



May 4, 2012

North Carolina Department of Environment
and Natural Resources
Division of Waste Management – DSCA Program
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350

Att: Ms. Dianne Thomas
DSCA Project Manager

Re: **Risk Management Plan**
Dan Meigs Cleaners - DSCA Site ID #60-0048
1101 Central Ave
Charlotte, Mecklenburg County, North Carolina

Dear Ms. Thomas:

URS Corporation – North Carolina (URS) is pleased to provide the attached Risk Management Plan (RMP) for the former Dan Meigs Cleaners site located at 1101 Central Ave., Charlotte, North Carolina. A risk assessment conducted for the site indicates that contaminant concentrations at the site do not pose an unacceptable risk. The primary purpose of this RMP is to ensure that the assumptions made in the risk assessment remain valid in the future. Based on the documentation outlined in this report, URS recommends issuance of a No Further Action letter for the site.

If you have any questions or require additional information, please do not hesitate to contact us at 704.522.0330.

Sincerely,

URS CORPORATION – NORTH CAROLINA

Dhara Trivedi
Project Manager

Rob MacWilliams
Program Manager

URS Corporation – North Carolina
6135 Park South Drive, Suite 300
Charlotte, North Carolina 28210
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**Risk Management Plan
Dan Meigs Cleaners - DSCA Site ID # 60-0048
1101 Central Ave
Mecklenburg County
Charlotte, North Carolina 28204**

Submitted To:
NC Department of Environment and Natural Resources
Division of Waste Management – DSCA Program
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350



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Project Manager



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1.0 INTRODUCTION

URS Corporation – North Carolina (URS) has prepared this Risk Management Plan (RMP) to the North Carolina Department of Environment and Natural Resources (NCDNER) Dry-Cleaning Solvent Cleanup Act (DSCA) Program for the former Dan Meigs Cleaners (site or subject property) located at 1101 Central Avenue in Charlotte, Mecklenburg County, North Carolina. This RMP was completed in accordance with the outline provided in the DSCA Program Risk-Based Corrective Action (RBCA) guidance and complies with the requirements set forth in the DSCA (NCGS 143-215.104A et. seq.).

2.0 OBJECTIVE

URS completed assessment activities at the site in October 2007, which indicated chlorinated solvent groundwater impacts exist at the site above unrestricted land use standards. URS also completed four quarters of groundwater monitoring from July 2008 through April 2009, which confirmed the above results. Based on the results of the assessment activities, URS complete a a Tier 1 risk assessment for the former Dan Meigs Cleaners site which was submitted to DSCA on December 9, 2009. The results of the Tier 1 risk assessment indicated that even though the site wide risk exceeds target levels for tetrachloroethene (PCE) in source groundwater, the down gradient extent of impacted groundwater does not extend as far as predicted. The evaluation was based on site-specific land-use conditions. Therefore, a RMP is required for the site, with the objective of the RMP being to ensure that the site-specific land-use conditions used in the risk evaluation remain valid in the future.

3.0 RISK ASSESSMENT SUMMARY

Based on the current conditions at the site a Tier 1 Risk Assessment Report was completed by URS on December 9, 2009. This section summarizes the risk assessment which resulted in the recommendation for no further action status for the site. As a part of the Tier 1 process, URS incorporated current site conditions, which are commercial. For future conditions, URS assumed that the site will likely remain commercial.

The initial step in the risk assessment process is to generate an exposure model, which indicated the following for the site:

- On-site non-residential worker - indoor inhalation of vapors from surficial and subsurface soil and indoor inhalation of vapors from groundwater.

- On-site construction worker – combined pathways for soil up to depth of construction and outdoor inhalation of vapors from groundwater.

In addition, URS also evaluated the Protection of Groundwater use pathway. For this, URS assumed that the nearest potential point-of-exposure (POE) for groundwater was at the down gradient property boundary, approximately 50 feet west-northwest of the source area. Based on this distance and the small size of the plume associated with the subject site, the Protection of Groundwater pathway was deemed complete for source groundwater.

As a part of the Tier 1 evaluation, site-specific representative concentrations (RCs) were calculated for each complete exposure pathway and compared to the Tier 1 Risk-Based Screening Levels (RBSLs) established by the DSCA Program. Results of the Tier 1 evaluation indicated that there are no current and future on-site domain completed pathways that exceed applicable Tier 1 RBSLs for non-residential worker and on-site construction worker. The results of the Tier 1 evaluation do show that the source groundwater concentration exceeds protective of groundwater goals for PCE. However, groundwater quality data generated to date at monitoring well MW-6 (located down gradient of the source area) does not indicate detectable levels of concentrations (Figure 1). The lack of impacted groundwater down gradient of the source, as demonstrated at monitoring well MW-6 empirically indicates that the down gradient extent of impacted groundwater does not extend as far as predicted.

Based on results of the Tier 1 evaluation, URS concludes that the release at the site does not pose an unacceptable risk and recommends site closure in accordance with DSCA Program's risk-based rules.

4.0 REMEDIAL ACTION PLAN

4.1 SITE ASSESSMENT SUMMARY

The site is approximately 1.45 acres in size and is currently operating as two restaurants under one building – *The Loco Lime Mexican Restaurant* and *Kickstand Charlotte Burgers-n-Bar*. The dry cleaning facility was reportedly in operation from 1955 to 1965. In June 2007, four soil samples and three groundwater samples were collected near the former dry cleaning location as part of a Phase II Environmental Site Assessment (ESA) completed by Froehing and Robertson Inc. (F&R). The analytical results indicated the presence of PCE at concentrations above 15A NCAC 2L Groundwater Quality Standards in the groundwater sample collected from the monitoring well located behind the site building (north). The analytical results of the soil samples did not indicate any contaminant concentrations above laboratory reportable limits.

URS conducted prioritization assessment (PA) activities at the site in October 2007. The PA results further corroborated the presence of chlorinated solvent concentrations in groundwater above the 2L standards. No chlorinated solvent constituents were detected at concentrations above the 2L standards in soil samples collected beneath the site during the PA activities.

Additional assessment was conducted during July 2008 and included installation of one shallow monitoring and one deep monitoring well to further assess the horizontal and vertical extent of onsite groundwater impacts. Results from the groundwater samples indicated complete delineation of the impacted soil and groundwater confined to the site.

Quarterly monitoring of the 6 existing monitoring wells was initiated upon completion of the assessment activities. Quarterly events occurred in July 2008, October 2008, January 2009 and April 2009. Results of the sampling events were discussed in the Annual Groundwater Monitoring Report (GWMR) submitted on December 11, 2009.

