



2725 East Millbrook Road  
Suite 121  
Raleigh, NC 27604  
Tel: 919-871-0999  
Fax: 919-871-0335  
[www.atcassociates.com](http://www.atcassociates.com)  
N.C. Engineering License No. C-1598

September 24, 2012

Ms. Dianne Thomas  
State of North Carolina  
Department of Environment and Natural Resources  
Division of Waste Management, Superfund Section  
1646 Mail Service Center  
Raleigh, NC 27699-1646

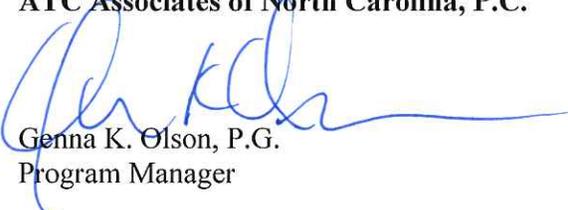
**RE: Risk Management Plan**  
WMS Cleaners  
712 Jake Alexander Boulevard  
Salisbury, Rowan County, North Carolina  
ATC Project No. 45.34341.8003  
DSCA Site Identification No. 80-0003

Dear Ms. Thomas:

ATC Associates of North Carolina, P.C. (ATC) is pleased to submit the enclosed Risk Management Plan (RMP) for the above referenced site. The results of a previous Risk Assessment indicated that contaminant concentrations at the site do not pose an unacceptable risk. The primary purpose of this RMP is to ensure that the assumptions made during the risk assessment remain valid in the future. Based on the documentation outlined in this report, ATC recommends issuance of a No Further Action letter for the site.

If you have questions or require additional information, please do not hesitate to contact Genna Olson at (919) 871-0999.

Sincerely,  
ATC Associates of North Carolina, P.C.



Genna K. Olson, P.G.  
Program Manager

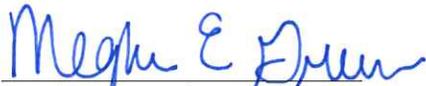
**RISK MANAGEMENT PLAN  
WMS CLEANERS  
712 JAKE ALEXANDER BOULEVARD  
SALISBURY, ROWAN COUNTY, NORTH CAROLINA  
ATC PROJECT NO. 45.34341.8003  
DSCA SITE IDENTIFICATION NO. 80-0003  
SEPTEMBER 24, 2012**

**Risk Management Plan**  
**WMS Cleaners**  
712 Jake Alexander Blvd.  
Salisbury, Rowan County, NC  
ATC Project No. 45.34341.8003  
DSCA Site Identification No. 80-0003

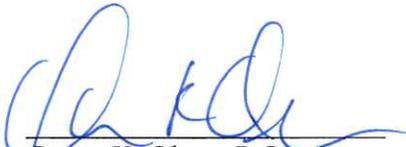
**Prepared By:**

**Submitted To:**

**North Carolina Department of Environment  
and Natural Resources**  
**Division of Waste Management**  
**Superfund Section – DSCA Program**  
1646 Mail Service Center  
Raleigh, NC 27699-1646



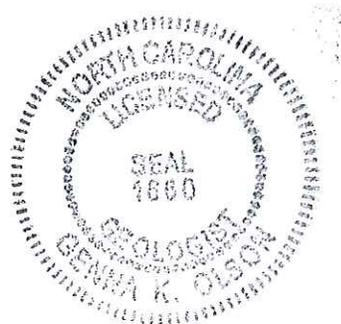
Meghan E. Greiner, P.E.  
Project Engineer  
N.C. Professional Engineer #34806



Genna K. Olson, P.G.  
Program Manager  
N.C. Professional Geologist #1660

**Prepared By:**

**ATC Associates of North Carolina, P.C.**  
2725 East Millbrook Road, Suite 121  
Raleigh, North Carolina 27604  
Phone: (919) 871-0999  
Fax: (919) 871-0335



September 24, 2012

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## **1.0 INTRODUCTION**

ATC Associates of North Carolina, P.C. (ATC) has prepared this Risk Management Plan (RMP) for WMS Cleaners on behalf of the North Carolina Dry-cleaning Solvent Cleanup Act (DSCA) Program. The former WMS Cleaners site (herein referred to as the “site”) is located 712 Jake Alexander Boulevard in Salisbury, Rowan 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**

ATC completed assessment activities at the site which indicated that tetrachloroethylene (PCE) and trichloroethylene (TCE) are present in soil above unrestricted land-use standards and PCE is present in groundwater above Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards). The impacts are confined to the site property. ATC completed Risk Assessment for the site on June 29, 2012. The results of the Risk Assessment indicated that target risk levels are exceeded. However, the risks will be managed based on site-specific land-use conditions that have been selected as part of the evaluation and which require an RMP. Thus, 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**

Based on soil and groundwater impacts above unrestricted use levels, ATC completed a Risk Assessment report for the site on June 29, 2012. This section summarizes the final risk assessment, which resulted in the recommendation for no further action status.

