

**Risk Management Plan  
Dryclean Express  
DSCA ID No. 84-0001  
636 E Highway 24/27 Bypass  
Albemarle, Stanly County  
North Carolina Dry-Cleaning  
Solvent Cleanup Act Program**

**H&H Job No. DS0-25**

**January 24, 2011**



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**1.0 Introduction**

Hart & Hickman, PC (H&H) has prepared this Risk Management Plan (RMP) to address dry-cleaning solvent contamination associated with the Dryclean Express site (DSCA Site #84-0001) on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Dry-Cleaning Solvent Cleanup Act (DSCA) Program. The Dryclean Express site (the “site”) is located in the Stanly County Plaza Shopping Center at 636 E Highway 24/27 Bypass in Albemarle, Stanly County, North Carolina. The site location is shown on the attached Figure 1. This RMP is intended to comply with the requirements of DSCA (N.C.G.S. 143-215.104A *et seqs*) and promulgated rules and follows the outline provided in the DSCA Program’s risk-based corrective action (RBCA) guidance.

**2.0 Objectives of RMP**

H&H completed assessment activities at the site which indicated that tetrachloroethylene (PCE) soil impacts exist on-site above unrestricted land use standards. Trichloroethylene (TCE) groundwater impacts were also detected on-site at levels exceeding the Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards). However, assessment activities indicate the TCE groundwater impacts are not associated with a release from the site. H&H performed a Tier 1 and Tier 2 risk assessment and completed DSCA’s Indoor Air Risk Calculator to evaluate the cumulative site-wide risk under industrial land use scenarios. The results of the Tier 1 and Tier 2 risk assessments and Indoor Air Risk Calculator indicate that site-wide risks do not exceed target risk levels. However, the evaluation was based on site-specific land use conditions that require an RMP. As such, the objective of this RMP is to ensure that those site-specific land use conditions remain valid in the future.

### 3.0 Summary of Risk Assessment Report

H&H submitted an Updated Tier 1 and 2 Risk Assessment Report dated November 18, 2010 to the DSCA Program documenting a risk assessment evaluation of contamination at the site. This section summarizes the final risk assessment, which resulted in the recommendation for no further action status for the site.

The first step in the risk assessment process consisted of development of an exposure model that included an on-site and an off-site exposure unit. The model accounted for potential exposure pathways within the exposure units. Specifically, the exposure model consisted of the following complete exposure pathways:

- On-Site Non-Residential Worker – Current and Future Conditions – Surficial Soil – Combined Pathway: outdoor inhalation of vapor emissions and particulates, accidental ingestion, and dermal contact
- On-Site Non-Residential Worker – Current and Future Conditions – Subsurface Soil – Indoor Inhalation of Vapor Emissions
- On-Site Non-Residential Worker – Current and Future Conditions – Subsurface Soil – Outdoor Inhalation of Vapor Emissions
- On-Site Non-Residential Worker – Current and Future Conditions – Groundwater (First Encountered Zone – Indoor Inhalation of Vapor Emissions
- On-Site Non-Residential Worker – Current and Future Conditions – Groundwater (First Encountered Zone – Outdoor Inhalation of Vapor Emissions
- On-Site Construction Worker – Soil Up to Depth of Construction – Combined Pathway: outdoor inhalation of vapor emissions and particulates, accidental ingestion, and dermal contact
- On-Site Construction Worker – Groundwater (First Encountered Zone) - Outdoor Inhalation of Vapor Emissions
- On-Site Construction Worker – Groundwater (First Encountered Zone) – Incidental Dermal Contact

- Off-Site Non-Residential Worker – Current and Future Conditions – Groundwater (First Encountered Zone – Indoor Inhalation of Vapor Emissions
- Off-Site Non-Residential Worker – Current and Future Conditions – Groundwater (First Encountered Zone – Outdoor Inhalation of Vapor Emissions
- Off-Site Construction Worker – Groundwater (First Encountered Zone) - Outdoor Inhalation of Vapor Emissions
- Off-Site Construction Worker – Groundwater (First Encountered Zone) – Incidental Dermal Contact

In addition to these pathways, H&H evaluated the protection of groundwater use pathway. For this pathway, soil and groundwater source areas were determined and RCs of compounds detected in the source areas were calculated. A hypothetical point-of-exposure (POE) for the nearest possible future location of a water supply well was identified at the nearest downgradient property boundary, approximately 172 feet northeast and downgradient of the soil source area and 140 feet northeast and downgradient of the groundwater source area.

The nearest surface water bodies are an unnamed tributary of Poplin Branch located approximately 1,900 ft west of the site and an impounded pond located approximately 2,500 ft southwest of the site. There are no other streams located within a one-half mile radius of the site, and the groundwater contamination plume does not appear to extend off the site property. Thus, the protection of surface water pathway is not complete and was not included in the risk assessment evaluation.

As part of the Tier 1 evaluation, site-specific representative concentrations (RCs) of detected contaminants in soil and groundwater were calculated for each complete exposure pathway listed above and compared with Tier 1 Risk-Based Screening Levels (RBSLs) established by the DSCA Program. There were no exceedances of Tier 1 RBSLs identified.

To evaluate the indoor air inhalation pathway, H&H completed DSCA's Indoor Air Risk Calculator to evaluate the cumulative risk for an industrial worker based on an indoor air sample

collected from inside the former dry-cleaning facility in September 2009. The calculated indoor air cumulative risk value was  $2.12 \times 10^{-6}$ . The risk calculator is attached as Appendix A.

To incorporate the indoor air risk from the risk calculator into the site-wide risk evaluation, H&H completed a Tier 2 risk assessment. The Tier 2 was run without any indoor air pathways included. The cumulative risk from the Tier 2 risk assessment and the cumulative risk for indoor air from the risk calculator were then added together to arrive at the site-wide cumulative risk. The site-wide cumulative risk levels were determined to be less than DSCA's allowable risk levels ( $<1 \times 10^{-5}$  Cumulative Individual Excess Lifetime Cancer Risk and  $<1$  Cumulative Hazard Index) under industrial land use scenarios for all receptors.

Based on the results of the Tier 1 and 2 evaluations and the Indoor Air Risk Calculator, H&H concluded that the release at the subject site does not pose an unacceptable risk and recommended site closure in accordance with the DSCA Program's risk-based rules.

## **4.0 RAP Components**

### **4.1 Summary of Prior Assessment**

The Dryclean Express facility was previously utilized for dry-cleaning operations between 1989 and 2002. The former dry-cleaning facility is currently vacant. The site is located in a moderately populated area consisting primarily of commercial, office, and some residential properties. The site property is an approximately 10.53-acre parcel of land containing a commercial strip shopping center. The structure on the site is occupied by commercial businesses.

In 2007, Terracon Consultants, Inc. of Charlotte, NC completed a Limited Site Investigation (LSI) of the Stanly County Plaza Shopping Center. As part of the LSI, eight soil samples (GP-01 to GP-06, HA-01, and HA-02) were collected inside and in the vicinity of the former Dryclean Express facility. PCE was detected in GP-01 (3-4') at 0.0014 mg/kg, HA-01 (3-4') at 0.036

mg/kg, and HA-02 (3-4') at 0.031 mg/kg. The PCE concentration in HA-02 exceeded the DSCA lowest Tier 1 RBSL of 0.0342 mg/kg. No other constituents were detected in the soil samples.

The site was certified into the DSCA Program on March 10, 2008. In May 2008, H&H conducted Prioritization Assessment (PA) activities at the site. The PA activities included the advancement of six soil borings (HA-3 through HA-8) and the installation and sampling of three Type II monitoring wells (MW-1 to MW-3). PCE was detected above the lowest DSCA RBSL in HA-3 (2.5') at 0.062 mg/kg, HA-3 (3.5') at 0.058 mg/kg, HA-4 (3') at 0.065 mg/kg, and HA-5 (2') at 0.077 mg/kg. PCE was also detected below the RBSL in HA-7 (1') at 0.022 mg/kg. No other constituents were detected in the soil samples. A concentration of trichloroethylene (TCE) was detected above the NC 2L Standard of 0.003 mg/L in MW-1 (0.0072 mg/L) and a concentration of cis-1,2-dichloroethylene (cis-1,2-DCE) was detected below the 2L Standard of 0.07 mg/L in MW-1 (0.001 mg/L).

In September 2008, H&H installed and sampled two soil borings (HA-9 and HA-10), installed one Type II monitoring well (MW-4), and completed a quarterly groundwater monitoring event including all site monitoring wells (MW-1 through MW-4). No constituents were detected in the soil samples. An estimated concentration of PCE was detected in MW-3 (0.00078 mg/L) above the NC 2L Standard of 0.0007 mg/L. Estimated concentrations of cis-1,2-DCE were detected in MW-1 and MW-2, and a concentration of TCE was detected also detected in MW-1. The cis-1,2-DCE and TCE detections were at or below their respective 2L Standards. H&H completed three additional quarterly groundwater monitoring events in December 2008, March 2009, and June 2009.

On September 28, 2009, H&H collected one indoor ambient air sample (IAS-1) inside the former dry-cleaning facility. PCE was detected in the air sample at 4.4  $\mu\text{g}/\text{m}^3$ , slightly exceeding the EPA Regional Screening Level (RSL) for Industrial Air of 2.1  $\mu\text{g}/\text{m}^3$ . No other constituents were detected in the air sample.

On November 30, 2009, H&H installed and sampled one Type II monitoring well (MW-5), followed by the installation of three Type II monitoring wells (MW-6 to MW-8) in January

2010. Subsequently, H&H completed a groundwater monitoring event of all site monitoring wells (MW-1 to MW-8) in January 2010. Unusually high concentrations of TCE were detected in MW-5 (0.06 mg/L) and MW-7 (0.74 mg/L) exceeding the 2L Standard. A stable isotope ratio analysis completed on groundwater samples collected from these wells indicated that the TCE was from a manufactured source, not produced from PCE degradation. Additional analysis of groundwater flow patterns in the vicinity of the site indicated that the TCE was likely from a separate unidentified source. Thus, the TCE groundwater impacts at the site are not associated with a release from the former dry-cleaning facility, and monitoring wells MW-5 and MW-7 were not included in the Tier 1 & 2 Risk Assessments.