URS completed the Tier 1 Risk Assessment upon completion of the groundwater sampling events. The Tier 1 Risk Assessment Report was submitted to DSCA on December 9, 2009. Also, based on DSCA Bulletin #30 (September 2009), URS collected a sub-slab vapor sample and an indoor air sample from within the then existing restaurant and one ambient air sample from an area considered to be representative of the background air quality. Results of the sub-slab vapor and indoor/ambient air sampling indicated concentration below Tier 1 RBSLs and acceptable Industrial Hazardous Sites Branch (IHSB) concentrations for industrial zone. As discussed in Section 3.0, the results of the Tier 1 Risk Assessment indicated that the remaining impacts do not pose an unacceptable risk as long as the land use restrictions are implemented at the site.

4.2 INTERIM ACTION

During the PA soil assessment activities, unidentified free product (approximately 0.75 inches in thickness) and a thin layer of water was discovered at a 'perched' depth of approximately 8-10 feet below ground surface (bgs) in a soil boring installed in close proximity to the location of two abandoned Underground Storage Tanks (USTs). Soil excavation and UST removal activities were conducted during the week of April 15, 2008 as part of the interim action at the site to assist in the redevelopment of the site property. On April 15, 2008, two USTs (T-1 and T-2) were excavated at an approximate depth of 6 feet bgs. T-1 contained PCE whereas T-2 did not contain any chlorinated solvents. Proper waste disposal activities were conducted for the removal of PCE and other contents of the UST. On April 16, 2008, URS excavated additional soil beneath the USTs. A total of 82 tons of soil was excavated and staged in the on-site roll-off containers. On April 17, 2008, additional soil, to a depth of approximately 11 feet bgs was excavated based on the confirmatory soil sampling results from April 16, 2008. The final limits of the excavation were 17 feet long by 12 feet wide and 11 feet deep. A detailed excavation report was submitted to DSCA on June 23, 2009.

4.3 REMEDIAL ACTION

According to the DSCA Program's RBCA guidance, no remedial action is necessary if four site conditions are met. Each of these conditions and their applicability to the subject site are addressed below. Since these conditions were met via the quarterly groundwater monitoring described in Section 4.1, land use restrictions and no further action are recommended for the site.

Condition 1: The dissolved plume is stable or decreasing.

A total of four groundwater monitoring events have been conducted for monitoring wells MW-1, MW-2, DMW-2, MW-3, MW-4 and MW-6 in July 2008, October 2008, January 2009 and April 2009. Constituents detected in groundwater samples from the site include: PCE, trichloroethene (TCE), cis-1, 2 Dichloroethene (cis-1, 2 DCE), 1, 1, 1-Trichloroethane (1, 1, 1 TCA), Toluene, Naphthalene and Chloroform. Of these, only PCE and 1, 1 DCE were detected at concentrations exceeding the 2L Standards. 1, 1 DCE exceeded only once in one monitoring well and is therefore considered an outlier. Based on this data, URS focused on PCE as a constituent of concern (COC) for evaluation of plume stability.

PCE had been detected in the groundwater samples collected from the source area monitoring well MW-1 during each of the four sampling events conducted. URS prepared a concentration versus distance graph for sampling events conducted at the site which is included in **Appendix A**. As indicated on the graph, PCE concentrations in the groundwater samples collected from monitoring well MW-1 reduced significantly after the first sampling event conducted in July 2008 and concentrations appeared to have remained stable for the remaining three quarterly sampling events (October 2008, January 2009 and April 2009). PCE concentrations exceeded the 2L Standards in the groundwater sample collected from down gradient monitoring well MW-6 during the first sampling event in July 2008. However, the PCE concentration reduced significantly in the second sampling event (October 2008) and was not detected during the third and fourth sampling events (January 2009 and April 2009). No COC was detected above 2L Standards in the groundwater collected from up gradient monitoring well (MW-2) during any of the four sampling events. Based on this data, URS concludes that the size of the plume is stable and concentrations in the source area are likely to remain stable.

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

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

Based on review of the RCs calculated as part of the Tier 1 risk assessment, the exposure domain concentration is less than ten times the RC for PCE. Hence, this condition has been met for PCE (as a COC) and exposure pathway for the site.

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

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

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

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

The site's compliance with the four above referenced conditions confirms that the contaminant concentrations are not likely to pose an unacceptable risk either at present or in the future. The plume is expected to naturally attenuate over time and the appropriate remedial action is to implement land-use restrictions on the site property.

5.0 RMP IMPLEMENTATION DATA

URS conducted air sampling activities at the site during the RMP Implementation. This sampling was conducted pursuant to the DSCA Guidance Bulletin #30, September 10, 2009 and was not based on the results of the Tier 1 evaluation.

URS collected indoor air, ambient air and sub-slab vapor samples at the site property in November 2009. The indoor air sample results were below the acceptable Inactive Hazardous Sites Branch (IHSB) industrial concentrations and therefore, no additional assessment was

warranted. The results of these sampling activities were submitted in a report to DSCA on January 27, 2010.

6.0 LAND USE RESTRICTIONS (LUR)

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

7.0 LONG TERM STEWARDSHIP PLAN

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

8.0 RMP IMPLEMENTATION SCHEDULE

As the groundwater impacts are stable and confined to the site property and possible exposure to the impacts will be managed through the NDCSR and LURs, no additional site remediation activities are required to implement the RMP. When DENR and the Petitioner concur on the remediation strategy, a 30-day comment period will be initiated to provide the community an opportunity to comment on the RMP. Immediately prior to the start of the comment period, a Notice of Intent (NOI) will be sent to the city and county officials, a summary of the NOI will be published in the Charlotte Observer, and letters will be sent to adjacent property owners announcing the comment period and providing instructions for submitting comments. Draft versions of the NOI, Summary of the NOI and letters to adjacent property owners are included in **Appendix E**. Following completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Mecklenburg County Register of Deeds and will complete the RMP schedule.

9.0 CRITERIA FOR DEMONSTRATING RMP SUCCESS

The RMP will be successfully implemented once the required LURs have been executed and recorded with the Mecklenburg County Register of Deeds. The NCDSR 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 impacts and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated as a result of the remediation of the property. If NCDENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the site conditions have impacted the requirements set forth in the NDCSR and LUR and if changes are required. Enforcement of the RMP will be maintained through receipt of the “Annual DSCA Land Use Restrictions Certification” (**Appendix D**) from the property owners as part of the NDCSR and LUR requirements.