The first step in the risk assessment process included a development of an exposure model. ATC evaluated exposure pathways for two different exposure units and two separate source areas. The two source areas are associated with two separate release incidents at the site, one in the area of the former dry-cleaning machine identified in 1998 (Source Area #1) and one outside the facility identified in 2009 (Source Area #2). The On-Site Exposure Unit encompasses the area in

the immediate vicinity of the former WMS Cleaners facility and Source Area #1. The Off-Site Exposure Unit encompasses the remainder of the contaminant plume and Source Area #2. Note that both the On-Site and the Off-Site Exposure Units are located within the confines of the site property parcel.

Complete exposure pathways identified for the On-Site Exposure Unit include indoor inhalation of vapor emissions, outdoor inhalation of vapor emissions, and surficial soil exposure by a current or future non-residential worker, future resident, or construction worker. The indoor inhalation pathway was evaluated using indoor air data collected in the former dry-cleaning space and the DSCA risk calculator. The remaining pathways were evaluated using soil and groundwater data and the Groundwater Services Inc. (GSI) risk software. The results of the risk assessment for the On-Site Exposure Unit indicated no exceedences of the allowable risk levels established by the DSCA Program for a resident or a construction worker. Since no exceedences were identified for the most conservative residential scenario, modeling for a less conservative non-residential scenario was not deemed warranted. It should be noted that the risk evaluation was based on indoor air data collected in the existing building, but vapor intrusion characteristics could be variable for alternate construction. To address the potential for vapor intrusion into future structures, ATC recommends a land-use restriction (LUR) specifying that 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 site property without prior approval of DENR.

Complete exposure pathways identified for the Off-Site Exposure Unit include indoor inhalation of vapor emissions (future only), outdoor inhalation of vapor emissions, and surficial soil exposure by a current or future non-residential worker, future resident, or construction worker. No indoor air or soil gas data are available for this exposure unit, so all pathways were evaluated using soil and groundwater data and the GSI risk software. The results of the risk assessment for the Off-Site Exposure Unit indicated exceedences of the allowable risk levels for a possible future resident. No risk exceedences were identified for non-residential land-use or a construction worker. The source for the residential failure is the indoor inhalation of vapor emissions pathway, which is complete only if a residential structure is built over Source Area #2. To address this failure, ATC recommends a land-use restriction specifying that no activities that cause or create a vapor intrusion risk may occur on the site property without prior approval of

DENR. This restriction addresses the potential risk for a future resident but does not require a non-residential deed restriction for the site property.

ATC also evaluated the protection of groundwater use pathway assuming a point-of-exposure (POE) at the downgradient property boundary, approximately 264 feet west of Source Area #1 and approximately 312 feet west of Source Area #2. PCE concentrations in the both soil source areas were found to exceed Site Specific Target Levels (SSTLs) for the protection of groundwater use pathway. However, plume stability monitoring has confirmed that the plume is stable and does not appear likely to impact the POE. As such, the model results appear overly conservative and the protection of groundwater pathway is not considered a significant concern. However, it should be noted that the protection of groundwater use modeling assumed that a LUR could be implemented preventing the installation of water supply wells on the site property.

Lastly, ATC evaluated the protection of surface water pathway assuming a POE at the nearest surface water body, which is an unnamed tributary of Grants Creek located approximately 820 feet to the west of Source Area #1 and approximately 870 feet to the west of Source Area #2. No exceedences of SSTLs were identified for the protection of surface water pathway.

The Risk Assessment concluded that the risks associated with the contamination could be managed through implementation of LURs, as detailed in this RMP. Therefore, the Risk Assessment recommended risk-based closure for the site.

## **4.0 RAP COMPONENTS**

### **4.1 Summary of Prior Assessment and Interim Actions**

WMS Cleaners began dry-cleaning operations in 1985. The dry-cleaning facility operated in the northernmost tenant space of a larger shopping center building. In the spring of 1998 the facility had a release of approximately 3 gallons of PCE due to the failure of two bolts on the bottom of the dry-cleaning unit. A limited site investigation was performed in August 1998 and found contaminated soil in the northeast corner of the building. In April 1999 two soil vapor extraction (SVE) wells were installed and in May 1999 an SVE system began operating. The SVE system

was shut down in July 1999 after soil samples were confirmed to have PCE concentrations below regulatory limits.

In 2005, the ownership of the dry-cleaning facility changed and additional soil sampling was performed. PCE was found in two soil samples collected beneath the floor slab. A petition for certification of the site into the DSCA Program was submitted in November 2005.