## **4.2 Remedial Action**

According to the DSCA Programs RBCA guidance, no remedial action is necessary if four site conditions are met: the dissolved plume is stable or decreasing; the maximum concentration within the exposure domain for every complete exposure pathway of any constituent of concern (COC) is less than ten times the RC of that COC; adequate assurance is provided that the land-use assumptions used in the DSCA Program's RBCA process are not violated for current or future conditions; and, there are no ecological concerns at the site. The subject site's compliance with these four conditions confirms that the contaminant concentrations are not likely to pose an unacceptable risk either at present or in the future. Land-use restrictions (LURs) and no remedial action are recommended for the site. Each of these conditions and their applicability to the subject site are summarized below.

*Condition 1: The dissolved plume is stable or decreasing.*

Quarterly groundwater monitoring was conducted at the site between September 2008 and June 2009 for monitoring wells MW-1 through MW-4, and an additional groundwater monitoring event was conducted in January 2010. Constituents detected in groundwater samples collected from these wells include chloroform, cis-1,2-DCE, PCE, and TCE. Only PCE and TCE have been detected above 2L Standards. However, PCE was only detected one time (September 2008) in MW-3; therefore, H&H focused on TCE as the only COC for the site plume stability analysis.

TCE was detected in MW-2 above the 2L Standard during the September 2008 sampling event, but has not been detected in this well since that time. TCE was detected in groundwater samples collected from MW-1 in May 2008 and during each subsequent groundwater monitoring event (September 2008, December 2008, March 2009, June 2009, and January 2010). In May 2008, the detected TCE concentration exceeded the 2L Standard; however, all subsequent TCE detections in MW-1 were at or below the 2L Standard. TCE was also detected in groundwater samples collected from MW-3 in December 2008, March 2009, June 2009, and January 2010. These detections were estimated concentrations below the 2L Standard.

To evaluate plume stability, H&H prepared a TCE concentration versus time graph for monitoring wells MW-1 and MW-3. As shown on the graph in Appendix B, TCE concentrations appear to be decreasing at the site over time. Based on this analysis, H&H concludes that TCE detections are stable and that the concentrations are decreasing. Documentation of the plume stability evaluation, including a figure showing monitoring well locations, a table showing historical groundwater analytical data, and a concentration versus time graph are included in Appendix B.

*Condition 2: The maximum concentration within the exposure domain for every complete exposure pathway of any COC is less than ten times the RC of that COC.*

H&H calculated representative concentrations of COCs for each complete exposure pathway during the Tier 1 Risk Assessment evaluations. The maximum concentration of each COC was less than ten times the respective RC.

*Condition 3: Adequate assurance is provided that the land-use assumptions used in the DSCA Program's RBCA process are not violated for current or future conditions.*

The risk assessment conducted by H&H for the site assumed that usage of the site property will remain commercial and that groundwater from the site property will not be utilized in the future. As discussed in Section 6.0, LURs will be implemented for the site property to ensure that these assumptions remain valid.

*Condition 4: There are no ecological concerns at the site.*

H&H completed a Level 1 Ecological Risk Assessment for the site in accordance with the DSCA Program's RBCA guidance. The results of the evaluation indicate that the release does not pose an unacceptable ecological risk. The completed Level 1 Ecological Risk Assessment Checklists A and B are included in Appendix C.

The site's compliance with the four above-referenced conditions confirms that the contaminant concentrations are not likely to pose an unacceptable risk either at present or in the future. The appropriate remedial action is to implement LURs on the site property.

### **5.0 Data Collected During RMP Implementation**

No further sampling or other data collection activities are proposed for the site. As such, this section is not applicable.

### **6.0 Land-Use Restrictions**

The risk assessment for the site was based on assumptions that usage of the site property will remain commercial and that groundwater from the site property will not be utilized in the future. LURs will be implemented for the site property to ensure that the land-use conditions are maintained and monitored until LURs are no longer required for the site. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR is included in Appendix D. A plat showing the locations and types of dry-cleaning solvent impacts on the property is included as an exhibit to the NDCSR. The locations of dry-cleaning solvent impacts are where contaminants have been detected above unrestricted use standards. As discussed in Sections 4.1 and 4.2, PCE in soil is the primary COC for the site.

## **7.0 Long-Term Stewardship Plan**

The NDCSR contains a clause requiring the owner of the site to submit a notarized “Annual DSCA Land-Use Restrictions Certification” to NCDENR on an annual basis certifying that the NDCSR remains recorded with the Register of Deeds and that the land-use conditions have not changed. An example of such certification is included in Appendix E. Documents relating to this site will be maintained by NCDENR and made available for public access.

## **8.0 RMP Implementation Schedule**

Since potential exposure to impacts at the site will be managed through the NDCSR and LURs, no additional site remedial activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. Appendix F includes example documents used to announce the public comment period in the local newspaper and to inform local officials, nearby property owners, and interested parties. Upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Stanly County Register of Deeds and will complete the RMP schedule.

## **9.0 Criteria for Demonstration of RMP Success**

The RMP will be successfully implemented once the required LURs have been executed and recorded with the Stanly County Register of Deeds. The NDCSR may, at the request of the property owner, be canceled by NCDENR after risk to public health and the environment associated with the dry-cleaning solvent contamination and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated. If NCDENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the new site conditions have impacted the requirements set forth in the NDCSR and LURs, and if changes are required. Enforcement of

the RMP will be maintained through receipt of the “Annual DSCA Land-Use Restrictions Certification” from the property owner as part of the NDCSR and LUR requirements.

### **10.0 Contingency Plan if RMP Fails**

As discussed above, unless the DSCA Program is notified of a change in land-use conditions at the site, per the notification requirements detailed in this plan, the LURs specified in the NDCSR will remain in effect. Pursuant to N.C.G.S. 143-215.104K, if any of the LURs set out in the NDCSR are violated, the owner of the site property at the time the LURs are violated, the owner’s successors and assigns, and the owner’s agents who direct or contract for alteration of the site in violation of the LURs, shall be held liable for the remediation of all contaminants to unrestricted use standards.

### **11.0 Conclusions and Recommendations**

H&H has prepared this RMP for the site on behalf of the DSCA Program. The risk assessment results indicated that contaminant concentrations at the site do not pose an unacceptable risk. Groundwater concentrations detected at the site appear to be stable and decreasing. This RMP specifies that the NDCSR and LUR requirements provide notification that the land-use conditions observed during the risk assessment evaluation remain valid in the future. Based on the documentation contained in this report, H&H recommends issuance of a “No Further Action” letter.

## **Appendix A**

### **DSCA Indoor Air Risk Calculator**

**DSCA Indoor Air Risk Calculator - Table 2: Cumulative Risk for Industrial Worker**

DSCA ID No: 84-0001

Name/Address of Sample Location: Indoor Ambient Air - Dryclean Express, 636 E. Highway 24/27 Bypass, Albemarle, Stanly Cour

Have multiple sampling events been conducted at this location:  Yes  No

If yes, how many: \_\_\_\_\_ Sample ID: IAS-1

Cumulative Risk Calculation for Indoor Air Pathway (Industrial)												
	Tetrachloroethene	Trichloroethylene	Vinyl Chloride	Benzene	Ethylbenzene	Naphthalene	MTBE					
Maximum Concentration Detected ( $\mu\text{g}/\text{m}^3$ )	4.4											
EPA Regional Screening Level (RSL) for Industrial Air (carcinogenic target risk = $1\text{E}-06$ ) $\mu\text{g}/\text{m}^3$	2.10	6.10	2.8	1.6	4.9	0.36	47					
Ratio = Max Concentration $\div$ EPA RSL	2.10	0.00	0.00	0.00	0.00	0.00	0.00					

<b>CUMULATIVE RISK (sum of ratios x <math>10^{-6}</math>)</b>	<b>2.10E-06</b>
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Cumulative Hazard Index (HI) Calculation for Indoor Air Pathway (Industrial)												
	Tetrachloroethene	trans - 1,2 -DCE	Vinyl Chloride	Benzene	Toluene	Ethylbenzene	Total Xylenes	Naphthalene	MTBE			
Maximum Concentration Detected	4.4											
EPA Regional Screening Level (RSL) for Industrial Air [noncancer Hazard Index (HI)=1] $\mu\text{g}/\text{m}^3$	12000	260	440	130	22000	4400	440	13	13000			
Ratio = Max Concentration $\div$ EPA RSL	0.0004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			

<b>CUMULATIVE HI (sum of ratios)</b>	<b>0.00</b>
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- Notes:**
1. RSLs available at: [http://www.epa.gov/reg3hwmd/risk/human/rb-concentration\\_table/Generic\\_Tables/index.htm](http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/Generic_Tables/index.htm)
  2. Cis-1,2-DCE, trans-1,2-DCE, toluene and xylenes were not included in the cumulative risk calculation since they currently have no carcinogenic EPA RSLs.
  3. Trichloroethylene and cis-1,2-DCE were not included in cumulative HI calculation since they currently have no noncancer EPA RSLs.

