

**Risk Management Plan
American Dry Cleaning Company
DSCA ID No. 60-0002
309 E. Morehead Street
Charlotte, Mecklenburg County
North Carolina Dry-Cleaning
Solvent Cleanup Act Program**

H&H Job No. DS0-35E

January 30, 2013



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#C-1269 Engineering
#C-245 Geology



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American Dry Cleaning Company
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1.0 Introduction

Hart & Hickman, PC (H&H) has prepared this Risk Management Plan (RMP) to address dry-cleaning solvent contamination associated with the American Dry Cleaning Company site (DSCA Site #60-0002) on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Dry-Cleaning Solvent Cleanup Act (DSCA) Program. The American Dry Cleaning Company was formerly located at 309 E. Morehead Street in Charlotte, Mecklenburg County, North Carolina. Groundwater contamination related to the site has been identified at the nearest downgradient properties. The NC Department of Transportation (NC DOT) owns the downgradient properties located along the former John Belk Freeway (I-277) entrance ramp to South Boulevard between E. Morehead Street and I-277 (herein referred to as “NC DOT properties”). This RMP is intended to comply with the requirements of DSCA (N.C.G.S. 143-215.104A *et seqs*) and promulgated rules and follows the outline provided in the DSCA Program’s risk-based corrective action (RBCA) guidance.

Dry-cleaning operations were previously conducted at the site from the 1920’s to the 1980’s. The site is currently occupied by the Summit Grandview Apartments. A site location map is included as Figure 1, and a site map is included as Figure 2.

2.0 RMP Objectives

H&H performed a Tier 1 and Tier 2 risk assessment and completed DSCA’s Indoor Air Risk Calculator to evaluate the cumulative site-wide risk under industrial and residential land use scenarios. The results of the Tier 1 and Tier 2 risk assessments and Indoor Air Risk Calculator indicate that site-wide risks do not exceed residential or industrial target risk levels. However, the evaluation was based on site-specific land use conditions that require an RMP. As such, the

objective of this RMP is to ensure that those site-specific land use conditions remain valid in the future.

3.0 Summary of Approved Risk Assessment Report

H&H submitted a Tier 1 & 2 Risk Assessment Report dated July 19, 2011 to the DSCA Program documenting a risk assessment evaluation of contamination associated with the site. The Tier 1 risk assessment evaluation included the development of an exposure model that included an on-site and off-site exposure unit. The model accounted for potential exposure pathways within each exposure unit. Specifically, the exposure model consisted of the following complete exposure pathways:

On-Site Exposure Unit

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

Off-Site Exposure Unit

- Off-Site Resident – Future Conditions – Groundwater (First Encountered Zone) - Indoor Inhalation of Vapor Emissions

- Off-Site Resident – Future Conditions – Groundwater (First Encountered Zone) - Outdoor Inhalation of Vapor Emissions
- Off-Site Non-Residential Worker – Future Conditions – Groundwater (First Encountered Zone) – Indoor Inhalation of Vapor Emissions
- Off-Site Non-Residential Worker – Future Conditions – Groundwater (First Encountered Zone) – Outdoor Inhalation of Vapor Emissions
- Off-Site Construction Worker – Groundwater (First Encountered Zone) – Outdoor Inhalation of Vapor Emissions

For each complete pathway, representative concentrations (RCs) of detected contaminants in groundwater were calculated and compared with Tier 1 Risk-Based Screening Levels (RBSLs) established by the DSCA Program. There were no exceedances of Tier 1 RBSLs identified.

In addition to the complete pathways, the Tier 1 risk assessment included an evaluation of the protection of groundwater use pathway. For this pathway, a groundwater source area was identified and RCs of compounds detected in the source area were calculated. A hypothetical point-of-exposure (POE) for the nearest possible future location of a water supply well was identified approximately 294 feet northeast and downgradient of the groundwater source area. Tier 1 RBSLs for the protection of groundwater use pathway were obtained from Tables 7-1(e) of the DSCA Risk-Based Corrective Action guidance document. There were no exceedances of Tier 1 RBSLs by the source groundwater RCs.

The nearest surface water body is an unnamed perennial tributary of Little Sugar Creek located approximately 1,500 ft east/southeast of the site. There are no other streams located within a one-half mile radius of the site. Groundwater impacts at the site have been detected at low levels and are not likely to reach the ecological receptor. Thus, the protection of surface water pathway is not complete and was not included in the risk assessment evaluation.

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

indoor air sample collected from the bottom level of the parking garage beneath the apartment building. Based on the indoor air sample, the calculated indoor air cumulative risk values were 1.12×10^{-6} and 2.20×10^{-7} for a resident and industrial worker, respectively. The risk calculators are attached as Appendix A.

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

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

4.0 RAP Components

4.1 Summary of Prior Assessment

Prior to construction of the Summit Grandview Apartments, a Phase I Environmental Site Assessment (ESA) was conducted for the site property by LAW Engineering and Environmental Services, Inc. (LAW) in September 1997. The Phase I ESA report indicated that the property was occupied by the American Dry Cleaning Company between the 1920s and the 1980s. According to LAW's *Notification of Contamination Discovery, Assessment and Proposed Remedial Action Plan* report dated October 5, 1998, concentrations of petroleum constituents and PCE were detected in soil and groundwater at the site during a geotechnical investigation and subsequent soil and groundwater assessment activities. LAW conducted additional soil sampling to evaluate the horizontal and vertical extents of impacted soils. Based on soil assessment

activities, LAW estimated approximately 750 cubic yards of impacted soil were located within the proposed footprint of the Summit Grandview Apartments sub-grade parking garage.

During February 1999, impacted soils were excavated and removed from the site by LAW. LAW's *Report of Soil Remediation Activities* dated June 23, 1999 documents the excavation and removal of approximately 1,500 cubic yards of contaminated soil from the site. Because the Summit Grandview Apartments sub-grade parking garage was planned to be constructed to a depth of 28 ft below grade level near the excavation area, soil within the horizontal limits of the impacted soil area were excavated to a total depth of 28 ft and removed for proper disposal. No target constituents were detected in confirmation soil samples collected from the sidewalls and base of the excavation above DENR screening levels. During excavation activities, three underground storage tanks (USTs) were discovered within the excavation area. The USTs were also excavated and removed from the site. Analysis of the UST contents indicated unidentified hydrocarbons.

On September 2, 2008, the site was certified into the DSCA program. H&H conducted Prioritization Assessment (PA) activities at the site during November 2008 which included the collection of six groundwater samples from temporary wells (TW-1 through TW-6) located on the site property and the downgradient NC DOT property. Concentrations of PCE were detected above the NC 2L standard of 0.0007 mg/L in groundwater samples collected from TW-1 (0.012 mg/L), TW-2 (0.014 mg/L), and TW-3 (0.0041 mg/L). H&H submitted a Prioritization Assessment Report to the DSCA Program on January 9, 2009. The site was assigned a prioritization ranking of 3.2.

In May 2009, seven additional temporary wells (TW-7 through TW-13) were installed at the site by H&H; however, only one temporary well (TW-11) was sampled. The other wells were dry at refusal depth. A concentration of PCE was detected above the NC 2L standard in the groundwater sample collected from TW-11 (0.0043 mg/L). H&H submitted Updated Analytical Data Tables documenting additional assessment activities to the DSCA program on July 7, 2009.

In November and December 2009, H&H conducted vapor intrusion assessment activities at the site. Vapor intrusion assessment activities included the collection of one sub-slab vapor and one ambient air sample from the bottom level of the sub-grade parking garage. Results of the sub-slab vapor sampling indicated a concentration of PCE exceeding ten times the EPA RSLs for residential and industrial air. Results of the ambient air sampling event indicated concentrations of PCE and TCE below the EPA RSLs for residential and industrial air. Using the DSCA Indoor Air Risk Calculator, H&H calculated an indoor air cumulative risk of 1.12×10^{-6} for a resident and 2.20×10^{-7} for an industrial worker.

H&H completed quarterly groundwater sampling activities at the site between May 2010 and March 2011 to evaluate plume stability. Due to difficulties in obtaining off-site access for the installation of permanent monitoring wells on the NC DOT property, four temporary direct-push technology (DPT) monitoring wells (TW-14 through TW-17) were installed and sampled during each quarterly monitoring event. TW-14 was dry at refusal depth during three of the quarterly sampling events. In March 2011, one Type III temporary monitoring well (TDMW-1) was installed and sampled to delineate the vertical extent of groundwater impacts at the site. Low level PCE concentrations were detected above the NCAC 2L Standard in samples collected from temporary monitoring well TW-15 (up to 0.0046 mg/L) during each quarterly sampling event, TW-16 (up to 0.0025 mg/L) during the last two quarterly sampling events, and TDMW-1 (0.0053 mg/L) during the last quarterly sampling event. No other target dry-cleaning constituents were detected during quarterly monitoring. On June 2, 2011, H&H submitted a Groundwater Monitoring Report to the DSCA Program documenting the May 2010 to March 2011 groundwater sampling events.

4.2 Remedial Action

According to the DSCA Program's RBCA guidance, no remedial action is necessary if four site conditions are met: the dissolved plume is stable or decreasing; the maximum concentration within the exposure domain for every complete exposure pathway of any constituent of concern

(COC) is less than ten times the RC of that COC; adequate assurance is provided that the land-use assumptions used in the DSCA Program's RBCA process are not violated for current or future conditions; and, there are no ecological concerns at the site. The subject site's compliance with these four conditions confirms that the contaminant concentrations are not likely to pose an unacceptable risk either at present or in the future. Land-use restrictions (LURs) and no remedial action are recommended for the site and the NC DOT properties. Each of these conditions and their applicability to the subject site are summarized below.

Condition 1: The dissolved plume is stable or decreasing.

Groundwater monitoring was conducted at the site between May 2010 and March 2011. As mentioned above, temporary monitoring wells (TW-14 through TW-17) were installed and sampled during each quarterly monitoring event. TW-14 was sampled only one time because it was dry at refusal depth during three of the quarterly sampling events. Type III temporary monitoring well (TDMW-1) was installed sampled one time during the last quarterly sampling event. Constituents detected in groundwater samples collected from the site include benzene, chloroform, methyl tert-butyl ether (MTBE), PCE, toluene, acetone, and methyl ethyl ketone. Only PCE has been detected above NCAC 2L Standards in temporary monitoring wells at the site. Therefore, H&H focused on PCE as the only constituent of concern (COC) for the site plume stability analysis.

Low level concentrations of PCE above the 2L Standard were detected in temporary monitoring wells TW-1, TW-2, TW-3, and TW-11 that were installed prior to quarterly groundwater sampling activities. Low level PCE concentrations have been detected above the 2L Standard in samples collected from temporary monitoring well TW-15 during each quarterly sampling event and in TW-16 during the last two quarterly sampling events. A low level PCE concentration was also detected above the 2L Standard in the one sample collected from deep temporary monitoring well TDMW-1 during the last quarterly sampling event. PCE was not detected above the laboratory reporting limit in TW-14 or TW-17 during quarterly groundwater sampling.

To evaluate plume stability, H&H prepared a concentration versus time graph for PCE using data from temporary monitoring wells TW-15 and TW-16. As shown on the graph in Appendix B, PCE concentrations appear to be stable at the site. Based on this analysis, H&H concludes that the PCE groundwater plume is stable. Documentation of the plume stability evaluation, including a figure showing temporary monitoring well locations, a table showing historical groundwater analytical data, and a concentration versus time graph are included in Appendix B.

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

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

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

The risk assessment conducted by H&H for the site assumed that usage of the site property will remain residential, the NC DOT properties could be developed with a residential structure in the future, and that groundwater from each property will not be utilized in the future. As discussed in Sections 6.0 and 7.0, LURs will be implemented for the site property and a 2C Notifications will be utilized for the off-site properties to ensure that these assumptions remain valid.

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

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

The site's compliance with the four above-referenced conditions indicates 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 and a 2C notifications on the off-site NC DOT properties.

5.0 Data Collected During RMP Implementation

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

6.0 Land-Use Restrictions

The risk assessment for the site was based on the assumption that groundwater from the site property will not be utilized in the future. LURs will be implemented for the site property to ensure that the land-use conditions are maintained and monitored until LURs are no longer required for the site. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR for the source property is included in Appendix D. 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 unrestricted use standards. As discussed in Sections 4.1 and 4.2, PCE in groundwater is the only COC remaining above unrestricted use standards.

7.0 2C Notification

The risk assessment for the off-site properties was based upon the assumption that groundwater from the properties will not be utilized in the future. The 2C Notifications will identify the regulations that prohibit the installation of a well into a contaminated aquifer and prohibit the construction or use of a well in manner whereby it could be a source or channel of contamination of the groundwater supply or any aquifer.

NDCSRs were prepared for the contaminated non-source properties and are included in Appendix E. Plats showing the locations and types of dry-cleaning solvent impacts on the properties are included as an exhibit to NDCSRs. As discussed in Sections 4.1 and 4.2, PCE in groundwater is the only COC for the off-site properties.

8.0 Long-Term Stewardship Plan

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

9.0 RMP Implementation Schedule

Since potential exposure to impacts at the site will be managed through the NDCSRs, LURs, and 2C Notifications, no additional site remedial activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. Appendix G includes example documents used to announce the public comment period in the local newspaper and to inform local officials, nearby property owners, and interested parties. Upon completion of the public comment period and final approval of the RMP, the NDCSRs will be filed with the Mecklenburg County Register of Deeds and will complete the RMP schedule.

10.0 Criteria for Demonstration of RMP Success

The RMP will be successfully implemented once the required LURs and 2C Notifications have been executed and recorded with the Mecklenburg County Register of Deeds. The NDCSR may, at the request of the property owner, be canceled by NCDENR after risk to public health and the environment associated with the dry-cleaning solvent contamination and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated.

