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October 24, 2011

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

**RE: Risk Management Plan**  
**Former Heart's Cleaners**  
9101 Pineville-Matthews Road  
Pineville, Mecklenburg County, North Carolina  
ATC Project No. 45.34341.6021  
DSCA Site Identification No. 60-0021

Dear Ms. Alexander:

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

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

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

A handwritten signature in blue ink, appearing to read 'Genna K. Olson', is written over the typed name and title.

Genna K. Olson, P.G.  
Program Manager

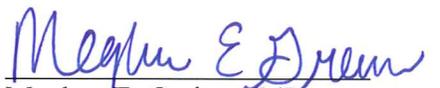
**RISK MANAGEMENT PLAN  
FORMER HEART'S CLEANERS  
9101 PINEVILLE-MATTHEWS ROAD  
PINEVILLE, MECKLENBURG COUNTY, NORTH CAROLINA  
ATC PROJECT NO. 45.34341.6021  
DSCA SITE IDENTIFICATION NO. 60-0021  
October 24, 2011**

**Risk Management Plan**  
**Former Heart's Cleaners**  
9101 Pineville-Matthews Road  
Pineville, Mecklenburg County, NC  
ATC Project No. 45.34341.6021  
DSCA Site Identification No. 60-0021

**Prepared By:**

**Submitted To:**

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

  
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October 24, 2011

## TABLE OF CONTENTS

1.0 Introduction .....	1
2.0 Objectives of RMP.....	1
3.0 Summary of Approved Risk Assessment Report .....	1
4.0 RAP Components.....	4
4.1 Summary of Prior Assessment and Interim Actions .....	4
4.2 Remedial Action.....	5
5.0 Data Collected During RMP Implementation .....	7
6.0 Land Use Restrictions (LURs).....	7
7.0 Long-Term Stewardship Plan .....	8
8.0 RMP Implementation Schedule .....	8
9.0 Criteria for Demonstrating RMP Success .....	8
10.0 Contingency Plan if RMP Fails .....	9
11.0 Conclusions and Recommendations .....	9

## APPENDICES

Appendix A	Documentation of Plume Stability Evaluation
Appendix B	Level 1 Ecological Risk Assessment Checklists
Appendix C	On-Site Notice of Dry-Cleaning Solvent Remediation
Appendix D	Off-Site Notice of Dry-cleaning Solvent Remediation
Appendix E	Example Annual DSCA Land-Use Restrictions
Appendix F	Example Documents Announcing the Public Comment Period

## **1.0 INTRODUCTION**

ATC Associates of North Carolina, P.C. (ATC) has prepared this Risk Management Plan (RMP) for the former Heart's Cleaners on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Dry-Cleaning Solvent Cleanup Act (DSCA) Program. The former Heart's Cleaners site (herein referred to as the "site") is located at 9101 Pineville-Matthews Road in Pineville, Mecklenburg County, North Carolina. Site assessment activities have confirmed that the groundwater contamination extends below the adjacent I-485 exit ramp, but does not extend onto other off-site properties. This RMP is intended to comply with the requirements of the DSCA (N.C.G.S. 143-215.104A *et seqs*) and promulgated rules and follows the outline provided in the DSCA Program's risk-based corrective action (RBCA) guidance.

## **2.0 OBJECTIVES OF RMP**

ATC completed assessment activities at the site which indicated that tetrachloroethylene (PCE) is present in soil above unrestricted land use standards on the site property and that PCE and trichloroethylene (TCE) are present in groundwater above Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards) on the site property and the adjacent I-485 exit ramp. ATC completed a Risk Assessment for the site on January 3, 2011. The results of the Risk Assessment indicated that there are on and off-site risks that do exceed target risk levels. However, the risks will be managed based on site-specific land use conditions that have been selected as part of the evaluation and which require an RMP. Thus, the objective of the RMP is to ensure that those site-specific land use conditions remain valid in the future.

## **3.0 SUMMARY OF APPROVED RISK ASSESSMENT REPORT**

Based on soil and groundwater impacts above unrestricted use levels, ATC completed a Risk Assessment report for the site on January 3, 2011. This section summarizes the final risk assessment, which resulted in the recommendation for no further action status.

The first step in the risk assessment process included a development of an exposure model. Two exposure units were assigned, one "on-site unit" encompassing the portion of the plume on the site property around the former drycleaner and a second "off-site unit" encompassing the portion

of the plume below the adjacent I-485 exit ramp. The exposure model evaluation indicated the following complete exposure pathways for each unit:

- On-site future resident – surficial soil combined pathway, indoor and outdoor inhalation of vapor emissions from subsurface soil, and indoor and outdoor inhalation of vapor emissions from groundwater;
- On-site non-residential worker - surficial soil combined pathway, indoor and outdoor inhalation of vapor emissions from subsurface soil, and indoor and outdoor inhalation of vapor emissions from groundwater;
- On-site construction worker - combined pathways for soil up to depth of construction and outdoor inhalation of vapor emissions from groundwater;
- Off-site future resident – indoor and outdoor inhalation of vapor emissions from groundwater;
- Off-site future non-residential worker – indoor and outdoor inhalation of vapor emissions from groundwater; and
- Off-site construction worker – outdoor inhalation of vapor emissions from groundwater.

Note that the site property is currently non-residential and the area of the plume off-site is currently overlain by an off-ramp for I-485. The future land use for these properties is not expected to change. However, ATC evaluated both residential and non-residential land use in the Risk Assessment to evaluate potential land use restrictions needed at the time of closure. The results of the Tier 1 indicated that PCE concentrations in indoor air exceed the Tier 1 levels for indoor inhalation by an on-site non-residential worker and a future on-site resident. Note that the Tier 1 levels currently used by the DSCA Program for indoor air are the Regional Screening Levels (RSLs) established by Region III of the Environmental Protection Agency (EPA). No exceedences of Tier 1 levels were identified for the Off-Site Exposure Unit.

Due to the exceedences identified during the Tier 1, a Tier 2 evaluation was performed using site-specific parameters for the on-site exposure unit. The risk for the on-site exposure unit was evaluated using air data for the indoor inhalation pathways and soil and groundwater data for the other complete pathways. Risk for a possible future resident, current and future non-residential worker, and construction worker were calculated during the Tier 2. The RAM Group software

was utilized for outdoor inhalation and surficial soil modeling calculations, and the DSCA Program's Indoor Air Risk Calculator was used for indoor inhalation modeling calculations. The results of the Tier 2 did not indicate exceedences of the allowable risk levels established by the DSCA Program for a non-residential worker or a construction worker. For an on-site future resident, the calculated cumulative risk exceeded the allowable cumulative carcinogenic risk level of  $10^{-5}$  considered acceptable by the DSCA Program. To protect future site occupants, ATC recommends implementation of a land use restriction (LUR) limiting future use of the site property to non-residential. LURs proposed for the site are further discussed in detail in Section 6.0.

In addition to the above referenced pathways, ATC also evaluated the protection of groundwater use pathway. ATC assumed that the nearest potential point-of-exposure (POE) for groundwater use was northwest of the site at the nearest downgradient off-site property boundary, approximately 660 feet northwest of the source area. The results of the Tier 1 indicated no exceedences of Tier 1 Risk Based Screening Levels for protection of groundwater use. The nearest surface water body is 1,000 feet from the subject site. Based on this distance and the size of the plume associated with the subject site, the surface water pathway was deemed incomplete.

One of the objectives of the Risk Assessment was the evaluation of indoor inhalation pathways for existing buildings. However, additional evaluation may be warranted if future buildings are constructed or significant construction renovations are performed. Sub-slab soil gas samples collected in the commercial tenant space overlying the former drycleaner (currently occupied by KB Home) contained PCE at concentrations above the Tier 1 levels currently used by the DSCA Program, which are the Vapor Intrusion Screening Levels (VISLs) established by the NCDENR Inactive Hazardous Sites Branch (IHSB). The Risk Assessment used indoor air data in lieu of sub-slab soil gas data because it is more representative of current risks, but vapor intrusion characteristics could be variable for alternate construction. To address the potential for vapor intrusion into future structures, ATC recommends a LUR for the site specifying that no activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the site property without prior approval of DENR.