10.0 CONTINGENCY PLAN

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

11.0 CONCLUSIONS/RECOMMENDATIONS

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

FIGURE

LEGEND:

-  On-Site Domain
-  Groundwater Source Area

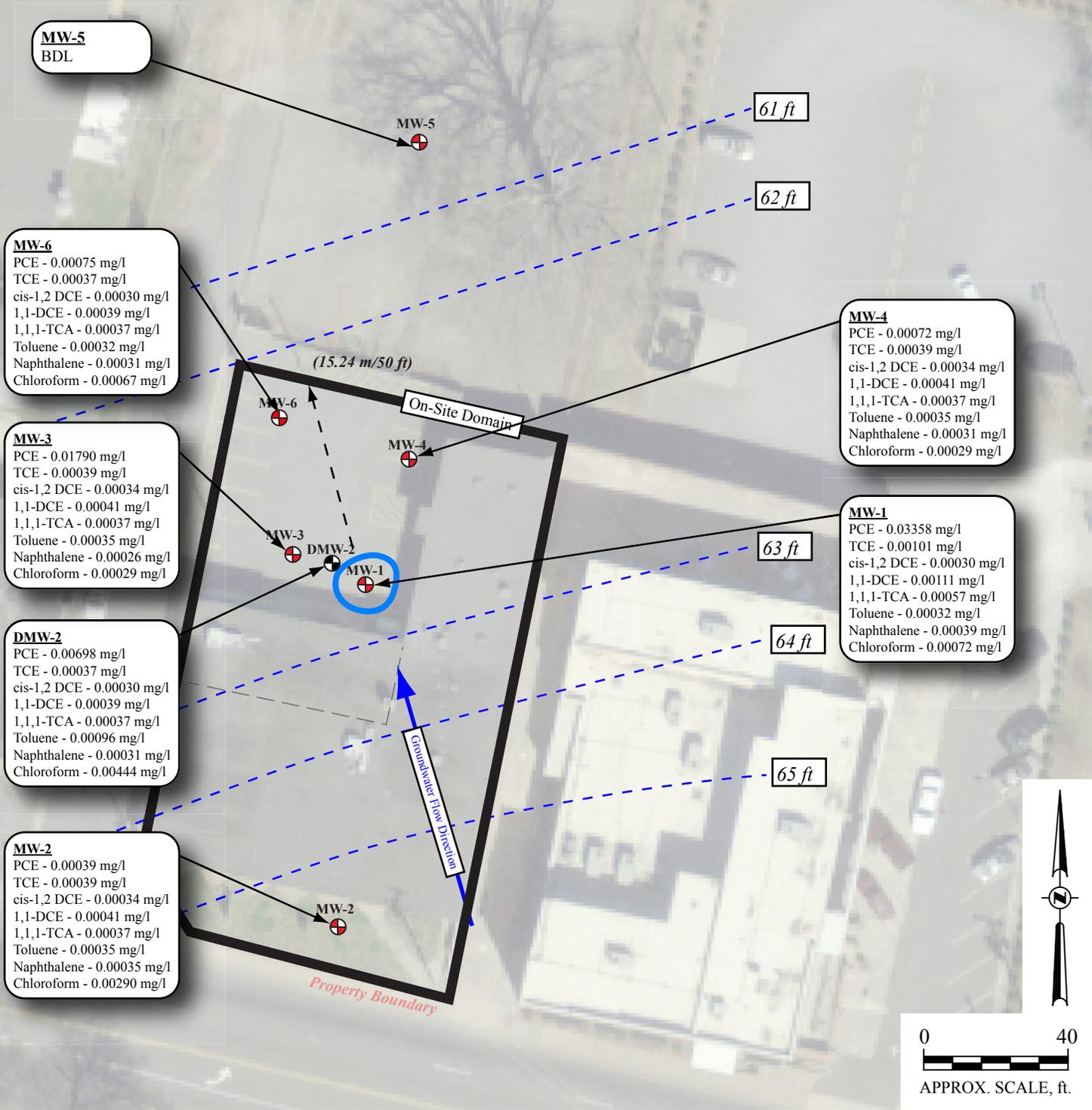
LEGEND

-  Monitoring Well Location and Identification

BDL Below Laboratory Detection Limits

Groundwater quality data depicted is an average of the following sampling events:

MW-1, MW-2, MW-3, MW-4, MW-6 (10/26/07, 7/15/08, 10/21/08, 1/14/09, 4/22/09)
 DMW-2 (7/22/08, 10/21/08, 1/14/09, 4/22/09)



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REPRESENTATIVE CONCENTRATIONS
 GROUNDWATER QUALITY DATA: AVERAGE
 FORMER DAN MEIGS CLEANERS
 1101 CENTRAL AVENUE
 CHARLOTTE, NC
 DSCA SITE #60-0048

DRAWN BY: CLE - 10/27/09
 CHECKED BY: RHM - 10/27/09
 PROJECT NO.: 38854424

SHEET
 Figure 1

APPENDIX A

DOCUMENTATION OF PLUME STABILITY EVALUATION

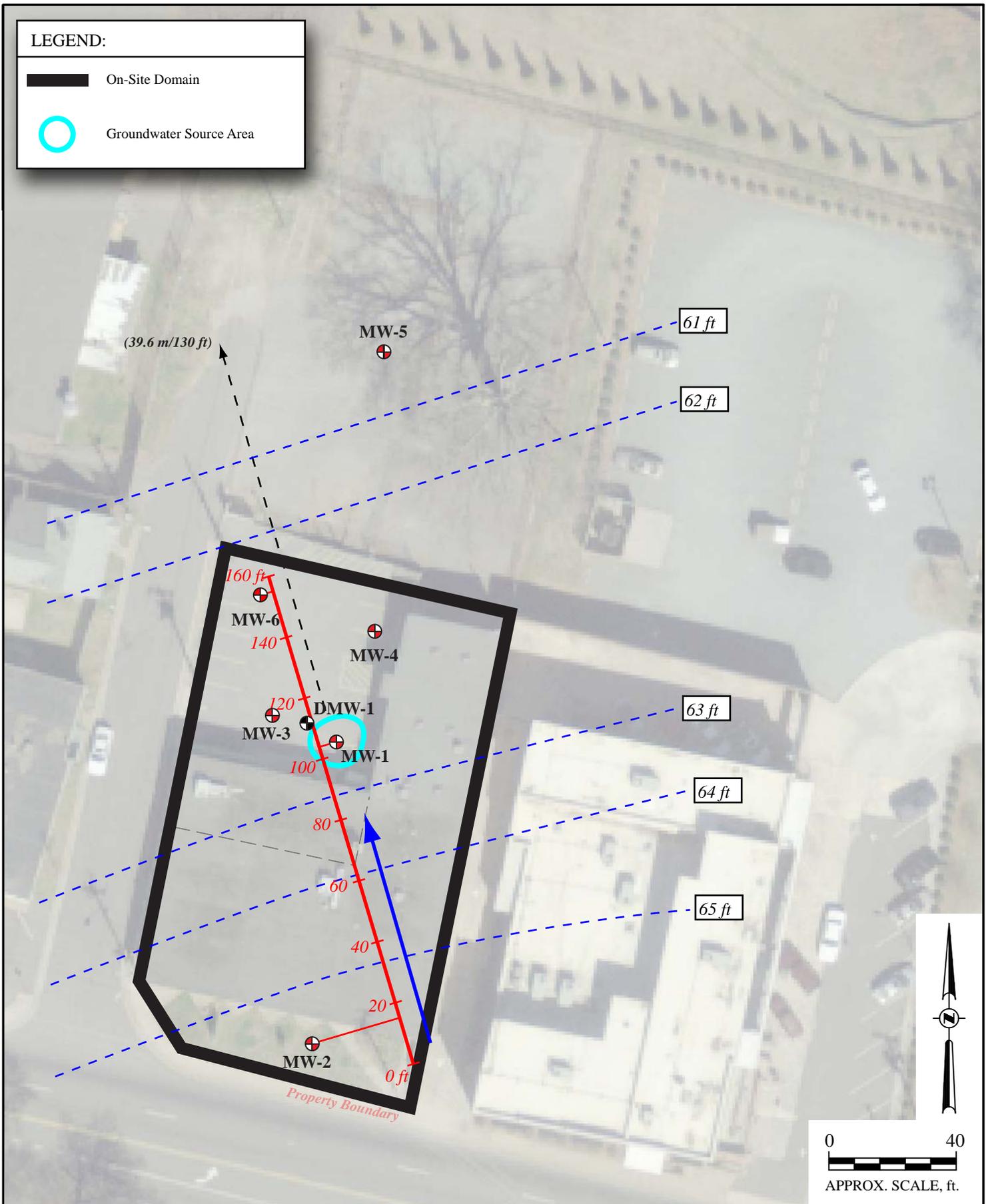
LEGEND:



On-Site Domain



Groundwater Source Area



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EXPOSURE DOMIAN
OCTOBER 21, 2008 GROUNDWATER DATA
FORMER DAN MEIGS CLEANERS
1101 CENTRAL AVENUE
CHARLOTTE, NC
DSCA SITE #60-0048

DRAWN BY: CLE - 1/27/09	CHECKED BY: RHM - 1/27/09	PROJECT NO. : 38854424
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SHEET
ATT. 1

Concentration vs. Distance
Sampling Events July 2008 through April 2009
Dan Meigs Cleaners, Charlotte, Mecklenburg County, NC

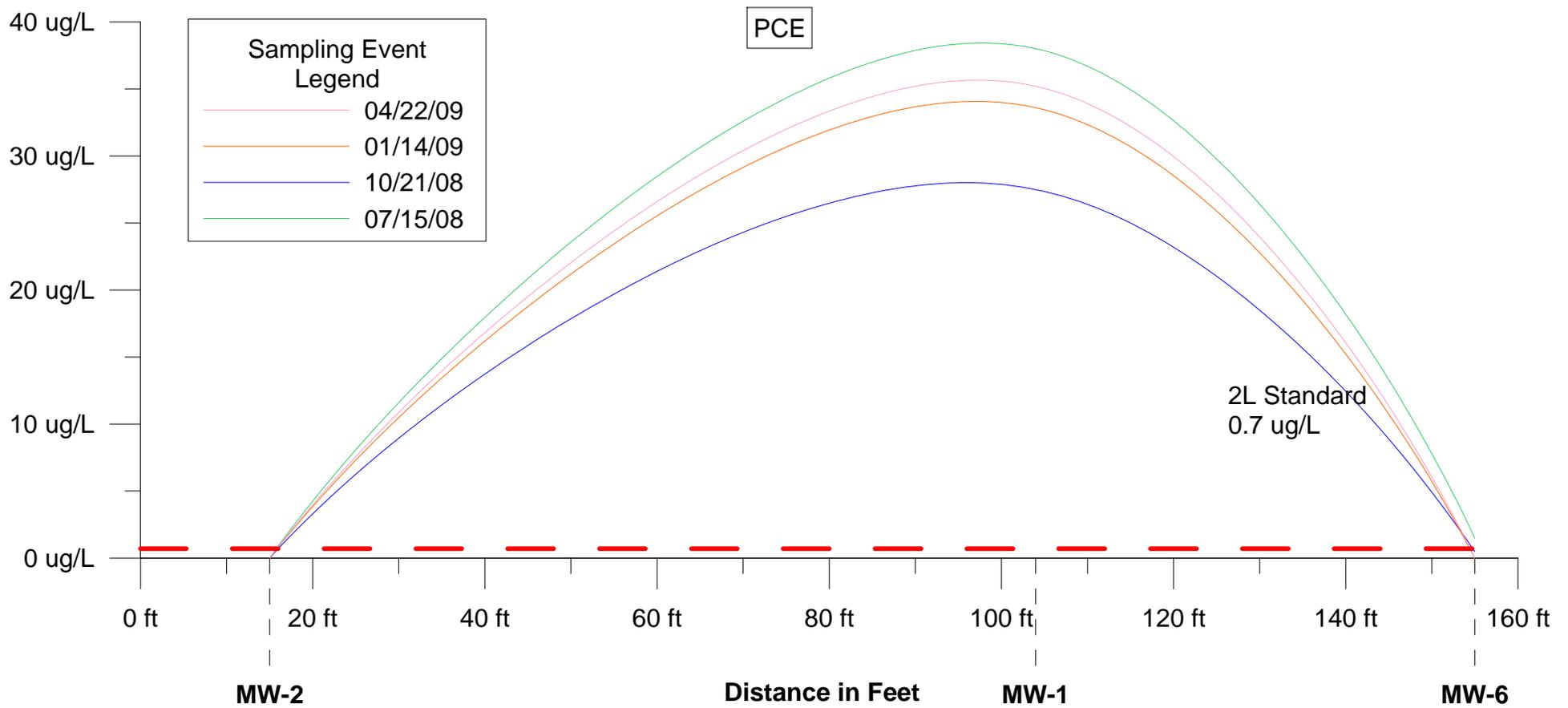


Table 5: Analytical Data for Groundwater

ADT 5

DSCA ID No.: 60-0048

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]																			
TMW-1	06/13/07	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.01	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.005	0.0186	< 0.0005	< 0.0005	0.0008	< 0.0005	< 0.001
TMW-2	06/13/07	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.01	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.001
TMW-3	06/13/07	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0105	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.0005	< 0.001
SB-11	10/25/07	NA	NA	NA	NA	< 0.001	NA	< 0.001	NA	NA	NA	< 0.001	< 0.001	NA	NA	0.0015	< 0.001	NA	< 0.001	< 0.001	NA
MW-1	10/26/07	NA	NA	NA	NA	< 0.001	NA	< 0.001	NA	NA	NA	< 0.001	< 0.001	NA	NA	0.019	< 0.001	NA	< 0.001	< 0.001	NA
MW-2	10/26/07	NA	NA	NA	NA	< 0.001	NA	< 0.001	NA	NA	NA	< 0.001	< 0.001	NA	NA	< 0.001	< 0.001	NA	< 0.001	< 0.001	NA
MW-3	10/26/07	NA	NA	NA	NA	< 0.001	NA	< 0.001	NA	NA	NA	< 0.001	< 0.001	NA	NA	0.0067	< 0.001	NA	< 0.001	< 0.001	NA
MW-4	10/26/07	NA	NA	NA	NA	< 0.001	NA	< 0.001	NA	NA	NA	< 0.001	< 0.001	NA	NA	< 0.001	< 0.001	NA	< 0.001	< 0.001	NA
MW-5	10/26/07	NA	NA	NA	NA	< 0.001	NA	< 0.001	NA	NA	NA	< 0.001	< 0.001	NA	NA	< 0.001	< 0.001	NA	< 0.001	< 0.001	NA
1T	04/15/08	NA	NA	NA	NA	< 0.01	NA	< 0.01	NA	NA	NA	0.034	< 0.01	NA	NA	0.045	< 0.01	< 0.01	< 0.01	< 0.01	0.6
2T	04/15/08	NA	NA	NA	NA	< 0.001	NA	< 0.001	NA	NA	NA	< 0.001	< 0.001	NA	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.003
DMW-01	07/15/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	0.0033	< 0.00024	0.0127	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-01	07/15/08	0.0005j	< 0.0004	< 0.00029	< 0.00032	0.0016	< 0.00012	< 0.00025	NA	< 0.00025	0.0017	< 0.00019	< 0.0003	< 0.00021	< 0.00024	0.038	< 0.00026	< 0.00049	0.001	< 0.00062	< 0.00066
MW-02	07/15/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	0.0032	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.00046	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-03	07/15/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	< 0.00021	< 0.00024	0.0258	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-04	07/15/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	< 0.00021	< 0.00024	0.00076j	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-05	07/15/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.00046	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066

Table 5: Analytical Data for Groundwater

ADT 5

DSCA ID No.: 60-0048

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-06	07/15/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.0016	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.0015	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
DMW-02	07/22/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< .0158	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< .0046	< .0027	< 0.00049	< 0.00047	< 0.00062	< 0.00066
DMW-02	10/21/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00066 u	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.0063	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-01	10/21/08	< 0.00052 j	< 0.0004	< 0.00029	< 0.00032	< 0.00092 j	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00039 u	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.0275	< 0.00026	< 0.00049	< 0.00096 j	< 0.00062	< 0.00066