A Prioritization Assessment Report (PAR) was prepared by ENSR in April 2006. The scope of work performed for the PAR included a receptor survey, collection of five soil samples, and collection of three direct-push groundwater samples. Permanent monitoring wells (MW-1 through MW-4) were subsequently installed in November 2006. MW-2 was the only monitoring well found to have PCE. An additional monitoring well (MW-5) was installed in May 2007 and groundwater samples were collected from each well. Two additional groundwater sampling events were completed by ENSR in August and November 2007. A surface water sample was also collected in November 2007, which contained no detectable constituents above NC 2B Surface Water Standards. All monitoring wells were again sampled in February 2008. The groundwater sampling events indicated that the plume associated with the WMS Cleaners site appeared stable. In July 2008, ENSR submitted a Tier 1 Evaluation.

In November 2008, ATC advanced five hand auger borings (SS-9 through SS-13) at the site to better define impacted soil. The results of the sampling were documented in a letter report dated February 18, 2009, and incorporated into an updated Tier 1 and 2 Risk Assessment dated February 19, 2009. The results of a Tier 1 evaluation indicated PCE and TCE concentrations in subsurface soil exceeded Tier 1 RBSLs for indoor inhalation of vapor emissions by a non-residential worker. Based on these results, a Tier 2 evaluation was also completed. The results of the Tier 2 indicated contaminant concentrations at the site did not pose an unacceptable risk. Additional supplemental soil sampling was conducted in July 2009 which included two hand auger borings (SS-14 and SS-15). The intent of the sampling was to better delineate the extent of impacted soil in preparation for possible site closure. The additional soil assessment was documented in a letter report dated September 2, 2009.

In September 2009, the DSCA Program issued their Policy to Evaluate Indoor Air Quality at PCE DSCA Sites (Contractor Bulletin #30). The policy required indoor air sampling to confirm

the conclusions of the Tier 2 risk assessment. In response, on December 16, 2009, ATC mobilized to the site to collect two indoor air samples and one outdoor air sample. Two sub-slab soil gas samples were also collected on December 17, 2009. PCE concentrations in the indoor air were above the Regional Screening Levels (RSLs) for Industrial Air established by Region 3 of the Environmental Protection Agency (EPA). Due to the exceedance, ATC also performed a cumulative risk calculation. The cumulative risk calculation showed a carcinogenic risk of  $1.6 \times 10^{-5}$  which was determined to be unacceptable for site closure. Approximately 32 tons of soil were excavated from beneath the building slab from April 5 through April 12, 2010 in an effort to reduce PCE concentrations in the indoor air. Post-excavation air sampling was then conducted on May 24 to May 25, 2010. The post-excavation air samples indicated no detectable concentrations of constituents of concern. The April 2010 soil excavation activities were documented in a Soil Excavation Report dated June 28, 2010. The pre and post-excavation air sampling was documented in a Soil Gas and Air Sampling Report dated August 24, 2010.

In mid-to-late 2009, the dry-cleaning business vacated the building. During the move, the dry-cleaning equipment was moved outdoors to the rear of the facility. After the dry-cleaner had moved out, the property owner noticed a spill of unknown origin behind the dry-cleaning tenant space. In response to the spill, ATC collected soil samples just beneath the asphalt (DSS-1 through DSS-4) on December 17, 2009. All four soil samples contained detectable PCE. On April 5 and 6, 2010, ATC collected soil samples DSS-5 through DSS-12 in an attempt to delineate the soil contamination around the spill area. ATC also collected a groundwater sample from well MW-1. PCE was detected in well MW-1 at a concentration above the 2L Standard. This sampling was documented in a Spill Assessment report dated June 28, 2010. The impacted area around DSS-3, DSS-8, and DSS-9 was subsequently excavated as documented in a Soil Excavation Report dated November 19, 2010.

In June 2011, ATC began quarterly groundwater monitoring to evaluate plume stability. An Annual Groundwater Monitoring Report was submitted on May 29, 2012 documenting the June 2011, September 2011, December 2011, and March 2012 sampling events. The results of the groundwater monitoring indicated intermittent exceedances of the 2L Standard in well MW-1, but the plume extent appeared confined to well MW-1 and concentrations appeared generally stable.

ATC compiled the recent and historical data for the site and prepared a Risk Assessment dated June 29, 2012. As discussed in detail in Section 3.0, the Risk Assessment concluded that risks associated with the contamination could be managed through implementation of LURs for the site property, as detailed in this RMP. Therefore, the Risk Assessment recommended risk-based closure for the site.