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

## **4.0 RAP COMPONENTS**

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

The former Heart's Cleaners operated on the west side of the shopping center currently known as the Terraces at Park Place from 1981 through 2000. Law Engineering & Environmental Services, Inc. (LAW) completed a Phase I and II Environmental Site Assessment (ESA) in December 2000. The work completed included the collection of soil samples from four borings (SS-1 through SS-4) and the installation of one monitoring well (MW-1). PCE was detected in all four borings at concentrations ranging from 0.009 milligrams per kilogram (mg/kg) in SS-4 to 0.140 mg/kg in SS-1. PCE was also detected in MW-1 at a concentration of 0.022 milligrams per liter (mg/L). In February 2001, a receptor survey was completed by LAW. A petition for certification of the site into the DSCA Program was submitted in September 2001. Between 2001 and 2003 the shopping center building was demolished and a new building was built in its place. LAW completed an updated receptor survey and collected additional groundwater samples from MW-1 in January 2004.

Additional monitoring wells MW-2 and MW-3 were installed and groundwater samples were collected from all monitoring wells by ENSR in March 2006. Four additional groundwater sampling events were also completed by ENSR in September 2006, January 2007, May 2007, and July 2007 and documented in an Annual Groundwater Monitoring Report dated August 29, 2007.

From October 2008 through January 2009, additional assessment was completed by ATC with the advancement of four soil borings (SS-5 through SS-8) and the installation and sampling of four temporary wells (TW-1 through TW-4). The assessment generally indicated that the extent of impacted soil is confined to the area below the existing building and the extent of impacted groundwater is confined to the site property and the adjacent right-of-way for Interstate I-485.

The results of ATC's assessment were documented in an Assessment Report dated March 17, 2009.

In January 2010, ATC completed sub-slab soil gas and indoor air sampling in the tenant space overlying the former dry-cleaning building. This tenant space is currently occupied by KB Home. The results of the sampling indicated detectable concentrations of PCE and/or TCE in the sub-slab soil gas and indoor air samples. An evaluation of the cumulative risk posed by the indoor air concentrations was conducted in accordance with the DSCA Program's indoor air risk evaluation process. The results of the evaluation indicated a cumulative carcinogenic of risk of less than  $10^{-5}$ , which is considered acceptable. The results of the sampling and risk evaluation were documented in a Soil Gas and Air Sampling Report dated March 26, 2010.

ATC compiled the recent and historical data for the site and prepared a Risk Assessment dated January 3, 2011. As discussed in detail in Section 3.0, the Risk Assessment concluded that risks associated with the contamination could be managed through implementation of LURs for the site property and the adjacent I-485 exit ramp area, as detailed in this RMP. Therefore, the Risk Assessment recommended risk-based closure for the site.

## **4.2 Remedial Action**

According to the DSCA Program's RBCA guidance, no remedial action is necessary if four site conditions are met. Each of these conditions and their applicability to the subject site are addressed below.

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

Periodic groundwater monitoring has been conducted at the site since 2000. Seven groundwater sampling events have been conducted for monitoring well MW-1. Five groundwater sampling events have been conducted for monitoring wells MW-2 and MW-3. The temporary monitoring wells, TW-1 through TW-4, were sampled once before being abandoned. Constituents of concern (COCs) detected at the site historically include cis-1,2-dichloroethylene, naphthalene, PCE, TCE, acetone, 2-butanone, and chloromethane. Of these constituents, only PCE and TCE

have been detected at concentrations exceeding 2L Standards. Based on these data, ATC focused on the compounds PCE and TCE for evaluation of plume stability.

ATC prepared concentration versus distance and concentration versus time graphs for sampling events conducted at the site for PCE and TCE. The graph shows an overall decreasing trend in PCE concentrations. In addition, breakdown products do not exhibit an increasing trend. Based on these data, ATC concludes that the plume is stable or decreasing. Documentation of the plume stability evaluation, including a figure showing monitoring well locations, a table showing historical groundwater analytical data, concentration versus distance graphs, and concentration versus time graphs are included in **Appendix A**.

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

ATC evaluated the representative concentrations calculated during the Tier 1 and found that this condition has been met for all COCs and exposure pathways.

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

LURs will be implemented for the site property and the adjacent I-485 exit ramp area to ensure the assumptions made in the Risk Assessment remain valid in the future. Refer to Section 6.0 for additional details regarding the proposed LURs for the site.

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

ATC 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 LURs on the site property.

## **5.0 DATA COLLECTED DURING RMP IMPLEMENTATION**

No further sampling or other data collection activities are proposed for the site, assuming the assumptions detailed in the LURs remain valid. As such, this section is not applicable.

## **6.0 LAND USE RESTRICTIONS (LURs)**

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

- Land use on the site property will be limited to non-residential;
- No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) will occur on the site property without prior approval of NCDENR; and
- Groundwater will not be utilized on the site property or the adjacent interstate off-ramp area.

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

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

The on-site NDCSR contains a clause which requires that the owner of the site submit notarized “Annual Certification of Land-Use Restrictions” to NCDENR on an annual basis certifying that the NDCSR remains recorded with the Register of Deeds and that land use conditions have not changed. An example of such a certification is included in *Appendix E*.

## **8.0 RMP IMPLEMENTATION SCHEDULE**

Since the contamination is stable and confined to the site property and adjacent I-485 exit ramp, and possible exposure to the contamination is managed through the NDCSRs and LURs, no additional site remediation activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. *Appendix F* includes example documents used to announce the public comment period in the local newspaper and to inform local officials, nearby property owners, and interested parties. As such, 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.

## **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 NDCSR for each property may, at the request of the owner of the property, be canceled by DENR after the risk to public health and the environment associated with the dry-cleaning solvent contamination and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated as a result of remediation of the property. If DENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the site conditions have impacted the requirements set forth in the NDCSR and LURs and if changes are required. Enforcement of the RMP will be maintained through receipt of the “Annual DSCA Land-Use Restrictions Certification” from the property owner as part of the NDCSR and LUR requirements.

