusion in the Brownfields Voluntary Cleanup Program and draft a Non-Responsible Party Contract for the Property.

Signature(s)

This Section for Department Use Only

Assigned File Name		
Eligible for NRP Contract	<input type="checkbox"/> Y <input type="checkbox"/> N	
Assigned File Number		
Assigned Contract Number		