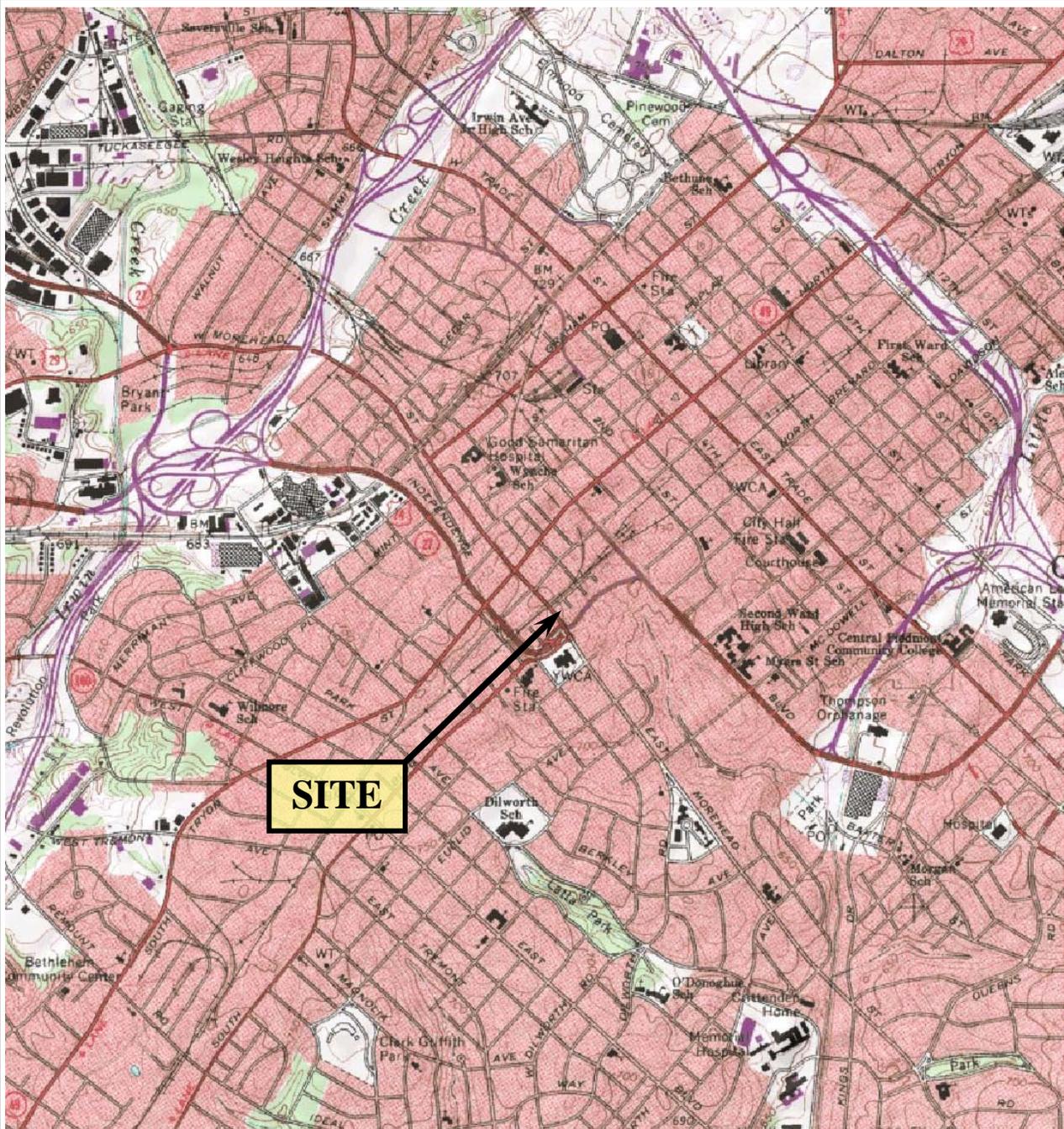
If NCDENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the new site conditions have impacted the requirements set forth in the NDCSR and LURs, and if changes are required. Enforcement of the RMP will be maintained through receipt of the “Annual DSCA Land-Use Restrictions Certification” from the property owner as part of the NDCSR and LUR requirements.

11.0 Contingency Plan if RMP Fails

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

12.0 Conclusions and Recommendations

H&H has prepared this RMP for the site on behalf of the DSCA Program. The risk assessment results indicate that contaminant concentrations at the site do not pose an unacceptable risk. Groundwater concentrations detected at the site appear to be stable. This RMP specifies that the NDCSRs, LUR requirements, and 2C Notifications provide notification that the land-use conditions observed during the risk assessment evaluation remain valid in the future. Based on the documentation contained in this report, H&H recommends issuance of a “No Further Action” letter.



SITE



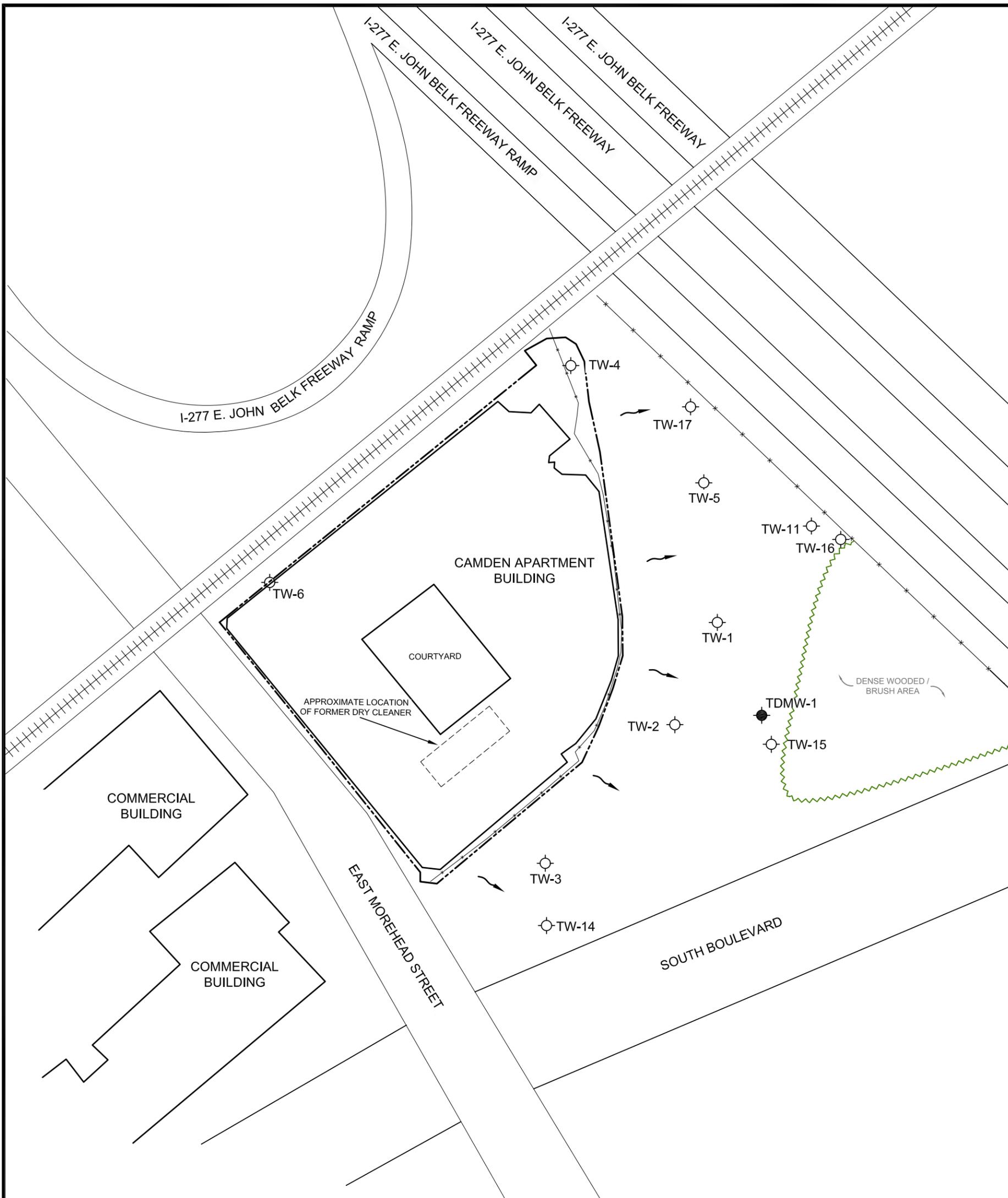
0 2000 4000



APPROXIMATE SCALE IN FEET

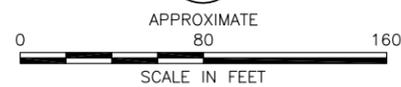
U.S.G.S. QUADRANGLE MAP
CHARLOTTE EAST, NC 1971
 REVISED/ INSPECTED 1988
 QUADRANGLE
 7.5 MINUTE SERIES (TOPOGRAPHIC)

TITLE		SITE LOCATION MAP	
PROJECT		AMERICAN DRY CLEANING COMPANY DSCA SITE NO. 60-0002 309 EAST MOREHEAD STREET CHARLOTTE, MECKLENBURG COUNTY	
		2923 South Tryon Street-Suite 100 Charlotte, North Carolina 28203 A PROFESSIONAL CORPORATION 704-586-0007 (p) 704-586-0373 (f)	
DATE: 09-16-11	REVISION NO. 0		
JOB NO. DS0-35	FIGURE NO. 1		



LEGEND

- PROPERTY BOUNDARY
- ++++ CHARLOTTE TRANSIT AUTHORITY LIGHT RAIL LINE
- x-x- FENCE
- ~ STEEP SLOPE
- TEMPORARY MONITORING WELL LOCATION
- TEMPORARY TYPE III MONITORING WELL LOCATION



TITLE SITE MAP	
PROJECT AMERICAN DRY CLEANING COMPANY DSCA ID: 60-0002 309 EAST MOREHEAD STREET CHARLOTTE, MECKLENBURG COUNTY	
 2923 South Tryon Street-Suite 100 Charlotte, North Carolina 28203 704-586-0007(p) 704-586-0373(f)	
DATE: 4-25-11	REVISION NO. 0
JOB NO. DS0-35	FIGURE NO: 2

Appendix A

DSCA Indoor Air Calculator

DSCA Indoor Air Risk Calculator - Table 1: Cumulative Risk for Resident

DSCA ID No: 60-0002

Name/Address of Sample Location: American Dry Cleaning Company - 309 E Morehead Street, Charlotte, Mecklenburg County

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

Sampling Date: 12/11/2009

Sample ID: IAS-1

Cumulative Risk Calculation for Indoor Air Pathway (Residential)												
	Tetrachloroethene	Trichloroethylene	Vinyl Chloride	Benzene	Ethylbenzene	Naphthalene	MTBE	1,2-Dichloroethane				
Maximum Concentration Detected ($\mu\text{g}/\text{m}^3$)	0.38	0.23										
EPA Regional Screening Level (RSL) for Residential Air (carcinogenic target risk = $1\text{E}-06$) $\mu\text{g}/\text{m}^3$	0.41	1.20	0.16	0.31	0.97	0.072	9.4	0.094				
Ratio = Max Concentration \div EPA RSL	0.93	0.19	0.00	0.00	0.00	0.00	0.00	0.00				

CUMULATIVE RISK (sum of ratios x 10^{-6})	1.12E-06
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Cumulative Hazard Index (HI) Calculation for Indoor Air Pathway (Residential)												
	Tetrachloroethene	trans - 1,2 -DCE	Vinyl Chloride	Benzene	Toluene	Ethylbenzene	Total Xylenes	Naphthalene	MTBE	1,2-Dichloroethane		
Maximum Concentration Detected	0.38											
EPA Regional Screening Level (RSL) for Residential Air [noncancer Hazard Index (HI)=1] $\mu\text{g}/\text{m}^3$	280	63	100	31	5200	1000	100	3.1	3100	2500		
Ratio = Max Concentration \div EPA RSL	0.0014	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		

CUMULATIVE HI (sum of ratios)	0.0014
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Notes:

- RSLs available at: http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/Generic_Tables/index.htm
- Cis-1,2-DCE, trans-1,2-DCE, toluene and xylenes were not included in the cumulative risk calculation since they currently have no carcinogenic EPA RSLs.
- Trichloroethylene and cis-1,2-DCE were not included in cumulative HI calculation since they currently have no noncancer EPA RSLs.

CONCLUSIONS

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

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

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

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

RECOMMENDATIONS (check all that apply)

Collect confirmation samples

Develop long-term monitoring schedule

Evaluate for mitigation

No further action for indoor air

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

DSCA ID No: 60-0002

Name/Address of Sample Location: American Dry Cleaning Company - 309 E Morehead Street, Charlotte, Mecklenburg County

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

Sampling Date: 12/11/2009

Sample ID: IAS-1

Cumulative Risk Calculation for Indoor Air Pathway (Industrial)													
	Tetrachloroethylene	Trichloroethylene	Vinyl Chloride	Benzene	Ethylbenzene	Naphthalene	MTBE	1,2-Dichloroethane					
Maximum Concentration Detected ($\mu\text{g}/\text{m}^3$)	0.38	0.23											
EPA Regional Screening Level (RSL) for Industrial Air (carcinogenic target risk = $1\text{E}-06$) $\mu\text{g}/\text{m}^3$	2.08	6.13	2.79	1.57	4.91	0.36	47.2	0.47					
Ratio = Max Concentration \div EPA RSL	0.18	0.04	0.00	0.00	0.00	0.00	0.00	0.00					

CUMULATIVE RISK (sum of ratios x 10^{-6})	2.20E-07
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Cumulative Hazard Index (HI) Calculation for Indoor Air Pathway (Industrial)													
	Tetrachloroethylene	trans - 1,2 -DCE	Vinyl Chloride	Benzene	Toluene	Ethylbenzene	Total Xylenes	Naphthalene	MTBE	1,2-Dichloroethane			
Maximum Concentration Detected	0.38												
EPA Regional Screening Level (RSL) for Industrial Air [noncancer Hazard Index (HI)=1] $\mu\text{g}/\text{m}^3$	1190	263	438	131	21900	4380	438	13	13100	10600			
Ratio = Max Concentration \div EPA RSL	0.0003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			

CUMULATIVE HI (sum of ratios)	0.0003
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- Notes:**
- RSLs available at: http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/Generic_Tables/index.htm
 - Cis-1,2-DCE, trans-1,2-DCE, toluene and xylenes were not included in the cumulative risk calculation since they currently have no carcinogenic EPA RSLs.
 - Trichloroethylene and cis-1,2-DCE were not included in cumulative HI calculation since they currently have no noncancer EPA RSLs.