## **10.0 CONTINGENCY PLAN IF RMP FAILS**

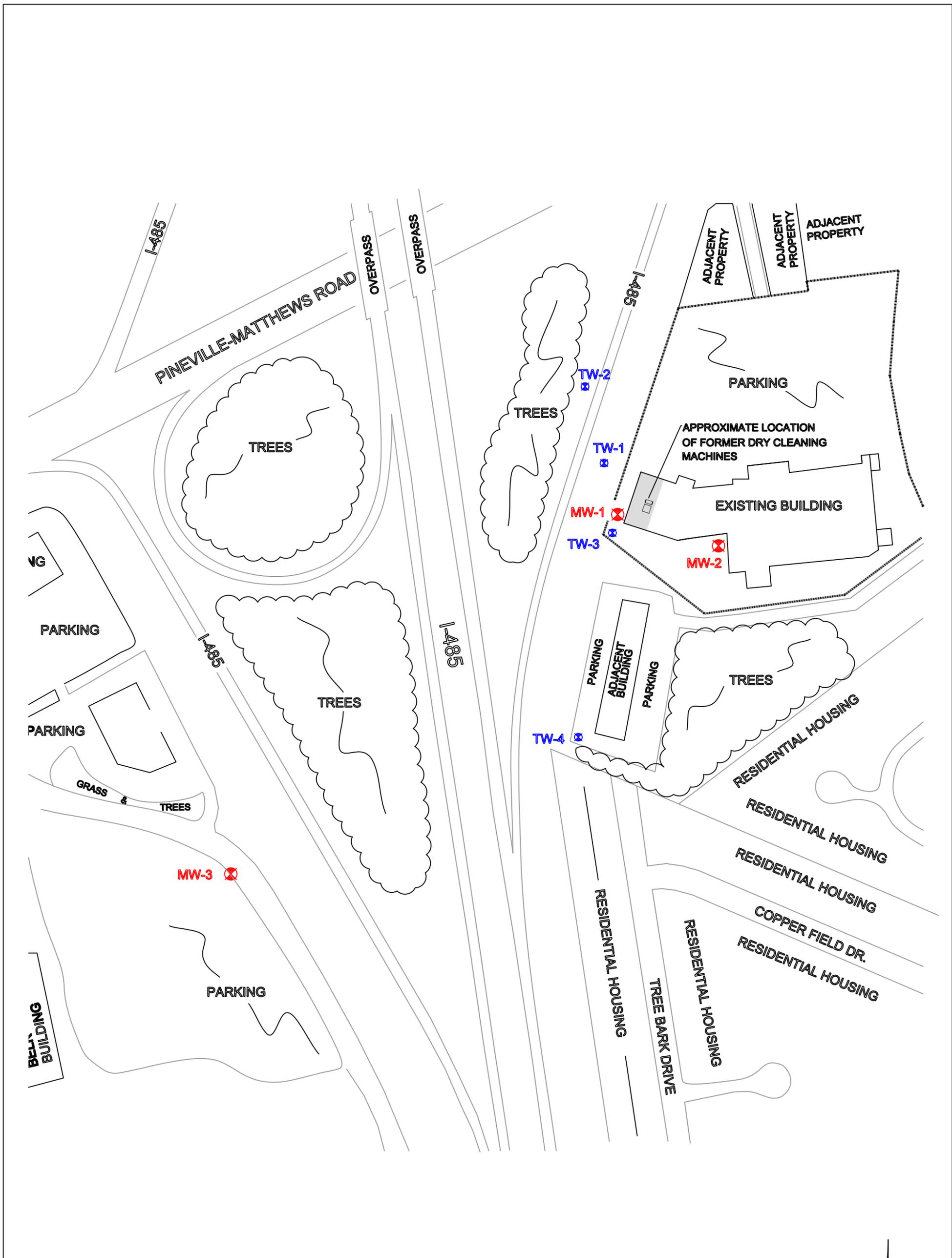
As discussed above, unless the DSCA Program is notified of a change in land use conditions at the site, per the notification requirements detailed in this plan, the RMP will remain in effect until the RMP has met its objectives and is considered a success. Pursuant to N.C.G.S. 143-215.104K, if any of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

## **11.0 CONCLUSIONS AND RECOMMENDATIONS**

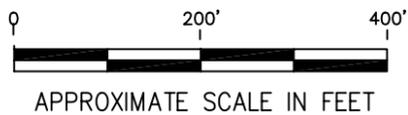
ATC has prepared this RMP for the former Heart's Cleaners site on behalf of the NC DSCA Program. The results of a Risk Assessment indicated that contaminant concentrations at the site do not pose an unacceptable risk. The contaminant plume associated with the site appears stable or decreasing. This RMP specifies that the NDCSR and LUR requirements provide notification that land use conditions observed during the risk assessment evaluation remain valid in the future. Based on the documentation contained in this report, ATC recommends issuance of a "No Further Action" letter.

**APPENDIX A**

**DOCUMENTATION OF PLUME STABILITY EVALUATION**



- LEGEND**
- ⊗ = MONITORING WELL LOCATION
  - ⊗ = TEMPORARY MONITORING WELL LOCATION



**NOTES:**

MONITORING WELL LOCATION MAP  
 FORMER HEART'S DRY CLEANERS  
 9101 PINEVILLE-MATTHEWS ROAD  
 PINEVILLE, NORTH CAROLINA



Raleigh, North Carolina 27604 (919) 871-0999

CAD FILE	DSCA ID	PREP. BY	REV. BY	SCALE	DATE	PROJECT NO.
	60-0021	LB	MG	1"=200'	01/28/09	45.34341.6021

**Table 1: Analytical Data for Groundwater**

**DSCA ID No.: 60-0021**

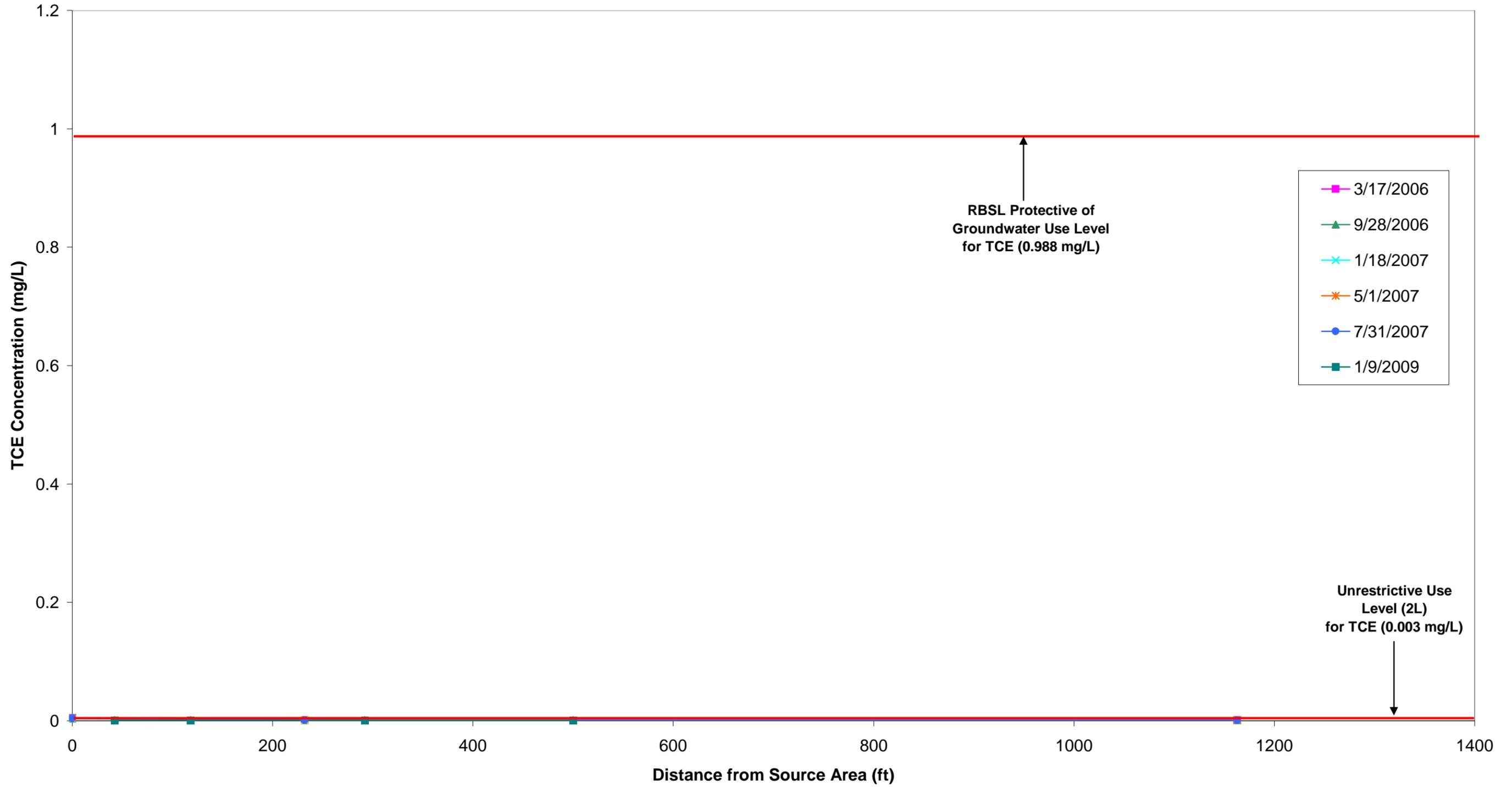
Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-1	3/17/06	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<b>0.16</b>	<0.001	<0.002	<b>0.0044</b>	<0.002	<0.001
	9/28/06*	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<b>0.16</b>	<0.001	<0.002	<b>0.0042</b>	<0.002	<0.001
	1/18/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<b>0.11</b>	<0.001	<0.002	<b>0.0032</b>	<0.002	<0.001
	5/1/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	0.00082J	<0.001	<0.001	<0.001	<b>0.13</b>	<0.001	<0.002	<b>0.005</b>	<0.002	<0.001
	7/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<b>0.12</b>	<0.001	<0.002	<b>0.0047</b>	<0.002	<0.001
MW-2	3/17/06	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	9/28/06	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	1/18/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	5/1/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	7/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
MW-3	3/17/06	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	9/28/06*	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.005	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	1/18/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	5/1/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
	7/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.001
TW-1	1/9/09	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.01	<0.005
TW-2	1/9/09	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	0.00066J	<b>0.0019</b>	<0.005	<0.005	<0.0028	<0.01	<0.005
TW-3	1/9/09	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.01	<0.005
TW-4	1/9/09	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.01	<0.005
NC 2L Standards		0.2	0.0002	NE	0.006	0.007	0.0004	0.001	5x10-6	0.0003	0.07	0.07	0.6	0.02	0.006	0.0007	0.6	0.1	0.003	3x10-5	0.5

