

January 20, 2009

North Carolina DSCA Program
North Carolina Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350

Attn: Billy Meyer

RE: Risk Management Plan (RMP)
Best Dry Cleaners
1781 W. Williams Street
Apex, Wake County, North Carolina
DSCA Site # 092-0030
W&R Project Number: 2060496.11

Dear Mr. Meyer:

Please find enclosed the Risk Management Plan that has been prepared by Withers & Ravenel for the above-referenced site.

Call us at (919) 469-3340 if you have any questions or comments.

Sincerely,

WITHERS & RAVENEL, INC.



Laura Powers, P.E.
Staff Engineer



David P. Kwiatkowski, P.G.
Project Manager

RISK MANAGEMENT PLAN

Best Dry Cleaners
1781 W Williams Street
Apex, Wake County, North Carolina

DSCA SITE NO 92-0030

Current Property Owner
Peak Plaza Associates LP
406 West Hillsboro Blvd
Deerfield Beach, Florida 33441

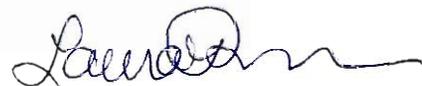
Prepared for:
State of North Carolina
Department of Environment and Natural Resources
Division of Waste Management
Superfund Section
Dry-Cleaning Solvent Cleanup Act Program
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605-1350

Prepared by:
Withers & Ravenel, Inc.
111 MacKenan Drive
Cary, North Carolina 27511
(919) 469-3340

Discovery Date: March 2005
Release Quantity: Unknown
Latitude: N 35° 45' 38"
Longitude: W 78° 52' 35"



David P. Kwiatkowski, P.G.
Project Manager



Laura Powers, P.E.
Staff Engineer

January 20, 2009

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
2.0	OBJECTIVES OF RMP	1
3.0	SUMMARY OF APPROVED RISK ASSESSMENT REPORT	1
4.0	RAP COMPONENTS	2
5.0	DATA COLLECTED DURING RMP IMPLEMENTATION.....	6
6.0	LAND-USE RESTRICTIONS (LUR).....	6
7.0	LONG-TERM STEWARDSHIP PLAN	6
8.0	RMP IMPLEMENTATION SCHEDULE	6
9.0	CRITERIA FOR DEMONSTRATING RMP SUCCESS.....	7
10.0	CONTINGENCY PLAN IF RMP FAILS	7
11.0	CONCLUSIONS AND RECOMMENDATIONS.....	7

APPENDICES

Appendix A	Documentation of Plume Stability Evaluation
Appendix B	Level 1 Ecological Risk Assessment Checklists
Appendix C	Notice of Dry-Cleaning Solvent Remediation
Appendix D	Example Annual DSCA Land-Use Restrictions Certification

1.0 INTRODUCTION

Withers & Ravenel (W&R) has prepared this Risk Management Plan (RMP) for the former Best Dry Cleaners on behalf of the North Carolina Drycleaning Solvent Cleanup Act (DSCA) Program. The site is located at 1781 W Williams Street near the intersection of Jenks Road and W. Williams Street (NC Highway 55) in Apex, Wake County, North Carolina. This RMP is intended to comply with the requirements of the 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

W&R completed a Tier 1 and Tier 2 risk assessment on September 26, 2008. The results of the Tier 1 and Tier 2 risk assessment indicated that the 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 the RMP is to ensure that those site-specific land-use conditions remain valid in the future.

3.0 SUMMARY OF APPROVED RISK ASSESSMENT REPORT

The first step in the risk assessment process consisted of development of an exposure model. The exposure model evaluation indicated the following complete exposure pathways for the site:

- On-site non-residential worker – indoor inhalation of vapors from subsurface soil, indoor inhalation of vapors from groundwater and outdoor inhalation of vapors from groundwater.
- On-site construction worker – indoor inhalation of vapors from groundwater, and outdoor inhalation of vapors from groundwater.

In addition to the above referenced pathways, W&R also evaluated the Protection of Groundwater Use pathway. For this pathway, W&R assumed that the nearest potential point-of-exposure (POE) for groundwater is the downgradient property boundary, approximately 250 feet west of the source area. The nearest surface water body is a storm water retention pond located on the subject property approximately 200 feet to the west of the former dry cleaning facility. Field observations of this surface water feature indicated that it is a "wet weather" feature and due to its shallow nature does not appear to represent a discharge point for groundwater. In addition, no targeted compounds were detected in a sample collected from the retention pond. Based upon the field observations, sample results and the documented delineated stable groundwater contaminant plumes, this potential pathway was deemed incomplete.

As part of the Tier 1 evaluation, site-specific representative concentrations (RCs) were calculated for each complete exposure pathway and compared to the Tier 1 Risk-Based Screening Levels (RBSLs) established by the DSCA Program. The results of this comparison indicated that the TCE subsurface soil RC exceeded the Tier 1 RBSLs for indoor inhalation of vapors by on-site non-residential worker, and the chloroform

source groundwater RC exceeded the Tier 1 RBSL for protective of groundwater use. As such, W&R proceeded with a Tier 2 evaluation.

As part of the Tier 2 evaluation, site-specific fate and transport parameters and site-specific RCs for each complete exposure pathway were entered into the North Carolina Risk-Based Corrective Action (RBCA) Computational Software distributed by the DSCA Program. The results of the Tier 2 evaluation indicated that the cumulative site-wide carcinogenic and non-carcinogenic risks for all COCs and complete pathways do not exceed the allowable risk established by DSCA. Based on the results of the Tier 2 evaluation, W&R 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 former Best Dry Cleaners was a dry-cleaning facility located in the Peak Plaza Shopping Center from approximately 1998 until 2005. The site is located in a moderately populated residential and commercial setting within the Apex town limits. The shopping center, which was developed in 1998, consists of two buildings that are currently occupied by several restaurants, retail stores, a dental office, a chiropractic office, a grocery store, a nail salon, and a veterinary office. Three out parcels on the eastern side of the shopping center are used by tire and motor oil facilities. Best Dry Cleaners was located on southern end of the building located on the northern portion of the property. The store space remains unoccupied since it was vacated by the dry cleaners.

According to a December 2000, EMG "Phase I Environmental Site Assessment of Peak Plaza" report, the property was used for agricultural purpose prior to development as a shopping center in 1998. Prior to this development, the site was a residential farm property. At the time of the assessment, the site was operating as a dry cleaning facility with a closed-loop dry cleaning machine. No secondary containments for the machine and waste materials were observed at the facility.

An update of the Phase I Environmental Site Assessment (ESA) was completed by Law Engineering and Environmental Services and documented in the May 2002 report entitled, "Report of Updated Phase I ESA". The report documents the continued operation of the dry cleaner at the shopping center. According to the report, chipped paint was observed around the dry-cleaning machine and used filters were observed stored in the boiler room. Staining was also observed on the concrete floor in the boiler room and around the dry cleaning machine.

Phase II ESA activities were completed on the site by Professional Service Industries, Inc. (PSI) in March 2005. The Phase II ESA activities included the installation and sampling of five soil borings (SB-1 through SB-5) and six temporary monitoring wells (TW-1 through TW-6). The locations of the borings and temporary wells were as follows: SB-1/TW-1 outside the dry cleaning facility adjacent to the building slightly

up gradient from the dry cleaning unit; SB-2/TW-2 behind the dry cleaning facility in an area of cracked asphalt; SB-3/TW-3 adjacent to the dumpsters area; SB-4/TW-4 adjacent to a floor drain inside dry cleaning facility; SB-5/TW-5 adjacent/down gradient of former dry cleaning unit inside building; and TW-6 down gradient of dumpster area between dry cleaning facility and storm water retention pond. Soil sample analytical results indicated a release had occurred in the vicinity of the former dry-cleaning unit with PCE and TCE detected in soil sample SB-5 at concentrations of 0.29 mg/Kg and 0.075 mg/Kg respectively. The concentrations exceed the DSCA CPG. In addition, the PCE and TCE concentrations exceeded the Tier 1 default values for Subsurface Soil Inhalation of Vapors for Non-Residential Worker category. Based upon the groundwater analytical results, PCE and TCE were detected in the samples collected from the temporary well located in the vicinity of the former dry-cleaning unit (TW-5) at concentrations of 39 µg/L and 4.9 µg/L, respectively. These concentrations of PCE and TCE exceed the NCAC 2L Standards of 0.7 µg/L and 2.8 µg/L, respectively. In addition, low levels of petroleum-type compounds were detected in the groundwater sample collected from the temporary well located in an area of cracked asphalt outside and behind the former dry-cleaning facility (TW-2).