**CONCLUSIONS**

Risk is <  $1\text{E}-06$

Risk is between  $1\text{E}-06$  and  $1\text{E}-05$

Risk is between  $1\text{E}-05$  and  $1\text{E}-04$

Risk is >  $1\text{E}-04$

**RECOMMENDATIONS (check all that apply)**

Collect confirmation samples

Develop long-term monitoring schedule

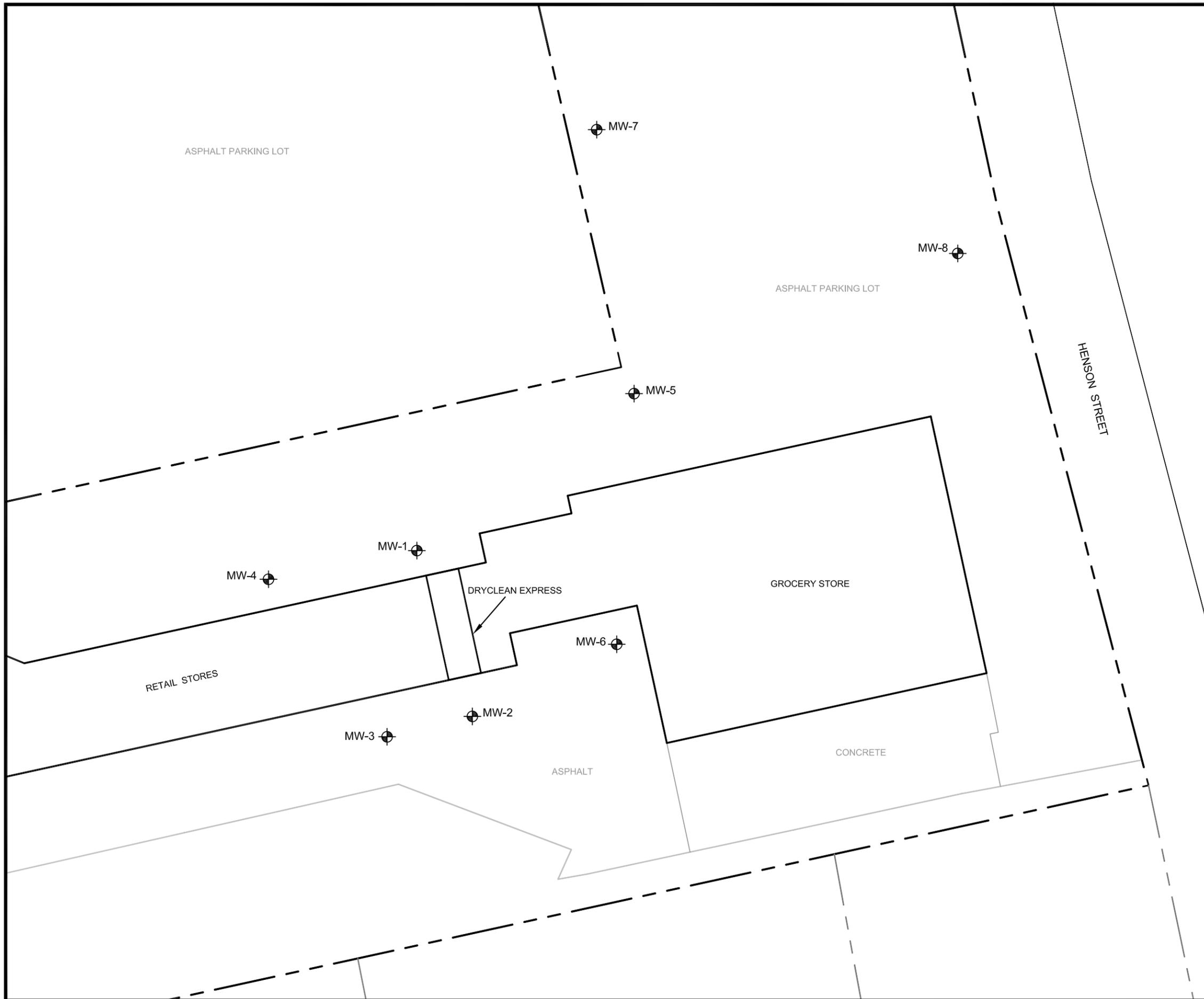
Evaluate for mitigation

No further action for indoor air

## **Appendix B**

### **Documentation of Plume Stability Evaluation**

S:\AAA-Master Projects\DSCA - DS0\DS0-25 Dryclean Express Albemarle\Reports\12-2010 RMP update\Plume Stability documents\DC640001\_20100720\_ADT\_ATT.s.dwg

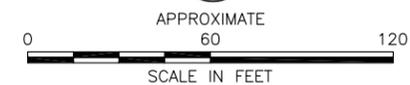


**LEGEND**

- SITE PROPERTY BOUNDARY
- - - PARCEL
- BUILDING
- FORMER DRY-CLEANING FACILITY
- ⊕ MONITORING WELL

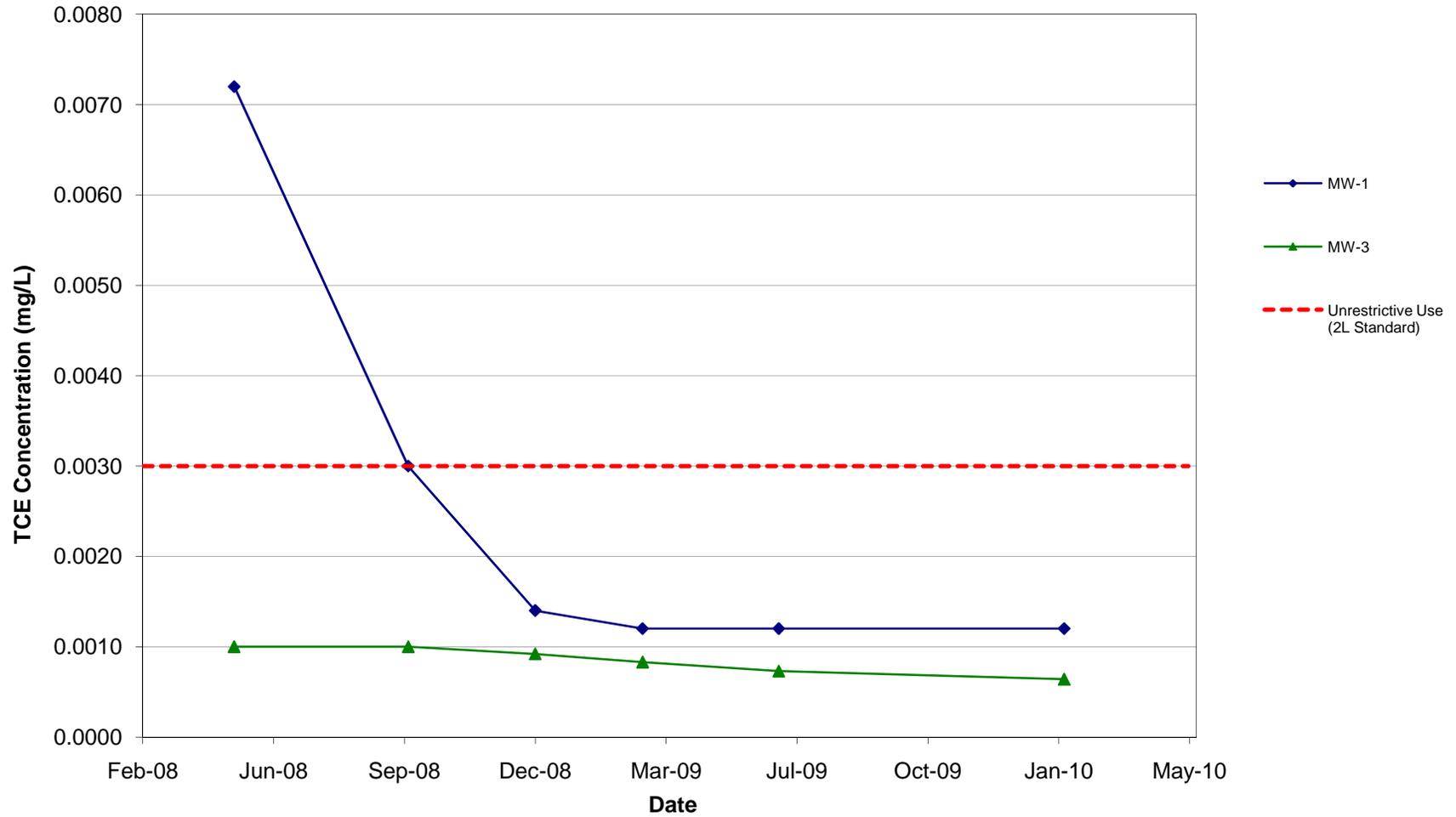
**NOTE**

MONITORING WELLS MW-1 THROUGH MW-3 WERE INSTALLED ON 5/1/08, MW-4 ON 9/12/08, MW-5 ON 11/30/09, AND MW-6 THROUGH MW-8 ON 1/21/10.



TITLE <b>SITE MAP</b>	
PROJECT <b>DRYCLEAN EXPRESS</b> <b>DSCA ID: 84-0001</b> 636 E HIGHWAY 24/27 BYPASS ALBEMARLE, STANLY COUNTY	
 <b>Hart &amp; Hickman</b> A PROFESSIONAL CORPORATION <span style="float: right;">2923 South Tryon Street-Suite 100 Charlotte, North Carolina 28203 704-586-0007(p) 704-586-0373(f)</span>	
DATE: 06/09/10	REVISION NO. 0
JOB NO. DS0-25	ATTACHMENT NO. 4

**TCE Concentration vs. Time Graph**  
**Dryclean Express, Albemarle, NC**  
**DSCA ID: 84-0001**



Note: Non-detect values are graphed as half the laboratory method detection limit.

**Table 5: Analytical Data for Groundwater**

**ADT 5**

**DSCA ID No.: 84-0001**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)	
		[mg/L]																				
MW-1	05/02/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0072	<0.002	<0.003	
	09/12/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	0.00061J	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0030	<0.002	<0.003	
	12/18/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0014 J	<0.002	<0.003	
	03/10/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0012 J	<0.002	<0.003	
	06/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0012 J	<0.002	<0.003	
	01/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0012 J	<0.002	<0.003	
MW-2	05/02/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0015	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	09/12/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	0.00071J	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0035	<0.002	<0.003	
	12/18/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.00071 J	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	03/10/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	06/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	01/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
MW-3	05/02/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	09/12/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.00078J	<0.001	<0.002	<0.002	<0.003	
	12/18/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.00092 J	<0.002	<0.003	
	03/10/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.00083 J	<0.002	<0.003	
	06/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.00073 J	<0.002	<0.003	
	01/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.00064 J	<0.002	<0.003	
MW-4	09/12/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	12/18/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	03/10/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	06/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
	01/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003	
MW-5	12/01/09	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	NA	<0.02	0.0067J	0.011	<0.01	<0.01	<0.01	<0.01	<0.01	<0.020	0.023	<0.02	<0.03	
	01/26/10	<0.001	<0.001	<0.001	0.0011	0.00051 J	<0.001	<0.002	NA	<0.001	0.012	0.036	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	0.0015 J	0.060	<0.002	<0.003
MW-6	01/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	NA	<0.001	0.012	<0.001	<0.001	<0.001	<0.001	<0.002	<0.001	<0.002	<0.002	<0.002	<0.003	
MW-7	01/26/10	<0.002	<0.002	<0.002	0.012	0.005	<0.002	<0.004	NA	<0.001	<0.002	0.32	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	0.016	0.74	0.0010 J	<0.006

**Table 5: Analytical Data for Groundwater**

**DSCA ID No.: 84-0001**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-8	01/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.001	<0.002	<0.002	<0.002	<0.003
NC 2L Standard		0.2	0.0002	NE	0.006	0.007	0.0004	0.001	5x10 <sup>-6</sup>	0.0003	0.07	0.07	0.6	0.02	0.006	0.0007	0.6	0.1	0.003	3x10 <sup>-5</sup>	0.5

**Notes:**

1. J flag indicates estimated concentration below laboratory reporting limit and above method detection limit; NA denotes not analyzed; ND denotes not detected
2. **Bold** exceeds NC 2L Standard.