## **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.

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

Periodic groundwater monitoring has been conducted at the site since 2006. Constituents of concern (COCs) detected at the site historically include benzene, chloroform, PCE, toluene, TCE, and xylenes. Of these constituents, only PCE has been detected at concentrations exceeding 2L Standards. As such, ATC focused on this compound for the plume stability evaluation.

PCE has been detected at concentrations above 2L Standards only in monitoring wells MW-1 and MW-2. Monitoring well MW-2 is located within Source Area #1 and monitoring well MW-1 is located within Source Area #2. PCE was detected in well MW-2 at a concentration of 0.0057 milligrams per liter (mg/L) in November 2006. No PCE was detected during nine subsequent sampling events for well MW-2 between May 2007 and March 2012. PCE was not detected in well MW-1 during five sampling events conducted between November 2006 and February 2008. However, following the exterior spill in 2009 which resulted in Source Area #2, PCE was detected in well MW-1 at a concentration of 0.0029 mg/L. Four quarterly sampling events were subsequently completed between June 2011 and March 2012 to evaluate whether PCE concentrations in well MW-1 were stable. The results of these sampling events indicated PCE concentrations fluctuating from below detection to 0.002 mg/L. No PCE has been detected in monitoring wells MW-3 through MW-5. Based on evaluation of the historical sampling data, ATC concludes that the plume concentrations and extent are stable or 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 A*.

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

ATC evaluated the representative concentrations calculated during the Risk Assessment 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.*

LURs will be implemented for the site property to ensure the assumptions made in the Risk Assessment remain valid in the future. Refer to Section 6.0 for additional details regarding the proposed LURs for the site.

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

ENSR 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 were included in the Tier 1 Evaluation submitted by ENSR in July 2008.

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 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, assuming the assumptions detailed in the LURs remain valid. As such, this section is not applicable.

## **6.0 LAND-USE RESTRICTIONS (LUR)**

As discussed in detail in Section 3.0, the recommendation for closure in the Risk Assessment for the site was based on the following LUR assumptions:

- 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) will occur on the site property without prior approval of NCDENR; and
- Groundwater will not be utilized on the site property.

LURs will be implemented to ensure that land-use conditions are maintained and monitored until the LURs are no longer required for the site. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site property to comply with the LUR requirement. The NDCSR is included in *Appendix B*. Refer to the NDCSR for the specific language to be incorporated to address each of the risk assessment assumptions detailed above. A plat showing the locations and types of dry-cleaning solvent contamination is included as an exhibit to the NDCSR. The locations of dry-cleaning solvent contamination are where contaminants have been detected above unrestricted use standards.

## **7.0 LONG-TERM STEWARDSHIP PLAN**

The NDCSR contains a clause which requires that the owner of the site submit notarized “Annual Certification of Land-Use Restrictions” 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 certification is included in *Appendix C*.

## **8.0 RMP IMPLEMENTATION SCHEDULE**

Since the contamination is stable and confined to the site property, and possible exposure to the contamination is managed through the NDCSR and LURs, no additional site remediation 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 D* 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. As such, upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Rowan County Register of Deeds and will complete the RMP schedule.

## **9.0 CRITERIA FOR DEMONSTRATING RMP SUCCESS**

The RMP will be successfully implemented once the required LURs have been executed and recorded with the Rowan County Register of Deeds. The NDCSR may, at the request of the owner of the property, be canceled by DENR after the 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 remediation of the property. If DENR 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 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 RMP will remain in effect until the RMP has met its objectives and is considered a success. 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

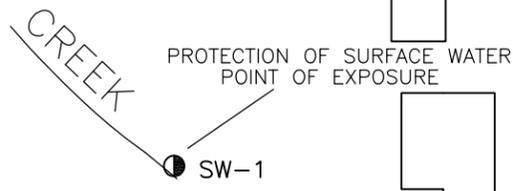
who direct or contract for alteration of the site in violation of the LURs, shall be held liable for the remediation of all contaminants to unrestricted use standards.