Withers & Ravenel (W&R) completed a Prioritization Assessment Report (PAR) for the site. This assessment included a receptor survey, installation and sampling of four Type II monitoring wells, sampling of one soil boring, and collection of a surface water sample from a nearby pond. Analyses of samples collected from the four monitoring wells and pond indicated no presence of chlorinated solvents. The soil boring completed beneath the concrete slab in the boiler room contained no dry cleaning solvent constituents above method detection limits.

W&R completed a "Soil and Groundwater Assessment Report", which included the installation and sampling of a Type II monitoring well inside the building near the location of the former dry cleaning machine. One soil sample was collected from the vicinity of the former machine. Several constituents were found in the soil sample above their respective DSCA CPGs. No concentrations exceeded the Proposed Tier 1 default values for Subsurface Soil Indoor Inhalation of Vapors Non-residential Worker category. The sample collected from the well installed inside the building contained PCE and TCE concentrations above their respective NCAC 2L standards.

Withers & Ravenel completed an annual "Groundwater Monitoring Report" for the site, which included the sampling of five onsite monitoring wells over four quarterly sampling events. Only the monitoring well inside the building (MW-5) contained PCE and TCE concentrations above their respective NCAC 2L Standards.

4.2 Remedial Action

According to the DSCA Program's RBCA guidance, no remedial action is necessary if four site conditions are met. Each of these conditions and their applicability to the subject site are addressed below. Since these conditions were met, land use restrictions and no further remedial action are recommended for the site.

Condition 1: The dissolved plume is stable or decreasing.

Two groundwater sampling events were completed for monitoring wells MW-1 through MW-4 during assessment activities for the site in September 2006 and May 2007. A total of four groundwater monitoring events have been conducted for wells MW-1 through MW-5 in October 2007, January 2008, April 2008, and July 2008. Constituents detected in groundwater samples collected from the site historically include benzene, chloroform, bromodichloromethane, PCE, and TCE. Of these constituents, only benzene, PCE, TCE, and bromodichloromethane were detected at concentrations exceeding Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards). Bromodichloromethane is not commonly found related to a release of chlorinated solvents relative to dry-cleaning activities, but is associated with drinking water chlorination. W&R considers the bromodichloromethane to be likely associated with a leak from the city water line located near monitoring wells MW-1 and MW-3. Therefore, W&R included only compounds PCE, TCE, benzene, and chloroform as constituents of concern (COCs) for evaluation of plume stability.

PCE and TCE have been detected in source area monitoring well MW-5 during each of the four monitoring events conducted. W&R prepared a concentration versus distance graph and concentration versus time for sampling events conducted at the site. Benzene was detected in monitoring well MW-1 during the first two sampling events, but not in the last four sampling events. Chloroform has been detected in monitoring wells MW-3 and MW-5 during all of the sampling events. No COCs were detected above the laboratory detection limits in the upgradient monitoring well, MW-4, or the downgradient monitoring wells, MW-1 and MW-2. Based on this data, W&R concludes that the size of the plume is stable and concentrations in the source area are likely to decrease with time.

Documentation of the plume stability evaluation, including a figure showing monitoring well locations, a table showing historical groundwater analytical data, a concentrations versus distance graph and concentrations versus time graph are included in **Appendix A**.

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.

W&R evaluated the RCs calculated during the Tier 1 Evaluation, and found that this condition has been met for all COCs and exposure pathways.

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 for the site was based on land-use conditions that the usage of the site property will remain commercial and that groundwater will not be utilized on the property. As discussed in Section 6.0, land use restrictions (LUR) will be implemented for the site property to ensure that these assumptions remain valid.

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

W&R 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 and associated attachments are included in **Appendix B**.

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 plume is expected to naturally attenuate over time and the appropriate remedial action is to implement land-use restrictions 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 (LUR)

The risk assessment for the site was based on assumptions that usage of the site property will remain commercial and that groundwater will not be utilized on the property. LUR will be implemented for the site property to ensure that land-use conditions are maintained and monitored until the LUR is 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 C**. A plat showing the locations and types of dry-cleaning solvent contamination on the property is included as an exhibit to the NDCSR. The locations of dry-cleaning solvent contamination are where contaminants have been detected above unrestrictive use standards. As discussed in Section 4.2, PCE, TCE, chloroform and benzene are the primary COCs for the site.

7.0 LONG-TERM STEWARDSHIP PLAN

The NDCSR contains a clause which requires that the owner of the site to submit 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 land-use conditions have not changed. An example of such a notice is included in **Appendix D**. Documents relating to this site will be maintained by NCDENR and available for public access.

8.0 RMP IMPLEMENTATION SCHEDULE

Since the contamination is stable and will be confined to the site property, and possible exposure to the contamination is managed through the NDCSR and LUR, no additional site remediation activities are required to implement the RMP. As such, upon completion of the public comment period and final approval of the RMP, the

NDCSR will be filed with the Wake County Register of Deeds and will complete the RMP schedule.

9.0 CRITERIA FOR DEMONSTRATION RMP SUCCESS

The RMP will be successfully implemented once the required LUR have been executed and recorded with the Wake 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 as a result of the remediation of the property. 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 site conditions have impacted the requirements set forth in the NDCSR and LUR 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

