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September 10, 2008

Ms. Dianne Thomas
State of North Carolina
Department of Environment and Natural Resources
Division of Waste Management, Superfund Section
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605

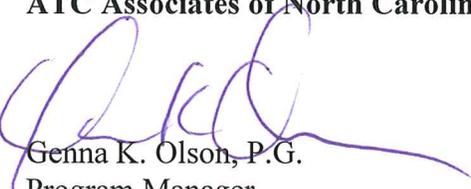
RE: Risk Management Plan
Dry Clean Express
1930 North Poplar Street
Southern Pines, Moore County, North Carolina
ATC Project No. 45.34341.6305
DSCA Site Identification No. 63-0005

Dear Ms. Thomas:

ATC Associates of North Carolina, P.C. (ATC) is pleased to submit the enclosed Risk Management Plan (RMP) for the above referenced site. The results of a previous Tier 1 Evaluation indicated that contaminant concentrations at the site do not pose an unacceptable risk. The primary purpose of this RMP is to ensure that the assumptions made during the risk assessment remain valid in the future. Based on the documentation outlined in this report, ATC recommends issuance of a No Further Action letter for the site.

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

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



Genna K. Olson, P.G.
Program Manager

Enclosure: Risk Management Plan

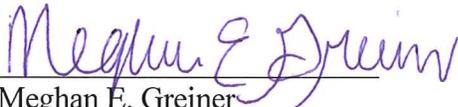
**RISK MANAGEMENT PLAN
DRY CLEAN EXPRESS
1930 NORTH POPLAR STREET
SOUTHERN PINES, MOORE COUNTY, NORTH CAROLINA
ATC PROJECT NO. 45.34341.6305
DSCA SITE IDENTIFICATION NO. 63-0005
September 10, 2008**

Risk Management Plan
Dry Clean Express
1930 North Poplar Street
Southern Pines, Moore County, North Carolina
ATC Project No. 45.34341.6305
DSCA Site Identification No. 63-0005

Prepared By:

Submitted To:

**North Carolina Department of Environment
and Natural Resources**
Division of Waste Management
Superfund Section – DSCA Program
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605



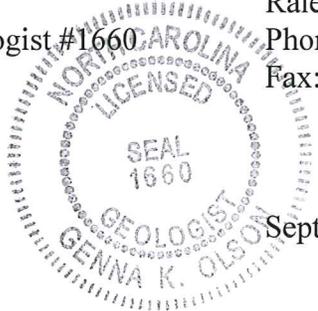
Meghan E. Greiner
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Genna K. Olson, P.G.
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September 10, 2008

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1.0 INTRODUCTION

ATC Associates of North Carolina, P.C. (ATC) has prepared this Risk Management Plan (RMP) for the Dry Clean Express site on behalf of the North Carolina Drycleaning Solvent Cleanup Act (DSCA) Program. The site is located 1930 North Poplar Street in Southern Pines, Moore County, North Carolina. This RMP is intended to comply with the requirements of the DSCA (N.C.G.S. 143-215.104A *et seqs*) and promulgated rules and follows the outline provided in the DSCA Program's risk-based corrective action (RBCA) guidance.

2.0 OBJECTIVES OF RMP

ATC completed a Tier 1 Evaluation for the Dry Clean Express site on June 24, 2008. The results of the Tier 1 indicated that the site-wide risks do not exceed target risk levels. However, the evaluation was based on site-specific land-use conditions that require an RMP. As such, 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

The Tier 1 completed by ATC on June 24, 2008, included a 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 complete exposure pathways for the site:

- On-site non-residential worker - surficial soil combined pathway, indoor inhalation of vapors from subsurface soil, outdoor inhalation of vapors from subsurface soil, indoor inhalation of vapors from groundwater, and outdoor inhalation of vapors from groundwater.
- On-site construction worker - combined pathways for soil up to depth of construction and outdoor inhalation of vapors from groundwater.

