



Environment

Prepared for:
NCDENR Superfund Section
DSCA Program
Raleigh, NC

Prepared by:
AECOM
Raleigh, NC
60138763.G001
May 2011

Risk Management Plan

Ho Cleaners – 3116 Weddington Road
Matthews, North Carolina
DSCA ID #: 60-0025



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DSCA ID #: 60-0025

Prepared By Matthew P. Brennan, Project Manager

Reviewed By Brian Ray, Program Manager

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List of Acronyms

2L Standards	15A North Carolina Administrative Code Subchapter 2L Groundwater Classification and Standards
AECOM	AECOM North Carolina, Inc.
BCE	Boyle Consulting Engineers
COCs	constituents of concern
DSCA	North Carolina Drycleaning Solvent Cleanup Act
EPA	United States Environmental Protection Agency
ESA	environmental site assessments
Klein	Childress Klein Properties
LURs	Land Use Restrictions
mg/kg	milligrams per kilogram
mg/L	milligrams per liter
NCAC	North Carolina's Administrative Code
NCDENR	North Carolina Department of Environment and Natural Resources
NDCSR	Notice of Dry-Cleaning Solvent Remediation
PA	Prioritization Assessment
PCE	tetrachloroethene
RBCA	risk-based corrective action
RBSLs	Risk-Based Screening Levels
RCs	representative concentrations
RMP	Risk Management Plan
Shield	Shield Environmental
TIC	tentatively identified compound

VOCs volatile organic compounds
μg/L micrograms per liter
μg/m³ micrograms per cubic meter

1.0 Introduction

AECOM North Carolina, Inc. (AECOM) has prepared this Risk Management Plan (RMP) for the Ho Cleaners site (DSCA ID # 60-0025) on behalf of the North Carolina Drycleaning Solvent Cleanup Act (DSCA) Program. The site is located at the Plantation Market Shopping Center, 3116 Weddington Road, Matthews, Mecklenburg County, North Carolina (Figure 1) and is currently owned by Charlotte Market Associates, Limited Partnership. Ho Cleaners currently operates as a drop-off dry cleaning facility. This RMP is intended to comply with the requirements of the DSCA Program Statutes (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.

1.1 Site Background

Phase I and II environmental site assessments (ESAs) were performed at the site in July 2000 at the Site by Mid-Atlantic Associates, P.A. for Sun Life Assurance Company of Canada. The Phase II ESA included advancement of direct-push borings and collection of a limited number of soil and groundwater samples. Reportedly, the analytical results indicated that groundwater at temporary point GP-3 located at the southwest corner of the Ho Cleaners facility had been impacted by tetrachloroethene (PCE) at a concentration of 4.4 micrograms per liter ($\mu\text{g/L}$), which exceeds the North Carolina Groundwater Quality Standard listed in 15A North Carolina's Administrative Code (NCAC) 2L .0200 (2L Standard) of 0.7 $\mu\text{g/L}$.

In January 2001, a Limited Site Assessment was conducted for Childress Klein Properties (Klein), the former property owner, by Boyle Consulting Engineers (BCE) to assess the groundwater impacts identified during the July 2000 Phase II ESA. The site assessment included the installation of one monitoring well (MW-1) in the presumed dry cleaner source area, next to GP-3. The groundwater sample collected from MW-1 was analyzed for volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 601. No VOCs were detected at concentrations above the laboratory reporting limits. In February 2001, Klein requested that BCE perform additional groundwater sampling at MW-1 to verify whether chlorinated VOCs were present in groundwater in the vicinity of the suspected source area. Tetrachloroethene (PCE) was detected in the sample collected from MW-1 at a concentration of 1.4 $\mu\text{g/L}$ during the second sampling event.

In November 2003, BCE re-mobilized to the Site and utilized a concrete coring machine and decontaminated hand auger to advance three soil borings (SS-1, SS-2 and SS-3) beneath the center of the former dry cleaning unit. Soil samples were collected at intervals of 6-12 inches, 18-24 inches, 30-36 inches, 42-48 inches, and 54-60 inches beneath the concrete floor slab and analyzed for VOCs by EPA Method 8260. Methylene chloride (0.016 milligrams per kilogram [mg/kg]) and an unknown tentatively identified compound (TIC) (0.448 mg/kg) were the only constituents detected in soils above laboratory reporting limits. The concentration of methylene chloride was below the Inactive Hazardous Sites Branch Soil Remediation Goal of 8.9 mg/kg .

BCE also sampled monitoring well MW-1 in November 2003. Groundwater sample MW-1 was analyzed for VOCs by EPA Method 8260B and base/neutral extractables plus the 10 top TICS by EPA Method 8270. PCE (7.1 $\mu\text{g/L}$) was the only constituent detected above laboratory detection limits. The concentration of PCE exceeded the 15A North Carolina Administrative Code Subchapter 2L Groundwater Classification and Standards (2L Standard) of 0.7 $\mu\text{g/L}$ in November 2003.

Shield Environmental (Shield) completed a 1,500-foot receptor survey as part of the DSCA Prioritization Assessment (PA) activities in January 2005. Land use within 1,500-feet of the site was identified as a mixture of residential and commercial use. Seven upgradient water supply wells were identified within a 1,500-foot radius of the site. One well was located at an adjacent property located approximately 500-feet upgradient of the site. Groundwater monitoring wells MW-2 and MW-3 were also installed as part of the PA.

Visual reconnaissance of properties within a 500 foot radius of the source area conducted by Shield as part of the PA did not identify any surface water bodies. The area within the 500 foot radius of the source area was primarily commercial development and part of the Plantation Market shopping center. Underground utilities, including natural gas, electric, water and sanitary sewer were reported in the vicinity of the source area and located approximately 20-25 feet to the west-southwest of the former dry-cleaning unit at the rear of the Ho Cleaners facility.

Three additional groundwater monitoring wells (MW-4, MW-5 and DW-1) were installed at the site by Shield during May 2006 to allow for horizontal and vertical plume delineation.