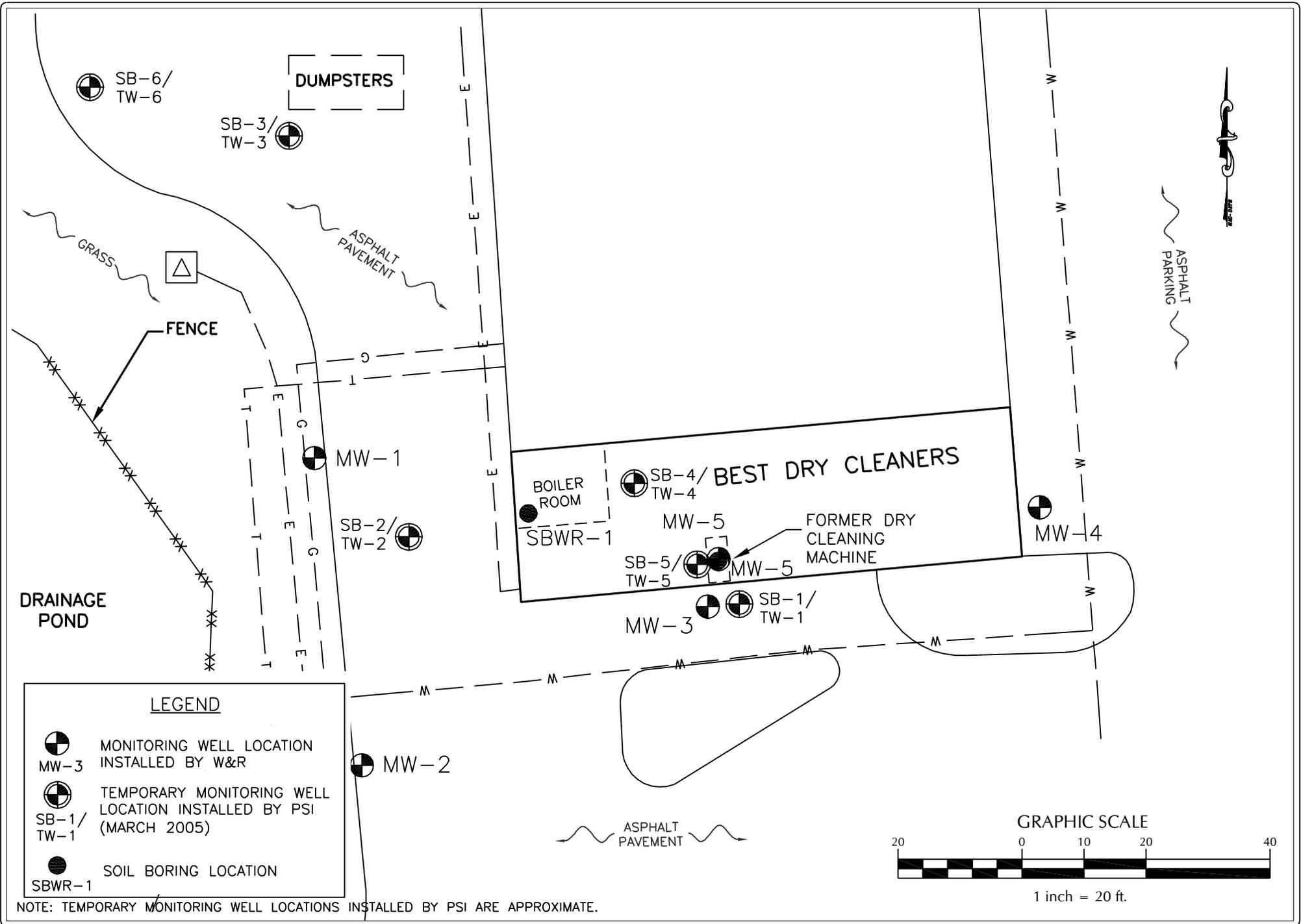
As discussed above, unless the DSCA Program is notified of a change in land-use conditions at the site, per the notification requirements detailed in this plan, the RMP will remain in effect. Pursuant to N.C.G.S. 143-215.104K, if any of the LURs set out in the NDCSR are violated, the owner of the site 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

W&R has prepared this RMP for the above referenced site on behalf of the NC DSCA Program. The results of a previous risk assessment indicated that contaminant concentrations at the site do not pose an unacceptable risk. The contaminant plume associated with the site appears stable or decreasing. This RMP specifies that the NDCSR and LUR requirements provide notification that land-use conditions observed during the risk assessment evaluation remain valid in the future. Based on the documentation contained in this report, W&R recommends issuance of a “No Further Action” letter.

APPENDIX A

DOCUMENTATION OF PLUME STABILITY EVALUATION



WITHERS & RAVENEL
ENGINEERS | PLANNERS | SURVEYORS
111 MacKenzie Drive Cary, North Carolina 27511 www.wITHERSRAVENEL.com
tel: 919-460-6006 fax: 919-535-4545

Revisions			
No.	Description	Date	By

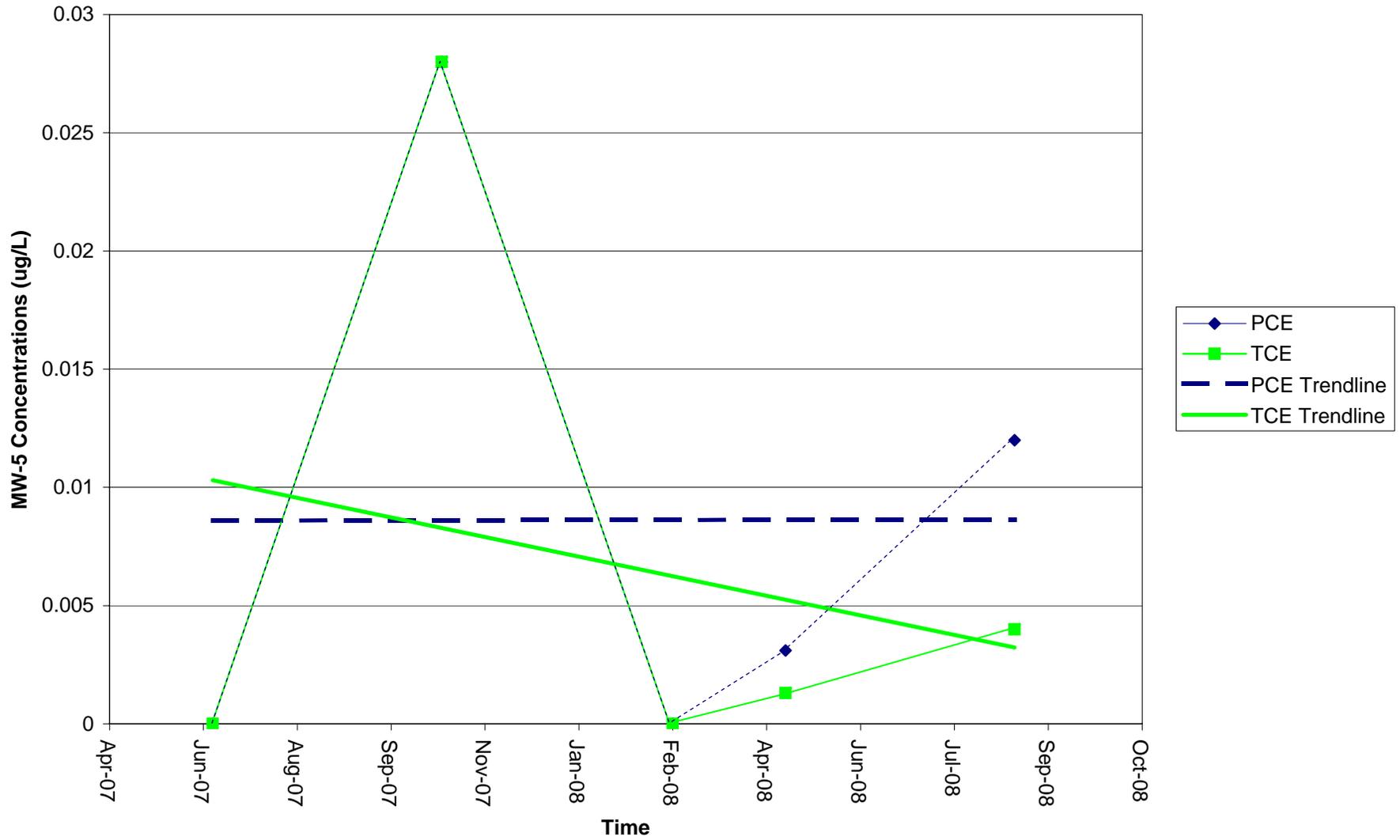
BEST DRY CLEANERS
1781 W WILLIAMS ST (NC HWY 55)
APEX, NORTH CAROLINA