## **11.0 CONCLUSIONS AND RECOMMENDATIONS**

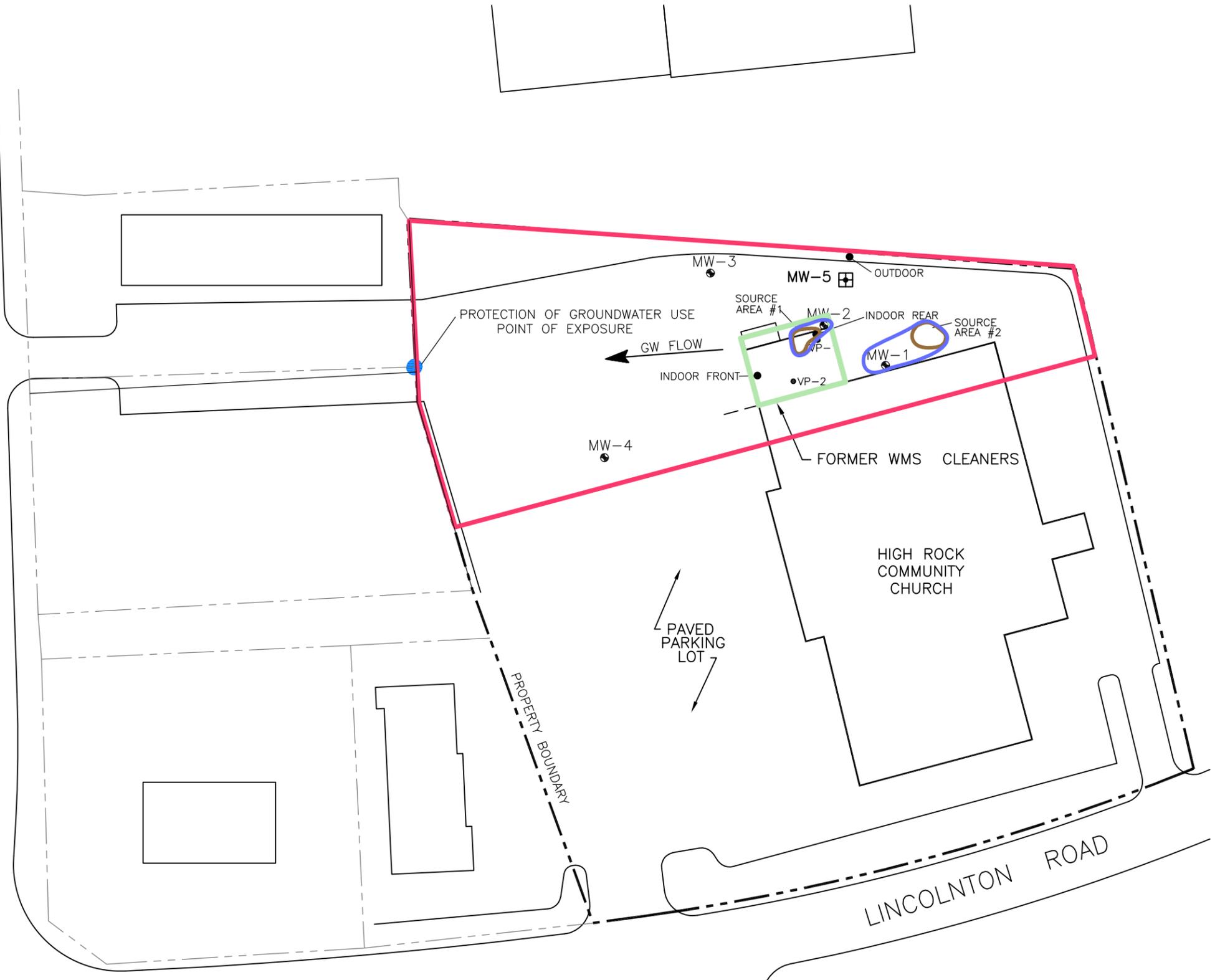
ATC has prepared this RMP for the former WMS Cleaners site on behalf of the NC DSCA Program. The results of a Risk Assessment indicated that contaminant concentrations at the site do not pose an unacceptable risk. The contaminant plume associated with the site appears stable or decreasing. This RMP specifies 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, ATC recommends issuance of a “No Further Action” letter.

**APPENDIX A**

**DOCUMENTATION OF PLUME STABILITY EVALUATION**



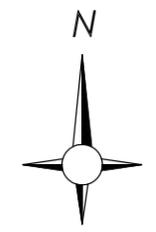
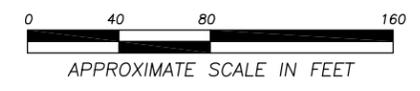
JAKE ALEXANDER BOULEVARD WEST  
( 601 BY-PASS )



**LEGEND**

- = SHALLOW SAPROLITE MONITORING WELL
- ⊕ = DEEPER PWR MONITORING WELL
- = SURFACE WATER SAMPLE LOCATION
- = SUB-SLAB VAPOR SAMPLING LOCATION
- = AIR SAMPLE LOCATION