AECOM completed five groundwater monitoring events between December 2006 and December 2007 to evaluate the dissolved contaminant plume. Historically, PCE has been detected in two monitoring wells at the site above the 2L Standard: MW-1 and MW-5. However, the laboratory analytical results for the December 2007 quarterly monitoring event did not indicate PCE above the method detection limits for the groundwater sample collected from MW-1. The reported December 2007 PCE concentration for the groundwater sample collected from monitoring well MW-5 was consistent with previous monitoring events.

On February 9, 2010, two sub-slab vapor points (SV-1 and SV-2) were installed inside Ho Cleaners by AECOM. PCE and TCE were detected in sample SV-2 at concentrations of 2,000 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and $65 \mu\text{g}/\text{m}^3$ respectively. No chlorinated VOCs were detected in sample SV-1. Based on the analytical results of sub-slab samples collected at Ho Cleaners in February 2010, two sub-slab vapor points (SV-3 and SV-4) were installed inside the adjacent unit, Long Nails and Tanning, during August 2010. SV-3 and SV-4 were sampled on September 27, 2010. PCE was detected in samples SV-3 ($130 \mu\text{g}/\text{m}^3$) and SV-4 ($54 \mu\text{g}/\text{m}^3$). TCE was detected in samples SV-3 ($18 \mu\text{g}/\text{m}^3$), and SV-4 ($18 \mu\text{g}/\text{m}^3$). Freon-11, Freon-12, ethanol, 2-propanol, carbon disulfide, chloroform and toluene were also detected in samples collected from Long Nails and Tanning.

2.0 Objectives of Risk Management Plan

AECOM completed a Tier 1 Evaluation for the Ho Cleaners site dated August 14, 2008. For the purpose of the Tier I, "onsite" was defined as the unit occupied in the Plantation Market Shopping Center by Ho Cleaners. Offsite was defined as the remainder of the Plantation Market Shopping Center property (Mecklenburg County Parcel ID No. 22756103) (Figure 2). The site and adjacent downgradient property are currently designated as commercial and the Tier 1 indicated that site-wide risks do not exceed target risk levels assuming commercial development scenarios. However, for residential use, the Tier I indicated both onsite and offsite scenarios exceed target risk levels for residential use. Therefore, this RMP has been prepared to ensure that target risk levels are not exceeded for current or future residential land use scenarios.

3.0 Summary of Approved Risk Assessment Report

The Tier 1 completed by AECOM dated August 14, 2008, included development of an exposure model, calculation of site-specific representative concentrations (RCs) for each exposure domain, and comparison of Tier 1 Risk-Based Screening Levels (RBSLs) with the RCs. The exposure model evaluation indicated the following current and future exposure pathways are complete for the on-site and off-site areas:

Current Conditions – Completed Pathways

- On-site non-residential worker - indoor inhalation of vapor emissions from groundwater and outdoor inhalation of vapor emissions from groundwater.
- Off-site non-residential worker - indoor inhalation of vapor emissions from groundwater and outdoor inhalation of vapor emissions from groundwater.
- On-site construction worker – outdoor inhalation of vapor emissions from groundwater and incidental dermal contact from groundwater.

Future Conditions – Completed Pathways

- On-site resident – Indoor inhalation of vapor emissions from groundwater, outdoor inhalation of vapor emissions from groundwater, incidental dermal contact from groundwater, and ingestion of groundwater.
- Off-site resident - Indoor inhalation of vapor emissions from groundwater, outdoor inhalation of vapor emissions from groundwater, incidental dermal contact from groundwater, and ingestion of groundwater.
- On-site non-residential worker - Indoor inhalation of vapor emissions from groundwater and outdoor inhalation of vapor emissions from groundwater.
- Off-site non-residential worker - Indoor inhalation of vapor emissions from groundwater and outdoor inhalation of vapor emissions from groundwater.

In addition to the above referenced pathways, AECOM also evaluated the Protection of Groundwater Use pathway. For this pathway, AECOM assumed that the nearest potential point-of-exposure for groundwater was near the vicinity of MW-5, approximately 72 feet northwest of the source area. The Tier I indicated that the RC for the Protection of Groundwater Use pathway was not exceeded.

The nearest surface water body is 1,850 feet from the subject Site. Based on this distance and the small size of the plume associated with the subject Site, the Protection of Surface Water pathway was not evaluated as part of the Tier 1 Risk Assessment.

In summary, the results of the Tier 1 indicated that the RCs for the complete exposure pathways exceed Tier 1 RBSLs for On-Site Resident (Future Conditions) and Off-Site Resident (Future Conditions). However, the property is currently developed as commercial and in order to remove these exposure pathways Land Use Restrictions (LURs) will be required prohibiting future residential use.

4.0 Remedial Action Plan Components

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.

A total of five groundwater sampling events have been conducted for each of the six existing monitoring wells (MW-1 through MW-5 and DW-1) since December 2006. Constituents of concern (COCs) detected at the site have historically included PCE and chloroform. Of these constituents, only PCE has been detected at concentrations exceeding 2L Standards. As such, AECOM focused on PCE for evaluation of plume stability.

Periodic groundwater monitoring has been conducted at the site since 2006. Historically, PCE has been detected in two monitoring wells: MW-1 and MW-5. The laboratory analytical results for the last quarterly monitoring event conducted during December 2007 did not report detection of PCE above the method detection limits for the sample collected from MW-1. The reported December 2007 PCE concentration for the groundwater sample collected from groundwater monitoring well MW-5 was consistent with reported concentrations from previous monitoring events that ranged from 0.0011 milligrams per liter (mg/L) to 0.0023 mg/L. Monitored natural attenuation parameters collected during December 2007 indicated that site conditions were not favorable to sustain anaerobic biological reductive dechlorination. Breakdown products did not exhibit increasing trends and have not been detected at concentrations above 2L Standards. Based on these data, AECOM concludes that the plume is stable to shrinking. Historical analytical data tables are provided at Appendix A. A site map illustrating groundwater monitoring well locations is provided as Figure 2.

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.

Assuming the site remains under commercial development this condition has been met for each of the COCs and exposure pathways.