## **Appendix C**

### **Level 1 Ecological Risk Assessment Checklists**

Ecological Risk Assessment – Level 1  
Checklist A – Potential Receptors and Habitat

Site / Location: Dryclean Express/ 636 E Highway 24/27 Bypass, Albemarle, Stanly County, NC  
H&H Project No.: DS0-25  
DSCA Site ID: 84-0001

1. Are there navigable water bodies or tributaries to a navigable water body on or within a one-half mile radius of the site?

**Yes**, an unnamed tributary of Poplin Branch is located approximately 1,900 feet west of the site. Poplin Branch discharges into Poplin Creek.

2. Are there any water bodies anywhere on or within one-half mile of the site?

**Yes**, an unnamed tributary of Poplin Branch is located approximately 1,900 feet west of the site and an impounded pond is located approximately 2,500 feet southeast of the site.

3. Are there any wetland<sup>1</sup> areas such as marshes or swamps on or within one-half mile of the site?

**Yes**, the National Wetlands Inventory (NWI) map identifies the pond located approximately 2,500 feet southeast of site as a wetlands area.

4. Are there any sensitive environmental areas<sup>2</sup> on or within one-half mile of the site?

**Yes**, an unnamed tributary of Poplin Branch is located approximately 1,900 feet west of the site and an impounded pond is located approximately 2,500 feet southeast of the site.

5. Are there any areas on or within one-half mile of the site owned or used by local tribes?

**No**, the Native American Consultation Database and the US Department of the Interior's on-line National Atlas do not identify any areas within a one-half mile radius of the site owned or used by local tribes.

6. Are there any habitat, foraging area, or refuge by rare, threatened, endangered, candidate and/or proposed species (plants and animals), or any otherwise protected species on or within one-half mile of the site?

**Possible**, the U.S. Fish & Wildlife Service identifies the Schweinitz's sunflower (*Helianthus schweinitzii*) as an endangered species and the Georgia Aster (*Symphyotrichum georgianum*) and Yadkin River goldenrod (*Solidago pumosa*) as candidate species in Stanly County. However, none of these species or their habitats were identified within a one-half mile radius of the site.

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<sup>1</sup> Wetlands are defined in 40 CFR 232.2 as "areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions." The sources to make the determination whether or not wetland areas are present may include, but not limited to, national wetland inventory available at <http://nwi.fws.gov>, federal or state agency, and USGS topographic maps.

<sup>2</sup> Areas that provide unique and often protected habitat for wildlife species. These areas typically used during critical life stages such as breeding, hatching, rearing or young and overwintering. Refer to Attachment 1 for examples of sensitive environments.

7. Are there any breeding, roosting, or feeding areas used by migratory species on or within one-half mile of the site?

**Unlikely**, no areas used by migratory species were identified within a one-half mile radius of the site.

8. Are there any ecologically<sup>3</sup>, recreationally, or commercially important species on or within one-half mile of the site?

**Unlikely**, no ecologically, recreationally, or commercially important species were observed during the site visit.

9. Are there any threatened and/or endangered species (plant or animal) on or within one-half mile of the site?

**Possible**, the U.S. Fish & Wildlife Service identifies the Schweinitz's sunflower (*Helianthus schweinitzii*) as an endangered species and the Georgia Aster (*Symphyotrichum georgianum*) and Yadkin River goldenron (*Solidago pumosa*) as candidate species in Stanly County. However, none of these species or their habitats were identified within a one-half mile radius of the site.

If the answer is "Yes" to any of the above questions, then complete Level 1 Ecological Risk Assessment, Checklist B for Potential Exposure Pathways.

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<sup>3</sup> Ecologically important species include populations of species which provide a critical food resource for higher organisms. Ecologically important species include pest and opportunistic species that populate an area if they serve as a food source for other species, but do not include domesticated animals or plants/animals whose existence is maintained by continuous human interventions.

**Level 1 Ecological Risk Assessment  
Checklist B for Potential Exposure Pathways**

- 1A. Can chemicals associated with the site leach, dissolve, or otherwise migrate to groundwater?

**Yes.** The primary constituent of concern is tetrachloroethylene (PCE). Based on published references (EPA, 2006), PCE is leachable to ground water and is slightly soluble in groundwater. Furthermore, impacted groundwater has been confirmed at the site.

- 1B. Are chemicals associated with the site mobile in groundwater?

**Yes.** Chemical mobility is primarily influenced by the chemical solubility and soil-water partition coefficient. Based on these values, PCE is classified as moderately mobile (Fetter, 1988).

- 1C. Does groundwater from the site discharge to ecological receptor habitat?

**Unlikely.** The primary ecological receptor habitats identified in the site vicinity are an unnamed tributary of Poplin Creek located approximately 1,900 feet west of the site and an impounded pond located approximately 2,500 feet southeast of the site. The groundwater flow at the site is towards the northeast.

**Question 1. Could chemicals associated with the site reach ecological receptors through groundwater?**

**Unlikely.** As discussed above, groundwater flow at the site is towards the northeast and away from the ecological receptors.

- 2A. Are chemicals present in surface soils on the site?

**Yes.** PCE has been detected in surficial soil at the site. However, impacted soils are beneath the building or covered by asphalt.

- 2B. Can chemicals be leached from or be transported by erosion of surface soils on the site?

**No.** Impacted surficial soils at the site are covered by asphalt or building structures and are not subject to runoff or erosion.

**Question 2. Could chemicals associated with the site reach ecological receptors through runoff or erosion?**

**No.** Impacted surficial soils at the site are covered by asphalt or building structures and are not subject to runoff or erosion.

3A. Are chemicals present in surface soil or on the surface of the ground?

**Yes.** Impacted surficial soils have been identified at the site; however the impacted areas are covered by asphalt or building structures.

3B. Are potential ecological receptors on the site?

**No.** There is no evidence of ecological receptors on the site.

**Question 3. Could chemicals associated with the site reach ecological receptors through direct contact?**

**No.** PCE has been detected in surficial soils; however, the soils are covered by asphalt or building structures. Furthermore, there is no evidence of ecological receptors on the site.

4A. Are chemicals on the site volatile?

**Yes.** PCE is a volatile compound.

4B. Could chemicals on the site be transported in air as dust or particulate matter?

**No.** PCE has been detected in surficial soils; however, the soils are covered by asphalt or building structures.

**Question 4. Could chemicals associated with the site reach ecological receptors through inhalation of volatilized chemicals or adhere chemicals to dust in ambient air or in subsurface burrows?**

**No.** PCE has been detected in surficial soils; however, the soils are covered by asphalt or building structures. Furthermore, there is no evidence of ecological receptors in the immediate vicinity of the site.

5A. In Non-Aqueous Phase Liquids (NAPL) present at the site?

**No.** NAPL has not been encountered at the site.

5B. Is NAPL migrating?

**No.** NAPL has not been encountered at the site.

5C. Could NAPL discharge occur where ecological receptors are found?

**No.** NAPL has not been encountered at the site.

**Question 5. Could chemicals associated with the site reach ecological receptors through migration of NAPL?**

**No. NAPL has not been encountered at the site.**

6A. Are chemicals present in surface and shallow subsurface soils or on the surface of the ground?

**Yes.** As described in 2A above, PCE has been detected in surficial soils.

6B. Are chemicals found in soil on the site taken up by plants growing on the site?

**No.** Impacted soils on the site are covered by asphalt or building structures.

6C. Do potential ecological receptors on or near the site feed on plants (e.g., grasses, shrubs, forbs, trees, etc.) found on the site?

**No.** There are no plants located in the immediate vicinity of the site's impacted soils. Furthermore, impacted soils on the site are covered by asphalt or building structures.

6D. Do chemicals found on the site bioaccumulate?

**No.** Based on published references (U.S. Agency for Toxic Substances and Disease Registry, 1997), PCE does not significantly bioaccumulate.

**Question 6. Could chemicals associated with the site reach ecological receptors through direct ingestion of soil, plants, animals, or contaminants?**

**No.** There are no plants located in the immediate vicinity of the site's impacted soils. Furthermore, impacted soils on the site are covered by asphalt or building structures.

## U.S. Fish & Wildlife Service

# Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species,

## Stanly County, North Carolina



Updated: 09-22-2010

Common Name	Scientific name	Federal Status	Record Status
<b>Vertebrate:</b>			
American eel	<i>Anguilla rostrata</i>	FSC	Current
<a href="#">Bald eagle</a>	<i>Haliaeetus leucocephalus</i>	BGPA	Current
Carolina darter	<i>Etheostoma collis collis</i>	FSC	Current
Carolina redbreast	<i>Moxostoma sp. 2</i>	FSC	Current
<b>Invertebrate:</b>			
Brook floater	<i>Alasmidonta varicosa</i>	FSC	Current
Carolina creekshell	<i>Villosa vaughaniana</i>	FSC	Current
<b>Vascular Plant:</b>			
Butternut	<i>Juglans cinerea</i>	FSC	Historic
Dwarf aster	<i>Eurybia mirabilis</i>	FSC	Current
Georgia aster	<i>Symphyotrichum georgianum</i>	C	Historic
Prairie birdsfoot-trefoil	<i>Lotus unifoliolatus</i> var. <i>helleri</i>	FSC	Current
Riparian vervain	<i>Verbena riparia</i>	FSC	Obscure
<a href="#">Schweinitz's sunflower</a>	<i>Helianthus schweinitzii</i>	E	Current
Virginia quillwort	<i>Isoetes virginica</i>	FSC	Historic
Yadkin River goldenrod	<i>Solidago plumosa</i>	C	Current
<b>Nonvascular Plant:</b>			
<b>Lichen:</b>			

### Definitions of Federal Status Codes:

E = endangered. A taxon "in danger of extinction throughout all or a significant portion of its range."

T = threatened. A taxon "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."

C = candidate. A taxon under consideration for official listing for which there is sufficient information to support listing. (Formerly "C1" candidate species.)

BGPA = Bald and Golden Eagle Protection Act. See below.

FSC = federal species of concern. A species under consideration for listing, for which there is insufficient information to support listing at this time. These species may or may not be listed in the future, and many of these species were formerly recognized as "C2" candidate species.

T(S/A) = threatened due to similarity of appearance. A taxon that is threatened due to similarity of appearance with another listed species and is listed for its protection. Taxa listed as T(S/A) are not biologically endangered or threatened and are not subject to Section 7 consultation. See below.