In addition to the above referenced pathways, ATC also evaluated the Protection of Groundwater Use pathway and the Protection of Surface Water pathway. One individual source area could not be determined due to the variability in low contaminant concentrations detected in MW-1 through MW-3. Therefore, three separate risk evaluations were performed assuming separate groundwater source areas located in the area of each well. For the Protection of Groundwater Use pathway, ATC assumed that the nearest potential point-of-exposure (POE) for groundwater was at the downgradient property boundary, which is located 640, 335, and 500 feet from the source areas defined at MW-1, MW-2, and MW-3, respectively. The nearest surface water body is a tributary to the Aberdeen creek, which is located 560, 400, and 400 feet from the source areas defined at MW-1, MW-2, and MW-3, respectively. The results of the Tier 1 indicated that the RCs for the complete exposure pathways do not exceed Tier 1 RBSLs.

4.0 RAP COMPONENTS

4.1 Summary of Prior Assessment and Interim Actions

GZA Geoenvironmental Inc. performed a Phase I Environmental Site Assessment in May 1998. During the Phase I, Dry Clean Express was identified as a recognized environmental condition. In November 1998, Law Engineering and Environmental Services Inc. completed a Summary Report of Additional Assessment. During the assessment, three direct-push borings (SB-1, SB-2, and SB-3) were completed and the laboratory report showed the presence of tetrachloroethylene (PCE) in the boring near the drum storage area. Mactec Engineering and Consulting, Inc. completed a Letter Report of Limited Soil Assessment in March 2006. Six borings (S-1 through S-6) were completed and soil samples were collected for laboratory analysis. PCE was found in each sample. One sample was also found to have petroleum compounds. The site was subsequently accepted into the DSCA Program in May 2006.

A Prioritization Assessment Report was prepared by ATC on November 17, 2006. As part of this assessment, four monitoring wells were installed (MW-1 through MW-4) and a receptor survey was completed. Groundwater samples collected from the newly installed monitoring wells showed no impact above Title 15A NCAC 2L .0202 Groundwater Standards (2L

Standards), which are the standards applicable for unrestricted use. The results of the receptor survey showed the nearest surface water body is located approximately 500 feet east of the site and no water supply wells were found within 1,500 feet of the site.

Groundwater monitoring events were performed by ATC in April 2007, October 2007, February 2008, and April 2008 in order to evaluate whether the contaminant plume was stable. Naphthalene, PCE, and trichloroethylene (TCE) were intermittently detected in monitoring wells MW-2 and MW-3 at concentrations above 2L Standards. However, the detections were low and did not exhibit an increasing trend. As such, ATC concluded that the plume was stable and proceeded with completion of a risk assessment. The results of the monitoring events were documented in two Groundwater Monitoring Reports dated May 31, 2007 and January 24, 2008, and the Risk Assessment Report dated April 17, 2008. As previously discussed, the results of the risk assessment indicated no exceedences of Tier 1 RBSLs for the complete exposure pathways. No interim remedial actions have been conducted at the site to date.

4.2 Remedial Action

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

Condition 1: The dissolved plume is stable or decreasing.

Periodic groundwater monitoring has been conducted at the site since 2006. A total of four groundwater sampling events have been conducted for monitoring wells MW-2 through MW-4. MW-1 was periodically dry and therefore has been sampled only three times. Constituents of concern (COCs) detected at the site historically include acetone, 2-butanone, chloroform, cis-1,2-dichloroethylene, ethylbenzene, naphthalene, PCE, toluene, TCE, and xylenes. Of these constituents, only naphthalene, PCE, and TCE have been detected at concentrations exceeding 2L Standards. As such, ATC focused on these compounds for the plume stability evaluation.

ATC prepared concentration versus time graphs for sampling events conducted at the site for naphthalene, PCE, and TCE. Even though a few wells have shown contaminant concentrations over 2L Standards, the graphs show that the concentrations in all wells have been well below the RBSLs since groundwater monitoring started in 2006 and do not appear to exhibit an increasing trend. Based on these data, ATC concludes that the plume is stable. Documentation of the plume stability evaluation, including a figure showing monitoring well locations, a table showing historical groundwater analytical data, and concentration versus time graphs, is included in *Appendix A*.

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

ATC evaluated the RCs 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.