SITE MAP

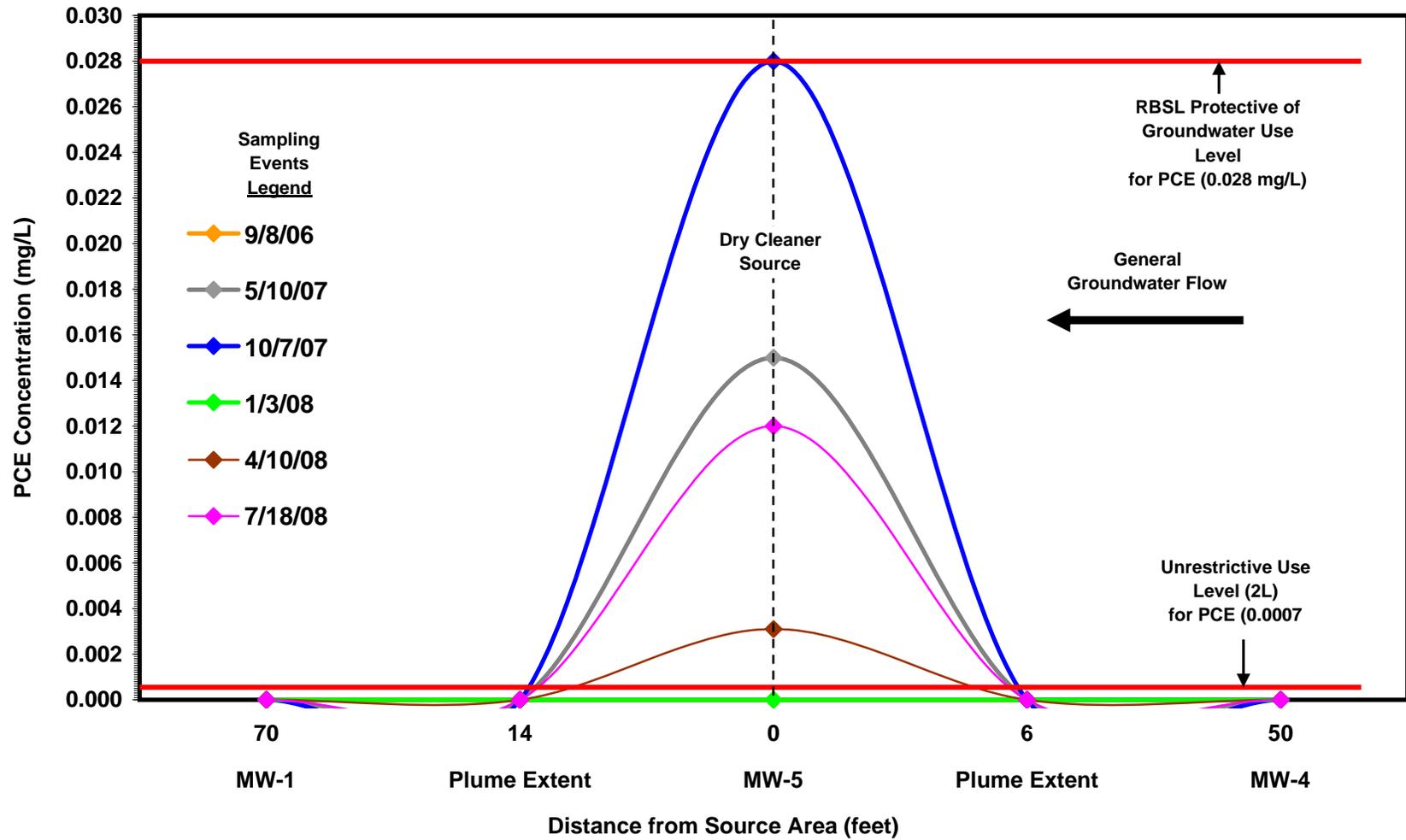
Drawn By LP	Scale 1"=20'
Checked By DK	Date 7/23/07

Job No. 2060496.11
Sheet No. 3

Groundwater Concentration Trend Plots



PCE Concentration vs. Distance Graph
Sampling Events - December 2006 through February 2008
Best Dry Cleaners, Apex, Wake County, North Carolina



APPENDIX B

LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS

Appendix B.

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

1. Are there any navigable water bodies or tributaries to a navigable water body on or within the one-half mile of the site?
No, according to the USGS Quad maps for Green Level and Cary, no navigable water bodies are located within a half mile of the site.
2. Are there any water bodies anywhere on or within the one-half mile of the site?
Yes, according to the USGS Quad maps for Green Level and Cary, intermittent tributaries to Jack Branch, Clark Branch, Beaver Dam Creek and Reedy Creek are located 500 feet north, 1940 feet northwest, 900 feet east, and 950 southwest of the site, respectively. Seven ponds are located within a half mile of the site with the closest being located 500 feet north of the site. A stormwater retention pond is located on the site approximately 200 west of the former dry cleaner facility.
3. Are there any wetland areas such as marshes or swamps on or within one-half mile of the site?
No marshes or swamps were identified. According to the Federal Wetland Inventory System, a freshwater forested/shrub wetland is located approximately 4030 feet north of the site.
4. Are there any sensitive environmental areas on or within one-half mile of the site?
No natural communities were identified within 2 miles of the site according to the NC Natural Heritage Program Virtual Workroom.
5. Are there any areas on or within one-half mile of the site owned or used by local tribes?
No areas have been identified within a half mile of the site to be 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 or animals), or any otherwise protected species on or within one-half mile of the site?
No, wilderness areas or wildlife refuges within one-half mile of the site based on the USFWS online databases.

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

The Migratory Bird Treat Act (MBTA) was developed to help reduce potential migratory bird strikes with aircraft, wind turbines, and towers. Many species of birds are protected that are common to the United States, Canada, and Mexico. Therefore, many species of birds in Wake County (e.g. Bald Eagle, Canada Goose, Mourning Dove) are likely to be within one-half mile of the site.

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

Based on site observations and desktop review, ecological and recreational species are likely to be present at natural communities identified within 2 miles of the site. Commercially important species are located at a nursery located approximately 1150 feet northeast of the site. Plants at the nursery are watered using a supply well located on the property.

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

No species were identified within 2 miles of the site according to the NC Natural Heritage Program Virtual Workroom online species list.

Appendix B.

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 constituents of concern for the site are tetrachloroethene (PCE), trichloroethene (TCE), benzene, chloroform and cis-1,2-dichloroethene (DCE). Based on published references [Environmental Protection Agency (EPA) and United States Agency for Toxic Substance and Disease Registry (ATSDR)], PCE, TCE, benzene, chloroform and cis-1,2-DCE are leachable to groundwater and soluble in groundwater. Analysis of groundwater samples collected at the site indicates impacts to the groundwater have not migrated off 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 (Fetter, 1988). Based on these values, PCE TCE, benzene, chloroform and cis-1,2-DCE are mobile in groundwater.
- 1C. Does groundwater from the site discharge to ecological receptor habitat?
Potential ecological receptor habitats identified in the site vicinity include surface water features located between 500 and 1950 feet from the subject site. The path of groundwater flow has not been fully assessed between the subject site and these surface water features. However, the contaminant plume on the site appears to be stable and does not appear to have migrated off-site.
- Question 1. Could chemicals associated with the site reach ecological receptors through groundwater?
No. The contaminant plume on the site appears to be stable and does not appear to have migrated off-site. A comparison of the contaminant concentrations versus the DSCA Program's Surface Water Standards indicated PCE, TCE, and chloroform concentrations exceed the Water & Organism standard. Since these contaminant plumes do not appear to be migrating offsite and the nearest surface water body that groundwater on the site might discharge to is located 500 feet from the site, the plume does not appear to be a threat to ecological receptors.
- 2A. Are chemicals present in surface soils on the site?
Impacted soils identified on the site are beneath the building from 1 to 5 feet bls and are capped by concrete slab.
- 2B. Can chemicals be leached from or be transported by erosion of surface soils on the site?
No. No exposed surficial soils are impacted by the chlorinated solvents.

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

No. Impacted soils at the site are located beneath the building are capped by concrete slab.

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

No. Surficial soils do not appear to be impacted.

3B. Are potential ecological receptors on the site?

No potential ecological receptors have been identified on the site.

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

No. impacted soils are located beneath the building, and no ecological receptors are likely to be present in the area of the plume.