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

The Tier 1 Evaluation assessed current and future commercial/residential use scenarios for the site. The results of the Tier 1 indicated that the RCs for the complete exposure pathways exceed Tier 1 RBSLs for On-Site Resident (Future Conditions) and Off-Site Resident (Future Conditions). As discussed in Section 6.0, LURs will be implemented for the site property to ensure that the site remains under commercial development until such time that risks to human health under residential use scenarios are below applicable RCs.

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

AECOM 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 attenuate over time (as demonstrated by historical monitoring data) and the appropriate remedial action is to implement land-use restrictions on the site property.

5.0 Data Collected During Risk Management Plan Implementation

No further sampling or other data collection activities are proposed for the site.

6.0 Land Use Restrictions

The Tier 1 Risk Assessment evaluated current and future use for both commercial and residential use scenarios for the site. This evaluation indicated that the current and future residential use scenarios exceed target risk levels for both onsite and offsite development. Therefore, LUR will be required to ensure that land-use conditions are maintained and monitored until contaminant concentrations drop below North Carolina Unrestrictive Use Levels.

A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR is included in Appendix C. A plat showing the locations and types of dry-cleaning solvent contamination on the property is included as an exhibit to the NDCSR. The locations of dry-cleaning solvent contamination are where contaminants have been detected above unrestrictive use standards. As discussed in Section 3.2, PCE is the primary COC for the site.

7.0 Long-Term Stewardship Plan

The NDCSR contains a clause requiring that the owner of the site submit notarized "Annual DSCA LURs Certification" to NCDENR certifying that the NDCSR remains recorded with the Register of Deeds and that land-use conditions have not changed. An example of such a notice is included in Appendix D. Documents relating to this site will be maintained by NCDENR and available for public access.

8.0 Risk Management Plan Implementation Schedule

Since the groundwater VOC plume is stable at the site and is expected to remain confined to the site property, and possible exposure to the contamination is managed through the NDCSR and LUR, no additional site remediation activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. Appendix E includes example documents that will be used to announce the public comment period in the local newspaper, and to inform local officials, nearby property owners and interested parties. Upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Mecklenburg County Register of Deeds and will complete the RMP schedule.

9.0 Criteria for Demonstrating Risk Management Plan Success

RMP success is measured when the NDCSR and associated LUR are no longer required for the protection of contaminants present at the site (i.e. contaminants are below North Carolina Unrestrictive Levels). This condition must be requested and demonstrated by the property owner to North Carolina Department of Environment and Natural Resources (NCDENR) before the NDCSR and LUR can be removed from the recorded property deed. If a request is made to remove the NDCSR and LUR from the site, DENR will review and approve the request after site remedial objectives have been met. 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 LUR and if changes are required. Enforcement of the RMP will be maintained through receipt of the "Annual DSCA LURs Certification" from the property owner as part of the NDCSR and LUR requirements.

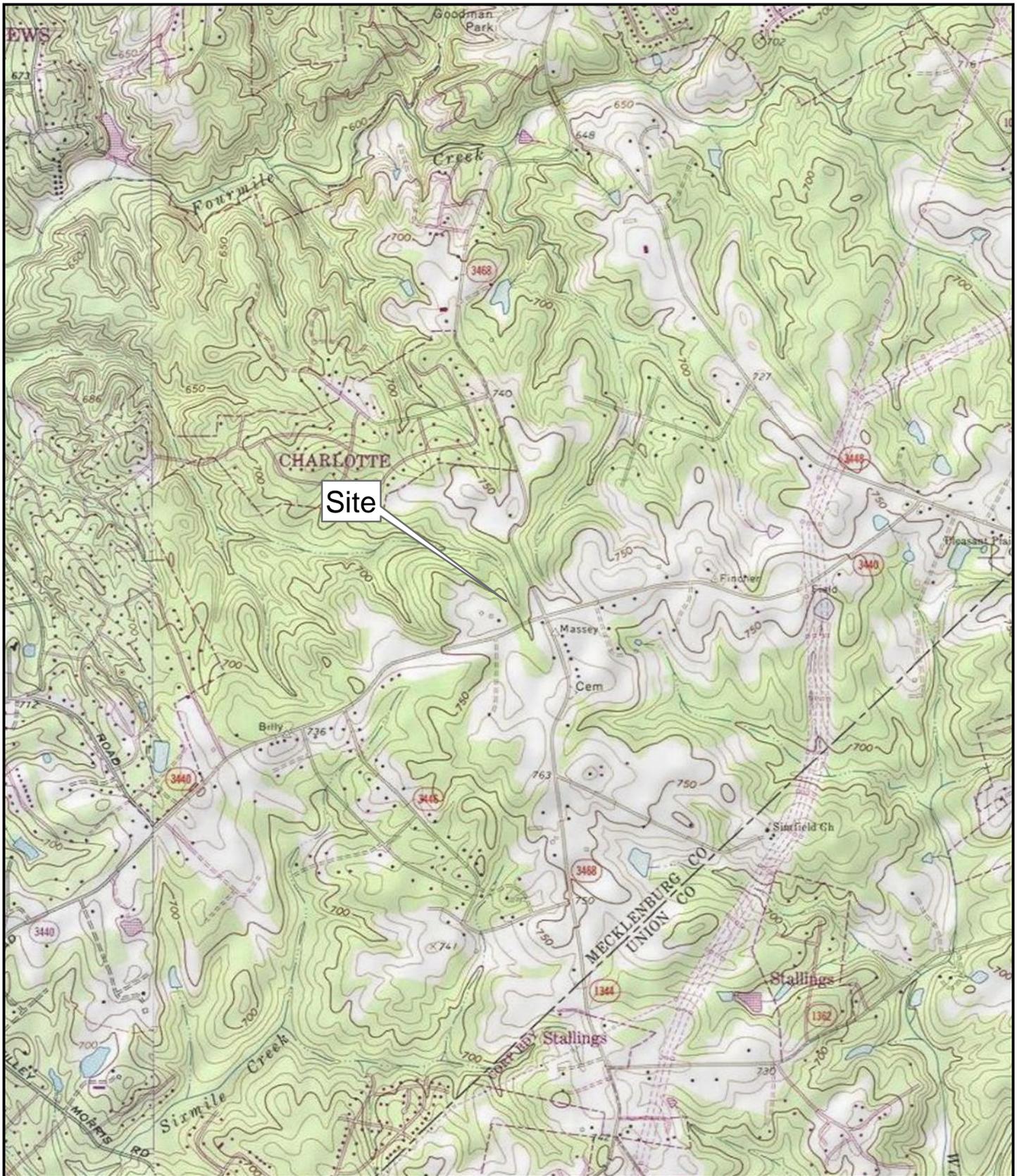
10.0 Contingency Plan if Risk Management Plan Fails