The Tier 1 Evaluation for the site was based on land-use conditions that the usage of the site property will remain industrial/commercial and that groundwater will not be utilized on the property. As discussed in Section 6.0, land-use restrictions (LUR) will be implemented for the site property to ensure that these assumptions remain valid.

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 land-use restrictions on the site property.

5.0 DATA COLLECTED DURING RMP IMPLEMENTATION

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

6.0 LAND-USE RESTRICTIONS (LUR)

The Tier 1 Evaluation for the site was based on assumptions that usage of the site property will remain industrial/commercial and that groundwater will not be utilized on the property. LUR are implemented for the site property to ensure that land-use conditions are maintained and monitored until the LUR are no longer required for the site. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR is included in *Appendix C*. A plat showing the locations and types of dry-cleaning solvent 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.

7.0 LONG-TERM STEWARDSHIP PLAN

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

8.0 RMP IMPLEMENTATION SCHEDULE

Since the contamination is stable and will be 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. As such, upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Moore 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 LUR have been executed and recorded with the Moore County Register of Deeds. The NDCSR may, at the request of the owner of the property, be canceled by DENR after the risk to public health and the environment associated with the dry-cleaning solvent contamination and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated as a result of remediation of the property. If DENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the site conditions have impacted the requirements set forth in the NDCSR and LUR and if changes are required. Enforcement of the RMP will be maintained through receipt of the “Annual DSCA Land-Use Restrictions Certification” from the property owner as part of the NDCSR and LUR requirements.

10.0 CONTINGENCY PLAN IF RMP FAILS

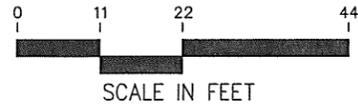
As discussed above, unless the DSCA Program is notified of a change in land-use conditions at the site, per the notification requirements detailed in this plan, the RMP will remain in effect until the RMP has met its objectives and is considered a success. Pursuant to N.C.G.S. 143-215.104K, if any of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

11.0 CONCLUSIONS AND RECOMMENDATIONS

ATC has prepared this RMP for the former Dry Clean Express site on behalf of the NC DSCA Program. The results of a previous Tier 1 Evaluation 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

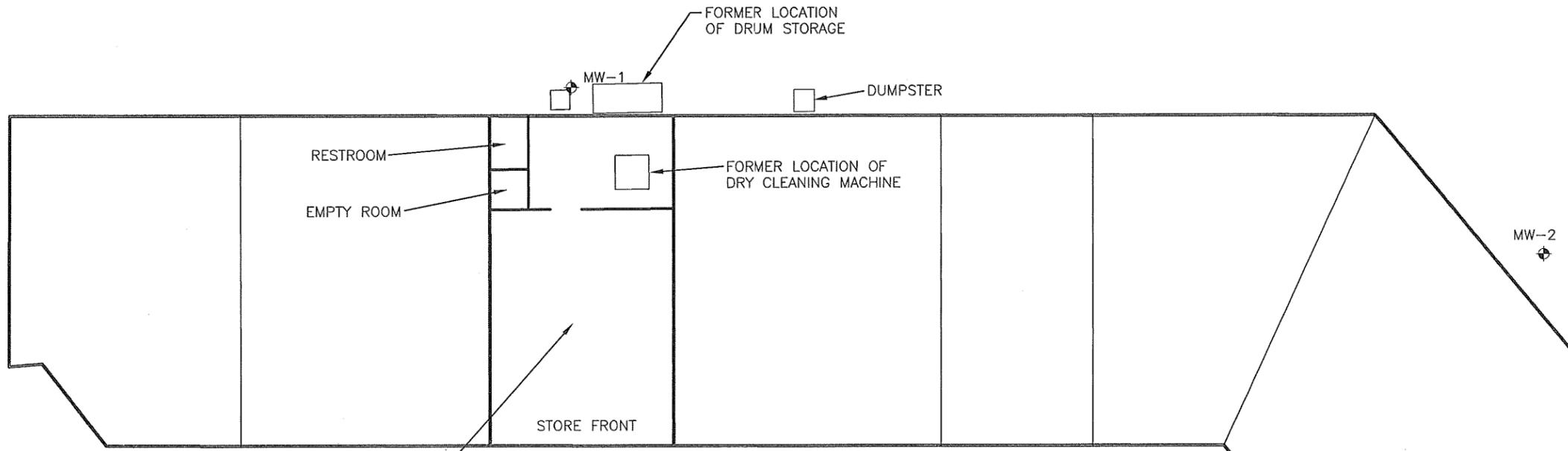
DOCUMENTATION OF PLUME STABILITY EVALUATION