- = SOIL SOURCE
- = GROUNDWATER SOURCE
- = ON-SITE EXPOSURE UNIT
- = OFF-SITE EXPOSURE UNIT



ATTACHMENT 1  
**RISK ASSESSMENT FIGURE**

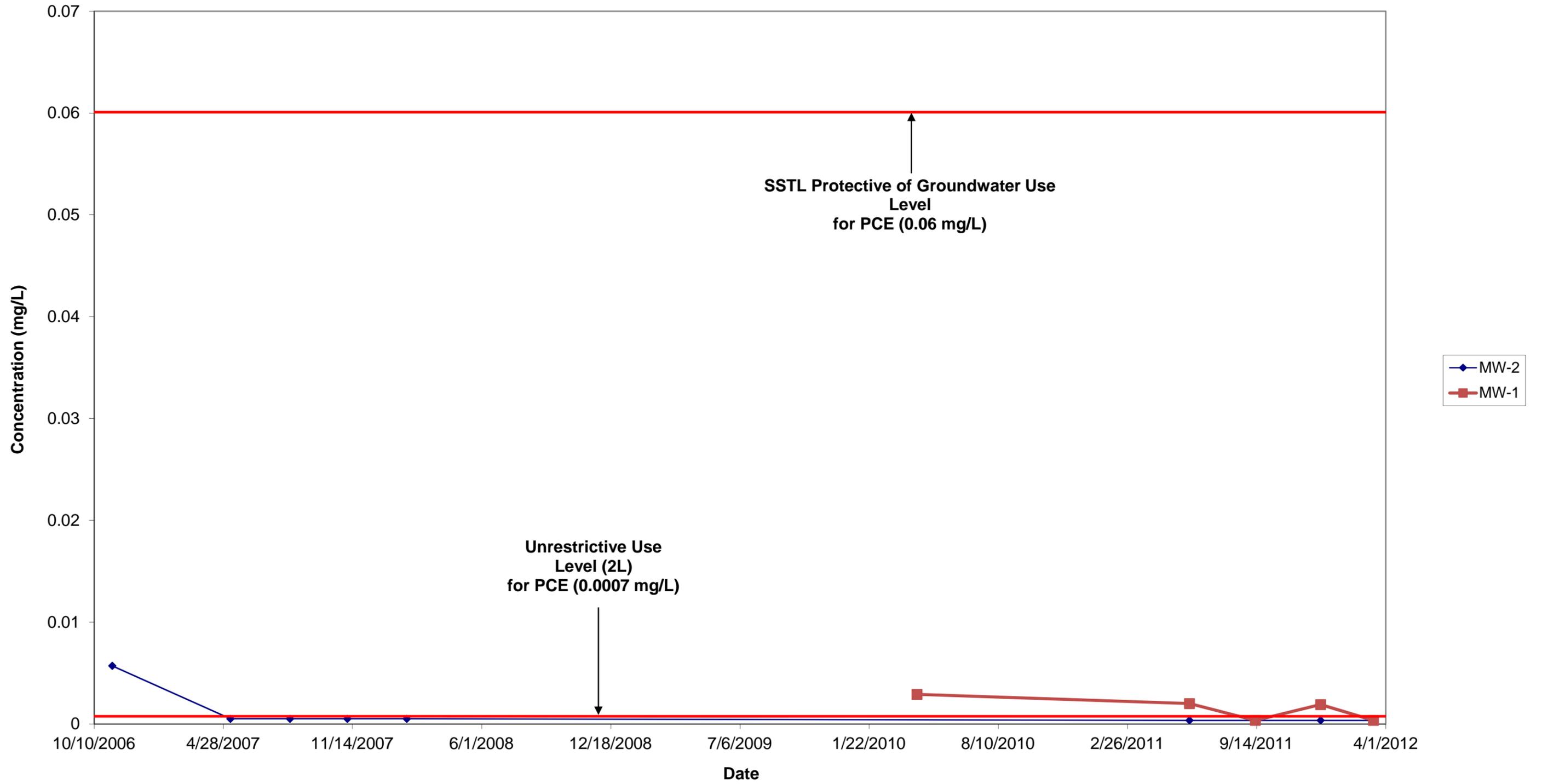
WMS CLEANERS  
712 JAKE ALEXANDER BOULEVARD  
SALISBURY, NORTH CAROLINA

NOTES:  
SOIL SAMPLE LOCATIONS ARE  
SHOWN ON ATT. 1B



Table 1(1): Analytical Data for Groundwater (User Specified Chemicals)								
DSCA ID No.: 80-0003								
Groundwater Sampling Point	Sampling Date (mm/dd/yy)	Chloromethane	Styrene	Methylene chloride	Acetone	Bromoform		
		[mg/L]						
MW-1	11/7/2006	<0.002	<0.001	<0.005	<0.05	<0.005		
	5/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005		
	8/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005		
	11/6/2007	<0.002	<0.001	<0.005	<0.05	<0.005		
	2/6/2008	<0.002	<0.001	<0.005	<0.05	<0.005		
	4/6/2010	<0.005	<0.005	<0.005	<0.05	<0.005		
	6/2/2011	0.00191	0.00031J	<0.005	<0.05	<0.005		
	9/12/2011	<0.005	<0.005	<0.005	<0.05	<0.005		
	12/22/2011	<0.005	<0.005	<0.005	<0.05	<0.005		
	3/13/2012	<0.005	<0.005	<0.005	<0.05	<0.005		
MW-2	11/7/2006	<0.002	<0.001	<0.005	<0.05	<0.005		
	5/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005		
	8/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005		
	11/6/2007	<0.002	<0.001	<0.005	<0.05	<0.005		
	2/6/2008	<0.002	<0.001	<0.005	<0.05	<0.005		
	6/2/2011	<0.005	0.00033J	<0.005	<0.05	<0.005		
	9/12/2011	<0.005	<0.005	<0.005	<0.05	<0.005		
	12/22/2011	<0.005	<0.005	<0.005	<0.05	<0.005		
	3/13/2012	<0.005	<0.005	<0.005	<0.05	<0.005		
	MW-3	11/7/2006	<0.002	<0.001	<0.005	<0.05	<0.005	
5/9/2007		<0.002	<0.001	<0.005	<0.05	<0.005		
8/9/2007		<0.002	<0.001	<0.005	<0.05	<0.005		
11/6/2007		<0.002	<0.001	<0.005	<0.05	<0.005		
2/6/2008		<0.002	<0.001	<0.005	<0.05	<0.005		
3/13/2012		<0.005	<0.005	0.0012J	<0.05	<0.005		
MW-4		11/7/2006	<0.002	<0.001	<0.005	<0.05	<0.005	
		5/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005	
		8/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005	
		11/6/2007	<0.002	<0.001	<0.005	<0.05	<0.005	
	2/6/2008	<0.002	<0.001	<0.005	<0.05	<0.005		
	3/13/2012	<0.005	<0.005	0.0012J	0.004J	<0.005		
	MW-5	5/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005	
		8/9/2007	<0.002	<0.001	<0.005	<0.05	<0.005	
		11/6/07	<0.002	<0.001	<0.005	<0.05	<0.005	
		2/6/2008	<0.002	<0.001	<0.005	<0.05	<0.005	
3/13/2012		<0.005	<0.005	<0.005	<0.05	0.00056I		
NC 2L Standard	0.003	0.07	0.005	6	0.004			

# PCE Concentration vs. Time



**APPENDIX B**

**ON-SITE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION**

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

Property Owner: High Rock Community Church, Inc.  
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 High Rock Community Church, Inc. (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 712 Jake Alexander Boulevard, Salisbury, Rowan County, North Carolina, Parcel Identification Number (PIN) 061A104A.**