EXP = experimental population. A taxon listed as experimental (either essential or nonessential).

Experimental, nonessential populations of endangered species (e.g., red wolf) are treated as threatened species on public land, for consultation purposes, and as species proposed for listing on private land.

P = proposed. Taxa proposed for official listing as endangered or threatened will be noted as "PE" or "PT", respectively.

### **Bald and Golden Eagle Protection Act (BGPA):**

In the July 9, 2007 Federal Register( 72:37346-37372), the bald eagle was declared recovered, and removed (de-listed) from the Federal List of Threatened and Endangered wildlife. This delisting took effect August 8, 2007. After delisting, the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668d) becomes the primary law protecting bald eagles. The Eagle Act prohibits take of bald and golden eagles and provides a statutory definition of "take" that includes "disturb". The USFWS has developed National Bald Eagle Management Guidelines to provide guidance to land managers, landowners, and others as to how to avoid disturbing bald eagles. For mor information, visit <http://www.fws.gov/migratorybirds/baldeagle.htm>

### **Threatened due to similarity of appearance(T(S/A)):**

In the November 4, 1997 Federal Register (55822-55825), the northern population of the bog turtle (from New York south to Maryland) was listed as T (threatened), and the southern population (from Virginia south to Georgia) was listed as T(S/A) (threatened due to similarity of appearance). The T(S/A) designation bans the collection and interstate and international commercial trade of bog turtles from the southern population. The T(S/A) designation has no effect on land management activities by private landowners in North Carolina, part of the southern population of the species. In addition to its official status as T(S/A), the U.S. Fish and Wildlife Service considers the southern population of the bog turtle as a Federal species of concern due to habitat loss.

### **Definitions of Record Status:**

Current - the species has been observed in the county within the last 50 years.

Historic - the species was last observed in the county more than 50 years ago.

Obscure - the date and/or location of observation is uncertain.

Incidental/migrant - the species was observed outside of its normal range or habitat.

Probable/potential - the species is considered likely to occur in this county based on the proximity of known records (in adjacent counties), the presence of potentially suitable habitat, or both.



U.S. Fish and Wildlife Service

# National Wetlands Inventory

Dryclean Express

Oct 21, 2010



## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deetwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

## Riparian

- Herbaceous
- Forested/Shrub

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

### User Remarks:

DSCA ID 84-0001

**Appendix D**

**Notice of Dry-Cleaning Solvent Remediation**

## **NOTICE OF DRY-CLEANING SOLVENT REMEDIATION**

Property Owner: Stanly Station L.P.

Recorded in Book \_\_\_\_\_, Page \_\_\_\_\_

Associated plat recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_

**This documentary component of a Notice of Dry-Cleaning Solvent Remediation (hereinafter "Notice") is hereby recorded on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Stanly Station L.P. (hereinafter "Property Owner"). The survey plat component of the Notice is being recorded concurrently with this documentary component. The real property (hereinafter "Property") which is the subject of this Notice is located at 636 E Highway 24/27 Bypass, Albemarle, Stanly County, North Carolina, Parcel Identification Number (PIN) 655803013487.**

**The Property is contaminated with dry-cleaning solvent, as defined at North Carolina General Statutes (hereinafter "N.C.G.S."), Section (hereinafter "§") 143-215.104B(b)(9) and other contaminants. This Notice has been approved by the North Carolina Department of Environment and Natural Resources, or its successor in function (hereinafter "DENR") under the authority of the Dry-Cleaning Solvent Cleanup Act of 1997, as amended, N.C.G.S. § 143-215.104A *et seq.* (hereinafter "DSCA"), and is required to be filed in the Register of Deeds' Office in the county or counties in which the land is located, pursuant to NCGS § 143-215.104M.**

Soil and groundwater at the Property are contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former Dryclean Express (DSCA Site 84-0001) located at 636 E Highway 24/27 Bypass, Albemarle in the Stanly County Plaza Shopping Center. Dry-cleaning operations were conducted on the Property from approximately 1989 to 2002.

Pursuant to N.C.G.S. § 143-215.104M, this Notice is being filed in order to reduce or eliminate the danger to public health or the environment posed by the Property. Attached hereto as **Exhibit A** is a reduction, to 8 1/2" x 11", of the survey plat component of the Notice required by N.C.G.S. § 143-215.104M. The survey plat has been prepared and certified by a professional land surveyor and meets the requirements of G.S. 47-30, and contains the following information required by N.C.G.S. § 143-215.104M:

- (1) A description of the location and dimensions of the areas of potential environmental concern with respect to permanently surveyed benchmarks; and
- (2) The type, location and quantity of regulated dry-cleaning solvent contamination and other contaminants known to exist on the Property.

Attached hereto as **Exhibit B**, is a legal description of the Property that would be sufficient as a description in an instrument of conveyance.

Pursuant to NCGS § 143-215.104M, a certified copy of this Notice must be filed within 15 days of receipt of DENR's approval of the Notice or the effective date of the dry-cleaning solvent remediation agreement, whichever is later. Pursuant to NCGS § 143-215.104M, the copy of the Notice certified by DENR must be recorded in the grantor index under the names of the owners of the land.

### **LAND-USE RESTRICTIONS**

**NCGS § 143-215.104M requires that the Notice identify any restrictions on the current and future use of the Property that are necessary or useful to maintain the level of protection appropriate for the designated current or future use of the Property and that are designated in the dry-cleaning remediation agreement. The restrictions shall remain in force in perpetuity unless canceled by the Secretary of DENR, or his/her designee, after the hazards have been eliminated, pursuant to NCGS §143-215.104M. Those restrictions are hereby imposed on the Property, and are as follows:**

- 1. The Property shall be used exclusively for retail, commercial or industrial purposes and related amenities (parking, landscape areas and walkways), and all other uses of the Property are prohibited except as approved in writing by DENR.**
- 2. Without prior written approval from DENR, the Property shall not be used for child care centers; elementary, middle or high schools; or elder care facilities. Exceptions to this restriction include use of the Property for technical or adult educational institutions; technical training centers; or tutorial institutions.**
- 3. No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that use groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior approval of DENR.**
- 4. No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the Property without prior approval of DENR.**
- 5. In January of each year, on or before January 31<sup>st</sup>, the owner of any portion of the Property shall submit a notarized Annual DSCA Land-Use Restrictions Certification to DENR certifying that this Notice remains recorded at the Register of Deeds' office, and that the Land-Use Restrictions are being complied with.**

6. **No person conducting environmental assessment or remediation at the Property or involved in determining compliance with applicable land-use restrictions, at the direction of, or pursuant to a permit or order issued by DENR may be denied access to the Property for the purpose of conducting such activities.**
7. **The owner of any portion of the Property shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Notice. The failure to include such a provision shall not affect the validity or applicability of any land-use restriction in this Notice.**

### **EASEMENT (RIGHT OF ENTRY)**

The property owner grants and conveys to DENR, its agents, contractors, and employees, and any person performing pollution remediation activities under the direction of DENR, access at reasonable times and under reasonable security requirements to the Property to determine and monitor compliance with the land-use restrictions set forth in this Notice. Such investigations and actions are necessary by DENR to ensure that use, occupancy, and activities of and at the Property are consistent with the land-use restrictions and to ensure that the structural integrity and continued effectiveness of any engineering controls (if appropriate) described in the Notice are maintained. Whenever possible, at least 48 hours advance notice will be given to the Property Owner prior to entry. Advance notice may not always be possible due to conditions such as response time to complaints and emergency situations.

### **REPRESENTATIONS AND WARRANTIES**

The Property Owner hereby represents and warrants to the other signatories hereto:

- i) that the Property Owner is the sole owner of the Property; **or** that the Property Owner has provided to DENR the names of all other persons that own an interest in or hold an encumbrance on the Property and have notified such persons of the Property Owner's intention to enter into this Notice;
- ii) that the Property Owner has the power and authority to enter into this Notice, to grant the rights and interests herein provided and to carry out all obligations hereunder; and
- iii) that this Notice will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which the Property Owner is a party or by which the Property Owner may be bound or affected.

## **ENFORCEMENT**

The above land-use restrictions shall be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. The land-use restrictions shall be enforced by any owner of the Property. The land-use restrictions may also be enforced by DENR through the remedies provided in NCGS § 143-215.104P or by means of a civil action; by any unit of local government having jurisdiction over any part of the Property; and by any person eligible for liability protection under the DSCA who will lose liability protection if the restrictions are violated. Any attempt to cancel any or all of this Declaration without the approval of the Secretary of DENR (or its successor in function), or his/her delegate, shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required-or authorized to enforce any of the above restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

If a land-use restriction set out in this Notice required under NCGS § 143-215.104.M is violated, the owner of the Property at the time the land-use restriction is violated, the owner's successors and assigns, and the owner's agents who direct or contract for alteration of the contamination site in violation of a land-use restriction shall be liable for remediation of all contaminants to unrestricted use standards.

## **FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS**

When any portion of the Property is sold, leased, conveyed or transferred, pursuant to NCGS § 143-215.104M the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that the Property has been contaminated with dry-cleaning solvent and, if appropriate, cleaned up under the DSCA.

The Property Owner shall notify DENR at least fourteen (14) calendar days before the effective date of any conveyance, grant, gift, or other transfer, whole or in part, of the Owner's interest in the property, but such notification requirement does not apply with regard to the Property Owner's execution of a lease of any portion of the Property. This Notice shall include the name, business address and phone number of the transferee and the expected date of transfer.

**PROPERTY OWNER SIGNATURE**

IN WITNESS WHEREOF, Property Owner has caused this instrument to be duly executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Stanly Station L.P.

By:

\_\_\_\_\_  
Name of contact

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of the county and state aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is a Member of Stanly Station L.P., a North Carolina partnership, and that by authority duly given and as the act of the partnership, the foregoing Notice of Dry-Cleaning Solvent Remediation was signed in its name by him.

WITNESS my hand and official stamp or seal, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name typed or printed  
Notary Public

My Commission expires: \_\_\_\_\_  
[Stamp/Seal]

**APPROVAL AND CERTIFICATION**

The foregoing Notice of Dry-Cleaning Solvent Remediation is hereby approved and certified.