\*Note: MW-1 and MW-3 analytical data have been switched from the laboratory report. Based on historical data, the samples from MW-1 and MW-3 on September 28, 2006 were believed to be mislabeled.

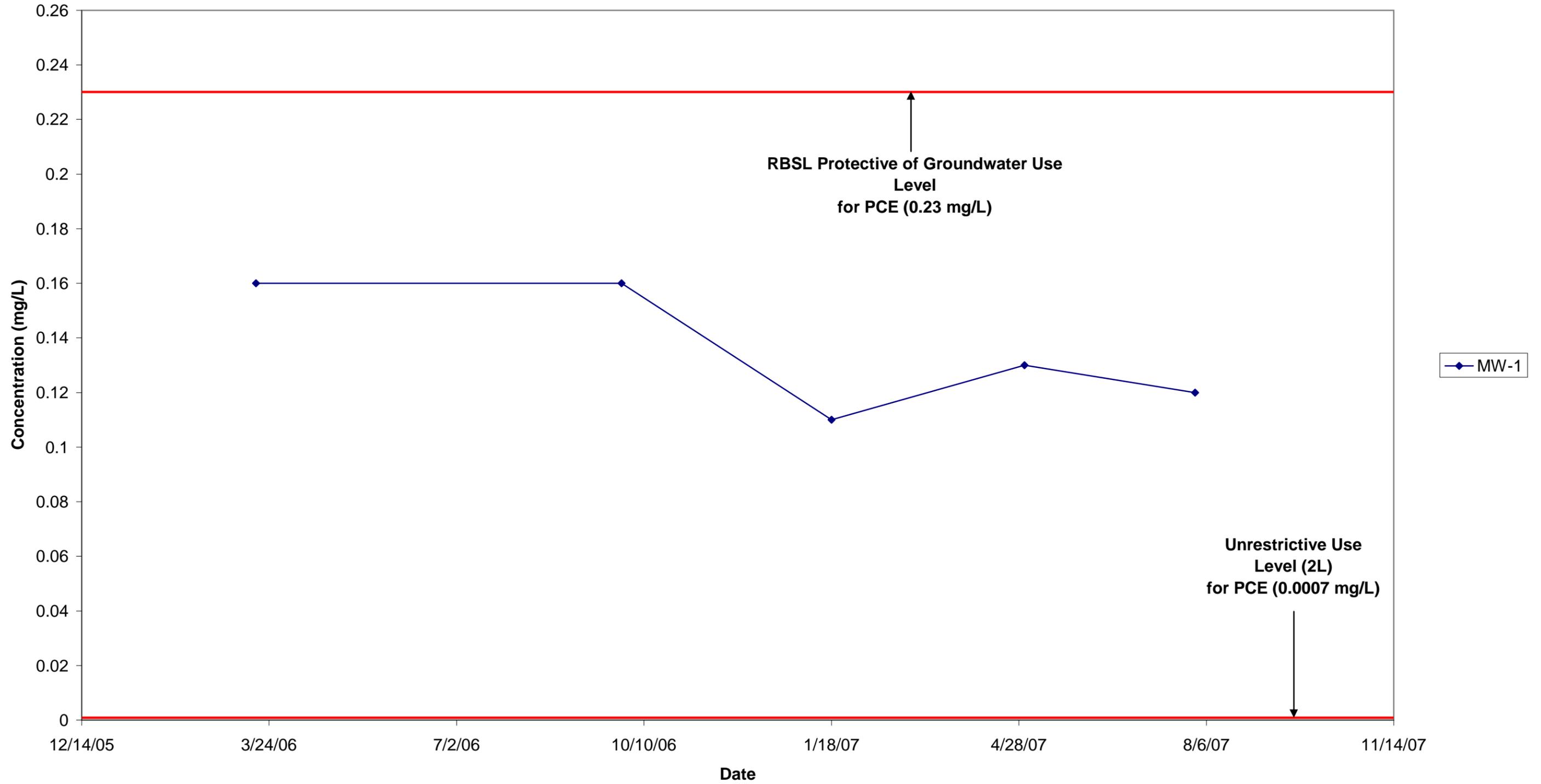
Table 1(1): Analytical Data for Groundwater (User Specified Chemicals)							
DSCA ID No.: 60-0021							
Groundwater Sampling Point	Sampling Date (mm/dd/yy)	Acetone	Methyl ethyl ketone (2-Butanone)	Methylene chloride	Chloromethane		
		[mg/L]					
MW-1	3/17/06	<0.010	<0.005	<0.002	<0.002		
	9/28/06	<0.010	<0.005	<0.002	<0.002		
	1/18/07	<0.010	<0.005	<0.002	<0.002		
	5/1/07	<0.010	<0.005	<0.002	<0.002		
	7/31/07	<0.010	<0.005	<0.002	<0.002		
MW-2	3/17/06	<0.010	<0.005	<0.002	<0.002		
	9/28/06	<0.010	<0.005	<0.002	<0.002		
	1/18/07	<0.010	<0.005	<0.002	<0.002		
	5/1/07	<0.010	<0.005	<0.002	<0.002		
	7/31/07	<0.010	<0.005	<0.002	<0.002		
MW-3	3/17/06	<0.010	<0.005	<0.002	<0.002		
	9/28/06	0.019	<0.005	<0.002	<0.002		
	1/18/07	<0.010	<0.005	<0.002	<0.002		
	5/1/07	<0.010	<0.005	<0.002	<0.002		
	7/31/07	<0.010	<0.005	<0.002	<0.002		
TW-1	1/9/09	0.01J	0.0055J	<0.005	<0.005		
TW-2	1/9/09	0.01J	<0.01	<0.005	0.0012J		
TW-3	1/9/09	0.028J	0.0026J	<0.005	<0.005		
TW-4	1/9/09	0.0056J	<0.01	<0.005	<0.005		
NC 2L Standard		6	4	0.005	0.003		