CONCLUSIONS

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

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

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

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

RECOMMENDATIONS (check all that apply)

Collect confirmation samples

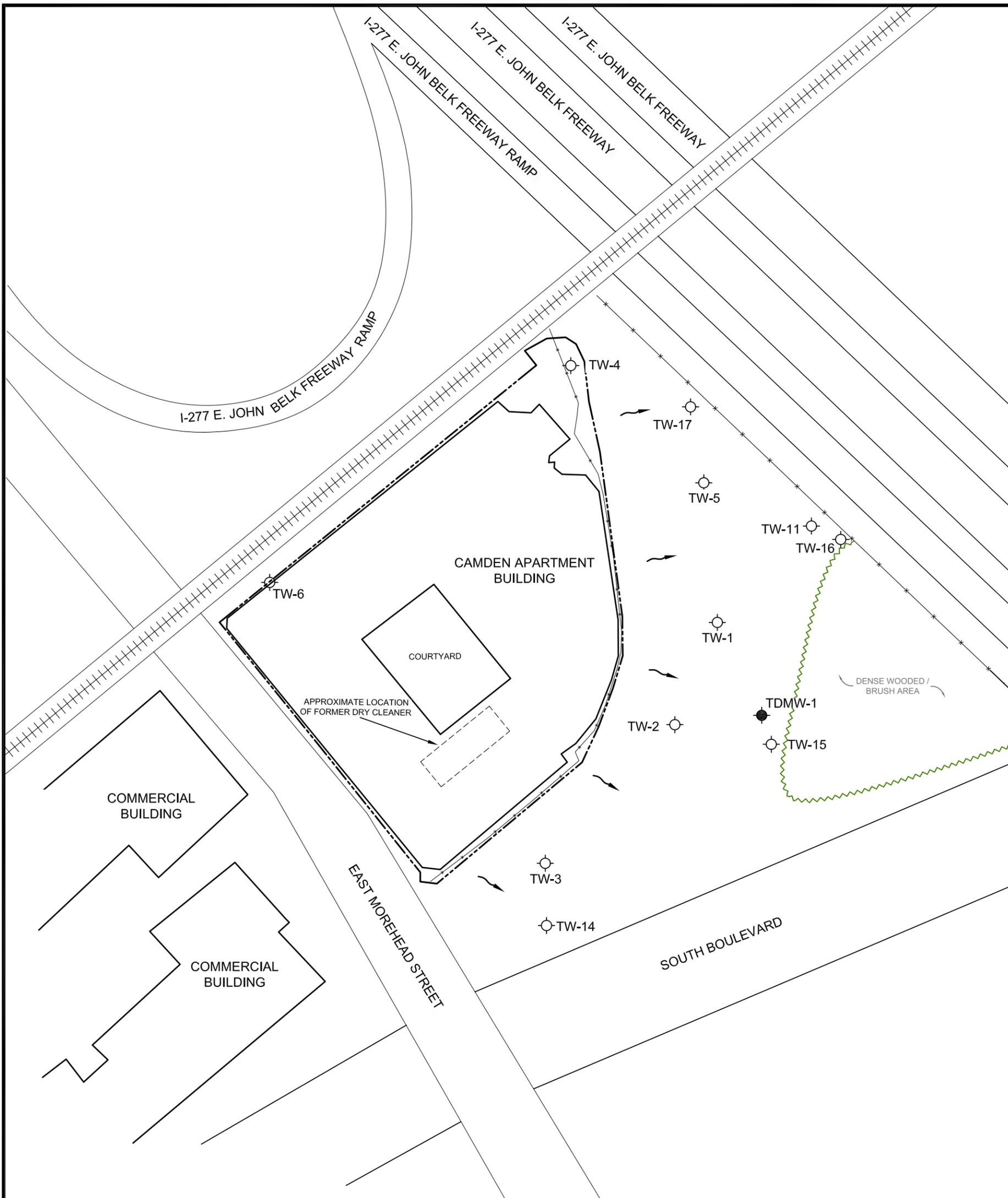
Develop long-term monitoring schedule

Evaluate for mitigation

No further action for indoor air

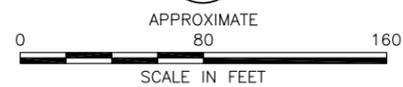
Appendix B

Documentation of Plume Stability Evaluation



LEGEND

- PROPERTY BOUNDARY
- CHARLOTTE TRANSIT AUTHORITY LIGHT RAIL LINE
- FENCE
- STEEP SLOPE
- TEMPORARY MONITORING WELL LOCATION
- TEMPORARY TYPE III MONITORING WELL LOCATION



TITLE SITE MAP	
PROJECT AMERICAN DRY CLEANING COMPANY DSCA ID: 60-0002 309 EAST MOREHEAD STREET CHARLOTTE, MECKLENBURG COUNTY	
 2923 South Tryon Street-Suite 100 Charlotte, North Carolina 28203 704-586-0007(p) 704-586-0373(f)	
DATE: 4-25-11	REVISION NO. 0
JOB NO. DS0-35	ATTACHMENT NO. 3

Table 5: Analytical Data for Groundwater

DSCA ID No.: 60-0002

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
TW-1	11/17/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.011	<0.001	<0.001	<0.001	<0.001	0.012	<0.001	<0.002	<0.001	<0.002	<0.003
TW-2	11/17/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.012	<0.001	<0.001	0.00089J	<0.001	0.014	<0.001	<0.002	<0.001	<0.002	<0.003
TW-3	11/17/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.004	<0.001	<0.001	0.0013	<0.001	0.0041	<0.001	<0.002	<0.001	<0.002	<0.003
TW-4	11/19/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.005	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.001	<0.002	<0.003
TW-5	11/18/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.00081J	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0035	<0.002	<0.001	<0.002	<0.003
TW-6	11/19/08	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.00056J	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.001	<0.002	<0.003
TW-11	05/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0087	<0.001	<0.001	<0.001	<0.001	0.0043	<0.001	<0.002	<0.001	<0.002	<0.003
TW-14	08/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0050	<0.001	<0.001	<0.001	<0.001	<0.001	0.0016	<0.002	<0.002	<0.002	<0.003
TW-15	05/27/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0063	<0.001	<0.001	0.00097J	<0.001	0.0042	<0.001	<0.002	<0.002	<0.002	<0.003
	08/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0067	<0.001	<0.001	0.00085J	<0.001	0.0039	<0.001	<0.002	<0.002	<0.002	<0.003
	11/22/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0053	<0.001	<0.001	0.00083J	<0.001	0.0036	0.00083J	<0.002	<0.002	<0.002	<0.003
	03/14/11	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0074	<0.001	<0.001	<0.001	<0.001	0.0046	<0.001	<0.002	<0.002	<0.002	<0.003
TW-16	05/27/10	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	NA	<0.004	0.0056	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.004	<0.004	<0.004	<0.006
	08/26/10	<0.010	<0.010	<0.010	<0.010	<0.010	<0.010	<0.010	NA	<0.020	0.0066J	<0.010	<0.010	<0.010	<0.010	<0.010	<0.010	<0.020	<0.020	<0.020	<0.030
	11/22/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0077	<0.001	<0.001	<0.001	<0.001	0.0018	0.00064J	<0.002	<0.002	<0.002	<0.003
	03/14/11	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0079	<0.001	<0.001	<0.001	<0.001	0.0025	<0.001	<0.002	<0.002	<0.002	<0.003
TW-17	05/27/10	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	NA	<0.004	0.0021	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.004	<0.004	<0.004	<0.006
	08/26/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.00078 J	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.003
	11/22/10	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0030	<0.001	<0.001	<0.001	<0.001	<0.0005	0.00059J	<0.002	<0.002	<0.002	<0.003
	03/14/11	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0028	<0.001	<0.001	<0.001	<0.001	<0.0005	<0.001	<0.002	<0.002	<0.002	<0.003
TDMW-1	3/16/11	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.010	<0.001	<0.001	0.00064J	<0.001	0.0053	<0.001	<0.002	<0.002	<0.002	<0.003
NC 2L Standard		0.2	0.0002	NE	0.006	0.007	0.0004	0.001	0.00005	0.0003	0.07	0.07	0.6	0.02	0.006	0.0007	0.6	0.1	0.003	0.00003	0.5

Notes:
Bold value exceeds NC 2L Standard (January 2010).
 NA denotes Not Analyzed; NE denotes Not Established

Table 5(1): Analytical Data for Groundwater (User Specified Chemicals)

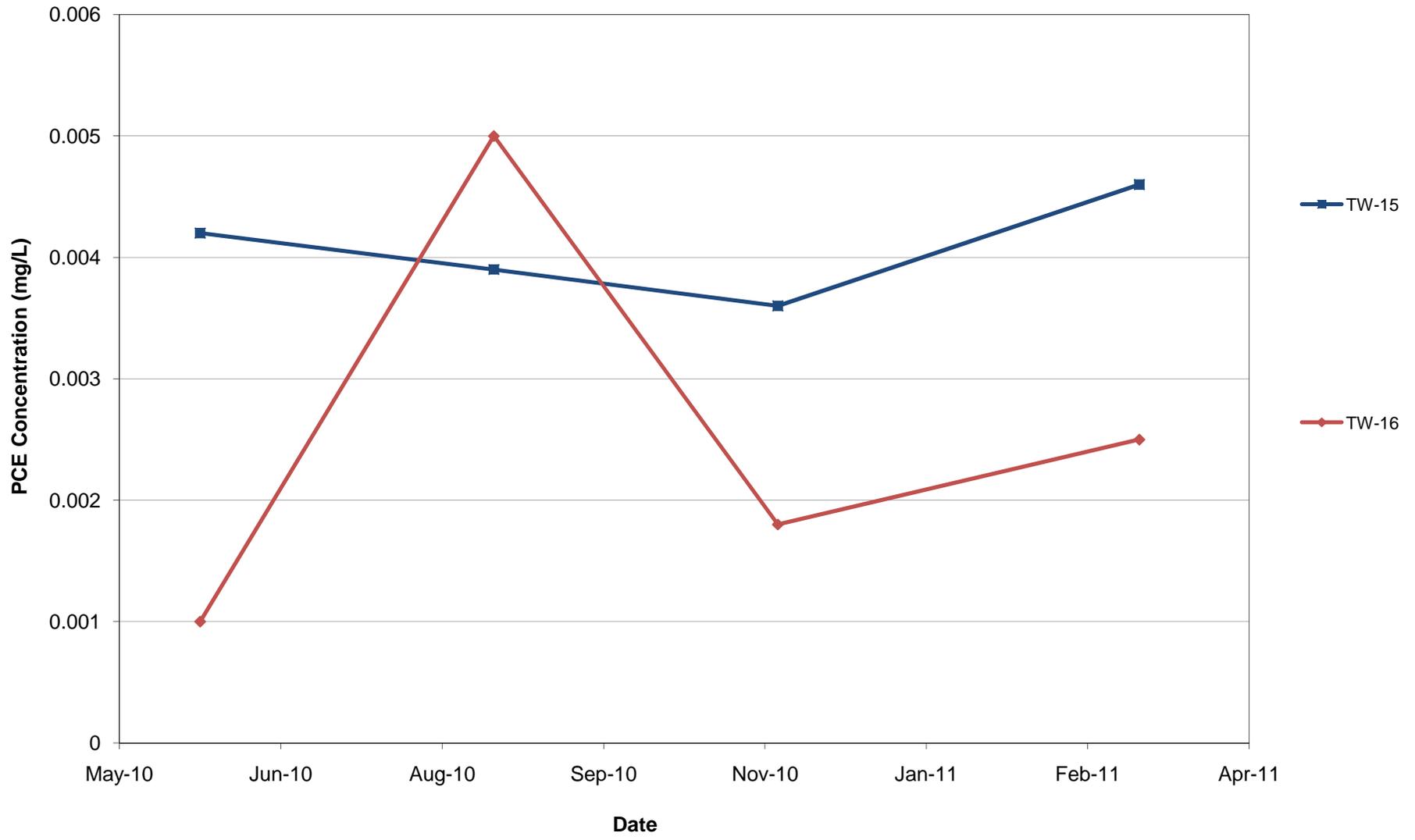
ADT 5(1)

DSCA ID No.: 60-0002

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	Acetone	Methyl Ethyl Ketone																	
		[mg/L]																		
TW-1	11/17/08	0.011	<0.005																	
TW-2	11/17/08	<0.01	<0.005																	
TW-3	11/17/08	<0.01	<0.005																	
TW-4	11/19/08	<0.01	<0.005																	
TW-5	11/18/08	<0.01	<0.005																	
TW-6	11/19/08	<0.01	<0.005																	
TW-11	05/22/09	<0.01	<0.005																	
TW-14	08/26/10	<0.01	<0.005																	
TW-15	05/27/10	<0.01	<0.005																	
	08/26/10	<0.01	<0.005																	
	11/22/10	0.068	0.0028J																	
	03/14/11	<0.01	<0.005																	
TW-16	05/27/10	<0.02	<0.01																	
	08/26/10	<0.100	<0.050																	
	11/22/10	0.012	<0.005																	
	03/14/11	<0.01	<0.005																	
TW-17	05/27/10	<0.02	<0.01																	
	08/26/10	<0.01	<0.005																	
	11/22/10	0.0093J	<0.005																	
	03/14/11	<0.01	<0.001																	
TDMW-1	3/16/11	<0.01	<0.005																	
NC 2L Standard		6	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Notes:
Bold value exceeds NC 2L Standard (January 2010).
 NA denotes Not Analyzed; NE denotes Not Established

PCE Concentration vs. Time Graph
Temporary Monitoring Wells
TW-15 and TW-16
American Dry Cleaning Company, Charlotte, Mecklenburg County
DSCA ID: 60-0002



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

Appendix C

Level 1 Ecological Risk Assessment Checklists

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

Site / Location: American Dry Cleaning Company - 309 East Morehead St, Charlotte, Mecklenburg County, NC

H&H Project No.: DS0-35

DSCA Site ID: 60-0002

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

Yes, an unnamed perennial tributary is located approximately 1,500 east/southeast of the site. This tributary discharges into Little Sugar Creek which eventually reaches the Catawba River by way of Sugar Creek.