MW-02	10/21/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.0023	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.00046	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-03	10/21/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.0184	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-04	10/21/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.00082 j	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-05	10/21/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.00046	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
MW-06	10/21/08	< 0.00048	< 0.0004	< 0.00029	< 0.00032	< 0.00056	< 0.00012	< 0.00025	NA	< 0.00025	< 0.00014	< 0.00019	< 0.0003	< 0.00021	< 0.00024	< 0.00049 j	< 0.00026	< 0.00049	< 0.00047	< 0.00062	< 0.00066
DMW-2	01/14/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.00088	<0.001	<0.001	<0.001	<0.001	0.0098	<0.001	<0.001	0.00051	<0.001	<0.002
MW-1	01/14/09	0.00067	<0.001	<0.001	<0.001	0.001	<0.001	<0.001	NA	<0.001	0.00049	<0.001	<0.001	<0.001	0.00081	0.0336	<0.001	<0.001	0.00088	<0.001	<0.002
MW-2	01/14/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.0003	<0.001	<0.001	<0.001	0.00067	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002

Table 5: Analytical Data for Groundwater

DSCA ID No.: 60-0048

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-3	01/14/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	0.0003 1	0.0216	<0.001	<0.001	<0.001	<0.001	<0.002
MW-4	01/14/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0007 6	<0.001	<0.001	<0.001	<0.001	<0.002
MW-5	01/14/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-6	01/14/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
DMW2	04/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	5 J	<0.001	<0.001	<0.001	<0.001	0.0072	<0.001	<0.001	<0.001	<0.001	<0.002
MW1	04/22/09	9 J	<0.001	<0.001	<0.001	3 J	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0352	<0.001	<0.001	0.0012	<0.001	<0.002
MW2	04/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.0031	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW3	04/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.017	<0.001	<0.001	<0.001	<0.001	<0.002
MW4	04/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0007 6 J	<0.001	<0.001	<0.001	<0.001	<0.002
MW5	04/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW6	04/22/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002

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

ADT 5(1)

DSCA ID No.: 60-0048

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	Carbon disulfide	Bromodichloromethane	Dibromochloromethane	Dichlorodifluoromethane	p-Isopropyltoluene														
		[mg/L]																		
TMW-1	6/13/07	NA	NA	NA	NA	NA														
TMW-2	6/13/07	NA	NA	NA	NA	NA														
TMW-3	6/13/07	NA	NA	NA	NA	NA														
SB-11	10/25/07	NA	NA	NA	NA	NA														
MW-01	10/26/07	NA	NA	NA	NA	NA														
MW-02	10/26/07	NA	NA	NA	NA	NA														
MW-03	10/26/07	NA	NA	NA	NA	NA														
MW-04	10/26/07	NA	NA	NA	NA	NA														
MW-05	10/26/07	NA	NA	NA	NA	NA														
1T	04/15/08	NA	NA	NA	NA	NA														
2T	04/15/08	NA	NA	NA	NA	NA														
DMW-01	07/15/08	NA	< 0.00018	< 0.00021	0.021	< 0.00031														
MW-01	07/15/08	NA	< 0.00018	< 0.00021	0.0022	< 0.00031														
MW-02	07/15/08	NA	< 0.00018	< 0.00021	0.0028	< 0.00031														
MW-03	07/15/08	NA	< 0.00018	< 0.00021	< 0.00021	< 0.00031														
MW-04	07/15/08	NA	< 0.00018	< 0.00021	0.00059j	0.0004j														
MW-05	07/15/08	NA	< 0.00018	< 0.00021	0.00077j	< 0.00031														

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

ADT 5(1)