N/F
McPEAKE HOTELS,
INC.
PARCEL ID
#56897

N/F
WILLIAM C. SMITH,
JR.
PARCEL ID
#50800

PROPERTY BOUNDARY



FORMER
DRY CLEAN EXPRESS
LOCATION

MW-4

"THE COMMONS"
SHOPPING CENTER
N/F
PHOENIX HOME LIFE
MUTUAL INSURANCE COMPANY
PARCEL ID #54172

WINN-DIXIE
BUILDING



Raleigh, North Carolina 27604 (919) 871-0999 FAX (919) 871-0335

FIGURE 1
MONITORING WELL LOCATION MAP
DRY CLEAN EXPRESS
1930 N. POPLAR STREET
SOUTHERN PINES, NORTH CAROLINA

| | | | | | | |
|-------------------------|--------------------|-----------------|---------------|-------------------|--------------------|------------------------------|
| CAD FILE 1253082.DWG | DSCA ID 63-0005 | PREP. BY RMS | REV. BY GO | SCALE 1" = 22' | DATE 03-17-2008 | PROJECT NO. 45.34341.6305 |
|-------------------------|--------------------|-----------------|---------------|-------------------|--------------------|------------------------------|

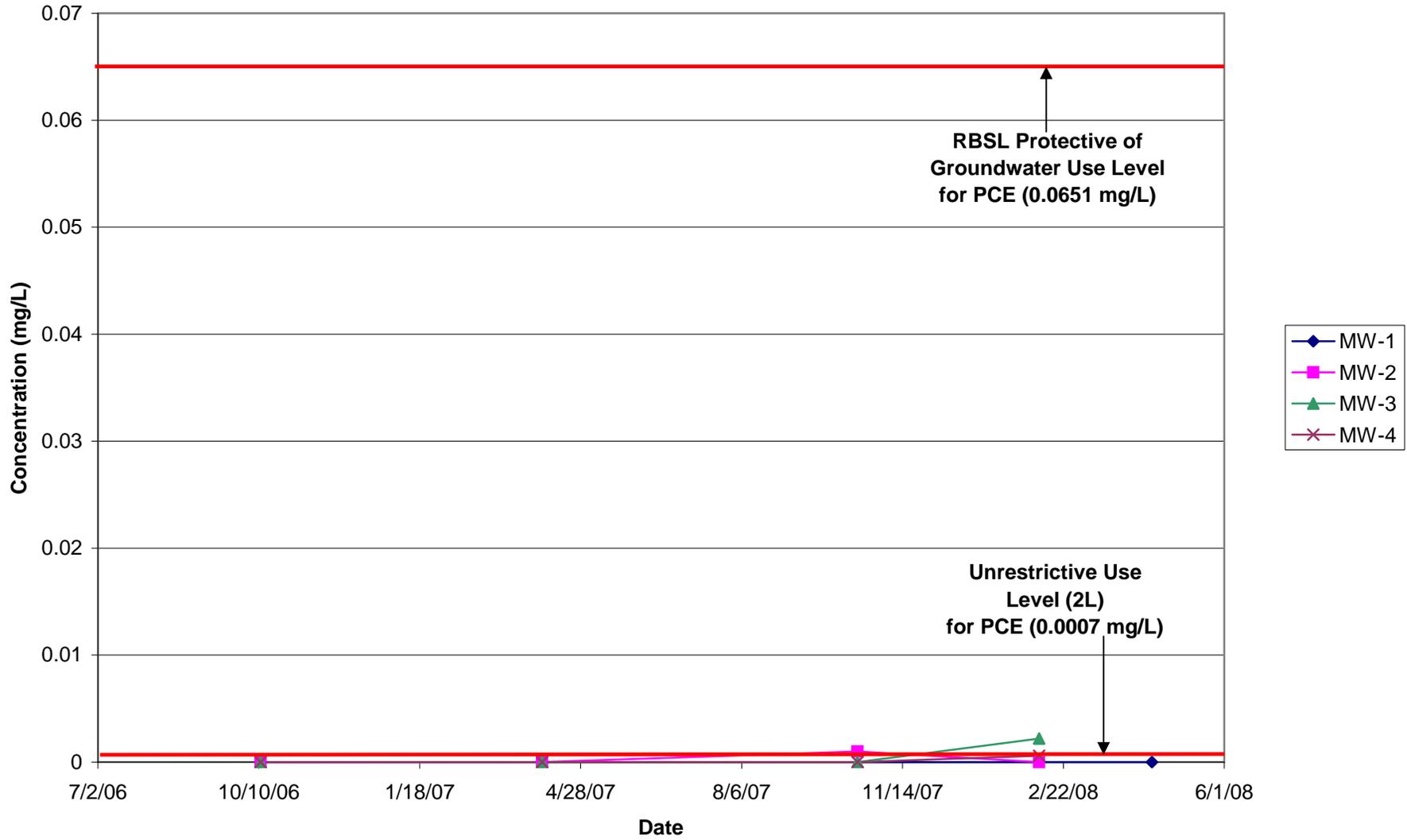
NOTES:

Table 1: Analytical Data for Groundwater

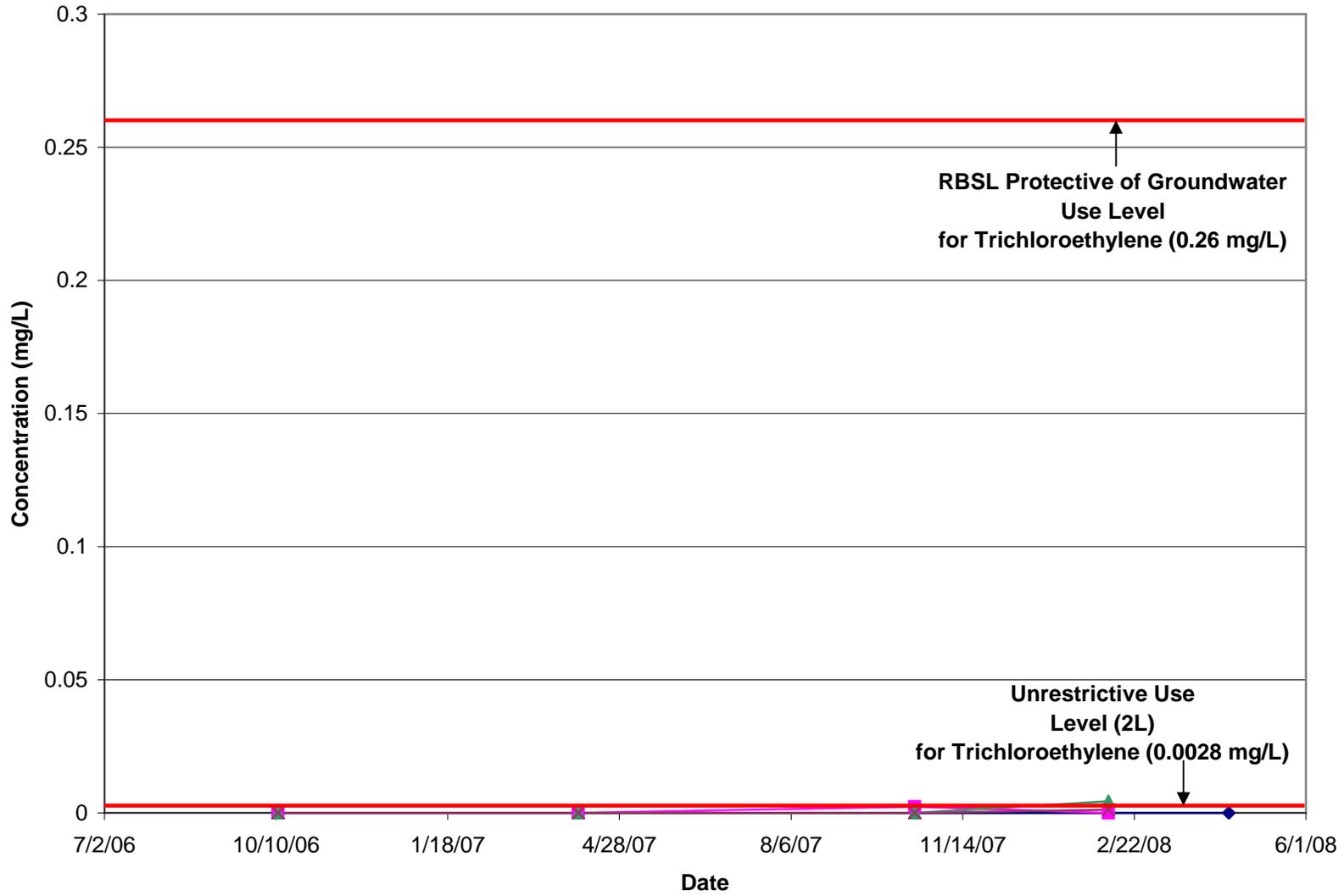
DSCA ID No.: 63-0005

| Groundwater Sampling Point | Sampling Date (mm/dd/yy) | Chloroform | cis-1,2-Dichloroethylene | Ethylbenzene | Naphthalene | Tetrachloroethylene | Toluene | Trichloroethylene | Xylenes (total) | Acetone | 2-Butanone |
|----------------------------|--------------------------|------------|--------------------------|--------------|--------------|---------------------|---------|-------------------|-----------------|---------|------------|
| | | [mg/L] | | | | | | | | | |
| MW-1 | 10/12/06 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.0010 | <0.100 | <0.010 |
| MW-1 | 4/4/07 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.010 | <0.010 |
| MW-1 | 4/17/08 | 0.00062J | <0.005 | <0.005 | 0.00054J | 0.00055J | <0.005 | <0.005 | <0.005 | <0.1 | <0.010 |
| MW-2 | 10/11/06 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.0010 | <0.100 | <0.010 |
| MW-2 | 4/4/07 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | 0.049 | <0.01 |