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

Yes, an unnamed perennial tributary is located approximately 1,500 east/southeast of the site.

3. Are there any wetland¹ areas such as marshes or swamps on or within one-half mile of the site?

No, the National Wetlands Inventory does not identify any wetland areas within one-half mile of the site. This was confirmed during the site visit.

4. Are there any sensitive environmental areas² on or within one-half mile of the site?

No, the surrounding area is fully developed with commercial and residential properties.

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

No, the Native American Consultation Database does not identify any tribal areas within one-half mile of the site.

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

No, the US Fish & Wildlife Service identifies five endangered or candidate species in Mecklenburg County. None of these species or their suitable habitat were identified in the field. Additionally, the surrounding area is fully developed with commercial and residential properties.

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

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

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

No, the surrounding area is fully developed with commercial and residential properties.

8. Are there any ecologically³, recreationally, or commercially important species on or within one-half mile of the site?

No, the surrounding area is fully developed with commercial and residential properties

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

No, the US Fish & Wildlife Service identifies five endangered or candidate species in Mecklenburg County. None of these species or their suitable habitat were identified in the field. Additionally, the surrounding area is fully developed with commercial and residential properties.

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

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

Level 1 Ecological Risk Assessment
Checklist B for Potential Exposure Pathways

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

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

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

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

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

Likely. The primary ecological receptor habitat associated with the site is an unnamed tributary of Little Sugar Creek located approximately 1,500 feet downgradient of the site. However, PCE has only been detected at low levels in groundwater at the site and is not expected to reach the ecological receptor.

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

Unlikely. The primary ecological receptor habitat associated with the site is an unnamed tributary of Little Sugar Creek located approximately 1,500 feet downgradient of the site. However, PCE has only been detected at low levels in groundwater at the site and is not expected to reach the ecological receptor.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

3B. Are potential ecological receptors on the site?

No.

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

No. Ecological receptors have not been identified on the site property.

4A. Are chemicals on the site volatile?

Yes. PCE is a volatile compound.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

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

No. NAPL has not been encountered at the site.

5B. Is NAPL migrating?

No. NAPL has not been encountered at the site.

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

No. NAPL has not been encountered at the site.

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

No. NAPL has not been encountered at the site.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

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

No. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage.

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

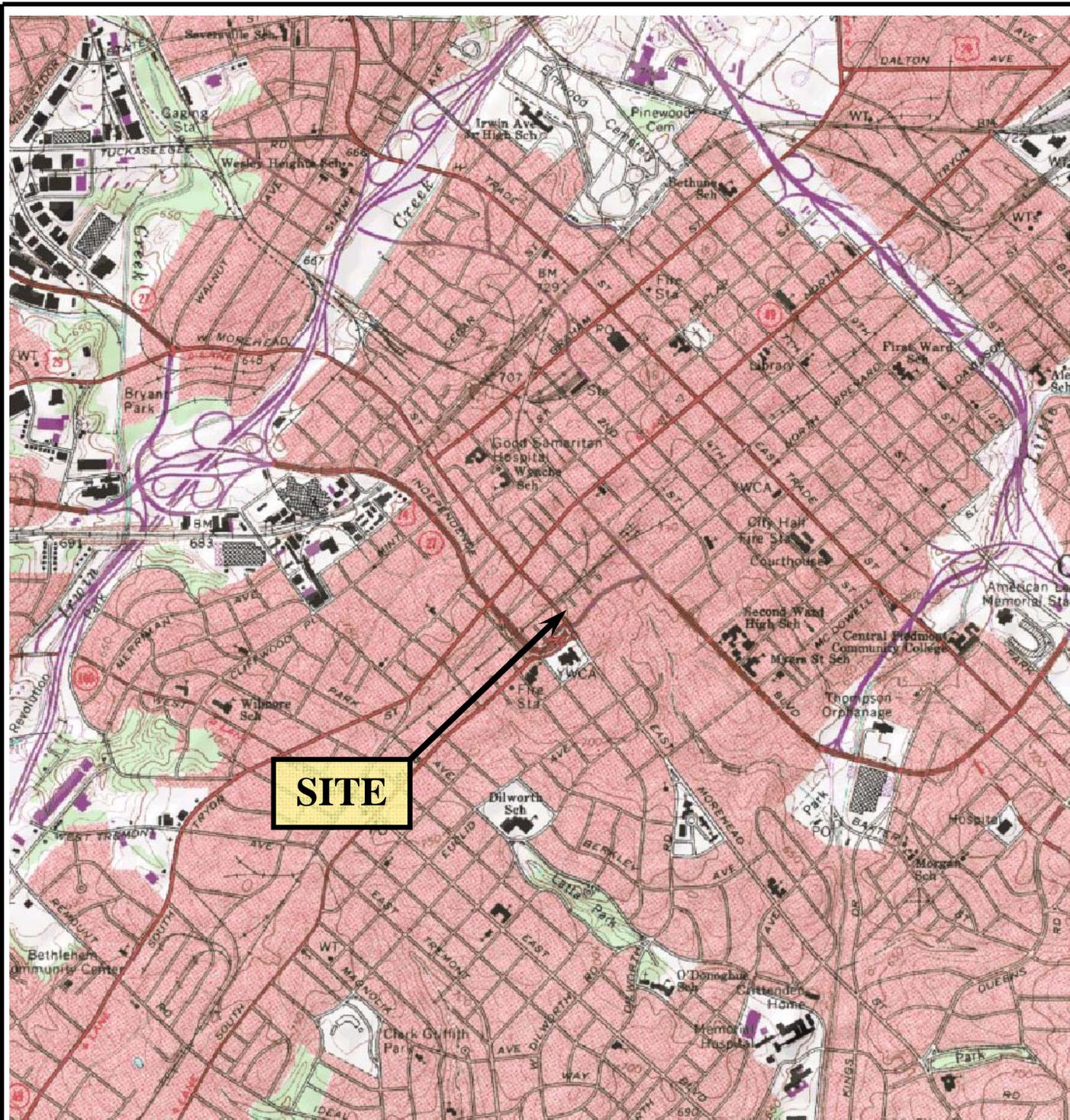
Yes. It is possible that wildlife feed on the site's vegetation.

6D. Do chemicals found on the site bioaccumulate?

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

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

Unlikely. Impacted soils were excavated from the site in 1998 and 1999 followed by a 28-ft deep excavation prior to construction of a three-story sub-grade parking garage. Additionally, impacted groundwater does not reach the downgradient ecological receptor.



SITE



0 2000 4000



APPROXIMATE SCALE IN FEET

U.S.G.S. QUADRANGLE MAP
CHARLOTTE EAST, NC 1971
 REVISED/ INSPECTED 1988
 QUADRANGLE
 7.5 MINUTE SERIES (TOPOGRAPHIC)

TITLE
SITE LOCATION MAP

PROJECT
AMERICAN DRY CLEANING COMPANY
DSCA SITE NO. 60-0002
 309 EAST MOREHEAD STREET
 CHARLOTTE, MECKLENBURG COUNTY



2923 South Tryon Street-Suite 100
 Charlotte, North Carolina 28203
 704-586-0007 (p) 704-586-0373 (f)

DATE: 05-12-10

REVISION NO. 0

JOB NO. DS0-35

ATTACHMENT NO. 1

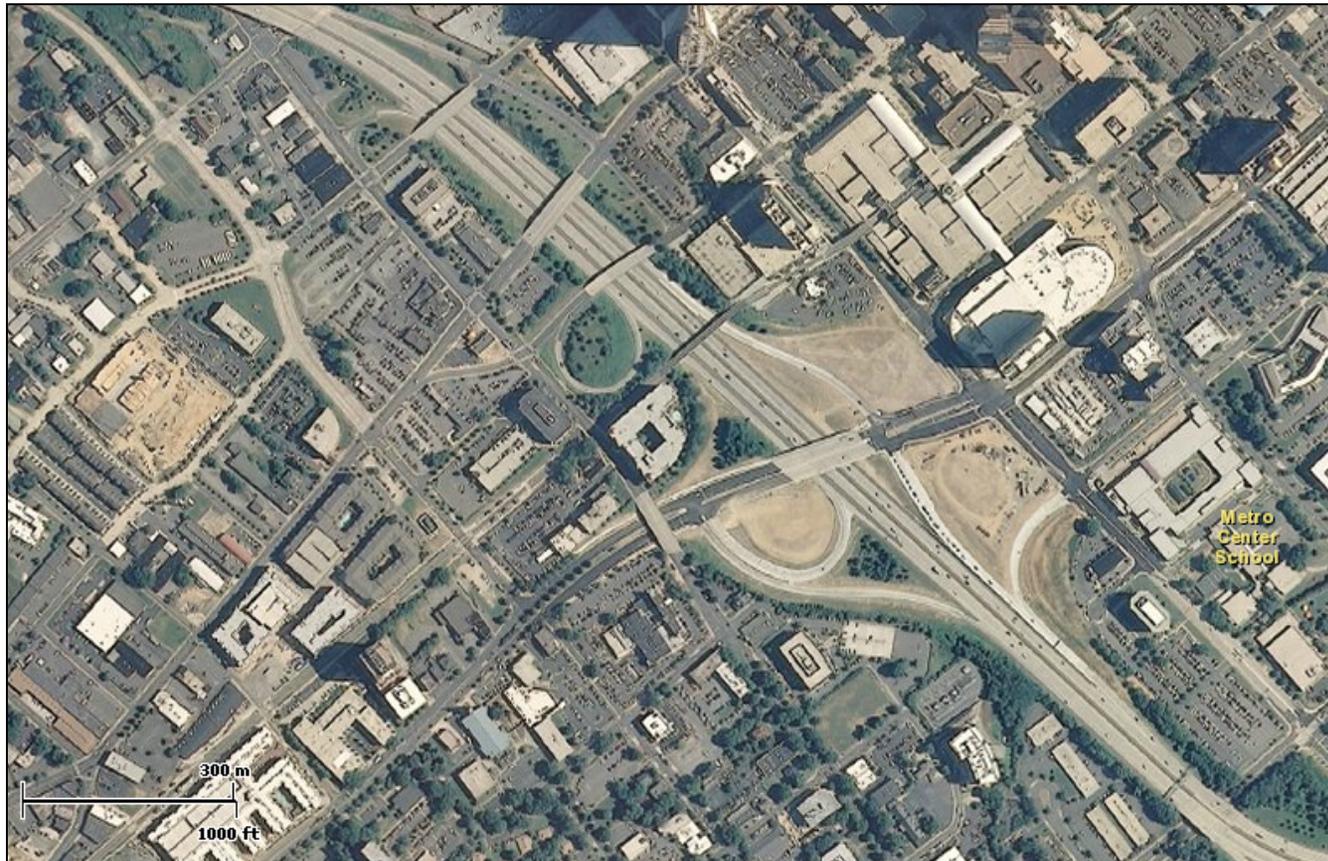


U.S. Fish and Wildlife Service

National Wetlands Inventory

American Dry
Cleaning Company

Jul 7, 2011



Wetlands

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

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

User Remarks:

U.S. Fish & Wildlife Service

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

Mecklenburg County, North Carolina



Updated: 09-22-2010

Common Name	Scientific name	Federal Status	Record Status
Vertebrate:			
American eel	<i>Anguilla rostrata</i>	FSC	Current
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGPA	Current
Carolina darter	<i>Etheostoma collis collis</i>	FSC	Current
Invertebrate:			
Carolina creekshell	<i>Villosa vaughaniana</i>	FSC	Current
Carolina heelsplitter	<i>Lasmigona decorata</i>	E	Current
Vascular Plant:			
Dwarf aster	<i>Eurybia mirabilis</i>	FSC	Current
Georgia aster	<i>Symphyotrichum georgianum</i>	C	Current
Michaux's sumac	<i>Rhus michauxii</i>	E	Current
Prairie birdsfoot-trefoil	<i>Lotus unifoliolatus</i> var. <i>helleri</i>	FSC	Current
Schweinitz's sunflower	<i>Helianthus schweinitzii</i>	E	Current
Shoals spiderlily	<i>Hymenocallis coronaria</i>	FSC	Probable/potential
Smooth coneflower	<i>Echinacea laevigata</i>	E	Current
Tall larkspur	<i>Delphinium exaltatum</i>	FSC	Historic

Nonvascular Plant:

Lichen:

Definitions of Federal Status Codes:

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

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

C = candidate. A taxon under consideration for official listing for which there is sufficient information

to support listing. (Formerly "C1" candidate species.)