DSCA ID No.: 60-0048

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	Carbon disulfide	Bromodichloromethane	Dibromochloromethane	Dichlorodifluoromethane	p-Isopropyltoluene														
		[mg/L]																		
MW-06	07/15/08	NA	< 0.00018	< 0.00021	< 0.00021	< 0.00031														
DMW-02	07/22/08	NA	0.0063	0.0024	< 0.00021	< 0.00031														
DMW-02	10/21/08	NA	< 0.00018	< 0.00021	0.106	< 0.00031														
MW-01	10/21/08	NA	< 0.00018	< 0.00021	0.0061	< 0.00031														
MW-02	10/21/08	NA	< 0.00018	< 0.00021	< 0.00021	< 0.00031														
MW-03	10/21/08	NA	< 0.00018	< 0.00021	< 0.00021	< 0.00031														
MW-04	10/21/08	NA	< 0.00018	< 0.00021	0.0048	< 0.00031														
MW-05	10/21/08	NA	< 0.00018	< 0.00021	0.0048	< 0.00031														
MW-06	10/21/08	NA	< 0.00018	< 0.00021	< 0.00021	< 0.00031														
DMW-2	01/14/09	NA	<0.001	<0.001	0.194	<0.001														
MW-1	01/14/09	NA	<0.001	<0.001	0.0049	<0.001														
MW-2	01/14/09	NA	<0.001	<0.001	0.0048	<0.001														

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

ADT 5(1)

DSCA ID No.: 60-0048

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	Carbon disulfide	Bromodichloromethane	Dibromochloromethane	Dichlorodifluoromethane	p-Isopropyltoluene														
		[mg/L]																		
MW-3	01/14/09	NA	<0.001	<0.001	<0.001	<0.001														
MW-4	01/14/09	NA	<0.001	<0.001	0.00059	<0.001														
MW-5	01/14/09	NA	<0.001	<0.001	0.0011	<0.001														
MW-6	01/14/09	NA	<0.001	<0.001	<0.001	<0.001														
DMW2	04/22/09	NA	<0.001	<0.001	0.147	<0.001														
MW1	04/22/09	NA	<0.001	<0.001	0.0031	<0.001														
MW2	04/22/09	NA	<0.001	<0.001	0.0036	<0.001														
MW3	04/22/09	NA	<0.001	<0.001	0.00023 J	<0.001														
MW4	04/22/09	NA	<0.001	<0.001	0.00079 J	<0.001														
MW5	04/22/09	NA	<0.001	<0.001	0.0013	<0.001														
MW6	04/22/09	NA	<0.001	<0.001	<0.001	<0.001														

APPENDIX B

LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS



February 17, 2009

North Carolina Department of Environment
and Natural Resources
Division of Waste Management – DSCA Program
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350

Att: Ms. Dianne Thomas
DSCA Project Manager

Re: Level 1 Ecological Risk Assessment
Dan Meigs Cleaners DSCA Site ID #60-0048
1101 Central Avenue
Charlotte, Mecklenburg County, North Carolina
URS-NC Project Number 38854424

Dear Ms. Thomas:

URS Corporation – North Carolina (URS) is pleased to present the findings of the Level 1 Ecological Risk Assessment (Eco Risk Assessment) for the Dan Meigs Cleaners facility (site) located in Charlotte, Mecklenburg County, North Carolina to North Carolina Department of Environment and Natural Resources (NCDENR). The Eco Risk Assessment was completed in accordance with the DSCA program's Risk Based Corrective Action (RBCA) guidance document to assess the potential for ecological receptors. If you have any questions or require additional information, please do not hesitate to contact this office.

Sincerely,

URS CORPORATION – NORTH CAROLINA

Michael T. Chang
Environmental Scientist

Robert H. MacWilliams, PG
Program Manager

Attachment
cc: Project File (hard copy)

URS Corporation – North Carolina
6135 Park South Drive, Suite 300
Charlotte, North Carolina 28210
(704) 522-0330 Phone
(704) 522-0063 Fax

Level 1 Ecological Risk Assessment
Checklist A for Potential Receptors and Habitat
DSCA # 60-0048

1. **Are there any navigable water bodies or tributaries to a navigable water body on or within the one-half mile of this site?** Yes, according to the USGS topographic map, Charlotte East, North Carolina, an unnamed tributary is located approximately 675 feet north of the site that eventually discharges to navigable water.
2. **Are there any water bodies anywhere on or within the one-half mile of the site?** Yes, an unnamed tributary is located approximately 675 feet north of the site.
3. **Are there any wetland area such as marshes or swamps on or within one-half mile of the site?** No wetland areas were identified by the National Wetland Inventory within ½ mile of the site. However, the tributary identified above would likely be classified as a wetland.
4. **Are there any sensitive environmental areas on or within one-half mile of the site?** No wetlands were identified by the National Wetland Inventory within ½ mile of the site, however, it is likely that the above referenced tributary would be classified as wetlands.
5. **Are there any areas on or within one-half mile of the site owned or used by local tribes?** No, none were identified by the Indian Reservation Database.
6. **Are there any habitat, foraging area or refuge by rare, threatened, endangered, candidate and/or proposed species (plants or animals), or any otherwise protected species on or within one-half mile of the site?** Not likely. None were identified on the North Carolina Natural Heritage Sites database or the North Carolina Natural Areas database. Two endangered species were identified in the EPA Endangered Species Protection Program database in Mecklenburg County, however, none were identified within ½ mile of the site.
7. **Are there any breeding, roosting or feeding areas by migratory bird species on or within one-half of the site?** Potentially, migratory birds are present in Mecklenburg County according to the Mecklenburg Audubon Society website, however, none have been specifically identified within ½ mile of the site.
8. **Are there any ecologically, recreationally or commercially important species on or within one-half mile of the site?** None have been identified.
9. **Are there any threatened and/or endangered species (plant or animal) on or within one-half mile of the site?** Not likely. None were identified on the North Carolina Natural Heritage Sites database or the North Carolina Natural Areas database. Two endangered species were identified in the EPA Endangered Species Protection Program

database in Mecklenburg County, however, none were identified within ½ mile of the site.

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

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.fw.gov>, federal or state agency, and USGS topographic maps. Areas that provide unique and often protected habitat for wildlife species. These areas typically used during critical life stages such as breeding, rearing or young and overwintering. Refer to Attachment 1 for examples of sensitive environments. Ecologically important species include populations of species which provide a critical food resource for higher organisms. Ecologically important species include pest an 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.