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. Pursuant to N.C.G.S. 143-215.104K, if any of the LURs set out in the NDCSR are violated, the owner of the site property at the time the LURs are violated, the owner's successors and assigns, and the owner's agents who direct or contract for alteration of the site in violation of the LURs, shall be held liable for the remediation of all contaminants to unrestricted use standards.

11.0 Conclusions and Recommendations

AECOM has prepared this RMP for the Ho Cleaners site on behalf of the NCDENR DSCA Program. The results of a previous Tier 1 Evaluation indicated that VOC concentrations at the site do not pose an unacceptable risk under commercial land use scenarios. 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, AECOM recommends issuance of a "No Further Action" letter.

Figures



Site Location Map
 Ho Cleaners
 DSCA ID # 60-0025
 3116 Weddington Rd.
 Matthews, NC Mecklenburg County

Image Source: USGS Quadrangles: Weddington and Matthews, NC (1988)

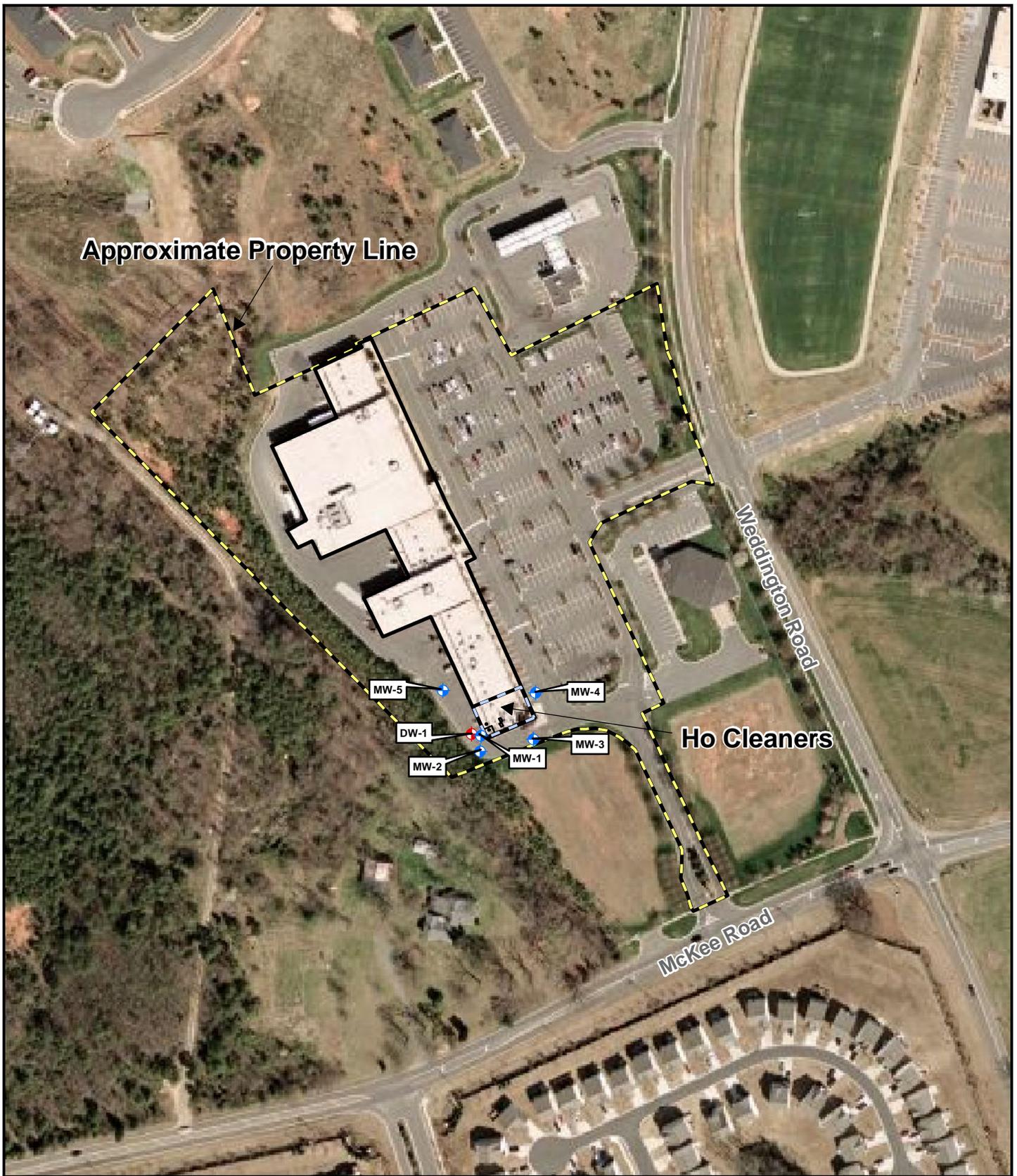
0 1,000 2,000 4,000 6,000 Feet
 0 250 500 1,000 1,500 Meters

Date: March 2011 Project Number: 60138763.g001

Figure 1-1

AECOM

AECOM
 8540 Colonnade Center Drive
 Suite 306
 Raleigh, NC 27615
 Phone: (919) 872-6600
 Fax: (919) 872-7996
 www.aecom.com



Site Plan
 Ho Cleaners
 DSCA ID # 60-0025
 3116 Weddington Rd.
 Matthews, NC Mecklenburg County

Image Source: Urban Areas Natural Color Imagery (2002)