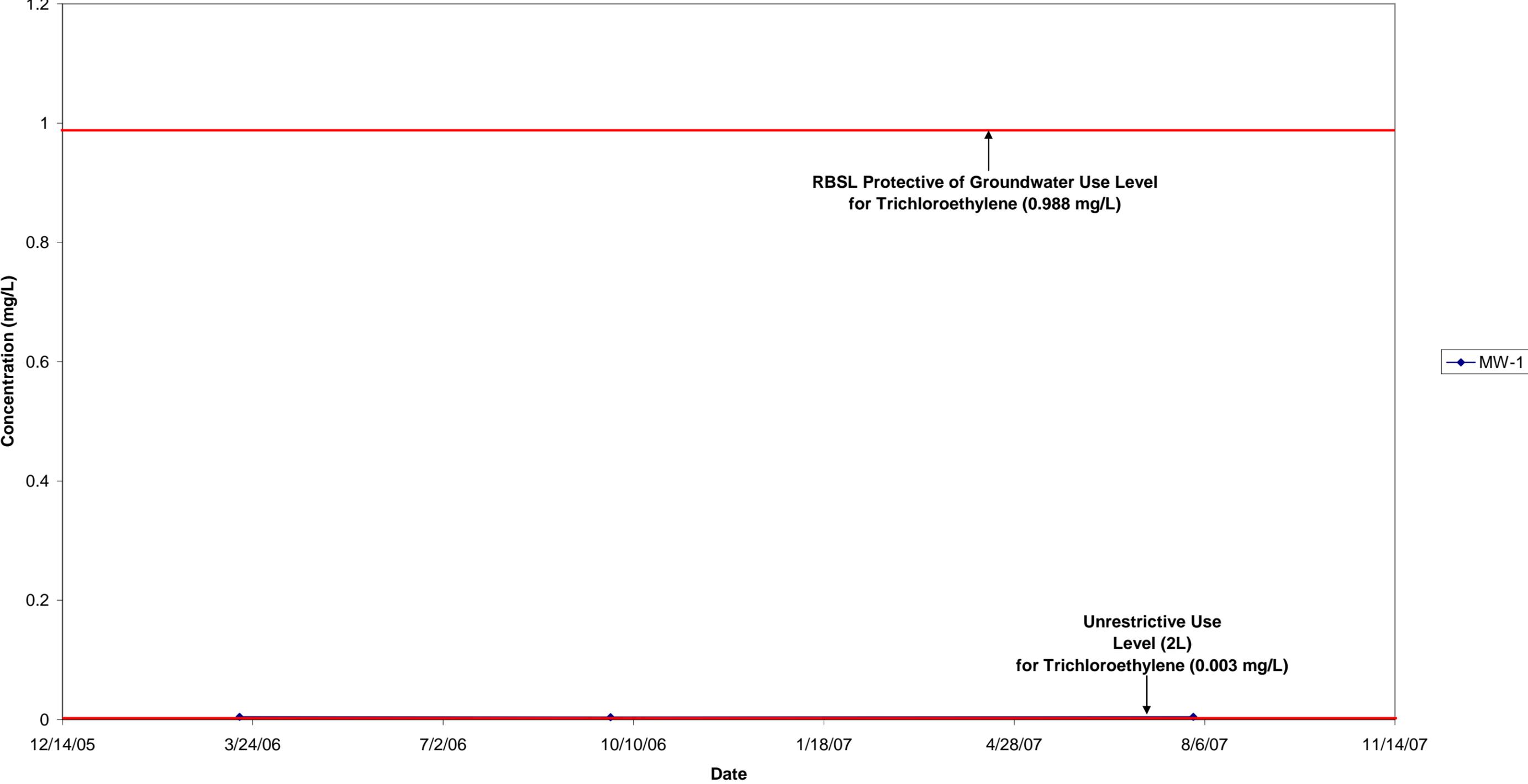
# TCE Concentration vs. Distance



# PCE Concentration vs. Time



# Trichloroethylene Concentration vs. Time



**APPENDIX B**

**LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS**

**Appendix A**  
**Ecological Risk Assessment – Level 1**  
**Hearts Cleaners**  
9101 Pineville Matthews Road  
Pineville, Mecklenburg County, NC  
ATC Project No: 45.34341.6021  
DSCA Site ID: 60-0021

**Checklist A**

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

Based on the Weddington Quadrangle Topographic map and the United States Fish and Wildlife Service (USFWS), the closest navigable waterway is Little Sugar Creek located approximately 2,900 feet to the west. An intermittent tributary to Little Sugar Creek is also located approximately 1,000 feet northwest of the site. See the topographic map and the USFWS Ecomap.

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

Based on the Weddington Quadrangle Topographic map and the United States Fish and Wildlife Service (USFWS), the closest wetlands are located next to Little Sugar Creek approximately 2,900 feet to the west.

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

Based on a review of the United States Fish and Wildlife Service (USFWS) online database, no sensitive or critical habitats are located within one-half mile of the site.

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

Based on site observations and historical research, no tribal artifacts or lands have been identified on or within one-half mile of the site.

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

Based on the USFWS online databases, there are no wilderness areas or wildlife refuges within one-half mile of the site. There are three natural areas located in the Weddington Quadrangle; however, it is unlikely the natural areas are located within a one-half mile of the site due to the commercial and residential properties surrounding the site.

ATC reviewed the USFWS online species list. The following species were identified within Mecklenburg County:

- *Haliaeetus leucocephalus* – Bald eagle: BGPA (Bald and Golden Eagle Protection Act)
- *Lasmigona decorate* – Carolina Heelsplitter: Endangered
- *Rhus michauxii* – Michaux's Sumac: Endangered
- *Helianthus schweinitzii* – Schweinitz's Sunflower: Endangered
- *Echinacea laevigata* – Smooth Coneflower: Endangered

ATC also reviewed the North Carolina Heritage online Quadrangle species list. The following species were identified with the Weddington Quadrangle:

- *Villosa vaughaniana* – Carolina Creekshell: Endangered
- *Helianthus schweinitzii* – Scheinitz's Sunflower: Endangered
- *Symphotrichum georgianum* – Georgia Aster: Threatened

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

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

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

Based on site observations and desktop review, it is not likely that ecological or recreational important species will be located within one-half mile of the site due to residential and commercial properties surrounding the site. No commercially important species were observed to be within one-half mile of the site.

## Checklist B

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

Yes. The primary constituents of concern are tetrachloroethylene (PCE) and trichloroethylene (TCE). Based on published references (Environmental Protection Agency and United States Agency for Toxic Substances and Disease Registry), PCE and TCE are leachable to groundwater and 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 and TCE are classified as moderately mobile (Fetter, 1988).

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

The primary ecological receptor habitat identified in the site vicinity is a tributary to Little Sugar Creek located approximately 1,000 feet northwest of the site. The path of groundwater flow has not been fully assessed between the subject site and this surface water feature. However, based on the distance and the size of the plume associated with the subject site, the impacted groundwater does not appear likely to discharge to this ecological receptor habitat.

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

**No. As discussed above, based on the distance and the size of the plume associated with the subject site, the impacted groundwater does not appear likely to discharge to this ecological receptor habitat.**

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

Yes. Surficial soils have been impacted at the site. PCE has been detected at a concentration of 0.14 milligrams per kilogram (mg/kg) in surficial soil.

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

Yes. Based on the groundwater data collected to date and published references, the chemicals can be leached from the soil.

No. The majority of impacted surficial soils at the site are covered by concrete and located below the shopping center building. A small area of impacted soil is overlain by grass but concentrations in this area are low and less than the lowest DSCA Tier 1 Risk Based Screening Levels (RBSLs). As such, erosion and transport of significantly impacted surficial soils from the site does not appear likely.

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

**No. Concentrations of PCE have been identified in surficial soil, but the significantly impacted soil is located below a building where runoff or erosion is unlikely.**

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

Yes. Impacted surficial soils have been documented at the site.

3B. Are potential ecological receptors on the site.

No. The primary ecological receptor habitat identified in the site vicinity is a tributary to Little Sugar Creek located approximately 1,000 feet northwest of the site. Some bird and plant species were identified that may not be associated with surface water or wetland areas, but the site is an active shopping center so these species appear unlikely to be present on the site property.

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

**No. Surficial impacted soil has been identified, but is located at an active shopping center and ecological receptors are unlikely to be present in the area.**

4A. Are chemicals on the site volatile?

Yes. Chlorinated solvents are considered volatile organic compounds.

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

No. The significantly impacted soil is covered by a building, erosion of soils from this area is unlikely, and contaminant concentrations sufficiently low such that significant volatilization is unlikely.

**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. As discussed above, erosion of impacted soils or significant volatilization from impacted soils appears unlikely.**

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

No. NAPL has not been encountered at the site.