North Carolina Department of Environment and Natural Resources

By: \_\_\_\_\_ Date \_\_\_\_\_  
Jack Butler, Chief  
Superfund Section  
Division of Waste Management

**LIMITED POWER OF ATTORNEY**

I \_\_\_\_\_ “Property Owner”, do hereby grant a limited power of attorney to DENR and to DENR’s independent contractors, as follows:

**DENR and DENR’s independent contractors shall have the limited power of attorney to record this Notice, including its documentary and survey plat components, in accordance with N.C.G.S. § 143-215.104M on my “Property Owner” behalf. This limited power of attorney shall terminate upon completion of the recordation of the Notice.**

Signature of Property Owner \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, do hereby certify that \_\_\_\_\_ personally appeared before me this day and signed this “Limited Power of Attorney”.

WITNESS my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name typed or printed  
Notary Public

My Commission expires: \_\_\_\_\_  
[Stamp/Seal]

**CERTIFICATION OF REGISTER OF DEEDS**

The foregoing documentary component of the Notice of Dry-Cleaning Solvent Remediation, and the associated plat, are certified to be duly recorded at the date and time, and in the Book and on the Page(s), shown on the first page hereof.

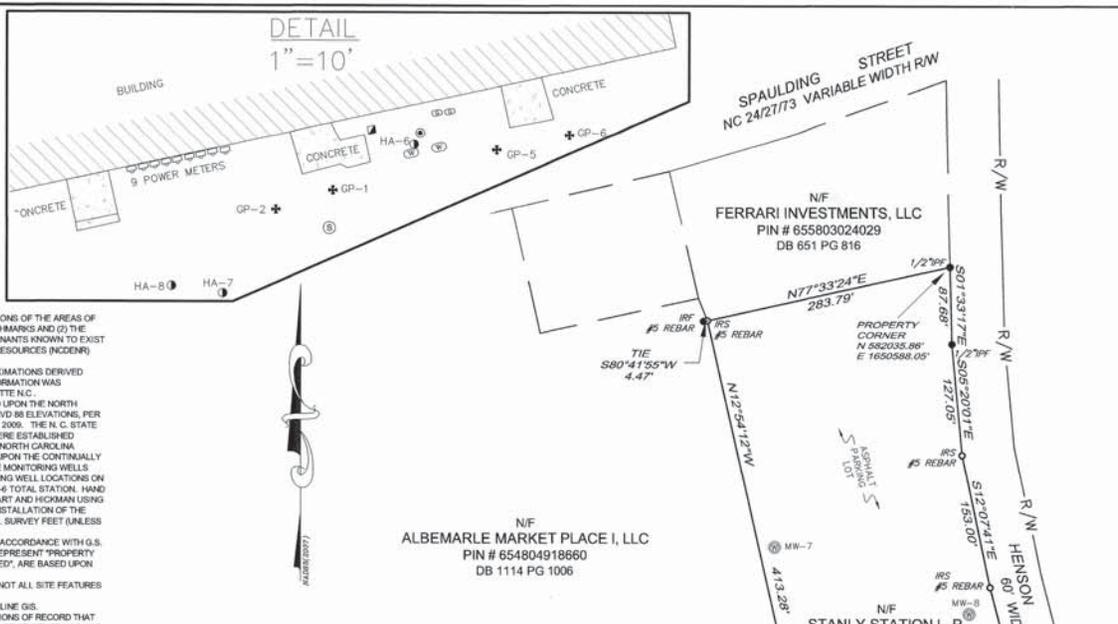
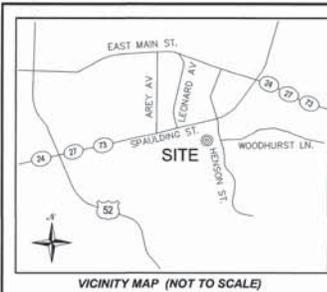
Register of Deeds for Stanly County

By: \_\_\_\_\_  
(signature)

\_\_\_\_\_ Date

Name typed or printed: \_\_\_\_\_  
Deputy/Assistant Register of Deeds

**EXHIBIT A**  
**REDUCTION OF SURVEY PLAT**



**SURVEY NOTES**

- THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS AND DIMENSIONS OF THE AREAS OF POTENTIAL ENVIRONMENTAL CONCERN WITH RESPECT TO SURVEYED BENCHMARKS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THIS NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
- THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING. THIS INFORMATION WAS SUPPLIED TO TAYLOR WISEMAN & TAYLOR BY HART & HICKMAN, PC CHARLOTTE, NC.
- ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 (NRSR2007), WITH NAVD 88 ELEVATIONS, PER A GPS SURVEY PERFORMED BY TAYLOR WISEMAN & TAYLOR ON AUGUST 12, 2009. THE N. C. STATE PLANE COORDINATES SHOWN FOR CONTROL POINTS #100, #101 AND #102 WERE ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEY'S VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). COORDINATES SHOWN FOR THE MONITORING WELLS ARE LOCALIZED ABOUT CONTROL POINT #100. SOL BORNINGS AND MONITORING WELL LOCATIONS ON PLAT WERE MADE CONVENTIONALLY USING THIS BASE LINE WITH TRIMBLE S-6 TOTAL STATION. HAND ALSER POINTS HA-1 THROUGH HA-8 AND HA-10 WERE LOCATED BY HART AND HICKMAN USING MEASUREMENTS COLLECTED DURING FIELD WORK ASSOCIATED WITH THE INSTALLATION OF THE SOL BORNINGS. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET (UNLESS NOTED OTHERWISE). THE CP = 0.99981788.
- ONLY BOUNDARY LINES REPRESENTED BY SOLID LINES WERE SURVEYED IN ACCORDANCE WITH G.S. 47-30 REQUIREMENTS. ALL PROPERTY LINES SHOWN WITH DASHED LINES REPRESENT PROPERTY LINES NOT SURVEYED. PROPERTY LINES NOT SURVEYED, DENOTED AS "DEED", ARE BASED UPON THE DEED REFERENCES SHOWN HEREON.
- HORIZONTAL FEATURES SHOWN HEREON WERE LOCATED AUGUST 12, 2009. NOT ALL SITE FEATURES WERE LOCATED FOR THE PURPOSE OF THIS SURVEY.
- PROPERTY OWNER INFORMATION WAS OBTAINED FROM STANLY COUNTY ONLINE GIS.
- PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.

I, **R. DANIEL LATTA**, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY.

- CLASS OF SURVEY: CLASS AA SURVEY
- POSITIONAL ACCURACY: 95%
- TYPE OF GPS FIELD PROCEDURE: VRS
- DATES OF SURVEY: 4/12/09
- DATUM / EPOCH: NAD 83 (NRSR2007), WITH NAVD88
- PUBLISHED / FIXED CONTROL USE: FIXED CONTROL - #100, #101 (COORDINATE POSITIONS DEFINED ON MAP)
- GEOD MODEL: G03US
- COMBINED GRID FACTOR: 0.99981788
- UNITS: U.S. SURVEY FEET

**APPROVED FOR THE PURPOSES OF N.C.G.S. 143-215.104M**

JACK BUTLER, P.E.  
CHIEF, SUPERFUND SECTION  
DIVISION OF WASTE MANAGEMENT

STATE OF NORTH CAROLINA COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ A NOTARY PUBLIC OF SAID COUNTY AND STATE DO HEREBY CERTIFY THAT \_\_\_\_\_ DID PERSONALLY APPEAR AND \_\_\_\_\_ SIGN BEFORE ME THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

**OWNERS CERTIFICATE**

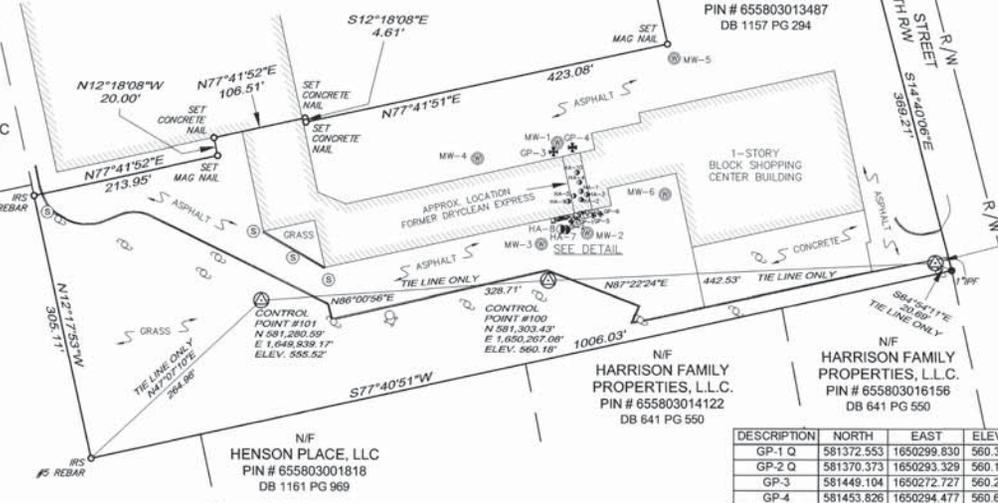
I ACKNOWLEDGE THAT I HAVE FULL AUTHORITY TO LEGALLY EXECUTE A DEED FOR THIS PROPERTY.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF NORTH CAROLINA COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ A NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT \_\_\_\_\_ DID PERSONALLY APPEAR BEFORE ME AND SIGN BEFORE ME \_\_\_\_\_ THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

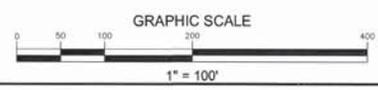
NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_



**ABBREVIATIONS:**

CF COMBINED FACTOR  
DB DEED BOOK  
GP GEOPROBE BORING  
HA HAND AUGER BORING  
IPF IRON PIPE FOUND  
IRF IRON ROD FOUND  
IRS IRON ROD SET  
mg/kg MILLIGRAMS PER KILOGRAM  
mg/L MILLIGRAMS PER LITER  
MW MONITORING WELL  
NF NOW OR FORMERLY  
PB PLAT BOOK  
PN PARCEL IDENTIFICATION NUMBER  
PG PAGE  
R/W RIGHT-OF-WAY  
TOC TOP OF CASING (INSIDE WELL)  
TOW TOP OF WELL  
Q GROUND

REVISED JANUARY 3, 2010 LOCATED AND ADDED MW-6, MW-7 AND MW-8  
REVISED DECEMBER 18, 2009 LOCATED AND ADDED MW-8  
ORIGINAL PLAT DATED AUGUST 24, 2009



N.C.G.S. 143-215.104M(6) REQUIRES THAT WHEN PROPERTY FOR WHICH A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION HAS BEEN FILED IS SOLD, LEASED, CONVEYED OR TRANSFERRED, THE DEED OR OTHER INSTRUMENT OF TRANSFER SHALL CONTAIN IN THE DESCRIPTION SECTION, IN NO SMALLER TYPE THAN USED IN THE BODY OF THE DEED OR INSTRUMENT, A STATEMENT THAT THE PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT AND, IF APPROPRIATE, CLEANED UP UNDER THIS PART.