4A. Are chemicals on the site volatile?

Yes. Chlorinated solvents are considered volatile organic compounds.

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

No. Impacted soils are located beneath the building and are capped by a concrete slab.

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

No. Impacted soils are located beneath the building, and concentrations are sufficiently low such that significant volatilization from subsurface impacts to outdoor air appears unlikely.

5A. Is Non-Aqueous Phase Liquid (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.

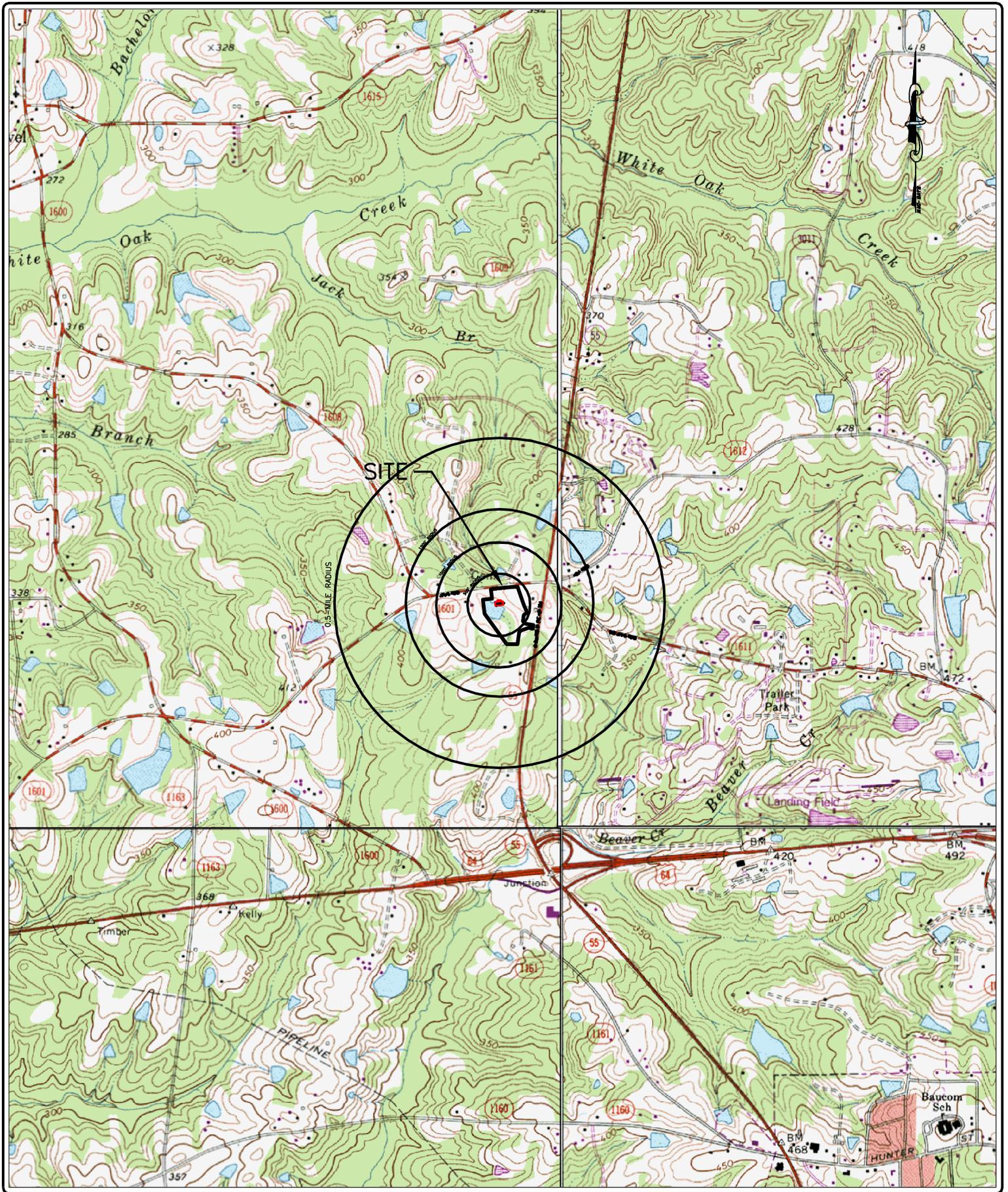
5C. Could NAPL discharge occur where ecological receptors are found?

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?
No. Impacted soils are present from 1 to 5 feet bls beneath the building and are capped by concrete slab.
- 6B. Are chemicals found in soil on the site taken up by plants growing on the site?
No. Impacted soils are beneath the building with no vegetation overlying the impacted area.
- 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. It is possible that migratory birds could be present on the site vicinity, but no vegetation is present in the area of impacted soils.
- 6D. Do chemicals found on the site bioaccumulate?
No. Based on published references (ATSDR), Benzene, ethylbenzene, PCE and its breakdown products do not significantly bioaccumulate.
- Question 6. Could chemicals associated with the site reach ecological receptors through direct ingestion of soil, plants, animals or contaminants?**
No. Impacted soils are located beneath the building with no vegetation overlying the impacted area.



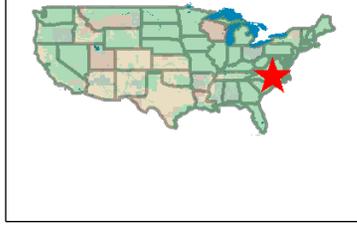
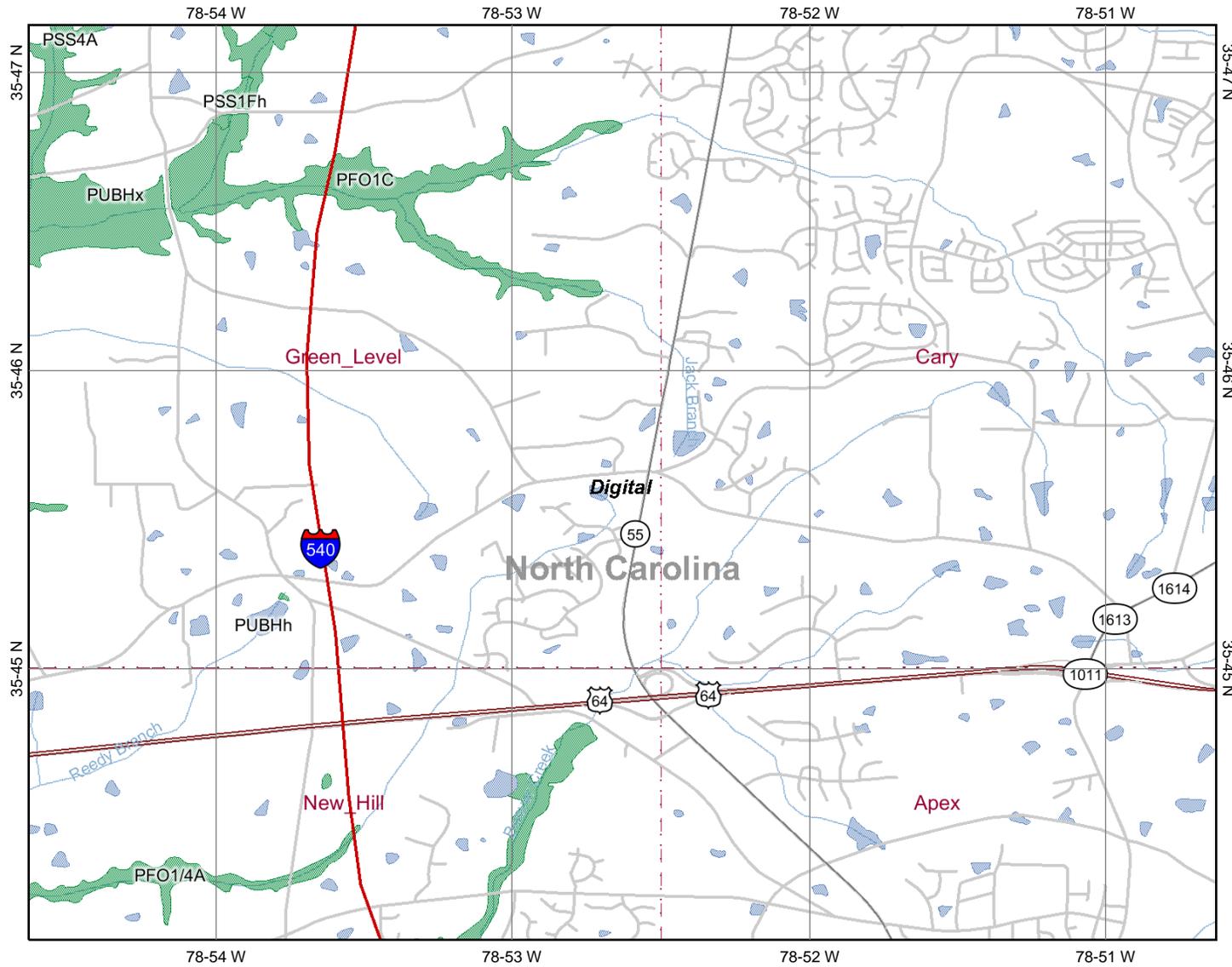
WITHERS & RAVENEL
 ENGINEERS | PLANNERS | SURVEYORS
 111 MacKenan Drive Cary, North Carolina 27511 www.wITHERSRAVENEL.com
 tel: 919-460-6006 fax: 919-535-4545