5B. Is NAPL migrating?

No. NAPL has not been encountered at the site.

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

No. NAPL has not been encountered at the site.

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

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

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

Yes. Impacted surficial soils have been documented at the site.

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

Yes. Since surficial soils have been impacted at the site, it can be assumed that chemicals can be taken up by the plant root systems. However, contaminant concentrations in surficial soils outside of the building are sufficiently low such that significant chemical concentrations in plants are unlikely to be present.

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 migratory birds feed on the grass overlying the surficial impacted soil at the site. However, as discussed above, based on the low contaminant concentrations in surficial soils, significant chemical concentrations in plants are unlikely to be present. Furthermore, the site is an active shopping center and significant ecological receptors are unlikely to be present for a significant time period.

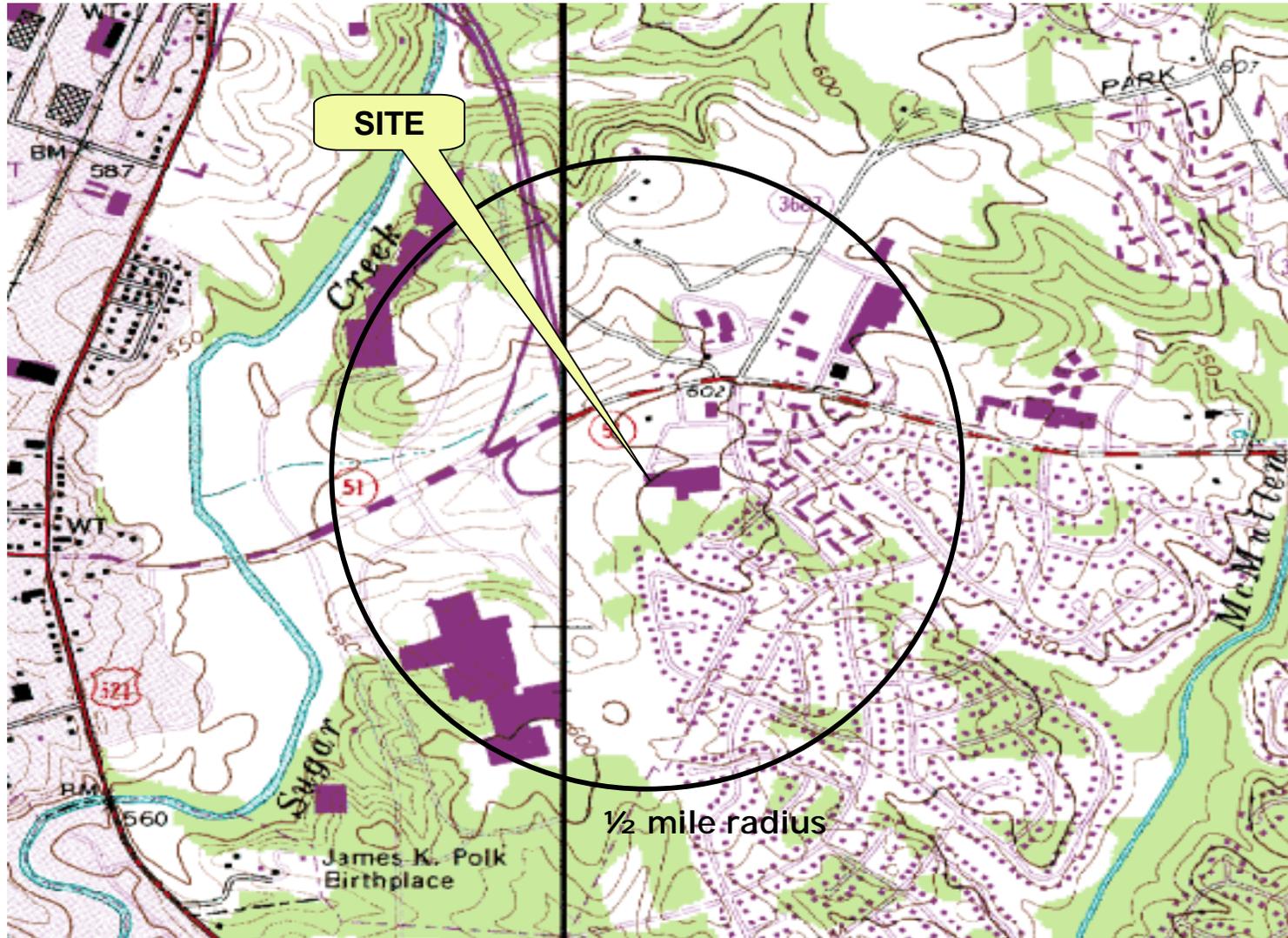
6D. Do chemicals found on the site bioaccumulate?

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

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

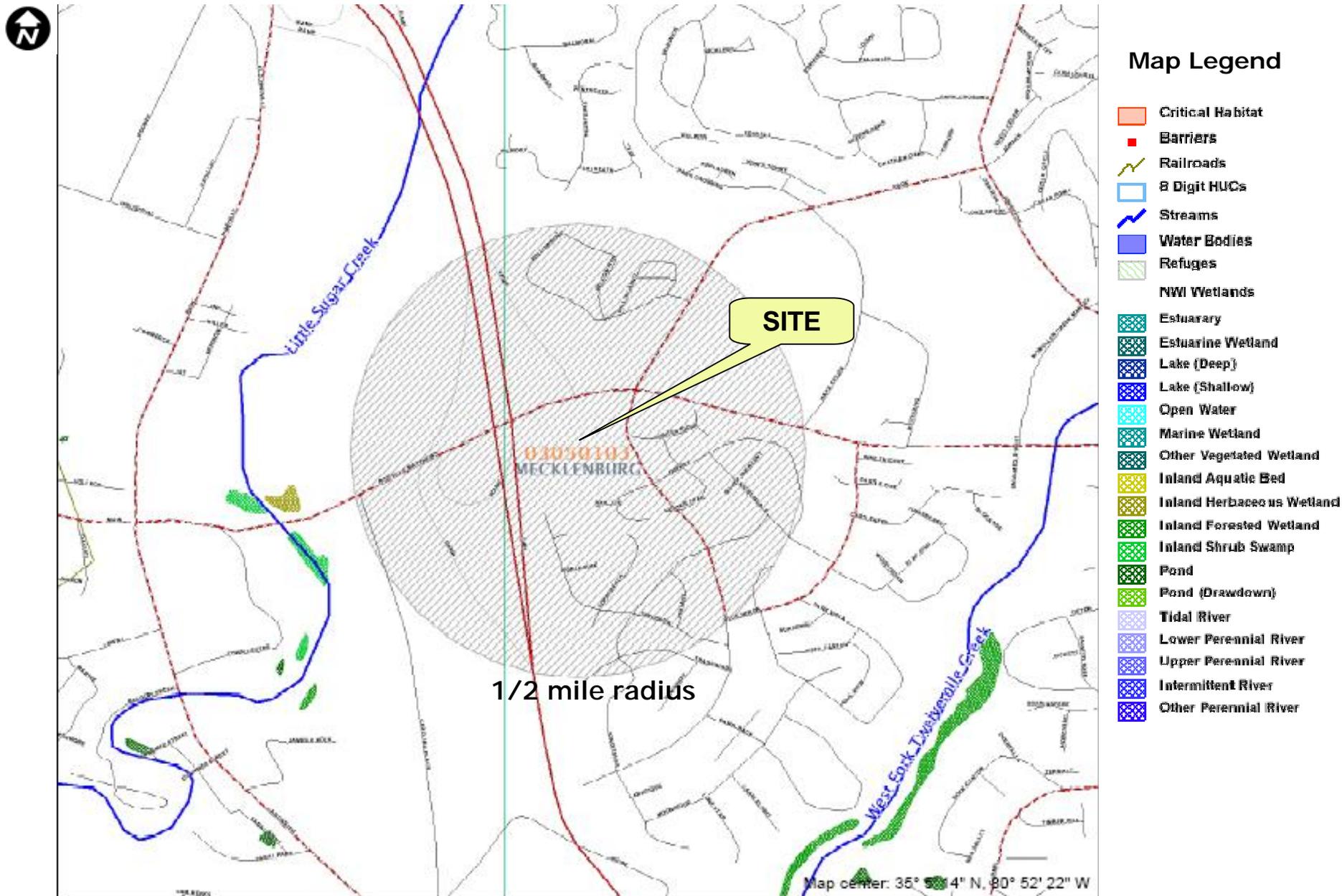
**No. Based on the low contaminant concentrations in exposed surficial soils, commercial site environment, and absence of bioaccumulation for the chemicals of concern, it is not anticipated that chemicals associated with the site would reach ecological receptors through direct ingestion of soil, plants, animals, or contaminants.**