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE STANLY COUNTY REGISTER OF DEEDS OFFICE AT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ QUESTIONS CONCERNING THIS MATTER MAY BE DIRECTED TO THE NORTH CAROLINA DIVISION OF WASTE MANAGEMENT, SUPERFUND SECTION, DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION: 1646 MAIL SERVICE CENTER, RALEIGH, NC 27699-1646.

GROUNDWATER IN WELLS NEAR THE DRY-CLEANER (MW-1, MW-2, AND MW-3) HAS NOT EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L 0200) FOR THE LAST FOUR MONITORING EVENTS.

GROUNDWATER IN WELLS RELATED TO AN UNIDENTIFIED, NON-DRY-CLEANING RELATED SOURCE (MW-5 AND MW-7) EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L 0200) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TRICHOETHYLENE, 1,1-DICHLOROETHANE, CIS-1,2-DICHLOROETHYLENE, AND VINYL CHLORIDE.

SOIL IN BORNINGS HA-3, HA-4, AND HA-5 EXCEEDED THE ASSOCIATED RESIDENTIAL RISK BASED SCREENING LEVEL (15A NCAC 2B) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE.

THE DOCUMENTARY COMPONENT OF THIS NOTICE OF DRY-CLEANING SOLVENT REMEDIATION, WHICH IDENTIFIES CONTROLS OR LIMITATIONS ON THE USE OF THIS PROPERTY, IS RECORDED AT: \_\_\_\_\_ DEED BOOK: \_\_\_\_\_ PAGE \_\_\_\_\_

**SYMBOL LEGEND**

- PROPERTY CORNER FOUND (AS DESCRIBED)
- PROPERTY CORNER SET (AS DESCRIBED)
- ⊕ DATUM CONTROL POINT
- + GEOPROBE BORING
- ⊗ MONITORING WELL
- ⊖ HAND AUGER BORING
- ⊙ SEWER MANHOLE
- ⊚ SEWER CLEANOUT
- ⊛ FIRE HYDRANT
- ⊜ WATER METER
- ⊝ WATER VALVE
- ⊞ TELEPHONE PEDESTAL
- ⊟ GAS METER
- ⊠ UTILITY POLE
- ⊡ ELECTRIC METER

**LINE LEGEND**

- PROPERTY LINE (PL)
- - - PL NOT SURVEYED (DEED)
- · - · - RIGHT-OF-WAY LINE
- +— CURB & GUTTER
- /—/— EDGE OF PAVEMENT
- ▨▨▨▨▨ EDGE OF CONCRETE
- ▩▩▩▩▩ BUILDING

**SURVEYORS CERTIFICATE [G.S. 47-30]**

I, **R. DANIEL LATTA**, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT, THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000, THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITH MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS 24TH DAY OF JANUARY, 2011, A.D.

**R. DANIEL LATTA**  
NORTH CAROLINA REGISTRATION NUMBER L-3148  
SEAL L-3148  
ROBERT D. DANIEL LATTA

DESCRIPTION	NORTH	EAST	ELEV.
GP-1 Q	581372.553	1650299.830	560.38
GP-2 Q	581370.373	1650293.329	560.18
GP-3	581449.104	1650272.727	560.24
GP-4	581453.826	1650294.477	560.67
GP-5 Q	581377.187	1650318.540	560.58
GP-6	581378.858	1650326.838	560.61
HA-6 Q	581377.786	1650309.115	560.70
HA-7 Q	581360.866	1650287.295	559.97
HA-8 Q	581361.691	1650281.465	560.02
MW-1 TOC	581459.174	1650277.337	559.91
MW-1 TOW	581459.122	1650277.405	560.26
MW-2 TOC	581357.301	1650311.519	559.65
MW-2 TOW	581357.163	1650311.573	560.08
MW-3 TOC	581344.770	1650259.019	559.24
MW-3 TOC	581344.769	1650259.019	559.24
MW-3 TOW	581344.741	1650259.133	559.71
MW-4 TOC	581441.552	1650185.981	559.02
MW-4 TOW	581441.555	1650186.031	559.80
MW-5 TOC	581555.616	1650411.078	560.56
MW-5 TOW	581555.561	1650411.083	560.84
MW-6 TOC	581401.604	1650400.399	560.854
MW-6 TOW	581401.718	1650400.469	561.242
MW-7 TOC	581177.773	1650388.065	556.978
MW-7 TOW	581177.612	1650388.142	557.268
MW-8 TOC	581641.742	1650610.388	559.739
MW-8 TOW	581641.702	1650610.358	560.164

**SURVEY PLAT - EXHIBIT "A"**

TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION  
OWNER: STANLY STATION L.P.  
THE FORMER DRY CLEAN EXPRESS  
DSCAF 084-0001  
836 E. HIGHWAY 24/27 BYPASS, ALBEMARLE  
COUNTY OF STANLY, STATE OF NORTH CAROLINA

**Taylor Wiseman & Taylor**  
ENGINEERS / SURVEYORS / SCIENTISTS  
700 FOREST POINT CIRCLE, SUITE 116, CHARLOTTE, NC 28273  
TELEPHONE: (704) 527-2535 FAX: (704) 527-2537  
www.taylorwiseman.com  
NC Certificate of Authorization No. F-0362

SCALE: 1" = 100' DATE: JANUARY 24, 2011 FILE: 03889.6007.00  
DRAWN BY: LCR CHECKED BY: WST SHEET: 111

**EXHIBIT B**  
**PROPERTY LEGAL DESCRIPTION**

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN ALBEMARLE, STANLEY COUNTY, STATE OF NORTH CAROLINA, AND BEING KNOWN AS TRACT 1 CONTAINING 9.729 ACRES, TRACT 2 CONTAINING 0.181 ACRES AND TRACT 3 CONTAINING 0.618 ACRES ACCORDING TO AN "ALTA/ACSM LAND TITLE SURVEY FOR STANLY COUNTY PLAZA, 636 HIGHWAY 24/27 BYPASS EAST, ALBEMARLE, NORTH CAROLINA" DATED 11/20/06 BY SITE DESIGN, INC. WITH THE FOLLOWING METES AND BOUNDS TO WIT:

#### TRACT 1

BEGINNING AT AN OLD 3/4" OPEN TOP IRON PIN LOCATED ON THE WESTERN RIGHT OF WAY OF HENSON STREET AND THE JOINT CORNER OF FERRARI INVESTMENTS, LLC PROPERTY NOW OR FORMERLY, SAID IRON PIN ALSO BEING LOCATED 287.11' +/- FROM THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 24/27 BYPASS EAST, THENCE RUNNING ALONG SAID RIGHT OF WAY S 01-37-31 E 87.78 FEET TO AN OLD 3/4" OPEN TOP IRON PIN, THENCE TURNING AND RUNNING S 05-14-13 E 126.84 FEET TO AN OLD 3/4" OPEN TOP IRON PIN, THENCE TURNING AND RUNNING S 12-09-52 E 153.16 FEET TO AN OLD 3/4" OPEN TOP IRON PIN, THENCE TURNING AND RUNNING S 14-41-13 E 369.34 FEET TO AN OLD 1" OPEN TOP IRON PIN AT THE JOINT CORNER OF HARRISON FAMILY PROPERTY NOW OR FORMERLY, THENCE TURNING AND LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE LINE OF THE HARRISON FAMILY PROPERTY AND THE LINE OF DENNIS HOLBROOK AND MDS SMITH GR PROPERTY NOW OR FORMERLY AND WAL-MART REAL ESTATE BUSINESS PROPERTY NOW OR FORMERLY S 77-41-42 W 1006.26 FEET TO AN OLD 5/8" REBAR IRON PIN AT THE JOINT CORNER OF WAL-MART REAL ESTATE BUSINESS PROPERTY NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG SAID LINE N 12-17-09 W 305.12 FEET TO AN OLD 3/4" OPEN TOP IRON PIN AT THE JOINT CORNER OF ALBEMARLE MARKETPLACE 1, LLC PROPERTY NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG THE LINE OF THE ALBEMARLE MARKETPLACE 1, LLC PROPERTY N 77-41-37 E 213.87 FEET TO AN OLD RAILROAD SPIKE, THENCE TURNING AND RUNNING N 12-22-57 W 19.85 FEET TO AN OLD NAIL, THENCE TURNING AND RUNNING N 77-42-12 E 106.79 FEET TO AN OLD NAIL, THENCE TURNING AND RUNNING S 14-01-29 E 4.59 FEET TO AN OLD NAIL, THENCE TURNING AND RUNNING N 77-40-16 E 423.02 FEET TO AN OLD RAILROAD SPIKE, THENCE TURNING AND RUNNING N 12-55-47 W 413.27 FEET TO AN OLD 5/8" REBAR IRON PIN AT THE JOINT CORNER OF FERRARI INVESTMENTS LLC PROPERTY NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG THE LINE OF FERRARI INVESTMENTS LLC PROPERTY N 77-35-28 E 283.77 FEET TO THE POINT OF BEGINNING.