GENERAL LOCATION MAP
 BEST DRY CLEANERS
 1781 W WILLIAMS ST
 APEX, NORTH CAROLINA
 USGS GREEN LEVEL, NC
 7.5 min. Quadrangle

DRAWN BY:	SCALE:
LP	1"=2000'
APPROVED BY:	DATE:
DK	10/24/06

ATTACHMENT:
1
JOB NO:
2060496.11

ATTACHMENT 2: USFWS WETLANDS MAP



Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- States 100K
- South America
- North America

Scale: 1:39,917

Map center: 35° 45' 37" N, 78° 52' 38" W

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

APPENDIX C

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Peak Plaza Associates, LP and Benedict Silverman as Tenants in Common
Recorded in Book _____, Page _____
Associated plat recorded in Plat Book _____, Page _____

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

This documentary component of a Notice of Dry-Cleaning Solvent Remediation (NDCSR or Notice), as well as the plat component, have been filed this ____ day of _____, 200__ by Peak Plaza Associates, LP and Benedict Silverman as Tenants in Common (hereinafter “Property Owner”).

The Notice concerns contaminated property.

A copy of this Notice certified by the North Carolina Department of Environment and Natural Resources, or its successor in function (hereinafter “DENR”) is required to be filed in the Register of Deeds' Office in the county or counties in which the land is located, pursuant to North Carolina General Statutes (hereinafter “NCGS”), Section (hereinafter “§”) 143-215.104M.

This Notice is required by NCGS § 143-215.104M in order to reduce or eliminate the danger to public health or the environment posed by environmental contamination at a property being addressed under the Dry-Cleaning Solvent Cleanup Act of 1997, Article 21A, Part 6 NCGS § 143-215.104A *et seq.* (hereinafter “DSCA”). That portion of the property to which this Notice applies is hereinafter referred to as the DSCA Site.

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.

The DSCA Site consists of a portion of the approximately 10.21 acre Peak Plaza Shopping Center property which is located at 1781 W. Williams Street, Apex, Wake County, North Carolina. The retail space on the DSCA Site was used as a dry-cleaning facility from approximately 1998 to 2005. Soil and groundwater at the DSCA Site are contaminated with dry-cleaning solvents.

Attached hereto as **Exhibit A** is a reduction, to 8 1/2” x 11”, of the survey plat required by NCGS § 143-215.104M. It is a plat that has been prepared and certified by a professional land surveyor and that meets the requirements of NCGS § 47-30. That plat, which shows the location of the DSCA Site within the shopping center property, contains the following information:

- (1) 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 substances and contaminants known to exist on the DSCA Site.

Attached hereto as **Exhibit B** is a legal description of the property where the DSCA Site is located that would be sufficient as a description of the property in an instrument of conveyance.

LAND USE RESTRICTIONS

NCGS § 143-215.104M also requires that the Notice identify any restrictions on the current and future use of the DSCA Site that are necessary or useful to maintain the level of protection appropriate for the designated current or future use of the DSCA Site 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 its successor in function), or his/her designee, after the hazards have been eliminated, pursuant to NCGS §143-215.104M.** Those restrictions are hereby imposed on the DSCA Site, which is limited to that area of the property depicted on the attached survey plat as “DSCA Site,” and are as follows:

1. The DSCA Site shall be used exclusively for commercial or industrial purposes and related common area amenities (e.g. parking, landscape areas and walkways). Persons using any portion of the remainder of the property (outside of the DSCA Site) for any purpose, including any use specified in paragraph 2. below, such as a child care center or school, may also utilize any common area amenity within the DSCA Site. All other uses of the DSCA Site are prohibited except as approved in writing by DENR.

2. Without prior written approval from DENR, the DSCA Site shall not be used for:

- a. child care centers, schools, parks, recreational areas, athletic fields or sporting activities of any kind;
- b. agricultural or grazing purposes or for timber production;
- c. kennels, private animal pens, or for riding clubs;
- d. mining or extraction of coal, oil, gas or any other mineral or non-mineral substances.

3. Groundwater at the DSCA Site may not be used for any purpose without the approval of DENR.

4. Except for repair or replacement of underground utilities, 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 DSCA Site without prior sampling and analysis of groundwater to the satisfaction of DENR in any areas proposed for such activities, and submittal of the analytical results to DENR. If such results disclose to DENR contamination in excess of North Carolina’s groundwater quality standards, the proposed activities may not occur without the approval of DENR on such reasonable conditions as DENR imposes, including at a minimum compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the proposed activities. Based on groundwater elevation data developed for the DSCA Site, any construction, excavation or other subsurface activity within the DSCA Site that does not exceed a depth of 6 (six) feet below ground surface is not expected to encounter or expose groundwater and, therefore, is not an activity that requires advance sampling and analysis of the groundwater pursuant to this paragraph. In the event any subsurface activity at the DSCA Site at a depth of less than 6 (six) feet below

ground surface, or any repair or replacement of underground utilities regardless of depth, encounters or exposes groundwater, then DENR shall be notified and such subsurface activity shall be subject to DENR's oversight regarding groundwater sampling and other reasonable conditions to protect public health and the environment during the completion of the activity.

5. In January of each year, on or before January 31st, the owner of any portion of the DSCA Site shall submit a notarized Annual DSCA Land Use Restrictions Certification to DENR certifying that this Notice remains recorded at the Wake County Register of Deeds' office, that the Land Use Restrictions are being complied with.

6. No person conducting environmental assessment or remediation at the DSCA Site, 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 DSCA Site for the purpose of conducting such activities.

7. The owner of any portion of the DSCA Site shall cause the instrument of any future sale, lease, conveyance or transfer of the DSCA Site to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Notice. Based on the current leased space configuration of the portion of the existing building within the DSCA Site, with regard to any future lease at the shopping center property, such Notice will only be required for a lease of any portion of the space identified on Exhibit A as the "former Best Dry Cleaners premises", or of the existing adjacent space on the north side of the former Best Dry Cleaners premises (currently used as a dentist's office), a portion of which is contained within the DSCA Site. 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 the Department, its agents, contractors, and employees, and any person performing pollution remediation activities under the direction of the Department, 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 NDCSR. Such investigations and actions are necessary by the Department 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 NDCSR 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.