Attachment 1: USGS Weddington Quadrangle, Mecklenburg County, NC: DSCA Site: 60-0021 Hearts Cleaners



Source: Topozone.com

Attachment 2: USFWS Weddington Quadrangle, Mecklenburg County, NC: DSCA Site: 60-0021 Hearts Cleaners



**APPENDIX C**

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

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

Property Owner: Terraces SC Property Holdings 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 Terraces SC Property Holdings 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 9101 Pineville-Matthews Road, Pineville, Mecklenburg County, North Carolina, Parcel Identification Number (PIN) 22114203.**

**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 Heart’s Cleaners (DSCA Site 60-0021) located at 9101 Pineville-Matthews Road, Pineville, in the Terraces at Park Place Shopping Center. Dry-cleaning operations were conducted on the Property from approximately 1981 to 2000.

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 31<sup>st</sup>, the owner of any portion of the Property shall submit a notarized Annual DSCA Land-Use Restrictions Certification to DENR certifying that this Notice remains recorded at the Register of Deeds' office, and that the Land-Use Restrictions are being complied with.**
6. **No person conducting environmental assessment or remediation at the Property or involved in determining compliance with applicable land-use restrictions, at the direction of, or pursuant to a permit or order issued by DENR may be denied access to the Property for the purpose of conducting such activities.**
7. **The owner of any portion of the Property shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Notice. The failure to include such a provision shall not affect the validity or applicability of any land-use restriction in this Notice.**

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

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

#### **REPRESENTATIONS AND WARRANTIES**

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

- i) that the Property Owner is the sole owner of the Property; **or** that the Property Owner has provided to DENR the names of all other persons that own an interest in or hold an encumbrance on the Property and have notified such persons of the Property Owner's intention to enter into this Notice;
- ii) that the Property Owner has the power and authority to enter into this Notice, to grant the rights and interests herein provided and to carry out all obligations hereunder; and

- iii) that this Notice will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which the Property Owner is a party or by which the Property Owner may be bound or affected.

### **ENFORCEMENT**

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

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

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

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

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

**PROPERTY OWNER SIGNATURE**

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

Terraces SC Property Holdings 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/she is a Member of Terraces SC Property Holdings LLC, a \_\_\_\_\_ 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**



## EXHIBIT B PROPERTY LEGAL DESCRIPTION

That certain tract or parcel of land situated, lying and being in the Town of Pineville, Mecklenburg County, North Carolina and being more particularly described as follows:

**BEGINNING** at a new iron rod in the easterly margin of Interstate Highway No. 485 (variable width public right-of-way), said point being the northwest corner of Lot 2, Extended Stay America, Map 1 as shown in Map Book 28, Page 842 of the Mecklenburg County Public Registry; and, furthermore said point being located from North Carolina Geodetic Survey monument "M096" North 87-57-02 East 1,498.75 feet (ground distance) to the **BEGINNING**, and runs thence with the easterly margin of Interstate Highway No. 485 with three (3) courses and distances as follows: 1) North 17-54-21 East 504.56 feet to an existing iron rod; 2) North 17-54-21 East 218.08 feet to an existing right-of-way disc; 3) North 47-24-22 East passing an existing iron rod at 57.26 feet, a total distance of 113.20 feet to an existing right-of-way disc in the southerly margin of Pineville-Matthews Road (aka N.C. Highway No. 51 having a variable width right of way); thence with the southerly margin of Pineville-Matthews Road with two (2) courses and distances as follows: 1) North 77-04-39 East 19.82 feet to an existing iron rod; 2) with the arc of a circular curve to the right having a radius of 1,199.14 feet, an arc length of 70.30 feet (chord: North 78-45-25 East 70.29 feet) to an existing iron rod, said point being the northwest corner of the State Employee's Credit Union property as described in Deed Book 7050, Page 561 of said registry; thence with the State Employee's Credit Union property with two (2) courses and distances as follows: 1) South 07-27-58 East 250.04 feet to an existing iron rod; 2) North 82-30-00 East 197.68 feet to an existing iron rod in the westerly margin of Park Road (variable width right-of-way); thence with the westerly margin of Park Road with two (2) courses and distances as follows: 1) with the arc of a circular curve to the left having a radius of 2,247.69 feet, an arc length of 118.07 feet (chord: South 06-03-07 West 118.05 feet) to an existing iron rod; 2) with the arc of a circular curve to the left having a radius of 700.46 feet, an arc length of 444.15 feet (chord: South 10-36-32 East 436.75 feet) to an existing iron rod, said point being the northeast corner of the aforesaid Lot 2, Extended Stay America, Map 1 property; thence with the northerly lines of the aforesaid Lot 2 with four (4) courses and distances as follows: 1) South 52-16-15 West 234.89 feet to an existing iron rod; 2) South 82-36-15 West 299.86 feet to an existing iron rod; 3) North 50-49-28 West 151.89 feet to an existing iron rod; 4) North 50-49-28 West 115.23 feet to the point and place of **BEGINNING**; containing 408,542 square feet or 9.3788 acres of land as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated May 26, 2006 (Map File W-2981B).

**TOGETHER WITH:** The rights and easements created in that certain Reciprocal Easement Agreement recorded in Book 4437, Page 620, amended in Book 4471, Page 834.

**TOGETHER WITH:** The rights and easements created in that certain Sewer Easement Agreement recorded in Book 4437, Page 640.

**APPENDIX D**

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

## 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 at the I-485 West Exit Ramp for Pineville-Matthews Road, Pineville, Mecklenburg County, North Carolina.

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 a portion of the Property is contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former Heart's Cleaners (DSCA Site 60-0021) located at 9101 Pineville-Matthews Road, Pineville, in the Terraces at Park Place Shopping Center.

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

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

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

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

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

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

**CERTIFICATION OF REGISTER OF DEEDS**

The foregoing documentary component of the Notice of Dry-Cleaning Solvent Remediation, and the associated plat, are certified to be duly recorded at the date and time, and in the 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**



## EXHIBIT B

### LEGAL DESCRIPTION FOR PROPERTY

Portion of Former EMBA Properties\Current NCDOT Right-Of-Way

Beginning at a found R/W Disk on the southern right-of-way of Pineville-Matthews Road-N.C. Highway 51, a common corner with lands of Terraces SC Property Holdings LLC, (Deed Book 21373, Page 252, as recorded in the Mecklenburg County Public Registry); Thence with the shared property line of Terraces Property Holdings S. 17-49-44 W. 722.64 feet to a point (passing a found bent #4 rebar at 218.08 feet), a common corner with lands of BRE/ESA P. Portfolio, LP (Deed Book 19834, Page 681, as recorded in the Mecklenburg County Public Registry); Thence with the shared property line of BRE/ESA P. Portfolio the following two (2) courses and distances:

- 1) S. 17-49-44 W. 50.00 feet to a point;
- 2) With a curve to the left having a radius of 1500.00 feet, an arc length of 430.43 feet, (subtended by a chord S. 09-37-04 W. 428.94 feet) to a point; Thence with a line into the right-of-way of Interstate 485 the following three (3) course and distances:
  - 1) N. 66-24-32 W. 459.50 feet to a point;
  - 2) N. 24-22-04 E. 1089.59 feet to a point;
  - 3) N. 76-53-34 E. 316.74 feet to a point in the right-of-way of Pineville-Matthews Road-N.C. Highway 51; Thence S. 17-49-44 W. 94.12 feet to a found R/W Disk, and THE POINT AND PLACE OF BEGINNING; containing 399,709 square feet (9.176 acres), more or less.