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

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

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

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

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

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

Bald and Golden Eagle Protection Act (BGPA):

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

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

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

Definitions of Record Status:

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

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

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

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

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

Appendix D

Notice of Dry-Cleaning Solvent Remediation for Source Property

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Summit Grandview, LLC

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 Summit Grandview, LLC (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 309 East Morehead Street, Charlotte, Mecklenburg County, North Carolina, Parcel Identification Number (PIN) 12513105.

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, and is one of two parcels that make up the dry-cleaning solvent contamination site (hereinafter “Contamination Site”). 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. A Notice will be recorded separately in each chain of title of the Contamination Site.

Groundwater at the Property is contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former American Dry Cleaning Company site (DSCA Site 60-0002) located at 309 East Morehead Street, Charlotte. Dry-cleaning operations were conducted on the Property from approximately 1920s to the 1980s.

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 31st, 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; provided, however, that existing leases which already prohibit tenants from making any modifications to the property which would violate this Notice are not required to be modified; and provided further that the transfer of less than a fee ownership interest will not require the transferee to comply with the Land Use Restriction number four relating to Annual DSCA Land Use Restriction Certifications to DENR. The failure to include such a provision shall not affect the validity or applicability of any land-use restriction in this Notice.**

EASEMENT (RIGHT OF ENTRY)

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

REPRESENTATIONS AND WARRANTIES

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

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

ENFORCEMENT

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

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

FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS

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

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

PROPERTY OWNER SIGNATURE

IN WITNESS WHEREOF, Property Owner has caused this instrument to be duly executed this ___ day of _____, 20__.

Summit Grandview, LLC

By:

Name of contact

STATE OF _____
COUNTY OF _____

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 Summit Grandview, LLC a North Carolina limited liability corporation, and its Manager, by authority duly given and as the act of the corporation, 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 _____
Jim Bateson, LG
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 _____
COUNTY OF _____

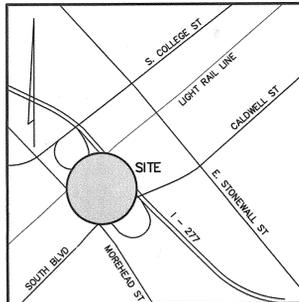
I, _____, a Notary Public, do hereby certify that _____ personally appeared before me this day and signed this “Limited Power of Attorney”.

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



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

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

STATE OF NORTH CAROLINA COUNTY OF _____

_____, A NOTARY PUBLIC OF SAID COUNTY AND STATE DO HEREBY CERTIFY THAT

_____, DID PERSONALLY APPEAR & SIGN BEFORE ME THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES _____

NOT SUBJECT TO:

THIS PLAT IS NOT SUBJECT TO THE PROVISIONS OF THE CITY OF CHARLOTTE OR MECKLENBURG COUNTY SUBDIVISION ORDINANCES AND DOES NOT REQUIRE THE APPROVAL OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION. HOWEVER, ANY FURTHER SUBDIVISION OF THIS PROPERTY MAY BE SUBJECT TO THESE PROVISIONS. CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PLANNING COMMISSION STAFF DATE

FLOOD CERTIFICATION:

THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY NUMBER 371045-43001, DATED MARCH 2, 2009.

VRS SURVEY TIE:

ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED (GROUND) NAD 83 (2007 ADJUSTMENT) HORIZONTAL INFORMATION (UNLESS NOTED OTHERWISE), BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, WITH NAVD88 ELEVATIONS. THE N.C. STATE PLANE COORDINATES FOR CONTROL POINTS #1, 2, 59, & 81, SHOWN HEREON WERE ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). THE VRS SURVEY TIE WAS PERFORMED ON OCTOBER 4, 2011. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET UNLESS NOTED OTHERWISE.

GROUNDWATER IN TEMPORARY WELLS TW-1, TW-1A, TW-2, TW-3, TW-11, TW-15, TW-16, AND TDMW-1, EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L 0200) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE.

THE DOCUMENTARY COMPONENT OF THIS NOTICE OF DRY-CLEANING SOLVENT REMEDIATION, LIMITING THE USES OF THIS PROPERTY IS RECORDED AT:

DEED BOOK _____ PAGE _____ AND _____

N.C.G.S. 143-215.104M(d) REQUIRES THAT WHEN PROPERTY FOR WHICH A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION HAS BEEN FILED IS SOLD, LEASED, CONVEYED OR TRANSFERRED, THE DEED OR OTHER INSTRUMENT OF TRANSFER SHALL CONTAIN IN THE DESCRIPTION SECTION, IN NO SMALLER TYPE THAN 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 THIS PART USE THE FOLLOWING STATEMENT TO SATISFY N.C.G.S. 143-215.104M(d):

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE AT: BOOK _____ PAGE _____

QUESTIONS CONCERNING THIS MATTER MAY BE DIRECTED TO THE NORTH CAROLINA DIVISION OF WASTE MANAGEMENT, SUPERFUND SECTION, DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION, 1646 MAIL SERVICE CENTER, RALEIGH, NC 27699-1646.

OWNERS CERTIFICATE:

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

SIGNATURE _____ DATE _____

STATE OF NORTH CAROLINA

COUNTY OF _____

_____, A NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS _____ DAY OF _____.

NOTARY PUBLIC (SIGNATURE)

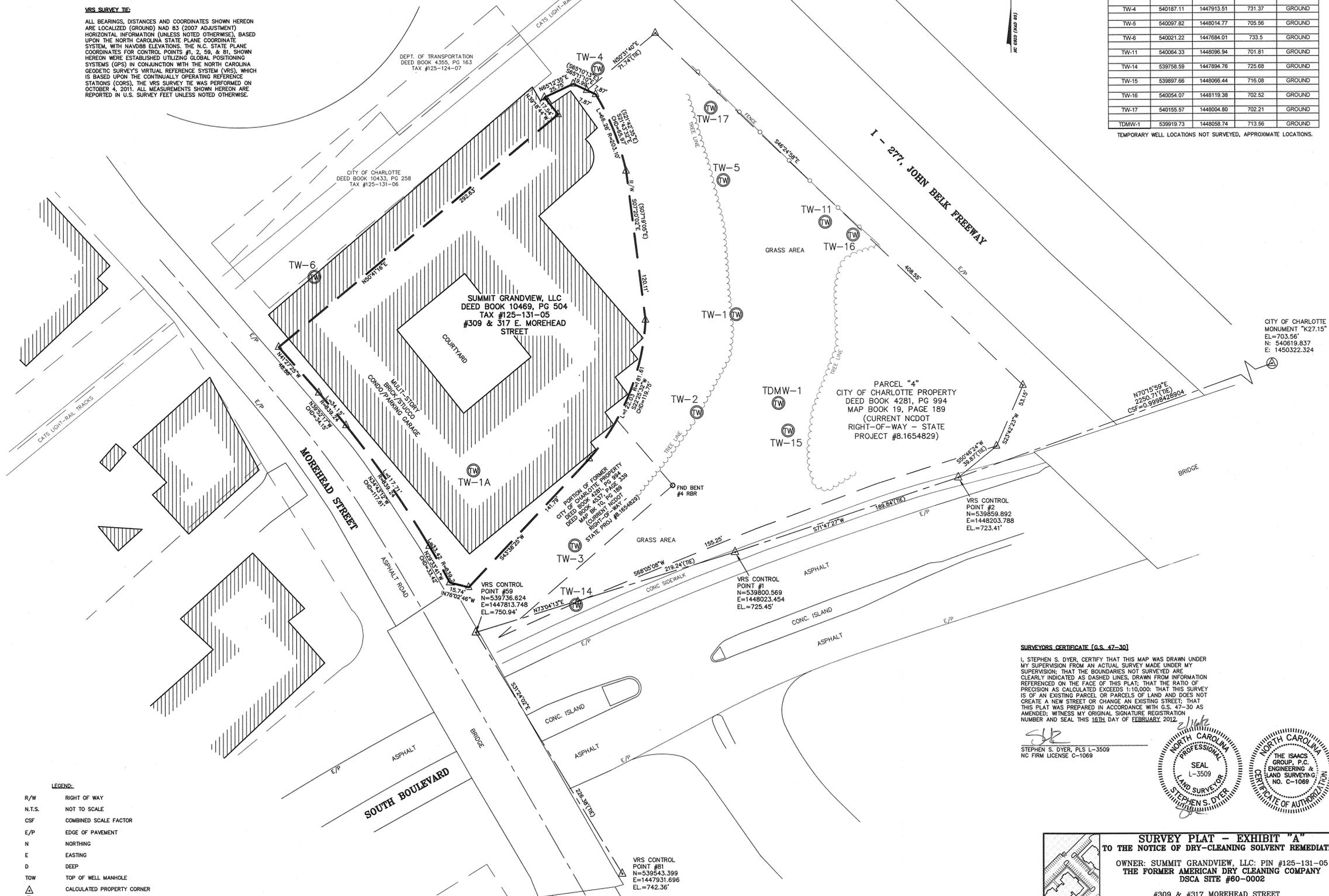
MY COMMISSION EXPIRES _____

SURVEY NOTES:

- THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS OF TEMPORARY MONITORING WELLS LOCATED ON THE SUBJECT PROPERTIES WITH RESPECT TO SURVEYED BENCHMARKS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THIS NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
- THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING. THIS INFORMATION WAS SUPPLIED TO THE ISAACS GROUP BY HART & HICKMAN, P.C.
- ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 (NSRS 2007), WITH NAVD88 (GEOID 09) ELEVATIONS, PER A GPS SURVEY PERFORMED BY THE ISAACS GROUP, ON OCTOBER 4, 2011. THE N.C. STATE PLANE COORDINATES SHOWN FOR CONTROL POINT #1, #2, #59 AND #81 WERE ESTABLISHED UTILIZING A TRIMBLE RB GLOBAL POSITIONING SYSTEMS (GPS) UNIT IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET (UNLESS NOTED OTHERWISE).
- THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE BOUNDARY LINES OF THE SUBJECT PROPERTY WERE PRODUCED FROM A DEED RECORDED AS DEED BOOK 10469, PAGE 504 AND AN UNRECORDED PLAT OF "PARCEL 4" PROVIDED BY CITY OF CHARLOTTE ENGINEERING AND PROPERTY MANAGEMENT. NON-MONUMENTED SUBJECT PARCEL LINES ARE BASED ON METES AND BOUNDS AS RECORDED IN THAT DEED. THE GEOMETRY OF THE PARCEL HAS NOT BEEN ALTERED IN ANY WAY, BUT HAS BEEN HELD ON THE NORTHERMOST PROPERTY CORNER, AND ROTATED TO A FOUND CITY OF CHARLOTTE MONUMENT.
- SOME INFORMATION SUCH AS BUILDING FOOTPRINTS, MOST PROPERTY LINES, AND CURB LINES/EDGE OF PAVEMENTS, HAVE BEEN TAKEN FROM MECKLENBURG COUNTY GIS DATABASE INFORMATION, AND THIS INFORMATION IS SHOWN FOR REFERENCE PURPOSES ONLY. NO WARRANTY OR POSITIONAL TOLERANCE IS GUARANTEED BY THIS SURVEY AS TO HOW THE SURVEYED FEATURES RELATE TO THE GIS INFORMATION SHOWN.
- PROPERTY OWNER INFORMATION WAS OBTAINED ONLINE FROM MECKLENBURG COUNTY "POLARIS" GIS RECORDS.
- PROPERTIES SHOWN HEREON ARE SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
- REFERENCE COORDINATE SYSTEM FOR VERTICAL DATUM: NAVD88.
- THE FOLLOWING WAS USED TO PERFORM THE GPS SURVEY INFORMATION SHOWN:
 - CLASS "A" SURVEY
 - POSITIONAL ACCURACY IS WITHIN A 95 PERCENT CONFIDENCE LEVEL HORIZONTAL POSITIONAL ACCURACY VALUE - 0.044 FEET (0.013 METERS);
 - REAL-TIME KINEMATIC GPS FIELD PROCEDURE;
 - SURVEY PERFORMED OCTOBER 4, 2011;
 - VERTICAL DATUM BASED ON NAVD88;
 - TIED TO N.C. STATE PLANE COORDINATES AS SHOWN;
 - GEOID "09" MODEL
 - COMBINED GRID FACTOR: 0.9998428904
 - UNITS ARE IN U.S. FEET
- TEMPORARY WELL LOCATIONS SHOWN ON THIS PLAT TAKEN FROM LOCATIONS PROVIDED BY HART & HICKMAN, P.C.

LEGEND:

- | | |
|--------|---|
| R/W | RIGHT OF WAY |
| N.T.S. | NOT TO SCALE |
| CSF | COMBINED SCALE FACTOR |
| E/P | EDGE OF PAVEMENT |
| N | NORTHING |
| E | EASTING |
| D | DEEP |
| TOW | TOP OF WELL MANHOLE |
| ▲ | CALCULATED PROPERTY CORNER |
| ⊙ | TEMPORARY MONITORING WELL(TW) |
| ⊙ | DATUM CONTROL POINT |
| N/F | NOW OR FORMERLY |
| --- | SUBJECT PARCEL LINES (PLOTTED FROM DEEDS) |
| --- | ADJOINER PARCEL LINES |
| --- | RIGHT OF WAY LINE |



DATE: 10-04-11 PROJ.: AMERICAN DRY CLEANING COMPANY

LOCATION: CHARLOTTE, NORTH CAROLINA

TEMPORARY MON. WELL ID	NORTHING (FEET)	EASTING (FEET)	ELEVATION (FEET)	DESIGNATION
TW-1	539890.57	1448024.91	707.14	GROUND
TW-1A	539866.18	1447812.11	N/A	N/A
TW-2	539912.41	1447992.75	711.90	GROUND
TW-3	539806.03	1447894.08	722.05	GROUND
TW-4	540187.11	1447913.51	731.37	GROUND
TW-5	540097.82	1448014.77	705.56	GROUND
TW-6	540021.22	1447684.01	733.5	GROUND
TW-11	540064.33	1448096.94	701.81	GROUND
TW-14	539768.59	1447894.76	725.68	GROUND
TW-15	539897.66	1448066.44	716.08	GROUND
TW-16	540054.07	1448119.38	702.52	GROUND
TW-17	540155.57	1448004.80	702.21	GROUND
TDMW-1	539919.73	1448068.74	713.56	GROUND

TEMPORARY WELL LOCATIONS NOT SURVEYED, APPROXIMATE LOCATIONS.