0 200 400 600 Feet

0 50 100 150 Meters

Date: March 2011 Project Number: 60138763.g001

Figure 2-1

AECOM

AECOM
 8540 Colonnade Center Drive
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Appendix A

Documentation of Plume Stability Evaluation

Ho Cleaners
3116 Weddington Road
Matthews, North Carolina
Analytical Data for Groundwater
DSCA ID 60-0025

Table 1: Analytical Data for Groundwater

DSCA ID No.: 60-0025

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]																			
GP-1	1/10/06	NA	NA	NA	NA	<0.001	NA	NA	NA	NA	NA	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA
GP-2	1/10/06	NA	NA	NA	NA	<0.001	NA	NA	NA	NA	NA	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA
GP-3	1/10/06	NA	NA	NA	NA	<0.001	NA	NA	NA	NA	NA	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA
GP-4	1/10/06	NA	NA	NA	NA	<0.001	NA	NA	NA	NA	NA	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA
GP-5	1/10/06	NA	NA	NA	NA	<0.001	NA	NA	NA	NA	NA	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA
GP-6	1/10/06	NA	NA	NA	NA	<0.001	NA	NA	NA	NA	NA	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA
GP-6	1/10/06	NA	NA	NA	NA	<0.010	NA	NA	NA	NA	NA	<0.010	NA	NA	NA	<0.010	NA	<0.010	<0.010	<0.010	NA
DW-1	12/19/06	<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	<0.002
	3/19/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0083	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.002
	6/7/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.00096J	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.002
	9/11/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0061	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.002
	12/10/07	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	NA	<0.0020	0.00067 J	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0020	<0.0020	<0.0020	<0.0010
MW-1	1/19/01	<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	<0.002
	2/7/01	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	NA	<0.002	<0.001	<0.001	NA	NA	NA	0.0014	NA	<0.002	<0.001	<0.001	NA
	11/6/03	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	<0.005	<0.001	<0.001	<0.001	<0.001	0.0071	<0.001	<0.002	<0.002	<0.002	<0.002
	12/19/06	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0022	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002	<0.002	<0.002	<0.002
	3/19/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0024	<0.001	<0.001	<0.001	<0.001	0.0007J	<0.001	<0.002	<0.002	<0.002	<0.002
	6/7/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0025	<0.001	<0.001	<0.001	<0.001	0.00069J	<0.001	<0.002	<0.002	<0.002	<0.002
	9/11/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0037	<0.001	<0.001	<0.001	<0.001	0.00078 J	<0.001	<0.002	<0.002	<0.002	<0.002
	12/10/07	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	NA	<0.0020	0.0032	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0020	<0.0020	<0.0020	<0.0010
MW-2	12/19/06	<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	<0.002
	3/19/07	<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	<0.002
	6/7/07	<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	<0.002
	9/11/07	<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	<0.002
	12/10/07	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	NA	<0.0020	0.00067J	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0020	<0.0020	<0.0020	<0.0010
MW-4	12/19/06	<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	<0.002
	3/19/07	<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	<0.002
	6/7/07	<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	<0.002
	9/11/07	<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	<0.002
	12/10/07	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	NA	<0.0020	0.00067J	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0020	<0.0020	<0.0020	<0.0010
MW-5	12/19/06	<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	0.0011	<0.001	<0.002	<0.002	<0.002	<0.002
	3/19/07	<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	0.0015	<0.001	<0.002	<0.002	<0.002	<0.002
	6/7/07	<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	0.0013	<0.001	<0.002	<0.002	<0.002	<0.002
	9/11/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.002	0.0023	<0.001	<0.001	<0.001	<0.001	0.0023	<0.001	<0.002	<0.002	<0.002	<0.002
	12/10/07	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	NA	<0.0020	<0.0010	<0.0010	<0.0010	<0.0010	<0.0010	0.0011	<0.0010	<0.0020	<0.0020	<0.0020	<0.0010
GP-3A	7/1/00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.0044	NA	NA	NA	NA	NA
J - The analyte was positively identified but the value is estimated below the reporting limit.																					

Appendix B

Level 1 Ecological Risk Assessment Checklists

**Level I Ecological Risk Assessment
Checklist A for Potential Receptors and Habitat
DSCA # 60-0025**

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

No.

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

Yes. Six Mile Creek is located approximately one-half mile to the southwest of the site.

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

No.

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

No.

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?

Potentially, two unranked vascular plant elements were identified on the NCDENR, Division of Parks and Recreation Natural Heritage Element Occurrences - November 2010 GIS shapefile within one-half mile of the site.

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

Potentially, migratory birds are present in Mecklenburg County according to the North Carolina 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? Potentially, two unranked vascular plant elements were identified on the NCDENR, Division of Parks and Recreation Natural Heritage Element Occurrences - November 2010 GIS shapefile within one-half mile of the site.

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

Potentially, two unranked vascular plant elements were identified on the NCDENR, Division of Parks and Recreation Natural Heritage Element Occurrences - November 2010 GIS shapefile within one-half 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 # 60-0025

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? No.

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

Not likely based on the distance from the site to the nearest surface water body and the relatively low concentrations of contamination in groundwater.

2A. Are chemicals present in surface soils on the site? No

2B. Can chemicals be leached from or be transported by erosion of surface soils on the site? No.

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

No. Soil impacts have not been identified.

3A. Are chemicals present in surface soil or on the surface of the ground? No

3B. Are potential ecological receptors on the site? No

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

Not likely based on the distance from the site to the nearest surface water body and the relatively low concentrations of contamination in groundwater.

4A. Are chemicals on the site volatile? Yes

4B. Could chemicals on the site be transported in air as dust or particulate matter? Not likely.

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?

Not likely, no surficial impacts to soil have been identified.

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 the site reach ecological receptors through migration of NAPL?

No. NAPL has not been detected at the site.

- 6A. Are chemicals present in surface and shallow subsurface soils or on the surface of the ground? No.
- 6B. Are chemicals found in soil on the site taken up by plants growing on the site? No, impacted soil has not been identified at the site.
- 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, however, none have been specifically identified.
- 6D. Do chemicals found on the site bioaccumulate. No.