**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 WMS Cleaners (DSCA Site 80-0003) located at 712 Jake Alexander Boulevard, Salisbury. Dry-cleaning operations were conducted on the Property from approximately 1985 to 2009.

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. Without prior written approval from DENR, the Property shall not be used for mining or extraction of coal, oil, gas or any mineral or non-mineral substances.**
- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. 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.**

- 6. 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 within fourteen (14) calendar days of 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\_\_.

High Rock Community Church, Inc.

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 High Rock Community Church, Inc., a North Carolina non-profit, 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 \_\_\_\_\_, 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]



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



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

All that certain property designated as Tract D consisting of 4.902 acres shown on plat of survey by Shulenburger Surveying Company dated October 14, 2010 and recorded in Map Book 9995 at page 7023 in the Rowan County Registry.

Together with a non-exclusive easement for ingress, egress and regress over, across and through that certain parcel 40 feet (more or less) in width extending from Jake Alexander Boulevard West to the above described Tract D, and being shown as a certain 0.283 acre tract on the above referenced recorded map, (said 0.283 acre tract to be recombined by deed with the adjacent 0.81 acre tract but to remain subject to the easement described); and

This conveyance is subject to that certain Declaration of Easement dated December 30, 1999, and recorded January 7, 2000, in Book 871 at page 688 in the Rowan County Registry.

The Grantor reserves for itself, its successors and assigns a non-exclusive easement for ingress, egress and regress over, across and through those portions of Tract D which provide access to Tracts A, B and C as shown on plat of survey by Shulenburger Surveying Company dated October 14, 2010 and recorded in Map Book 9995 at page 7023 in the Rowan County Registry.

**APPENDIX C**

**EXAMPLE ANNUAL DSCA LAND-USE RESTRICTIONS CERTIFICATION**

**Site Name:** Former WMS Cleaners  
**Site Address:** 712 Jake Alexander Boulevard, Salisbury, Rowan County, NC  
**DSCA ID No:** 80-0003

**ANNUAL CERTIFICATION of LAND-USE RESTRICTIONS**

Pursuant to Condition #4 in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by High Rock Community Church, Inc. and recorded in Deed Book \_\_\_, Page \_\_\_ on <date> at the Rowan County Register of Deeds Office, High Rock Community Church, Inc. 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 Rowan County Register of Deeds office and the land-use restrictions therein are being complied with.