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 DSCA Site. 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 DSCA Site; 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 NDCSR required under NCGS § 143-215.104.M is violated, the owner of the DSCA Site 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 DSCA Site 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 DSCA Site has been contaminated with dry-cleaning solvent and, if appropriate, cleaned up under the DSCA.

The Property Owner shall notify the Division 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 DSCA Site. This notice shall include the name, business address and phone number of the transferee and the expected date of transfer.

GENERAL PROVISIONS

The Property Owner shall notify the Division within thirty (30) days following the Owner's petitioning for or filing of any document initiating a rezoning of the Property that would change the base zone of the Property.

CANCELLATION OF NDSCR

A NDSCR may, at the request of the Property Owner, be canceled by the Division after the risk to public health and the environment associated with the dry-cleaning solvent contamination and any other contaminants included in the DSCA Remediation Agreement have been eliminated as a result of remediation of the Property to unrestricted use standards.

OWNER SIGNATURE

IN WITNESS WHEREOF, Property Owner has caused this instrument to be duly executed this _____ day of _____, 200__.

Peak Plaza Associates LP

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 is a Member of Peak Plaza Associates LP, a North Carolina limited partnership, and its Manager, and that by authority duly given and as the act of the company, 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 _____, 200__.

Name typed or printed:
Notary Public

My Commission expires: _____
[Stamp/Seal]

**APPROVAL AND CERTIFICATION OF NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES**

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

North Carolina Department of Environment and Natural Resources

By: _____
Jack Butler, Chief
Superfund Section
Division of Waste Management

_____ Date

LIMITED POWER OF ATTORNEY

I _____ “Property Owner”, do hereby grant a limited power of attorney to the Division and to the Division’s independent contractors, as follows:

The Division and the Division’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 seal this ____ day of _____, 20__.

Notary Public

My Commission expires: _____

[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 Books and Pages, shown on the first page hereof.

Register of Deeds for Wake County

By: _____

Name typed or printed: _____

Deputy/Assistant Register of Deeds

Date

EXHIBIT A

SURVEY PLAT REDUCTION

Location of Contaminants by Media Exceeding Unrestrictive Use Standards			
Sample ID	Depth (ft bbs)	Contaminant Type & Concentrations	
		Units	Concentration
		Benzene	PCE
		Chloroform	TCE
SBWR-1	4-6	(mg/kg)	0.0207
MM-5	1	(mg/kg)	0.0281
SB-SS-1	5	(mg/kg)	0.0207
		Groundwater	
MM-1	8-18	(mg/L)	0.0019
MM-3	8-18	(mg/L)	0.001
MM-5	4-5/14-5	(mg/L)	0.001
			0.00019
			0.0007
			0.0028
			0.0028

- NOTES:
1. PCE - Tetrachloroethylene
 2. TCE - Trichloroethylene
 3. mg/kg - milligrams per kilograms
 4. mg/L - milligrams per liter

MONITORING WELL TABLE			
WELL ID	DEPTH (ft)	CONCENTRATION (mg/L)	DATE
MM-1	8-18	0.0019	02/08/08
MM-3	8-18	0.001	02/08/08
MM-5	4-5/14-5	0.001	02/08/08

OWNER SIGNATURE
 I, _____, OWNER OF THE PROPERTY, HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION AND THAT THE BOUNDARIES SHOWN ARE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 DATE OF _____, 2008.

PEAK PLAZA ASSOCIATES LP
 BY: _____
 NAME OF CONTACT
 NORTH CAROLINA COUNTY

I, _____, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT I AM A MEMBER OF PEAK PLAZA ASSOCIATES LP, A NORTH CAROLINA LIMITED PARTNERSHIP, AND THAT I AM A MEMBER OF THE DRY-CLEANING SOLVENT REMEDIATION AND ITS MANAGER, AND THAT BY AUTHORITY DULY GIVEN AND AS THE ACT OF THE COMPANY, THE FOREGOING NOTICE OF THE DRY-CLEANING SOLVENT REMEDIATION WAS SIGNED IN ITS NAME BY HIM.
 WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS _____ DAY OF _____, 2008.

NAME TYPES OR PRINTED:
 NOTARY PUBLIC _____
 MY COMMISSION EXPIRES: _____

APPROVAL AND CERTIFICATION OF NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
 THE FOREGOING NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS HEREBY APPROVED AND CERTIFIED.
 NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

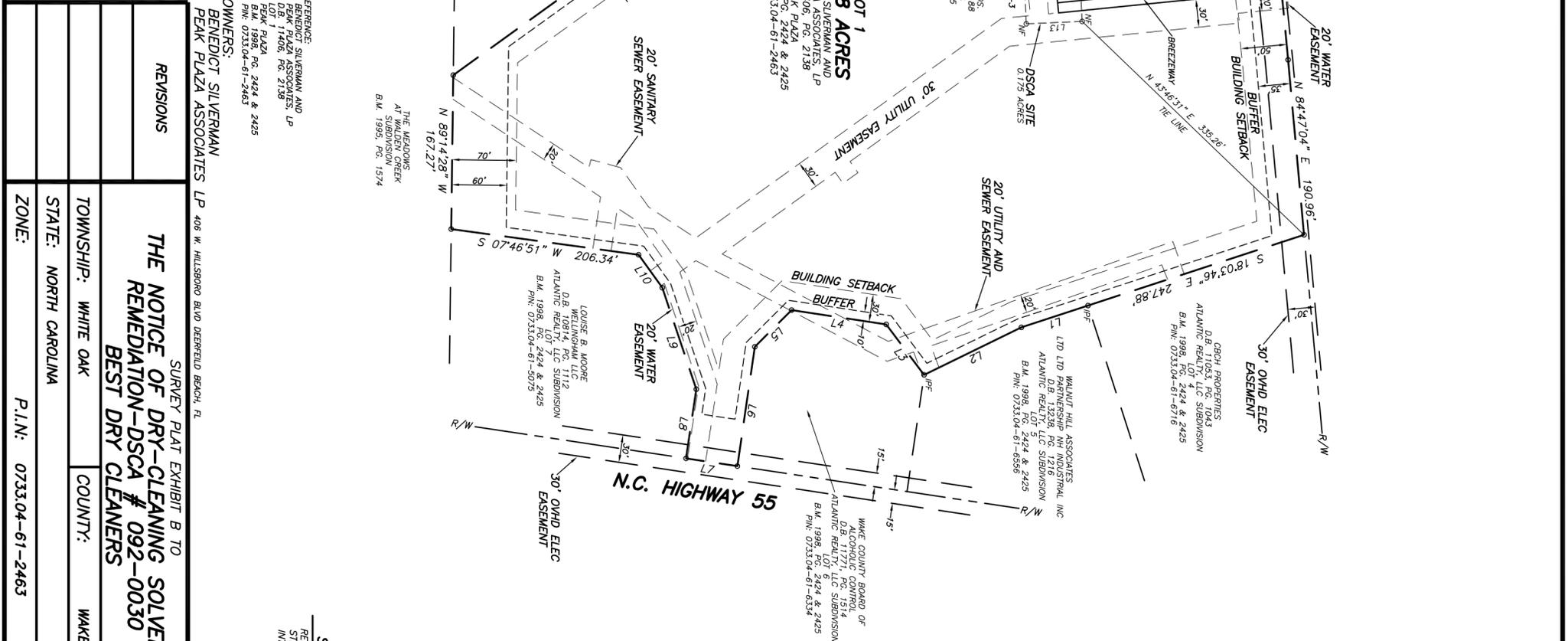
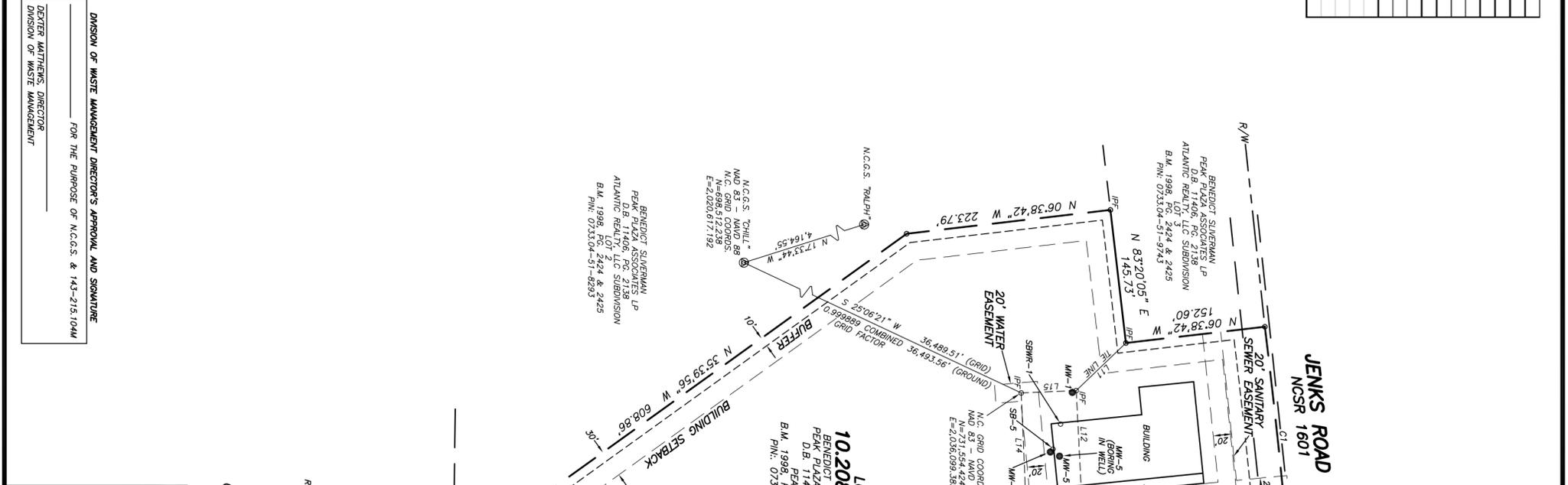
CERTIFICATION OF REGISTER OF DEEDS
 THE FOREGOING RECORDING BY COMPANY OF THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION AND THE ASSOCIATED PLAT ARE CERTIFIED TO BE DULY RECORDED AT THE DATE AND TIME AND IN THE BOOK AND PAGE, SHOWN ON THE FIRST PAGE HEREOF.
 REGISTER OF DEEDS FOR WAKE COUNTY
 BY: _____ DATE _____
 JACK BUTLER, CHIEF SUPERVISOR SECTION DIVISION OF WASTE MANAGEMENT
 MAKE TYPED OR PRINTED: _____ DATE _____
 DEPUTY/ASSISTANT REGISTER OF DEEDS