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

Not likely because there are no surficial soil impacts, low groundwater contaminant concentrations and no nearby surface water discharge locations.

March 2007

DSCA Program

Appendix C

Notice of Dry-Cleaning Solvent Remediation

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Charlotte Market Associates, Limited Partnership
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 Charlotte Marker Associates, Limited Partnership (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 3116 Weddington Road, Matthews, Mecklenburg County, North Carolina, Parcel Identification Number (PIN) 22756103.

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 current Ho Cleaners (DSCA Site 60-0025) located at 3116 Weddington Road, Matthews in the Plantation Market Shopping Center. Dry-cleaning operations were conducted on the Property from approximately 1996.

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.
8. Prior to using the Ho Cleaners facility space, as depicted on Exhibit A, for any purpose other than dry-cleaning operations or dry-cleaning related operations such as a pick-up/drop-off store, the property owner must demonstrate to the satisfaction of DENR that the indoor air of the facility space does not pose an unacceptable risk to occupants.

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__.

Charlotte Market Associates, Limited Partnership

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 Charlotte Market Associates, Limited Partnership, a North Carolina Limited Partnership, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Dry-Cleaning Solvent Remediation was signed in its name by him.

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

DEEDBOOK PAGE

6230 0019

MECKLENBURG COUNTY

MAR 15, 90

100.00

TRAN 47



Real Estate Excise Tax

Excise Tax

000262

PRESENTED FOR

90 MAR 15 PM 3:55

ANNE A. POWERS
REGISTER OF DEEDS
MECKLENBURG CO., N.C.

Recording Time, Book and Page

Tax Lot No. out of 227-131-10 Parcel Identifier No.

Verified by County on the day of, 19

by

Mail after recording to Parker, Poe et al (CBL), 2600 Charlotte Plaza, Charlotte, NC 28244

This instrument was prepared by Parker, Poe, Adams & Bernstein (CBL)

Brief description for the Index 18.357 Acres, McKee & Weddington Rds.

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 15th day of March, 19 90, by and between

GRANTOR

CK PLANTATION MARKET LIMITED PARTNERSHIP, a North Carolina limited partnership
2800 One First Union Center
Charlotte, NC 28202

GRANTEE

CHARLOTTE MARKET ASSOCIATES LIMITED PARTNERSHIP, a North Carolina limited partnership
2800 One First Union Center
Charlotte, NC 28202

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Providence Township, Mecklenburg County, North Carolina and more particularly described as follows:

All of the real property described on the attached Exhibit A, which is incorporated herein by this reference.

STAMPS	100.00
FFF	18.00
<>	118.00
CASH	118.00

12:32 #5036 000
03/15/90

DEEDBOOK PAGE
6230 0020

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ Page _____
Mecklenburg County Public Registry

A map showing the above described property is recorded in Plat Book _____ page _____
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the
Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and
Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor,
except for the exceptions hereinafter stated.
Title to the property hereinabove described is subject to the following exceptions:

Those matters set forth on the attached Exhibit B, which is incorporated herein
by this reference.

A portion of this property secures a loan to Grantor, the obligations of Grantor under
which are being assumed by Grantee pursuant to that certain Assumption and Release
Agreement of even date between Grantor, Grantee and Wachovia Bank & Trust Company, N.A.,
which is incorporated herein by this reference.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its
corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first
above written.

CK PLANTATION MARKET LIMITED PARTNERSHIP, a
North Carolina limited partnership (SEAL)

By: Childress Klein Retail-Charlotte #3, Inc.,
a North Carolina corporation, General
Partner (SEAL)

By: David S. Miller (SEAL)
David S. Miller, President

USE BLACK INK ONLY

.....
(Corporate Name)

By: _____
President

ATTEST:
William J. Dawson
Secretary (Corporate Seal)

SEAL - STAMP

USE BLACK INK ONLY
NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 19____.
My commission expires: _____ Notary Public

SEAL - STAMP

USE BLACK INK ONLY
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 _____ Secretary of
_____ a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____, 19____.
My commission expires: _____ Notary Public

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the
first page hereof.

REGISTER OF DEEDS FOR _____ COUNTY
By _____ Deputy/Assistant-Register of Deeds.

DEEDBOOK PAGE
6230 0021

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Nancy W. Stokes, a Notary Public of the County and State aforesaid, certify that Alyson J. Narron personally came before me this day and acknowledged that (s)he is Secretary of Childress Klein Retail-Charlotte #3, Inc., a North Carolina corporation which is the general partner of CK Plantation Market Limited Partnership, a North Carolina limited partnership, and that by authority duly given and as the act of the corporation in its capacity as general partner of said partnership, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by Alyson J. Narron as its Secretary.

WITNESS my hand and official stamp or seal, this 15th day of ~~January~~ 1990.
March

Nancy W. Stokes
Notary Public

My Commission Expires:
March 19, 1990
(Notary Seal)



REEDBOOK PAGE

6230 0022

EXHIBIT A TO NORTH CAROLINA SPECIAL WARRANTY DEED
FROM ~~THE~~ PLANTATION MARKETPLACE LIMITED PARTNERSHIP,
AS GRANITOR, TO CHARLOTTE MARKET ASSOCIATES LIMITED
PARTNERSHIP, AS GRANTEE

BEING A PARCEL OF LAND in Providence Township, Mecklenburg
County, North Carolina, and being more particularly described as
follows:

Beginning at a railroad spike at the point of intersection
of centerline of the old right-of-way of McKee Road (60 foot
right-of-way) with the centerline of the old right-of-way of
Weddington Road (60 foot right-of-way); running thence along the
centerline of the old right-of-way of McKee Road along the arc of
a curve to the left (said arc being subtended by a chord bearing
south 67 degrees 50 minutes 44 seconds west a chord distance of
436.72 feet and having a radius of 5432.60 feet) an arc distance
of 436.33 feet to a railroad spike; thence leaving the centerline
of the old right-of-way of McKee Road and running north 43
degrees 34 minutes 25 seconds west a distance of 1164.85 feet to
a new iron pin; running thence north 46 degrees 25 minutes 35
seconds east a distance of 305.00 feet to a new iron pin;
running thence north 22 degrees 54 minutes 44 seconds west a
distance of 283.28 feet to a new iron pin; running thence along
the arc of a curve to the left (said arc being subtended by a
chord bearing north 49 degrees 17 minutes 35 seconds east a chord
distance of 208.11 feet and having a radius of 531.35 feet) an
arc distance of 209.46 feet to a new iron pin; running thence
north 38 degrees 00 minutes 00 seconds east a distance of 102.88
feet to a new iron pin; running thence south 52 degrees 00
minutes 00 seconds east a distance of 85.19 feet to a new iron
pin; running thence south 22 degrees 54 minutes 44 seconds east a
distance of 353.00 feet to a new iron pin; running thence north
65 degrees 00 minutes 00 seconds west a distance of 406.97 feet
to a new iron pin on the centerline of the new right-of-way of
Weddington Road (70 foot right-of-way); running thence along the
centerline of the new right-of-way of Weddington Road south 08
degrees 00 minutes 00 seconds west a distance of 64.82 feet to a
point; continuing thence along the centerline of the new right-
of-way of Weddington Road along the arc of a curve to the left
(said arc being subtended by a chord bearing south 27 degrees 27
minutes 22 seconds east a chord distance of 529.32 feet and
having a radius of 993.13 feet) an arc distance of 535.80 feet to
a point (said point also being on the centerline of the old
right-of-way of Weddington Road); running thence along the
centerline of the old right-of-way of Weddington Road south 22
degrees 54 minutes 44 seconds east a distance of 621.78 feet to a
railroad spike on the centerline of the old right-of-way of McKee
Road, which railroad spike marks the POINT OF BEGINNING; being
shown on Boundary Survey of Property of Bristol Development
Corporation prepared by Jack R. Christian, North Carolina
Registered Land Surveyor No. L-2624, dated May 2, 1988, last
revised January 6, 1989.

Said property being a portion of the property conveyed to William
M. Trotter and wife, Phyllis Ann Trotter by Deed recorded in Book
5388, at page 946 of the Mecklenburg County Public Registry.

DEEDBOOK PAGE
6230 0023

TOGETHER WITH a slope easement created pursuant to Easement Agreement ("Easement Agreement") by and between William M. Trotter and Phyllis Ann Trotter as Grantors and Bristol Development Corporation as Grantee dated the 17th day of January, 1989, and recorded contemporaneously herewith in the Office of the Register of Deeds of Mecklenburg County, North Carolina, said easement being more particularly described as follows:

BEING A PARCEL OF LAND in Providence Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at a railroad spike at the point of intersection of the centerline of the old right of way of McKee Road (60 foot right of way) with the centerline of the old right of way of Weddington Road (60 foot right of way); running thence along the centerline of the old right of way of Weddington Road north 22 degrees 54 minutes 44 seconds west a distance of 621.78 feet to a point; running thence along the centerline of the new right of way of Weddington Road (70 foot right of way) along the arc of a curve to the right (said arc being subtended by a chord bearing north 07 degrees 27 minutes 22 seconds west a chord distance of 529.32 feet and having a radius of 993.13 feet) an arc distance of 935.80 feet to a point; thence continuing along the centerline of the new right of way of Weddington Road north 08 degrees 00 minutes 00 seconds east a distance of 64.82 feet to a new iron pin; thence leaving the centerline of the new right of way of Weddington Road and running south 63 degrees 00 minutes 00 seconds west a distance of 41.73 feet to a new iron pin on the new westerly right of way line of Weddington Road, which new iron pin marks the POINT OF BEGINNING; FROM SAID POINT OF BEGINNING AS THUS ESTABLISHED continuing thence south 63 degrees 00 minutes 00 seconds west a distance of 365.24 feet to a new iron pin; running thence north 22 degrees 54 minutes 44 seconds west a distance of 333.00 feet to a new iron pin; running thence south 52 degrees 00 minutes 00 seconds east a distance of 82.28 feet to a point; running thence south 22 degrees 54 minutes 44 seconds east a distance of 349.62 feet to a point; running thence north 65 degrees 00 minutes 00 seconds east a distance of 343.61 feet to a point on the new westerly right of way line of Weddington Road; running thence along the new westerly right of way line of Weddington Road south 08 degrees 00 minutes 00 seconds west a distance of 35.77 feet to a new iron pin, which new iron pin marks the POINT OF BEGINNING; being a slope easement area as shown on Boundary Survey prepared by Jack R. Christian, North Carolina Registered Land Surveyor No. L-2624, dated May 2, 1988, last revised January 6, 1989.

Said property being a portion of the property conveyed to William M. Trotter and wife, Phyllis Ann Trotter, by Deed recorded in Deed Book 5288, at page 946 of the Mecklenburg County Public Registry.

TOGETHER WITH all other easements, rights and benefits in favor of and appurtenant to the "Grantee's Property" (as defined in the Easement Agreement) which are created and set forth in the above described Easement Agreement, including, without limitation, the easements, rights and privileges encumbering the "Grantor's Property" (as defined in the Easement Agreement) assigned and granted by the Easement Agreement.

TO A PART



DEEDBOOK PAGE

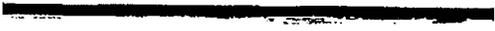
6230 0024

TOGETHER WITH all of Bristol Development Corporation's rights, title and interest in and to that certain Option Agreement dated July 19, 1989 and recorded July 19, 1989 at 3:19 PM in Book 6071, Page 301 of the Mecklenburg County Public Registry.