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

High Rock Community Church, Inc.

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 High Rock Community Church, Inc., a North Carolina non-profit, 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 \_\_\_\_\_, 20\_\_.

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

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

**APPENDIX D**

**EXAMPLE DOCUMENTS ANNOUNCING THE PUBLIC COMMENT PERIOD**



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  
712 Jake Alexander Boulevard, Salisbury, NC

Dear <property owner>:

You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents. The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the former WMS Cleaners at 712 Jake Alexander Boulevard in Salisbury. The property is currently occupied by High Rock Community Church, Inc. A remedial strategy to address the site contamination has been prepared, and in accordance with the DSCA Program's statutes, the community has an opportunity to review and comment on the proposed strategy.

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) 707-8362, or Pete Doorn at (919) 707-8369.

Sincerely,

Dianne Thomas, Project Manager  
DSCA Remediation Unit  
[Dianne.thomas@ncdenr.gov](mailto:Dianne.thomas@ncdenr.gov)

Attachments: Summary of the NOI

Cc: DSCA Site # 80-0003 File



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

Doug Pairs  
City Manager  
Salisbury City Hall  
217 S. Main St.  
Salisbury, North Carolina 28144

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 80-0003  
Former WMS Cleaners  
712 Jake Alexander Boulevard, Salisbury

Dear Mr. Paris:

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. 143-215.104L, 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.ncdsca.org](http://www.ncdsca.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:

Dianne Thomas, 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 # 80-0003  
Former WMS Cleaners, 712 Jake Alexander Boulevard, Salisbury  
Page 2

<date>

A Summary of the NOI is being published in the Salisbury Post, 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)707-8362.

Sincerely,

Dianne Thomas, Project Manager  
DSCA Remediation Unit  
[Dianne.thomas@ncdenr.gov](mailto:Dianne.thomas@ncdenr.gov)

Attachments: Risk Management Plan

Cc: DSCA Site # 80-0003 File



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

Gary L. Page  
County Manager  
130 West Innes Street  
Salisbury, NC 28144

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 80-0003  
Former WMS Cleaners  
712 Jake Alexander Boulevard, Salisbury

Dear Mr. Page:

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. 143-215.104L, 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.ncdcsa.org](http://www.ncdcsa.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:

Dianne Thomas, 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 # 80-0003  
Former WMS Cleaners, 712 Jake Alexander Boulevard, Salisbury  
Page 2

<date>

A Summary of the NOI is being published in the Salisbury Post, 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)707-8362.

Sincerely,

Dianne Thomas, Project Manager  
DSCA Remediation Unit  
[Dianne.thomas@ncdenr.gov](mailto:Dianne.thomas@ncdenr.gov)

Attachments: Risk Management Plan

Cc: DSCA Site # 80-0003 File



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

Leonard Wood, MPH  
Health Director  
1811 East Innes Street  
Salisbury, NC 28146

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 80-0003  
Former WMS Cleaners  
712 Jake Alexander Boulevard, Salisbury

Dear Mr. Wood:

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. 143-215.104L, 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.ncdcsa.org](http://www.ncdcsa.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:

Dianne Thomas, 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 # 80-0003  
Former WMS Cleaners, 712 Jake Alexander Boulevard, Salisbury  
Page 2

<date>

A Summary of the NOI is being published in the Salisbury Post, 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)707-8362.

Sincerely,

Dianne Thomas, Project Manager  
DSCA Remediation Unit  
[Dianne.thomas@ncdenr.gov](mailto:Dianne.thomas@ncdenr.gov)

Attachments: Risk Management Plan

Cc: DSCA Site # 80-0003 File

**Public Notice**

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

Former WMS Cleaners  
DSCA Site # 80-0003

Pursuant to N.C.G.S. §143-215.104L, on behalf of Leatherman Associates, 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.

WMS Cleaners formerly conducted dry-cleaning operations at the West Market Square shopping center at 712 Jake Alexander Boulevard, in Salisbury, North Carolina. The property is currently occupied by the High Rock Community Church, Inc. Dry-cleaning solvent contamination in soil and ground water has been identified at the following parcel(s):

712 Jake Alexander Boulevard, in Salisbury; Parcel No. 061A104A

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. A Risk Management Plan has been prepared which proposes using land-use controls to prevent current and future risks at the affected properties.

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 Dianne Thomas at (919) 707-8362.

All comments and requests should be sent to:

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