March 2007

DSCA Program

**Level 1 Ecological Risk Assessment
Checklist B for Potential Receptors and Habitat
DSCA # 60-0048**

- 1A. Can chemicals associated with the site leach, dissolve, or otherwise migrate to groundwater? **Yes**
- 1B. Are chemicals associated with the site mobile in groundwater? **Yes**
- 1C. Does groundwater from the site discharge to ecological receptor habitat? **Yes, eventually, groundwater discharges to an unnamed tributary located approximately 675 north of the site.**

Question 1. Could chemicals associated with the site reach ecological receptors through groundwater? **Not likely, chemical concentrations are relatively low and appear to be contained onsite.**

- 2A. Are chemicals present in surface soils on the site? **Yes, a relatively low impact (estimated concentration in mg/Kg at one soil boring location only) was identified at 0.5' to 1' below ground surface (bgs).**
- 2B. Can chemicals be leached from or be transported by erosion of surface soils on the site? **Not likely, as soil impacts were identified 0.5' bgs.**

Question 2. Could chemicals associated with the site reach ecological receptors through runoff or erosion? **No**

- 3A. Are chemicals present in surface soil or on the surface of the ground? **Yes**
- 3B. Are potential ecological receptors on the site? **No**

Question 3. Could chemicals associated with the site reach ecological receptors through direct contact? **No**

- 4A. Are chemicals on the site volatile? **Yes**
- 4B. Could chemicals on the site be transported in air as dust or particulate matter? **No**

Question 4. Could chemicals associated with the site reach ecological receptors through inhalation of volatilized chemicals or adhered chemicals to dust in ambient air or in subsurface burrows? **No, impacts were identified 0.5' bgs.**

- 5A. Is Non-Aqueous Phase Liquid (NAPL) present at the site? **No**
- 5B. Is NAPL migrating? **No**
- 5C. Could NAPL discharge occur where ecological receptors are found? **No**

Question 5. Could chemicals associated with site reach ecological receptors Through migration of NAPL? **No**

- 6A. Are chemicals present in surface and shallow subsurface soils or on the surface of the ground? **Yes, chemicals were identified 0.5' bgs.**
- 6B. Are chemicals found in soil on the site taken up by plants growing on the site? **Not likely, as no vegetation was identified in the vicinity of the soil impacts.**
- 6C. Do potential ecological receptors on or near the site feed on plants (e.g., grasses, shrubs, forbs, trees, etc.) found on the site? **Potentially**

6D. Do chemicals found on the site bioaccummulate. **No**
Question 6. Could chemicals associated with the site reach ecological receptors through direct ingestion of soil, plants animals or contaminants? Not likely, as soil contamination was identified at 0.5' bgs and no vegetation was identified in the vicinity of the soil impacts.

If the answer to one or more of the above six questions is “Yes”, the DENR may require further assessment to determine whether the site poses an unacceptable risk to ecological receptors.

March 2007

DSCA Program

APPENDIX C

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: 1101 Central Avenue, 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 1101 Central Avenue, 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 1101 Central Avenue, Charlotte, Mecklenburg County, North Carolina, Parcel Identification Number (PIN) 08111106.

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

Soil and groundwater at the Property are contaminated with dry-cleaning solvents associated with dry-cleaning operations at the Former Dan Meigs Cleaners (DSCA Site 60-0048) located at 1101 Central Avenue, Charlotte. Dry-cleaning operations were conducted on the Property from approximately 1955 to 1965.

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

(1) A description of the location and dimensions of the areas of potential environmental concern with respect to permanently surveyed benchmarks; and

(2) The type, location and quantity of regulated dry-cleaning solvent contamination and other contaminants known to exist on the Property.

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

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

LAND USE RESTRICTIONS

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

- 1. The Property shall be used exclusively for retail, commercial or industrial purposes and related amenities (parking, landscape areas and walkways), and all other uses of the Property are prohibited except as approved in writing by DENR.**
- 2. Without prior written approval from DENR, the Property shall not be used for:**
 - a. child care centers or schools; or**
 - b. mining or extraction of coal, oil, gas or any mineral or non-mineral substances.**
- 3. No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that use groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior approval of DENR.**
- 4. No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the Property without prior approval of DENR.**
- 5. In January of each year, on or before January 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.**

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

EASEMENT (RIGHT OF ENTRY)

The property owner grants and conveys to DENR, its agents, contractors, and employees, and any person performing pollution remediation activities under the direction of DENR, access at reasonable times and under reasonable security requirements to the Property to determine and monitor compliance with the land use restrictions set forth in this NDCSR. 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 NDCSR are maintained. Whenever possible, at least 48 hours advance notice will be given to the Property Owner prior to entry. Advance notice may not always be possible due to conditions such as response time to complaints and emergency situations.

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 NDCSR 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__.

1101 Central Avenue, LLC

By:

Name of contact

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he is a Member of 1101 Central Avenue, LLC, a North Carolina limited liability corporation, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Dry-Cleaning Solvent Remediation was signed in its name by him.

WITNESS my hand and official stamp or seal, this ___ day of _____, 20__.

Name typed or printed
Notary Public

My Commission expires: _____
[Stamp/Seal]

APPROVAL AND CERTIFICATION

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

North Carolina Department of Environment and Natural Resources

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

LIMITED POWER OF ATTORNEY

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

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

Signature of Property Owner _____

Dated this ____ day of _____, 20__.

STATE OF NORTH CAROLINA
COUNTY OF _____

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

WITNESS my hand and official stamp or seal, this ____ day of _____, 20__.

Name typed or printed
Notary Public

My Commission expires: _____
[Stamp/Seal]

EXHIBIT A
REDUCTION OF SURVEY PLAT
1101 Central Avenue, LLC

EXHIBIT B
PROPERTY LEGAL DESCRIPTION
1101 Central Avenue, LLC

Former Dan Meigs Cleaners
#1101 Central Avenue
Tax #081-111-06

Beginning at a found #4 rebar on the northerly margin of Central Avenue (Public R/W Varies), a common corner with lands of Eleven Eleven Central Avenue Condominiums (Unit File 652, Page 1); Thence with the right-of-way of Central Avenue the following three (3) courses and distances:

- 1) N. 76-05-49 W. 64.70 feet to a point;
- 2) N. 31-58-10 W. 35.26 feet to a point;
- 3) N. 78-20-59 W. 4.52 feet to a point; a point at the intersection of the right-of-way of Central Avenue and Heath Court (Public R/W Varies); Thence with the right-of-way of Heath Court N. 11-32-20 E. 139.01 feet to a point, the intersection of the right-of-way of a 10 foot alley (as recorded in Map Book 3, Page 2); Thence with the southern right-of-way of said alley S. 76-04-11 E. 93.46 feet to a point, a common corner with lands of Eleven Eleven Central Avenue Condominiums (Unit File 652, Page 1); Thence with the Eleven Eleven line S. 11-31-06 W. 163.37 feet to a found #4 rebar; returning to the POINT AND PLACE OF BEGINNING, and containing 14,852 square feet (0.341 Acres), more or less.