LESS AND EXCEPT THE FOLLOWING:

BEING A PARCEL OF LAND in Providence Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at a new iron pin at the point of intersection of the new northerly right-of-way line of McKee Road (80 foot right-of-way) with the new westerly right-of-way line of Weddington Road (65 foot right-of-way at said point); run thence along the new westerly right-of-way line of Weddington Road north 22 degrees 54 minutes 44 seconds west a distance of 100.11 feet to a new iron pin, which new iron pin marks the POINT OF BEGINNING; FROM SAID POINT OF BEGINNING AS THUS ESTABLISHED, leaving the new westerly right-of-way line of Weddington Road and running thence along the arc of a curve to the left (said arc being subtended by a chord bearing south 68 degrees 28 minutes 11 seconds west a chord distance of 240.57 feet and having a radius of 5582.60 feet) an arc distance of 240.59 feet to a new iron pin; running thence north 22 degrees 54 minutes 44 seconds west a distance of 193.57 feet to a new iron pin; running thence north 67 degrees 05 minutes 16 seconds east a distance of 240.50 feet to a new iron pin located on the new westerly right-of-way line of Weddington Road; running thence along the new westerly right-of-way line of Weddington Road south 22 degrees 54 minutes 44 seconds east a distance of 199.37 feet to a new iron pin, which new iron pin marks the POINT OF BEGINNING.



DEEDBOOK PAGE
6230 0025

EXHIBIT B TO NORTH CAROLINA SPECIAL WARRANTY DEED
BETWEEN CK PLANTATION MARKET LIMITED PARTNERSHIP, AS GRANTOR
AND CHARLOTTE MARKET ASSOCIATES LIMITED PARTNERSHIP,
AS GRANTEE

1. Taxes for the year 1990, and subsequent years, not yet due and payable.
2. Easement(s) to Duke Power Company recorded in Book 938, Page 361, Mecklenburg County Registry.
3. Easement(s) to Southern Bell Telephone and Telegraph Company recorded in Book 1074, Page 562, in said Registry.
4. Easement(s) to Matthews Waxhaw Telephone Company recorded in Book 1481, Page 214, in said Registry.
5. Rights of others in and to the easements created under and terms of that certain Easement Agreement between William H. Trotter, Phyllis Ann Trotter, William Trotter Development Company and Bristol Development Corporation recorded in Book 5948, Page 415, in said Registry, and as described herein under Exhibit A.
6. Memorandum of Lease to Harris-Teeter, Inc. recorded in Book 6040, Page 465, in said Registry.
7. Declaration of Restrictions and Reciprocal Easements executed by Bristol Development Corporation, dated July 19, 1989 and recorded in Book 6069, Page 837, in said Registry.
8. Lease dated January 6, 1989, to Jack Eckerd Corporation.
9. Deed of Trust, Assignment of Rents and Security Agreement dated January 16, 1990, in favor of Wachovia Bank & Trust Company, N.A., recorded at Book 6193, Page 0514, Mecklenburg County Public Registry.
10. Deed of Trust, Assignment of Rents and Security Agreement dated January 16, 1990 in favor of Wachovia Bank & Trust Company, N.A., recorded at Book 6193, Page 0496, Mecklenburg County Public Registry.

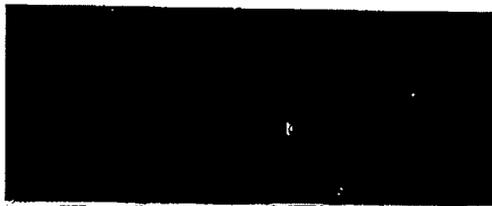
47/1923/nws

State of North Carolina, County of Mecklenburg
The foregoing Certificate(s) of Nancy W. Stokes

Notary(ies) Public is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

ANNE A. POWERS, REGISTER OF DEEDS

By *Amey L. Pinnett* Deputy - Register of Deeds



Appendix D

Example Annual DSCA Land- Use Restrictions Certification

Site Name: Ho Cleaners
Site Address: 3116 Weddington Road, Charlotte, Mecklenburg County, NC
DSCA ID No: 60-0025

ANNUAL CERTIFICIATION of LAND-USE RESTRICTIONS

Pursuant to Condition 5 in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by Charlotte Market Associates, Limited Partnership and recorded in Deed Book _____, Page _____ on _____ at the Mecklenburg County Register of Deeds Office, Charlotte Market Associates, Limited Partnership 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__.

Charlotte Market Associates, Limited Partnership

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 Charlotte Marker Associates, Limited Partnership, a North Carolina Limited Partnership, and its Manager, and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her.

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

Name typed or printed:
Notary Public

My Commission expires: _____
[Stamp/Seal]

Appendix E

Example Documents Announcing the Public Comment Period

Public Notice

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

Ho Cleaners
DSCA Site # 60-0025

Pursuant to N.C.G.S. §143-215.104L, on behalf of Charlotte Market Associates, Limited Partnership, 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.

Ho Cleaners conducts dry-cleaning operations at the Plantation Market Shopping Center at 3116 Weddington Road, in Matthews, North Carolina. The property is currently occupied by Ho Cleaners and used as a drop-off dry cleaning facility. Dry-cleaning solvent contamination has been identified at the following parcel(s):

3116 Weddington Road, in Matthews, Parcel No. 22756103

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 Ho Cleaners. A Risk Management Plan has been prepared which proposes instituting land-use restrictions to control future risks at 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 _____, 2011, and ends _____, 2011.

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 Al Chapman at (919)508-8580.
All comments and requests should be sent to:

Al Chapman, 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

<Date>

Hazen Blodgett
City Manager
Matthews Town Hall
232 Matthews Station Street
Matthews, North Carolina 28105

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site No. 60-0025
Ho Cleaners, 3116 Weddington Road, Matthews

Dear Mr. Blodgett:

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

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

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

Al Chapman, DSCA Remediation Unit
Division of Waste Management, NC DENR

Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0025
Ho Cleaners, 3116 Weddington Road, Matthews
Page 2

<date>

1646 Mail Service Center
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)508-8580

Sincerely,

Al Chapman, Project Manager
DSCA Remediation Unit
al.chapman@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0025 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>

Mr. Harry L. Jones, Sr.
Mecklenburg County Manager
600 East 4th Street
Charlotte, NC 28202

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site No. 60-0025
Ho Cleaners, 3116 Weddington Road, Matthews

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1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 60-0025
Ho Cleaners, 3116 Weddington Road, Matthews
Page 2

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If you have any questions, please feel free to contact me at (919)508-8580

Sincerely,

Al Chapman, Project Manager
DSCA Remediation Unit
al.chapman@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 60-0025 File