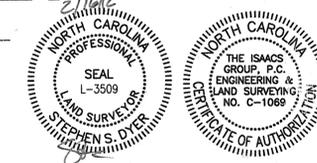
CITY OF CHARLOTTE MONUMENT "K27.15" EL=703.56' N=540619.837 E=1450322.324

PARCEL "4" CITY OF CHARLOTTE PROPERTY DEED BOOK 4261, PG 994 MAP BOOK 19, PAGE 189 (CURRENT NODOT RIGHT-OF-WAY - STATE PROJECT #8.1654829)

SURVEYORS CERTIFICATE [G.S. 47-30]

I, STEPHEN S. DYER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES. DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000. THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS 18TH DAY OF FEBRUARY, 2012.

STEPHEN S. DYER, PLS L-3509 NC FIRM LICENSE C-1069



SURVEY PLAT - EXHIBIT "A" TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

OWNER: SUMMIT GRANDVIEW, LLC; PIN #125-131-05 THE FORMER AMERICAN DRY CLEANING COMPANY DSCA SITE #60-0002

#309 & #317 MOREHEAD STREET CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

File #: 11228-SU Date: 02-01-2012 Project P.L.S.: SSD

ISAACS CIVIL ENGINEERING DESIGN AND LAND SURVEYING

8720 RED OAK BLVD. SUITE 420 CHARLOTTE, N.C. 28217 PHONE (704) 527-3440 FAX (704) 527-8335

NO.	BY	DATE	REVISION
1	MWJ	2-16-12	ADDED WELL TW-1A LOCATION.

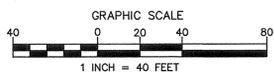


EXHIBIT B
PROPERTY LEGAL DESCRIPTION

Beginning at a new iron pin located in the northeastern margin of the variable public right of way of East Morehead Street and the southeastern margin of the 30' wide right of way of A Street; thence running with the southeast margin of A Street N 50-41-16 E 292.63 feet to a right of way monument; thence N 39-18-44 W 17.54 feet to a point; thence N 65-12-35 E 25.75 feet to a point; thence S 65-10-13 E 19.99 feet to a point; thence with the arc of a circular curve to the right having a radius of 203.10 feet an arc distance of 66.26 feet (having a chord bearing and distance of S 21-42-35 E 65.97 feet) to a point; thence S 07-19-05 E 120.11 feet to a point; thence with the arc of a circular curve to the right having a radius of 181.61 feet and an arc distance of 122.03 feet (having a chord bearing and distance of S 22-25-32 W 119.75 feet) to a point; thence S 43-38-25 W 141.79 feet to a point; thence N 76-02-46 W 15.74 feet to a point located in the northeastern margin of the variable public right of way of East Morehead Street; thence with the northeastern margin of East Morehead Street the following four (4) courses and distances: (1) with the arc of a circular curve to the left having a radius of 839.24 feet, an arc distance of 33.42 feet (having a chord bearing and distance of N 29-33-41 W 33.42 feet) to a point; (2) with the arc of a circular curve to the left having a radius of 839.24 feet, an arc distance of 117.70 feet (having a chord bearing and distance of N 34-43-12 W 117.61 feet); (3) with the arc of a circular curve to the left having a radius of 839.24 feet, an arc distance of 34.15 feet (having a chord bearing and distance of N 39-52-17 W 34.15 feet); and (4) N 41-27-25 W 48.86 feet to the point and place of beginning containing 1.477 acres as shown on the survey prepared by R.B. Pharr & Associates, P.A., dated January 8, 1997, file number XX-2130, reference to which survey is hereby made for a more particular description of the property.

Appendix E

Notices of Dry-Cleaning Solvent Remediation for Non-Source Properties

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: North Carolina Department of Transportation
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____. 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 along the former John Belk Freeway (I-277) entrance ramp to South Boulevard between E. Morehead Street and I-277, Charlotte, Mecklenburg County, North Carolina, described as Parcel "4" City of Charlotte; Deed Book 4281, Page 994 and Map book 19, Page 189 (Current NC DOT Right-of-Way State Project #8.1654829).

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 and is one of two parcels that make up the dry-cleaning solvent contamination site (hereinafter "Contamination Site"). 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 § 143-215.104I. A Notice will be recorded separately in each chain of title of the Contamination Site.

Groundwater under the Property is contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former American Dry Cleaning Company (DSCA Site 60-0002) located at 309 East Morehead Street, Charlotte.

Pursuant to N.C.G.S. § 143-215.104I, 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.

USE OF GROUNDWATER PROHIBITED BY STATE AND LOCAL REGULATIONS

Groundwater on this property contains contaminants that exceed unrestricted use standards. Pursuant to 15A North Carolina Administrative Code 02C .0107(b)(1), “(t)he source of water for any water supply well shall not be from a water bearing zone or aquifer that is contaminated.” Therefore, state law prohibits construction of a water supply well on this property unless it can be demonstrated that the water pumped from the well is not contaminated. Further, pursuant to North Carolina General Statute 87-88(c) and 15A North Carolina Administrative Code 02C .0112(a), no well may be constructed or maintained in a manner whereby it could be a source or channel of contamination of the groundwater supply or any aquifer. This property lies within an Area of Regulated Groundwater Usage established pursuant to the Mecklenburg County Groundwater Well Regulations. Because a public water supply is available, no new water supply well will be permitted on this property because it is located within 1,000 feet of a contamination site.

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.

CANCELLATION OF THE NOTICE

The Notice may, at the request of the Property Owner, 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 DSCA Remediation Agreement have been eliminated as a result of remediation of the Property to unrestricted use standards.

**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:

Jim Bateson, LG
Chief, Superfund Section
Division of Waste Management

Date

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 Mecklenburg County

By: _____

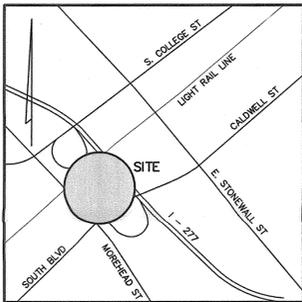
Name typed or printed: _____

Deputy/Assistant Register of Deeds

_____ Date

EXHIBIT A

SURVEY PLAT REDUCTION



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

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

STATE OF NORTH CAROLINA COUNTY OF _____

I, _____ A NOTARY PUBLIC OF SAID COUNTY AND STATE DO HEREBY CERTIFY THAT

_____ DID PERSONALLY APPEAR & SIGN BEFORE ME THIS THE _____ DAY OF _____, 20____

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES _____

VICINITY MAP
NOT TO SCALE

GROUNDWATER IN TEMPORARY WELLS TW-1, TW-1A, TW-2, TW-3, TW-11, TW-15, TW-16, AND TDMW-1, EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L.0200) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE.

THE DOCUMENTARY COMPONENT OF THIS NOTICE OF DRY-CLEANING SOLVENT REMEDIATION, LIMITING THE USES OF THIS PROPERTY IS RECORDED AT:

DEED BOOK _____ PAGE _____

AND _____

N.C.G.S. 143-215.104M(d) REQUIRES THAT WHEN PROPERTY FOR WHICH A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION HAS BEEN FILED IS SOLD, LEASED, CONVEYED OR TRANSFERRED, THE DEED OR OTHER INSTRUMENT OF TRANSFER SHALL CONTAIN IN THE DESCRIPTION SECTION, IN NO SMALLER TYPE THAN 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 THIS PART. USE THE FOLLOWING STATEMENT TO SATISFY N.C.G.S. 143-215.104M(d):

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS' OFFICE AT: BOOK _____ PAGE _____

QUESTIONS CONCERNING THIS MATTER MAY BE DIRECTED TO THE NORTH CAROLINA DIVISION OF WASTE MANAGEMENT, SUPERFUND SECTION, DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION, 1646 MAIL SERVICE CENTER, RALEIGH, NC 27699-1646.

VRS SURVEY TIE:

ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED (GROUND) NAD 83 (2007 ADJUSTMENT) HORIZONTAL INFORMATION (UNLESS NOTED OTHERWISE), BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, WITH NAVD88 ELEVATIONS. THE N.C. STATE PLANE COORDINATES FOR CONTROL POINTS #1, 2, 59, & 81, SHOWN HEREON WERE ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). THE VRS SURVEY TIE WAS PERFORMED ON OCTOBER 4, 2011. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET UNLESS NOTED OTHERWISE.

NOT SUBJECT TO:

THIS PLAT IS NOT SUBJECT TO THE PROVISIONS OF THE CITY OF CHARLOTTE OR MECKLENBURG COUNTY SUBDIVISION ORDINANCES AND DOES NOT REQUIRE THE APPROVAL OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION. HOWEVER, ANY FURTHER SUBDIVISION OF THIS PROPERTY MAY BE SUBJECT TO THESE PROVISIONS. CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PLANNING COMMISSION STAFF _____ DATE _____

FLOOD CERTIFICATION:

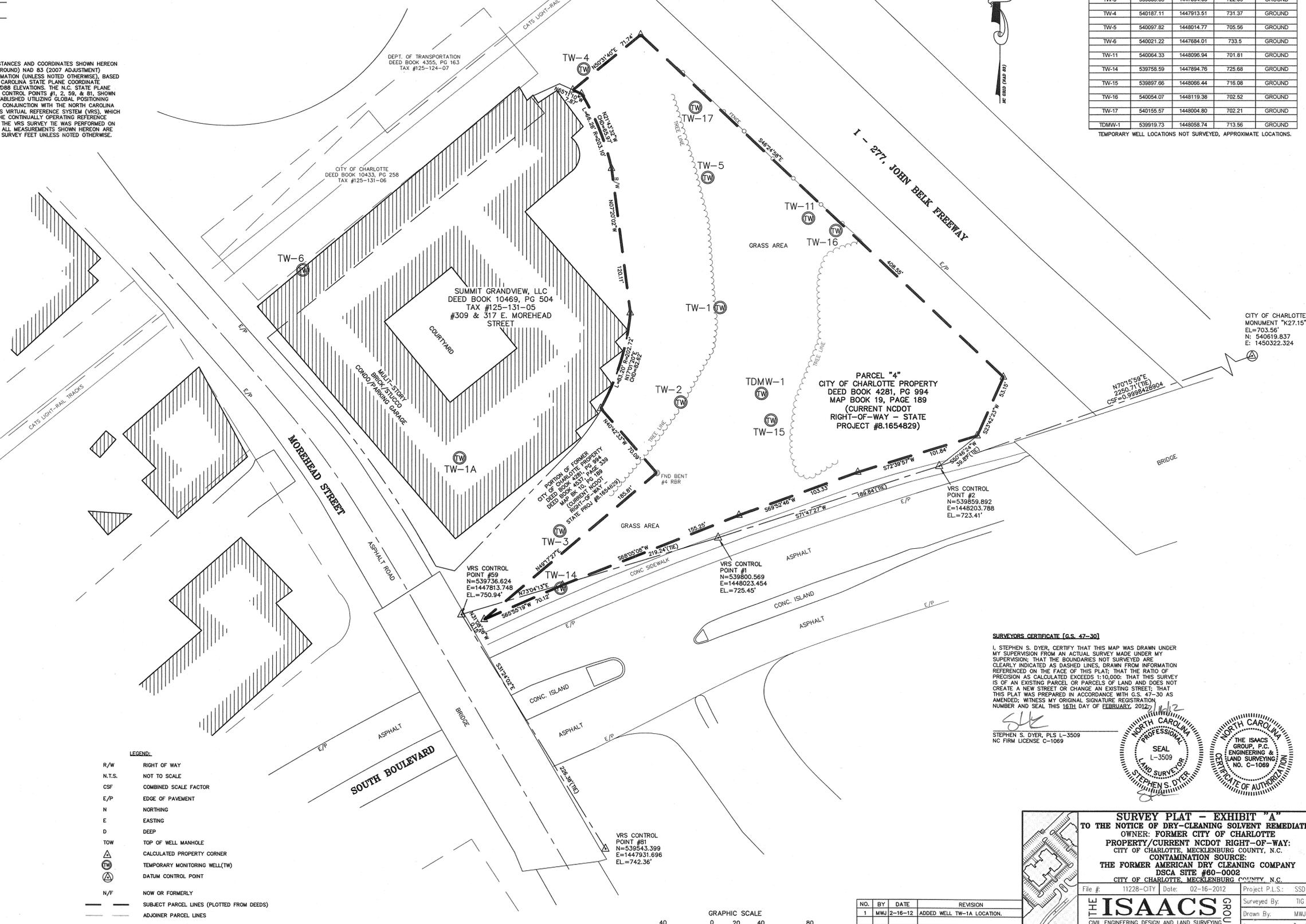
THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY NUMBER 371045-4300A, DATED MARCH 2, 2009.