APPENDIX D

EXAMPLE ANNUAL DSCA LAND – USE RESTRICTIONS CERTIFICATIONS

Site Name: Dan Meigs Cleaners

Site Address: 1101 Central Avenue, Charlotte, Mecklenburg County, NC

DSCA ID No: 60-0048

ANNUAL DSCA LAND USE RESTRICTIONS CERTIFICIATION

Pursuant to Land Use Restriction Number _____ in a Notice of Dry-Cleaning Solvent Remediation (NDCSR) executed by _____ and recorded on _____ at the Mecklenburg County Register of Deeds Office, 1101 Central Avenue, LLC hereby certifies, as an owner of at least part of the property that is the subject of the NDCSR, that the NDCSR remains recorded at the Mecklenburg County Register of Deeds office and the land use restrictions therein are being complied with.

Duly executed this _____ day of _____, 20__.

1101 Central Avenue, LLC

By: _____
Name typed or printed:
Member/Manager

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a Member of 1101 Central Avenue, 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 E

NOTICE OF INTENT



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

Curt Walton, City Manager
600 East Fourth Street
Charlotte, NC 28202

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0048
Dan Meigs Cleaners, 1101 Central Avenue, Charlotte, NC

Dear Mr. Walton:

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

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

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 May 13, 2012, until June 11, 2012. Written comments may be submitted to DENR no later than June 11, 2012. Written requests for a public meeting may be submitted to DENR no later than June 11, 2012. All such comments and requests should be sent to:

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

Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0048
Dan Meigs Cleaners, 1101 Central Avenue, Charlotte, NC
Page 2

May 4, 2012

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

If you have any questions, please feel free to contact me at (919)707-8362.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.thomas@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0048 File



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

E. Winters Mabry, MD, County Health Director
249 Billingsley Road
Charlotte, NC 28211

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0048
Dan Meigs Cleaners, 1101 Central Avenue, Charlotte, NC

Dear Mr. Mabry:

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

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

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 May 13, 2012, until June 11, 2012. Written comments may be submitted to DENR no later than June 11, 2012. Written requests for a public meeting may be submitted to DENR no later than June 11, 2012. All such comments and requests should be sent to:

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

Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0048
Dan Meigs Cleaners, 1101 Central Avenue, Charlotte, NC
Page 2

May 4, 2012

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

If you have any questions, please feel free to contact me at (919)707-8362.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.Thomas@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0048 File

Public Notice

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

Dan Meigs Cleaners
DSCA Site # 60-0048

Pursuant to N.C.G.S. §143-215.104L, on behalf of 1101 Central Avenue, 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.

Dan Meigs Cleaners formerly conducted dry-cleaning operations at at 1101 Central Avenue, in Charlotte, North Carolina. The property is currently occupied by the Loco Lime Mexican restaurant and Common House restaurant. Dry-cleaning solvent contamination in soil and/or ground water has been identified at the following parcel(s):

1101 Central Avenue, in Charlotte; Parcel No. 08111106

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 Loco Lime Mexican restaurant and Kickstand Charlotte Burgers-n-Bar. A Risk Management Plan has been prepared which proposes instituting land-use restrictions to prohibit the use of groundwater at the affected property and to require DENR approval for new construction on the affected property.

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

The public comment period begins May13, 2012, and ends June 11, 2012.

Comments must be in writing and submitted to DENR no later than June 11, 2012. Written requests for a public meeting may be submitted to DENR no later than June 11, 2012. Requests for additional information should be directed to Dianne Thomas at (919)707-8362.

All comments and requests should be sent to:

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



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

Robert P Jr Caldwell and Lesa J Crocker
968 Bromley Road, # B
Charlotte, NC, 28207

Subj: Dry-Cleaning Solvent Contamination
1101 Central Avenue, Charlotte, NC

Dear Mr. Caldwell and Ms. Crocker:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Dan Meigs Cleaners at 1101 Central Avenue in Charlotte. The property is currently occupied by the Loco Lime Mexican Restaurant and Kickstand Charlotte Burgers-n-Bar. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

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

If you have questions, please contact me at (919) 707-8362, or Pete Doorn at (919) 707-8369.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.thomas@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0048 File



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

Blackburn Nardoci LLC
203 Margareta Avenue
Belmont, NC, 28012

Subj: Dry-Cleaning Solvent Contamination
1101 Central Avenue, Charlotte, NC

To Whom It May Concern:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Dan Meigs Cleaners at 1101 Central Avenue in Charlotte. The property is currently occupied by the Loco Lime Mexican Restaurant and Kickstand Charlotte Burgers-n-Bar. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

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

If you have questions, please contact me at (919) 707-8362, or Pete Doorn at (919) 707-8369.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.thomas@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0048 File



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

Morgan Murphy Real Estate LLC
1111 Central Avenue, #210
Charlotte, NC, 28204

Subj: Dry-Cleaning Solvent Contamination
1101 Central Avenue, Charlotte, NC

To Whom It May Concern:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Dan Meigs Cleaners at 1101 Central Avenue in Charlotte. The property is currently occupied by the Loco Lime Mexican Restaurant and Kickstand Charlotte Burgers-n-Bar. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

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

If you have questions, please contact me at (919) 707-8362, or Pete Doorn at (919) 707-8369.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.thomas@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0048 File



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

Shelly Jordan Rydell and Shannon Lea Rydell
4215 Woodlark Ln,
Charlotte, NC, 28211

Subj: Dry-Cleaning Solvent Contamination
1101 Central Avenue, Charlotte, NC

Dear Ms. Shelly and Ms. Shannon:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Dan Meigs Cleaners at 1101 Central Avenue in Charlotte. The property is currently occupied by the Loco Lime Mexican Restaurant and Kickstand Charlotte Burgers-n-Bar. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

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

If you have questions, please contact me at (919) 707-8362, or Pete Doorn at (919) 707-8369.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.thomas@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0048 File



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

Mikpage LLC
1111 Central Avenue, #230
Charlotte, NC, 28204

Subj: Dry-Cleaning Solvent Contamination
1101 Central Avenue, Charlotte, NC

To Whom It May Concern:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Dan Meigs Cleaners at 1101 Central Avenue in Charlotte. The property is currently occupied by the Loco Lime Mexican Restaurant and Kickstand Charlotte Burgers-n-Bar. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

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

If you have questions, please contact me at (919) 707-8362, or Pete Doorn at (919) 707-8369.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.thomas@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0048 File



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 4, 2012

NORCO LLC
6100 Fairview Rd, Ste 1156
Charlotte, NC, 28210

Subj: Dry-Cleaning Solvent Contamination
1101 Central Avenue, Charlotte, NC

To Whom It May Concern:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Dan Meigs Cleaners at 1101 Central Avenue in Charlotte. The property is currently occupied by the Loco Lime Mexican Restaurant and Kickstand Charlotte Burgers-n-Bar. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

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

If you have questions, please contact me at (919) 707-8362, or Pete Doorn at (919) 707-8369.

Sincerely,

Dianne Thomas, Project Manager
DSCA Remediation Unit
Dianne.thomas@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0048 File