NOTE:
 1. THE AREAS AND TYPES OF CONTAMINATION DERIVED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION.
 2. CONTAMINANTS KNOWN TO EXIST AT THIS SITE ARE: TETRACHLOROETHYLENE (PCE), TRICHLOROETHYLENE (TCE), CHLOROFORM, AND BENZENE.
 3. MEDIA CONTAMINATED: SOIL AND GROUNDWATER.
 4. THIS MAP AND ALL EASEMENTS SHOWN UNLESS OTHERWISE NOTED BASED ON A MAP BY MURPHY HOBSON SOKOS PROFESSIONAL LAND SURVEYORS ENTITLED "SUBDIVISION PLAN PLAT ADJUTING REALTY, LLC AND BUFFERS TO ADJACENT PARCELS" DATED FEBRUARY 15, 1998 AND RECORDED IN BOOK OF MAPS 1998, PG. 2424 AND 2425.
 5. THIS PROPERTY IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 3720171500J, PANEL 15000, WHICH IS LOCATED WITHIN FLOOD ZONE X-5008. THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X-5008. THE PROPERTY PROPERTY LINES NOT SURVEYED ARE SHOWN AS DASHED LINES.

NOTE:
 ENCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. DISTANCES SHOWN ARE UNLESS OTHERWISE NOTED OTHERWISE. ALL AREA CALCULATED BY COORDINATE COMPUTATION.



RECORDED IN BOOK OF MAPS _____ PAGE _____



SEWER EASEMENT
 20' SANITARY SEWER EASEMENT
 20' UTILITY AND SEWER EASEMENT
 20' WATER EASEMENT
 20' OVDH ELEC EASEMENT

SETBACKS
 RESIDENTIAL: 70'
 STREET: 50'
 INTERNAL: 30'

BUFFER
 RESIDENTIAL: 60'
 STREET: 35'
 INTERNAL: 10'

LEGEND
 (B/M)-RIGHT OF WAY
 (N/P)-IRON PIPE FOUND
 (O/V)-OVER DIVER HEAD
 (M/W)-MONITOR WELL
 (E/LC)-ELECTRICAL
 (S/B)-SOIL BORING

THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION-DSCA # 092-0030 BEST DRY CLEANERS

REVISIONS

OWNERS:
 BENEDICT SILVERMAN
 PEAK PLAZA ASSOCIATES LP
 408 W. HILLSBORO BLVD. DEERFIELD BEACH, FL

WITHERS & RAVENEL
 KENNETH CLOSE SURVEYING
 111 MACKENAN DRIVE-CARY, NC 27511
 PHONE: (919) 851-2344 FAX: (919) 851-5201

STATE: NORTH CAROLINA
TOWNSHIP: WHITE OAK
COUNTY: WAKE
P.L.N.: 0733.04-61-2463

SURVEY DATE: 10-20-08
DRAWN BY: ROB
CHECKED & CLOSURE BY: MW

PROFESSIONAL LAND SURVEYOR _____ DATE _____

EXHIBIT B

LEGAL DESCRIPTION FOR PROPERTY

Best Dry Cleaners Exposure Buffer

Beginning at an existing iron pipe, said pipe being North 25°06'21" East 36,493.56 feet from NCGS Monument "CHILL", said monument having NC grid coordinates (NAD 83 – NAVD 88) of N=698,512.238, E=2,020,617.192, thence from the Beginning point North 02°29'54" West 60.07 feet to an existing iron pipe, thence North 87°03'26" East 126.10 feet to an existing nail, thence South 02°30'25" East 61.04 feet to an existing nail, thence South 87°29'56" West to the point and place of beginning containing 0.175 acres more or less.

APPENDIX D

EXAMPLE ANNUAL DSCA LAND-USE RESTRICTIONS CERTIFICATION

Site Name: Best Dry Cleaners

Site Address: Peak Plaza Shopping Center, 1781 W Williams Street, Apex, Wake County, NC

DSCA ID No: 92-0030

ANNUAL DSCA LAND USE RESTRICTIONS CERTIFICATION

Pursuant to Land Use Restriction Number _____ in a Notice of Dry-Cleaning Solvent Remediation (NDCSR) executed by _____ and recorded on _____ at the Wake County Register of Deeds Office, Peak Plaza Associates LP hereby certifies, as an owner of at least part of the property that is the subject of the NDCSR, that the NDCSR remains recorded at the Wake County Register of Deeds office and the land use restrictions therein are being complied with.

Duly executed this _____ day of _____, 200_.

Peak Plaza Associates LP

By: _____
Name typed or printed
Member/Manager

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 Peak Plaza Associates LP, a North Carolina limited partnership, and its Manager, and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this _____ day of _____, 200_.

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]