SURVEY NOTES:

- 1) THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS OF TEMPORARY MONITORING WELLS LOCATED ON THE SUBJECT PROPERTIES WITH RESPECT TO SURVEYED BENCHMARKS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THIS NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
- 2) THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING. THIS INFORMATION WAS SUPPLIED TO THE ISAACS GROUP BY HART & HICKMAN, P.C.
- 3) ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 (NRS 2007), WITH NAVD88 (GEOID 09) ELEVATIONS, PER A GPS SURVEY PERFORMED BY THE ISAACS GROUP, ON OCTOBER 4, 2011. THE N.C. STATE PLANE COORDINATES SHOWN FOR CONTROL POINT #1, #2, #59 AND #81 WERE ESTABLISHED UTILIZING A TRIMBLE RB GLOBAL POSITIONING SYSTEMS (GPS) UNIT IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET (UNLESS NOTED OTHERWISE).
- 4) THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE BOUNDARY LINES OF THE SUBJECT PROPERTY WERE PRODUCED FROM AN UNRECORDED PLAT OF "PARCEL 4" PROVIDED BY CITY OF CHARLOTTE ENGINEERING AND PROPERTY MANAGEMENT. NON-MONUMENTED SUBJECT PARCEL LINES ARE BASED ON THE METES AND BOUNDS FROM THAT PLAT. THE GEOMETRY OF THE PARCEL HAS NOT BEEN ALTERED IN ANY WAY, BUT HAS BEEN HELD ON THE NORTHERNMOST PROPERTY CORNER, AND ROTATED TO A FUTURE CITY OF CHARLOTTE MONUMENT.
- 5) SOME INFORMATION SUCH AS BUILDING FOOTPRINTS, MOST PROPERTY LINES, AND CURB LINES/EDGE OF PAVEMENTS, HAVE BEEN TAKEN FROM MECKLENBURG COUNTY GIS DATABASE INFORMATION. THIS INFORMATION IS SHOWN FOR REFERENCE PURPOSES ONLY. NO ACCURACY OR POSITIONAL TOLERANCE IS GUARANTEED BY THIS SURVEY AS TO HOW THE SURVEYED FEATURES RELATE TO THE GIS INFORMATION SHOWN.
- 6) PROPERTY OWNER INFORMATION WAS OBTAINED ONLINE FROM MECKLENBURG COUNTY REGISTER OF DEEDS RECORDS, AND AN UNRECORDED MAP PROVIDED BY THE CITY OF CHARLOTTE.
- 7) PROPERTIES SHOWN HEREON ARE SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
- 8) REFERENCE COORDINATE SYSTEM FOR VERTICAL DATUM: NAVD88.
- 9) THE FOLLOWING WAS USED TO PERFORM THE GPS SURVEY INFORMATION SHOWN:
 - (1) CLASS "A" SURVEY;
 - (2) POSITIONAL ACCURACY IS WITHIN A 95 PERCENT CONFIDENCE LEVEL HORIZONTAL POSITIONAL ACCURACY VALUE = 0.044 FEET (0.013 METERS);
 - (3) REAL-TIME KINEMATIC GPS FIELD PROCEDURE;
 - (4) SURVEY PERFORMED OCTOBER 4, 2011;
 - (5) VERTICAL DATUM BASED ON NAVD88;
 - (6) TIED TO N.C. STATE PLANE COORDINATES AS SHOWN;
 - (7) GEOID "09" MODEL;
 - (8) COMBINED GRID FACTOR: 0.9998428904
 - (9) UNITS ARE IN U.S. FEET
- 10) TEMPORARY WELL LOCATIONS SHOWN ON THIS PLAT TAKEN FROM LOCATIONS PROVIDED BY HART & HICKMAN, P.C.

LEGEND:

- | | |
|--------|---|
| R/W | RIGHT OF WAY |
| N.T.S. | NOT TO SCALE |
| CSF | COMBINED SCALE FACTOR |
| E/P | EDGE OF PAVEMENT |
| N | NORTHING |
| E | EASTING |
| D | DEEP |
| TOW | TOP OF WELL MANHOLE |
| ▲ | CALCULATED PROPERTY CORNER |
| ⊙ | TEMPORARY MONITORING WELL(TW) |
| ⊙ | DATUM CONTROL POINT |
| N/F | NOW OR FORMERLY |
| --- | SUBJECT PARCEL LINES (PLOTTED FROM DEEDS) |
| --- | ADJONER PARCEL LINES |
| --- | RIGHT OF WAY LINE |



TEMPORARY MON. WELL ID	NORTHING (FEET)	EASTING (FEET)	ELEVATION (FEET)	DESIGNATION
TW-1	539990.57	1448024.91	707.14	GROUND
TW-1A	539886.18	1447812.11	N/A	N/A
TW-2	539912.41	1447992.75	711.90	GROUND
TW-3	539806.03	1447894.06	722.05	GROUND
TW-4	540187.11	1447913.51	731.37	GROUND
TW-5	540097.82	1448014.77	705.56	GROUND
TW-6	540021.22	1447684.01	733.5	GROUND
TW-11	540064.33	1448096.94	701.61	GROUND
TW-14	539758.59	1447894.76	725.68	GROUND
TW-15	539897.66	1448066.44	716.08	GROUND
TW-16	540054.07	144819.38	702.52	GROUND
TW-17	540155.57	1448004.80	702.21	GROUND
TDMW-1	539919.73	1448058.74	713.56	GROUND

TEMPORARY WELL LOCATIONS NOT SURVEYED, APPROXIMATE LOCATIONS.

SURVEYORS CERTIFICATE [G.S. 47-30]

I, STEPHEN S. DYER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000; THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS 16TH DAY OF FEBRUARY, 2012.

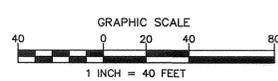
STEPHEN S. DYER, PLS L-3509
NC FIRM LICENSE C-1069

SURVEY PLAT - EXHIBIT "A"
TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION
OWNER: FORMER CITY OF CHARLOTTE
PROPERTY/CURRENT NCDOT RIGHT-OF-WAY:
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.
CONTAMINATION SOURCE:
THE FORMER AMERICAN DRY CLEANING COMPANY
DSCA SITE #80-0002
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

File #: 11228-CITY Date: 02-16-2012 Project P.L.S.: SSD

ISAACS GROUP
CIVIL ENGINEERING DESIGN AND LAND SURVEYING

8720 RED OAK BLVD. SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335



NO.	BY	DATE	REVISION
1	MWJ	2-16-12	ADDED WELL TW-1A LOCATION.

EXHIBIT B

LEGAL DESCRIPTION FOR PROPERTY

Parcel Description:

“Parcel 4” Portion of Former City of Charlotte Property/ Current NCDOT Right-of-Way

Starting at a City of Charlotte Monument “K27.15”; Thence with a tie line S. 70-15-59 W. 2250.71 feet to a VRS Control Point (pk nail in sidewalk); Thence with a tie line N. 50-46-24 E. 39.87 feet to a point, being the POINT AND PLACE OF BEGINNING; Thence with a line in the NCDOT right-of-way the following seven (7) course and distances:

- 1) S. 72-39-57 W. 101.84 feet to a point;
- 2) S. 69-52-46 W. 103.33 feet to a point;
- 3) S. 68-05-08 W. 155.25 feet to a point;
- 4) S. 65-55-19 W. 70.12 feet to a point;
- 5) N. 31-08-26 W. 0.15 feet to a point;
- 6) N. 49-17-27 E. 185.81 feet to a point;
- 7) N. 40-42-33 W. 70.09 feet to a point on the eastern property line of lands of Summit

Grandview, LLC (Deed Book 10469, Page 504); Thence with the shared line of Summit Grandview the following four (4) courses and distances:

- 1) With a curve to the left having a radius of 202.72 feet, an arc length of 83.20 feet, (subtended by a chord N. 17-01-20 E. 82.62 feet) to a point;
- 2) N. 07-20-02 W. 120.11 feet to a point;
- 3) With a curve to the left having a radius of 203.10 feet, an arc length of 66.26 feet, (subtended by a chord N. 21-43-32 W. 65.97 feet) to a point;
- 4) N. 65-11-10 W. 7.87 feet to a point; Thence with a line in the NCDOT right-of-way the

following three (3) courses and distances:

- 1) N. 50-31-40 E. 71.74 feet to a point;
- 2) S. 46-24-58 E. 408.55 feet to a point;
- 3) S. 23-42-23 W. 53.15 feet to a point, returning to the POINT AND PLACE OF

BEGINNING; and containing 79,070 square feet, 1.815 acres, more or less.

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: North Carolina Department of Transportation
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____. 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 along the former John Belk Freeway (I-277) entrance ramp to South Boulevard between E. Morehead Street and I-277, Charlotte, Mecklenburg County, North Carolina, described as Portion of former City of Charlotte Property; Deed Book 4281, Page 994; Deed Book 4537, Page 339; and Map 19, Page 189 (Current NC DOT Right-of-Way State Project #8.1654829).

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 and is one of two parcels that make up the dry-cleaning solvent contamination site (hereinafter "Contamination Site"). 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 § 143-215.104I. A Notice will be recorded separately in each chain of title of the Contamination Site.

Groundwater under the Property is contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former American Dry Cleaning Company (DSCA Site 60-0002) located at 309 East Morehead Street, Charlotte.

Pursuant to N.C.G.S. § 143-215.104I, 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.

USE OF GROUNDWATER PROHIBITED BY STATE AND LOCAL REGULATIONS

Groundwater on this property contains contaminants that exceed unrestricted use standards. Pursuant to 15A North Carolina Administrative Code 02C .0107(b)(1), “(t)he source of water for any water supply well shall not be from a water bearing zone or aquifer that is contaminated.” Therefore, state law prohibits construction of a water supply well on this property unless it can be demonstrated that the water pumped from the well is not contaminated. Further, pursuant to North Carolina General Statute 87-88(c) and 15A North Carolina Administrative Code 02C .0112(a), no well may be constructed or maintained in a manner whereby it could be a source or channel of contamination of the groundwater supply or any aquifer. This property lies within an Area of Regulated Groundwater Usage established pursuant to the Mecklenburg County Groundwater Well Regulations. Because a public water supply is available, no new water supply well will be permitted on this property because it is located within 1,000 feet of a contamination site.

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.

CANCELLATION OF THE NOTICE

The Notice may, at the request of the Property Owner, 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 DSCA Remediation Agreement have been eliminated as a result of remediation of the Property to unrestricted use standards.

**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:

Jim Bateson, LG
Chief, Superfund Section
Division of Waste Management

Date

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 Mecklenburg County

By: _____

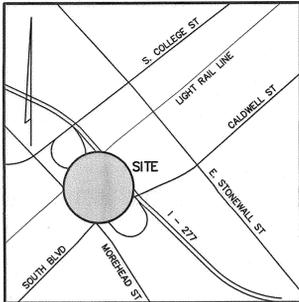
Name typed or printed: _____

Deputy/Assistant Register of Deeds

_____ Date

EXHIBIT A

SURVEY PLAT REDUCTION



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

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

STATE OF NORTH CAROLINA COUNTY OF _____

_____, A NOTARY PUBLIC OF SAID COUNTY AND STATE DO HEREBY CERTIFY THAT

_____, DID PERSONALLY APPEAR & SIGN BEFORE ME THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC (SIGNATURE)
MY COMMISSION EXPIRES _____

VICINITY MAP
NOT TO SCALE

GROUNDWATER IN TEMPORARY WELLS TW-1, TW-1A, TW-2, TW-3, TW-11, TW-15, TW-16, AND TDMW-1, EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L0200) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE.

THE DOCUMENTARY COMPONENT OF THIS NOTICE OF DRY-CLEANING SOLVENT REMEDIATION, LIMITING THE USES OF THIS PROPERTY IS RECORDED AT:

DEED BOOK _____ PAGE _____
AND _____

N.C.G.S. 143-215.104M(d) REQUIRES THAT WHEN PROPERTY FOR WHICH A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION HAS BEEN FILED IS SOLD, LEASED, CONVEYED OR TRANSFERRED, THE DEED OR OTHER INSTRUMENT OF TRANSFER SHALL CONTAIN IN THE DESCRIPTION SECTION, IN NO SMALLER TYPE THAN 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 THIS PART. USE THE FOLLOWING STATEMENT TO SATISFY N.C.G.S. 143-215.104M(d):

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NOT SUBJECT TO:

THIS PLAT IS NOT SUBJECT TO THE PROVISIONS OF THE CITY OF CHARLOTTE OR MECKLENBURG COUNTY SUBDIVISION ORDINANCES AND DOES NOT REQUIRE THE APPROVAL OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION. HOWEVER, ANY FURTHER SUBDIVISION OF THIS PROPERTY MAY BE SUBJECT TO THESE PROVISIONS. CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PLANNING COMMISSION STAFF _____ DATE _____

VRS SURVEY TIE:

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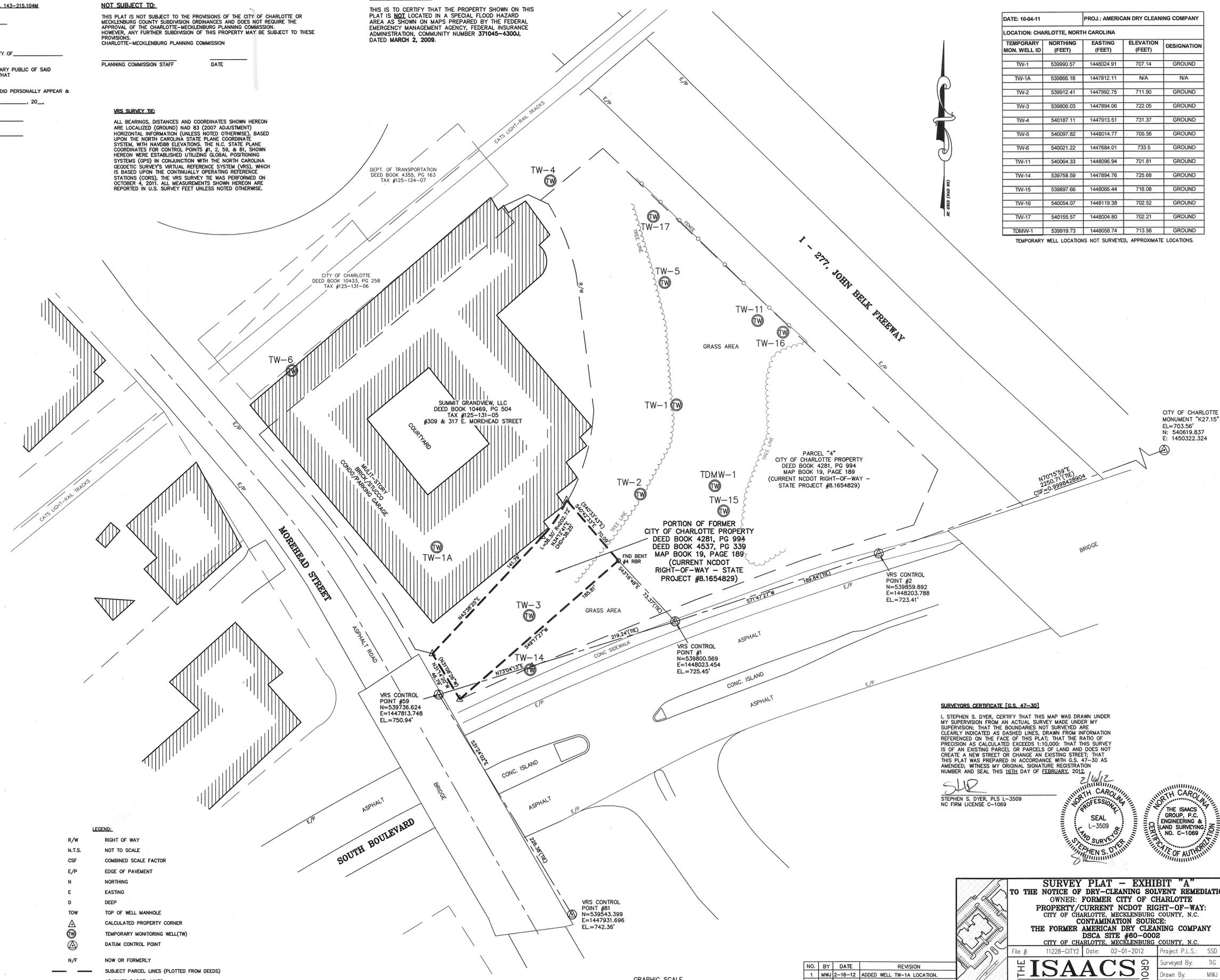
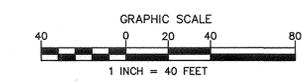
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- THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE BOUNDARY LINES OF THE SUBJECT PROPERTY WERE PRODUCED FROM DEEDS RECORDED AS DEED BOOK 4281, PAGE 994, AND DEED BOOK 4537, PAGE 339; AND MAP BOOK 19, PAGE 189. NON-MONUMENTED SUBJECT PARCEL LINES ARE BASED ON METES AND BOUNDS AS RECORDED IN THESE INSTRUMENTS. THE GEOMETRY OF THE PARCEL HAS NOT BEEN ALTERED IN ANY WAY, BUT HAS BEEN HELD ON THE NORTHERNMOST PROPERTY CORNER OF DEED BOOK 10489, PAGE 504, AND ROTATED TO A FOUND CITY OF CHARLOTTE MONUMENT.
- SOME INFORMATION SUCH AS BUILDING FOOTPRINTS, MOST PROPERTY LINES, AND CURB LINES/EDGE OF PAVEMENTS, HAVE BEEN TAKEN FROM MECKLENBURG COUNTY GIS DATABASE INFORMATION, AND THIS INFORMATION IS SHOWN FOR REFERENCE PURPOSES ONLY. NO ACCURACY OR POSITIONAL TOLERANCE IS GUARANTEED BY THIS SURVEY AS TO HOW THE SURVEYED FEATURES RELATE TO THE GIS INFORMATION SHOWN.
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 - COMBINED GRID FACTOR: 0.9998428904
 - UNITS ARE IN U.S. FEET
- TEMPORARY WELL LOCATIONS SHOWN ON THIS PLAT TAKEN FROM LOCATIONS PROVIDED BY HART & HICKMAN, P.C.

LEGEND:

R/W	RIGHT OF WAY
N.T.S.	NOT TO SCALE
CSF	COMBINED SCALE FACTOR
E/P	EDGE OF PAVEMENT
N	NORTHING
E	EASTING
D	DEEP
TOW	TOP OF WELL MANHOLE
▲	CALCULATED PROPERTY CORNER
⊙	TEMPORARY MONITORING WELL(TW)
⊙	DATUM CONTROL POINT
N/F	NOW OR FORMERLY
---	SUBJECT PARCEL LINES (PLOTTED FROM DEEDS)
---	ADJOINER PARCEL LINES
---	RIGHT OF WAY LINE



DATE: 10-04-11		PROJ.: AMERICAN DRY CLEANING COMPANY			
LOCATION: CHARLOTTE, NORTH CAROLINA					
TEMPORARY MON. WELL ID	NORTHING (FEET)	EASTING (FEET)	ELEVATION (FEET)	DESIGNATION	
TW-1	53990.57	1448024.91	707.14	GROUND	
TW-1A	53986.18	1447812.11	N/A	N/A	
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TW-14	539758.59	1447894.76	725.68	GROUND	
TW-15	539897.66	1448066.44	716.08	GROUND	
TW-16	540054.07	1448119.38	702.52	GROUND	
TW-17	540155.57	1448004.80	702.21	GROUND	
TDMW-1	539919.73	1448058.74	713.56	GROUND	

TEMPORARY WELL LOCATIONS NOT SURVEYED, APPROXIMATE LOCATIONS.



SURVEYORS CERTIFICATE [G.S. 47-30]

I, STEPHEN S. DYER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT, THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000, THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS 16TH DAY OF FEBRUARY, 2012.

SSD
STEPHEN S. DYER, PLS L-3509
NC FIRM LICENSE C-1069

THE ISAACS GROUP, P.C.
ENGINEERING & LAND SURVEYING
NO. C-1069

STEPHEN S. DYER
REGISTERED PROFESSIONAL SURVEYOR
STATE OF NORTH CAROLINA
L-3509

SURVEY PLAT - EXHIBIT "A"
TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION
OWNER: FORMER CITY OF CHARLOTTE
PROPERTY/CURRENT NCDOT RIGHT-OF-WAY:
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.
CONTAMINATION SOURCE:
THE FORMER AMERICAN DRY CLEANING COMPANY
DSCA SITE #60-0002
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

File #: 11228-CITY2 Date: 02-01-2012 Project P.L.S.: SSD
Surveyed By: TIC
Drawn By: MWJ
Scale: 1"=40'

ISAACS GROUP
CIVIL ENGINEERING DESIGN AND LAND SURVEYING

8720 RED OAK BLVD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

NO.	BY	DATE	REVISION
1	MWJ	2-16-12	ADDED WELL TW-1A LOCATION.

EXHIBIT B

LEGAL DESCRIPTION FOR PROPERTY

Parcel Description:

Portion of Former City of Charlotte Property/ Current NCDOT Right-of-Way

Starting at a City of Charlotte Monument "K27.15"; Thence with a tie line S. 70-15-59 W. 2250.71 feet to a VRS Control Point (pk nail in sidewalk); Thence with a tie line S. 71-47-27 W. 189.84 feet to a VRS Control Point (pk nail in sidewalk); Thence with a tie line N. 43-16-48 W. 73.37 feet to a point, being the POINT AND PLACE OF BEGINNING; Thence with a line in the NCDOT right-of-way (also the shared line with unrecorded "Parcel 4") S. 49-17-27 W. 185.81 feet to a point; Thence N. 31-08-26 W. 46.79 feet to a point on the southern property line of lands of Summit Grandview, LLC (Deed Book 10469, Page 504); Thence with the shared line of Summit Grandview the following two (2) courses and distances:

- 1) N. 43-38-25 E. 141.79 feet to a point;
- 2) With a curve to the left having a radius of 202.72 feet, an arc length of 38.30 feet, (subtended by a chord N. 34-12-41 E. 38.25 feet), to a point; Thence with a line in the NCDOT right-of-way (also the shared line with unrecorded "Parcel 4") S. 40-42-33 E. 70.09 feet, returning to the POINT AND PLACE OF BEGINNING; and containing 10,055 square feet, 0.231 acres, more or less.

Appendix F

Example Annual DSCA Land-Use Restrictions Certification

Site Name: American Dry Cleaning Company
Site Address: 309 East Morehead Street, Charlotte, Mecklenburg County, NC
DSCA ID No: 60-0002

ANNUAL CERTIFICIATION of LAND-USE RESTRICTIONS

Pursuant to Condition <condition #> in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by Summit Grandview, LLC and recorded in Deed Book __, Page __ on <date> at the Mecklenburg County Register of Deeds Office, Summit Grandview, LLC 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 Mecklenburg County Register of Deeds office and the land-use restrictions therein are being complied with.

Duly executed this ____ day of _____, 20__.

Summit Grandview, LLC

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 Summit Grandview, LLC, a North Carolina limited liability corporation 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 G

Example Documents Announcing the Public Comment Period

- Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site
 - Summary of the Notice of Intent
 - Letters to Owners of Property within the Contamination Site
- Letters to Owners of Property Contiguous to the Contamination Site

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



North Carolina Department of Environment and Natural Resources
Division of Waste Management
Dexter R. Matthews
Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

<Date>

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

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0002
American Dry Cleaning Company, 309 E. Morehead Street, Charlotte

Dear <name>:

The Dry-Cleaning Solvent Cleanup Act of 1997 (DSCA), North Carolina General Statutes (N.C.G.S.) Sections 143-215.104A through 143-215.104U, provides for the assessment and remediation of properties that may have been or were contaminated by chlorinated solvents. To satisfy the requirements of N.C.G.S. 143-215.104L, 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, under "Public Notices" during the public comment period.

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

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

Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0002
American Dry Cleaning Company, Charlotte
Page 2

<date>

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

If you have any questions, please feel free to contact me at (919)707-8369.

Sincerely,

Pete Doorn, Head
DSCA Program
Peter.doorn@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0002 File

Summary of Notice of Intent

Public Notice

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

American Dry Cleaning Company
DSCA Site No. 60-0002

Pursuant to N.C.G.S. §143-215.104L, on behalf of Summit Grandview, LLC, 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.

The American Dry Cleaning Company formerly conducted dry-cleaning operations at 309 East Morehead Street, in Charlotte, North Carolina. Dry-cleaning solvent contamination in soil and/or ground water has been identified at the following parcel(s):

- 309 East Morehead Street, in Charlotte; Parcel No. 12513105
- Parcel "4" City of Charlotte; Deed Book 4281, Page 994 and Map book 19, Page 189 (Current NC DOT Right-of-Way State Project #8.1654829)
- Portion of former City of Charlotte Property; Deed Book 4281, Page 994; Deed Book 4537 Page 339; and Map 19, Page 189 (Current NC DOT Right-of-Way State Project #8.1654829)

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

The elements of the complete NOI are included in the Risk Management Plan (RMP) which is available online at <http://portal.ncdenr.org/web/wm/DSCA/PublicNotices>.

The public comment period begins _____, 20__, and ends _____, 20__.

Comments must be in writing and submitted to DENR no later than _____, 20__. Written requests for a public meeting may be submitted to DENR no later than _____, 20__. Requests for additional information should be directed to Pete Doorn at (919)707-8369. All comments and requests should be sent to:

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

Letters to Owners of Property within the Contamination Site



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Dexter R. Matthews

Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

<Date>

<property owner>

<address>

<city, state, zip>

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

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the American Dry Cleaning Company at 309 East Morehead Street in Charlotte. The property is currently occupied by Summit Grandview Apartments. A remedial strategy to address the site contamination has been prepared. You are receiving this letter in accordance with the DSCA Program's statutes, which provide the community an opportunity to review and comment on the proposed strategy. Attached is a ***Summary of the Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site*** which provides a brief description of the proposed remedy, a web link with more details, and the dates and procedures for commenting on the proposed remedy. We ask that you review these documents. If you do not have access to the internet, we ask that you contact us to request a hard copy.

You are also receiving this letter because your property lies within an area where dry-cleaning solvents have been detected in groundwater. An evaluation of the risks concluded that the contamination poses no unacceptable risks for the current use of your property. However, because groundwater under your property is contaminated, state and local regulations prohibit the installation of a water supply well on this property. If the proposed remedy is approved, a notice will be recorded in the chain of title indicating that groundwater is contaminated with dry-cleaning solvents and that regulations prohibit installation of a water supply well into a contaminated aquifer.

If you would like to see an example of this notice, please access the website:

<http://portal.ncdenr.org/web/wm/DSCA/PublicNotices>, open the Risk Management Plan for the American Dry Cleaning Company site, and see Appendix E. If the proposed remedy is approved, you will be sent a letter describing your rights to appeal the decision to file such a notice in the chain of title, and providing you the option of filing the notice yourself.

Dry-Cleaning Solvent Contamination
<property address, city>, NC
DSCA Site # 60-0002
Page 2

<date>

If you have questions, please contact me at (919) 707-8369.

Sincerely,

Pete Doorn, Head
DSCA Remediation Unit
Peter.Doorn @ ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0002 File

Letters to Owners of Property Contiguous to the Contamination Site



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

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

<Date>

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

Subj: Dry-Cleaning Solvent Contamination at 309 East Morehead Street
Charlotte, NC

Dear <property owner>:

You are receiving this letter because your property at <adjacent property address> is adjacent to an 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 American Dry Cleaning Company at 309 East Morehead Street in Charlotte. The property is currently occupied by Summit Grandview Apartments. A remedial strategy to address the site contamination has been prepared, and in accordance with our 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) 707-8369.

Sincerely,

Pete Doorn, Head
DSCA Program
Peter.doorn@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0002 File