**APPENDIX E**

**EXAMPLE ANNUAL DSCA LAND-USE RESTRICTIONS**

**Site Name:** Former Heart's Cleaners  
**Site Address:** 9101 Pineville-Matthews Road, Pineville, Mecklenburg County, NC  
**DSCA ID No:** 60-0021

**ANNUAL CERTIFICATION of LAND-USE RESTRICTIONS**

Pursuant to Condition #5 in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by Terraces SC Property Holdings LLC and recorded in Deed Book \_\_\_, Page \_\_\_ on <date> at the Mecklenburg County Register of Deeds Office, Terraces SC Property Holdings 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\_\_.

Terraces SC Property Holdings 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 Terraces SC Property Holdings LLC, a \_\_\_\_\_ 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 F**

**EXAMPLE DOCUMENTS ANNOUNCING THE PUBLIC COMMENT PERIOD**

Attachment 6 Letter to Owners of Property within the Contamination Site



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

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

Subj: Dry-Cleaning Solvent Contamination  
9101 Pineville-Matthews Road, Pineville, NC

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Former Heart's Cleaners at 9101 Pineville-Matthews Road in Pineville. The property is currently occupied by KB Home. A remedial strategy to address the site contamination has been prepared, and in accordance with the DSCA Program's statutes, the community has an opportunity to review and comment on the proposed strategy.

You are 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 regulations prohibit the installation of a water supply well on this property. If the proposed remedy is approved, a notice will be recorded on the property deed indicating that groundwater is contaminated with dry-cleaning solvents and that regulations prohibit installation of a water supply well on the property. ***Please review the attached form as it provides important information about recording a notice.***

In accordance with the DSCA Program's statutes, the community has an opportunity to review and comment on the proposed remedial 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. 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 of the complete NOI.

Dry-Cleaning Solvent Contamination  
9101 Pineville-Matthews Road, Pineville, NC  
DSCA Site # 60-0021  
Page 2

<date>

If you have questions, please contact me at (919) 707-8365, or Pete Doorn at (919) 707-8369.

Sincerely,

Delonda Alexander, Project Manager  
DSCA Remediation Unit  
[delonda.alexander@ncdenr.gov](mailto:delonda.alexander@ncdenr.gov)

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0021 File



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

***Owner Recordation Form***

<u>DSCA Site ID No.</u>  <b>60-0021</b>
---

If the proposed remedial strategy for DSCA Site #60-0021 is approved, a notice will be recorded on the property deed indicating that groundwater is contaminated with dry-cleaning solvents and that regulations prohibit installation of a water supply well on the property. The property owner may elect to record the DENR-approved notice by signing this form and returning it to the address below by <date of the end of comment period>. If you choose to record the notice, the notice and recordation instructions will be sent to you after the public comment period.

*NOTE: If you choose not to record the notice, you do not need to sign or return the form. If the proposed remedial strategy is approved, DENR will perform the recordation at its own expense.*

***By signing this form I attest to the following:***

- I am electing to record the DENR-approved notice at the Mecklenburg Register of Deeds office;
- I have the authority to record a notice on the property deed;
- I will record the notice within 15 days of receiving of the approved notice from NC DENR; and
- I accept responsibility for all costs associated with recording the notice at the Mecklenburg Register of Deeds office.

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Title \_\_\_\_\_ Business Name (if applicable) \_\_\_\_\_

Return to: Division of Waste Management, DSCA Program  
Attn : Delonda Alexander  
1646 Mail Service Center  
Raleigh, NC 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

<Date>

<property owner>

<address>

<city, state, zip>

Subj: Dry-Cleaning Solvent Contamination  
9101 Pineville-Matthews Rd, Pineville, NC

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the former Heart's Cleaners at 9101 Pineville-Matthews Road in Pineville. The property is currently occupied by KB Home. A remedial strategy to address the site contamination has been prepared, and in accordance with the DSCA Program's statutes, the community has an opportunity to review and comment on the proposed strategy. 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) 707-8365, or Pete Doorn at (919) 707-8369.

Sincerely,

Delonda Alexander, Project Manager  
DSCA Remediation Unit  
[delonda.alexander@ncdenr.gov](mailto:delonda.alexander@ncdenr.gov)

Attachments: Summary of the NOI

Cc: DSCA Site # 60-0021 File



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

Harry L. Jones, Sr.  
County Manager  
Charlotte-Mecklenburg Government Center  
600 East Fourth Street  
Charlotte, North Carolina 28202

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 60-0021  
Former Heart's Cleaners  
9101 Pineville-Matthews Road, Pineville

Dear Mr. Jones:

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

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

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

Delonda Alexander, 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 # 60-0021  
Former Heart's Cleaners, 9101 Pineville-Matthews Road, Pineville  
Page 2

<date>

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)707-8365.

Sincerely,

Delonda Alexander, Project Manager  
DSCA Remediation Unit  
[delonda.alexander@ncdenr.gov](mailto:delonda.alexander@ncdenr.gov)

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0021 File



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

Mike Rose  
Town Administrator  
Pineville Town Hall  
200 Dover Street  
Pineville, North Carolina 28134

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 60-0021  
Former Heart's Cleaners  
9101 Pineville-Matthews Road, Pineville

Dear Mr. Rose:

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

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

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

Delonda Alexander, 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 # 60-0021  
Former Heart's Cleaners, 9101 Pineville-Matthews Road, Pineville  
Page 2

<date>

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)707-8365.

Sincerely,

Delonda Alexander, Project Manager  
DSCA Remediation Unit  
[Delonda.alexander@ncdenr.gov](mailto:Delonda.alexander@ncdenr.gov)

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0021 File



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

E. Winters Mabry, MD  
Health Director  
249 Billingsley Road  
Charlotte, North Carolina 28211

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 60-0021  
Former Heart's Cleaners  
9101 Pineville-Matthews Road, Pineville

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. 143-215.104L, this letter serves as the **Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site** (NOI) approved by the North Carolina Department of Environment and Natural Resources (DENR).

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

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

Delonda Alexander, DSCA Remediation Unit  
Division of Waste Management, NC DENR  
1646 Mail Service Center

Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 60-0021  
Former Heart's Cleaners, 9101 Pineville-Matthews Road, Pineville  
Page 2

<date>

Raleigh, North Carolina 27699-1646

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)707-8365.

Sincerely,

Delonda Alexander, Project Manager  
DSCA Remediation Unit  
[delonda.alexander@ncdenr.gov](mailto:delonda.alexander@ncdenr.gov)

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0021 File

**Public Notice**

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

Former Heart's Cleaners  
DSCA Site # 60-0021

Pursuant to N.C.G.S. §143-215.104L, on behalf of Terraces SC Property Holdings 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.

Heart's Cleaners formerly conducted dry-cleaning operations at the Terraces at Park Place shopping center at 9101 Pineville-Matthews Road, in Pineville, North Carolina. The property is currently occupied by the KB Home. Dry-cleaning solvent contamination in soil and ground water has been identified at the following parcel(s):

Terraces at Park Place, 9101 Pineville-Matthews Road, in Pineville; Parcel No. 22114203  
I-485 West Exit Ramp for Pineville-Matthews Road, in Pineville (No Parcel No. assigned)

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

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

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

Comments must be in writing and submitted to DENR no later than \_\_\_\_\_, 20\_\_. Written requests for a public meeting may be submitted to DENR no later than \_\_\_\_\_, 20\_\_. Requests for additional information should be directed to Delonda Alexander at (919) 707-8365.

All comments and requests should be sent to:

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