#### TRACT 2

COMMENCING AT AN OLD 3/4" OPEN TOP IRON PIN LOCATED ON THE WESTERN RIGHT OF WAY OF HENSON STREET AND THE JOINT CORNER OF FERRARI INVESTMENTS LLC PROPERTY NOW OR FORMERLY, SAID IRON PIN ALSO BEING LOCATED 287.1' +/- FROM THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 24/27 BYPASS EAST, THENCE TURNING AND LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE LINE OF THE FERRARI INVESTMENTS LLC PROPERTY S 77-35-28 W 283.77 FEET TO AN OLD 5/8" REBAR IRON PIN, THENCE TURNING AND RUNNING S 76-56-01 W 4.54 FEET TO AN OLD 5/8" REBAR IRON PIN, THENCE TURNING AND RUNNING N 12-53-49 W 26.89 FEET TO AN OLD 5/8" REBAR IRON PIN AT THE JOINT CORNER OF ALBEMARLE MARKETPLACE 1, LLC PROPERTY NOW OR FORMERLY AND THE COMMON CORNER OF TRACT 3, THENCE TURNING AND RUNNING ALONG THE LINE OF TRACT 3 S 77-36-00 W 184.69 FEET TO AN OLD 5/8" REBAR IRON PIN AT THE JOINT CORNER OF NICHOLAS F. TAUBMAN PROPERTY NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG THE LINE OF THE TAUBMAN PROPERTY S 77-36-01 W 187.14 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF TRACT 2 AND ALBEMARLE MARKETPLACE 1, LLC PROPERTY NOW OR

FORMERLY, THENCE RUNNING ALONG THE COMMON LINE OF TRACT 2 AND ALBEMARLE MARKETPLACE 1, LLC PROPERTY S 77-36-01 W 55.00 FEET TO A POINT AT THE JOINT CORNER OF ALBEMARLE MARKETPLACE PROPERTY NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG THE LINE OF ALBEMARLE MARKETPLACE N 12-52-24 W 143.40 FEET TO A POINT LOCATED ON THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 24/27 BYPASS EAST, THENCE TURNING AND RUNNING ALONG SAID RIGHT OF WAY S 77-07-37 E 55.00 FEET TO A POINT AT THE JOINT CORNER OF NICHOLAS F. TAUBMAN PROPERTY NOW OR FORMERLY, THENCE TURNING AND LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE LINE OF THE TAUBMAN PROPERTY S 12-52-21 E 143.85 FEET TO THE POINT OF BEGINNING.

### TRACT 3

COMMENCING AT AN OLD 3/4" OPEN TOP IRON PIN LOCATED ON THE WESTERN RIGHT OF WAY OF HENSON STREET AND THE JOINT CORNER OF FERRARI INVESTMENTS LLC PROPERTY NOW OR FORMERLY, SAID IRON PIN ALSO BEING LOCATED 287.1' +/- FROM THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 24/27 BYPASS EAST, THENCE TURNING AND LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE LINE OF THE FERRARI INVESTMENTS LLC PROPERTY S 77-35-28 W 283.77 FEET TO AN OLD 5/8" REBAR IRON PIN, THENCE TURNING AND RUNNING S 76-56-01 W 4.54 FEET TO AN OLD 5/8" REBAR IRON PIN, THENCE TURNING AND RUNNING N 12-53-49 W 26.89 FEET TO AN OLD 5/8" REBAR IRON PIN AT THE JOINT CORNER OF ALBEMARLE MARKETPLACE 1, LLC PROPERTY NOW OR FORMERLY, SAID IRON PIN ALSO BEING THE POINT OF BEGINNING OF TRACT 3, THENCE TURNING AND RUNNING ALONG THE LINE OF ALBEMARLE MARKETPLACE 1, LLC PROPERTY S 77-36-00 W 184.69 FEET TO AN OLD 5/8" REBAR IRON PIN AT THE JOINT CORNER OF NICHOLAS F. TAUBMAN PROPERTY NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG THE LINE OF THE TAUBMAN PROPERTY N 12-52-12 W 145.40 FEET TO A POINT LOCATED ON THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 24/27 BYPASS EAST, THENCE TURNING AND RUNNING ALONG SAID RIGHT OF WAY AND RUNNING ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 2939.95 FEET AND A CHORD BEARING AND DISTANCE OF N 76-47-36 E 184.68 FEET TO A POINT AT THE JOINT CORNER OF FERRARI INVESTMENTS LLC PROPERTY NOW OR FORMERLY, THENCE TURNING AND LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE LINE OF THE FERRARI INVESTMENTS LLC PROPERTY S 12-52-22 E 148.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR ROADWAYS, WALKWAYS, INGRESS AND EGRESS, PARKING AND LOADING SET OUT IN EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND DATED MAY 14, 1987, BETWEEN WAL-MART PROPERTIES, INC. AND HORNE PROPERTIES, INC., RECORDED IN BOOK 361, PAGE 709, AND MODIFIED BY MODIFICATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS DATED MAY 14, 1987, BY HORNE PROPERTIES, INC., RECORDED IN BOOK 376, PAGE 545, IN THE RECORDS OF STANLY COUNTY, NORTH CAROLINA.

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR INGRESS AND EGRESS, BOTH VEHICULAR AND PEDESTRIAN, PARKING DELIVERIES AND PUBLIC UTILITIES SET OUT IN DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS DATED MAY 14, 1987, BY HORNE PROPERTIES, INC., RECORDED IN BOOK 361, PAGE 730, IN THE RECORDS OF STANLY COUNTY, NORTH CAROLINA.

**Appendix E**

**Example Annual DSCA Land-Use Restrictions Certification**

**Site Name:** Dryclean Express  
**Site Address:** 636 E. Highway 24/27 Bypass, Albemarle, Stanly County, NC  
**DSCA ID No:** 84-0001

**ANNUAL CERTIFICIATION of LAND-USE RESTRICTIONS**

Pursuant to Condition <condition #> in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by Stanly Station, LP and recorded in Deed Book \_\_\_\_, Page \_\_\_\_ on <date> at the Stanly County Register of Deeds Office, Stanly Station L.P. hereby certifies, as an owner of at least part of the property that is the subject of the Notice, that the Notice remains recorded at the Stanly County Register of Deeds office and the land-use restrictions therein are being complied with.

Duly executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Stanly Station L.P.

By: \_\_\_\_\_  
Name typed or printed:

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of the county and state aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is a Member of Stanly Station L.P., a North Carolina partnership, and that by authority duly given and as the act of the partnership, the foregoing certification was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name typed or printed:  
Notary Public

My Commission expires: \_\_\_\_\_  
[Stamp/Seal]

## **Appendix F**

### **Example Documents Announcing the Public Comment Period**

**Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site**



North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

<name>, <City Manager/County Health Director>  
<address>  
<city>, NC <zip>

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 84-0001  
Dryclean Express, 636 E Highway 24/27 Bypass, Albemarle

Dear <name>:

The Dry-Cleaning Solvent Cleanup Act of 1997 (DSCA), North Carolina General Statutes (N.C.G.S.) Sections 143-215.104A through 143-215.104U, provides for the assessment and remediation of properties that may have been or were contaminated by chlorinated solvents. To satisfy the requirements of N.C.G.S. 143-215.104P, this letter serves as the **Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site** (NOI) approved by the North Carolina Department of Environment and Natural Resources (DENR).

The NOI must provide, to the extent known, a legal description of the location of the DSCA Site, a map showing the location of the DSCA Site, a description of the contaminants involved and their concentrations in the media of the DSCA Site, a description of the intended future use of the DSCA Site, any proposed investigation and remediation, and a proposed Notice of Dry-Cleaning Solvent Remediation (NDCSR) prepared in accordance with N.C.G.S. Section 143-215.104M. The required components of the NOI are included in the attached Risk Management Plan, and are available on our website at [www.ncdscs.org](http://www.ncdscs.org), under "Public Notices" during the public comment period.

The DSCA Program is providing a copy of the NOI to all local governments having jurisdiction over the DSCA Site. A 30-day public comment period is being held from <date>, until <date>. Written comments may be submitted to DENR no later than <date>. Written requests for a public meeting may be submitted to DENR no later than <date>. All such comments and requests should be sent to:

Pete Doorn, DSCA Remediation Unit  
Division of Waste Management, NC DENR  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 84-0001  
Dryclean Express, 636 E Highway 24/27 Bypass, Albemarle  
Page 2

<date>

A Summary of the NOI is being published in the <newspaper of general circulation>, copies are being sent to owners of property within and contiguous with the area of contamination, and a copy of the Summary will be conspicuously posted at the Site during the public comment period.

If you have any questions, please feel free to contact me at (919)508-8578.

Sincerely,

Pete Doorn, Project Manager  
DSCA Remediation Unit  
[Peter.doorn@ncdenr.gov](mailto:Peter.doorn@ncdenr.gov)

Attachments: Risk Management Plan

Cc: DSCA Site # 84-0001 File

## **Summary of the Notice of Intent**

**Public Notice**

**SUMMARY OF NOTICE OF INTENT TO REMEDIATE A DRY-CLEANING SOLVENT FACILITY OR ABANDONED SITE**

Dryclean Express  
DSCA Site # 84-0001

Pursuant to N.C.G.S. §143-215.104L, on behalf of Stanly Station L.P., the North Carolina Department of Environment and Natural Resources' (DENR's) private contractor has prepared a Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site (NOI). The purpose of this Summary of the NOI is to notify the community of the proposed remedy for the contamination site and invite comment on the proposed remedy.

Dryclean Express formerly conducted dry-cleaning operations at the Stanly County Plaza Shopping Center at 636 E Highway 24/27 Bypass, in Albemarle, North Carolina. Dry-cleaning solvent contamination in soil and/or ground water has been identified at the following parcel(s):

636 E Highway 24/27 Bypass, in Albemarle; Parcel No. 655803013487

An investigation of the extent of contamination has been completed. A risk assessment of the contaminated property concluded that the contamination poses no unacceptable risks at the property. A Risk Management Plan has been prepared which proposes instituting land use restrictions to control current and future site risks at the affected property.

The elements of the complete NOI are included in the Risk Management Plan (RMP) which is available online at [www.ncdsca.org](http://www.ncdsca.org), under "Public Notices".

***The public comment period begins \_\_\_\_\_, 20\_\_, and ends \_\_\_\_\_, 20\_\_.***

Comments must be in writing and submitted to DENR no later than \_\_\_\_\_, 20\_\_. Written requests for a public meeting may be submitted to DENR no later than \_\_\_\_\_, 20\_\_. Requests for additional information should be directed to Pete Doorn at (919)508-8578. All comments and requests should be sent to:

Pete Doorn, DSCA Remediation Unit  
Division of Waste Management, NC DENR  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

**Letter to Owners of Property Contiguous to the Contamination Site**



North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

<property owner>  
<address>  
<city, state, zip>

Subj: Dry-Cleaning Solvent Contamination  
<property address, city>, NC

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the former Dryclean Express at 636 E Highway 24/27 Bypass in Albemarle. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

The attached Summary of the Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site (NOI) provides a brief description of the proposed remedy, a web link to the complete NOI, and the dates and procedures for commenting on the proposed remedy. If you do not have access to the internet, we ask that you contact us to request a hard copy of the complete NOI.

If you have questions, please contact me at (919) 508-8578.

Sincerely,

Pete Doorn, Project Manager  
DSCA Remediation Unit  
Peter.Doorn@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 84-0001 File