| MW-2 | 10/17/07 | 0.00053J | 0.006 | <0.005 | <0.005 | 0.001 | <0.005 | 0.0023J | <0.005 | <0.010 | <0.010 |
| MW-2 | 2/7/08 | 0.0044J | <0.005 | 0.0075J | 0.041 | <0.0007 | 0.0046J | <0.005 | 0.0071J | <0.01 | 0.0019J |
| MW-3 | 10/11/06 | 0.016 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.0010 | <0.100 | <0.010 |
| MW-3 | 4/4/07 | <0.005 | 0.0059 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.010 | <0.01 |
| MW-3 | 10/17/07 | 0.00044J | 0.0038J | <0.005 | <0.005 | <0.0007 | <0.005 | <0.005 | <0.005 | <0.010 | <0.010 |
| MW-3 | 2/7/08 | 0.0011J | 0.01 | 0.0027J | 0.0062 | 0.0022 | <0.005 | 0.0044J | 0.00219J | <0.010 | <0.010 |
| MW-4 | 10/11/06 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.0010 | <0.100 | <0.010 |
| MW-4 | 4/4/07 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.005 | <0.010 | <0.01 |
| MW-4 | 10/17/07 | <0.005 | <0.005 | <0.005 | <0.005 | <0.0007 | <0.005 | <0.005 | <0.005 | <0.010 | <0.010 |
| MW-4 | 2/7/08 | 0.0044J | 0.0032J | <0.005 | 0.0023J | 0.00058J | <0.005 | 0.0012J | 0.00131J | <0.010 | 0.0019J |
| NC 2L Standard | | 0.07 | 0.07 | 0.55 | 0.021 | 0.0007 | 1 | 0.0028 | 0.53 | 0.7 | NE |

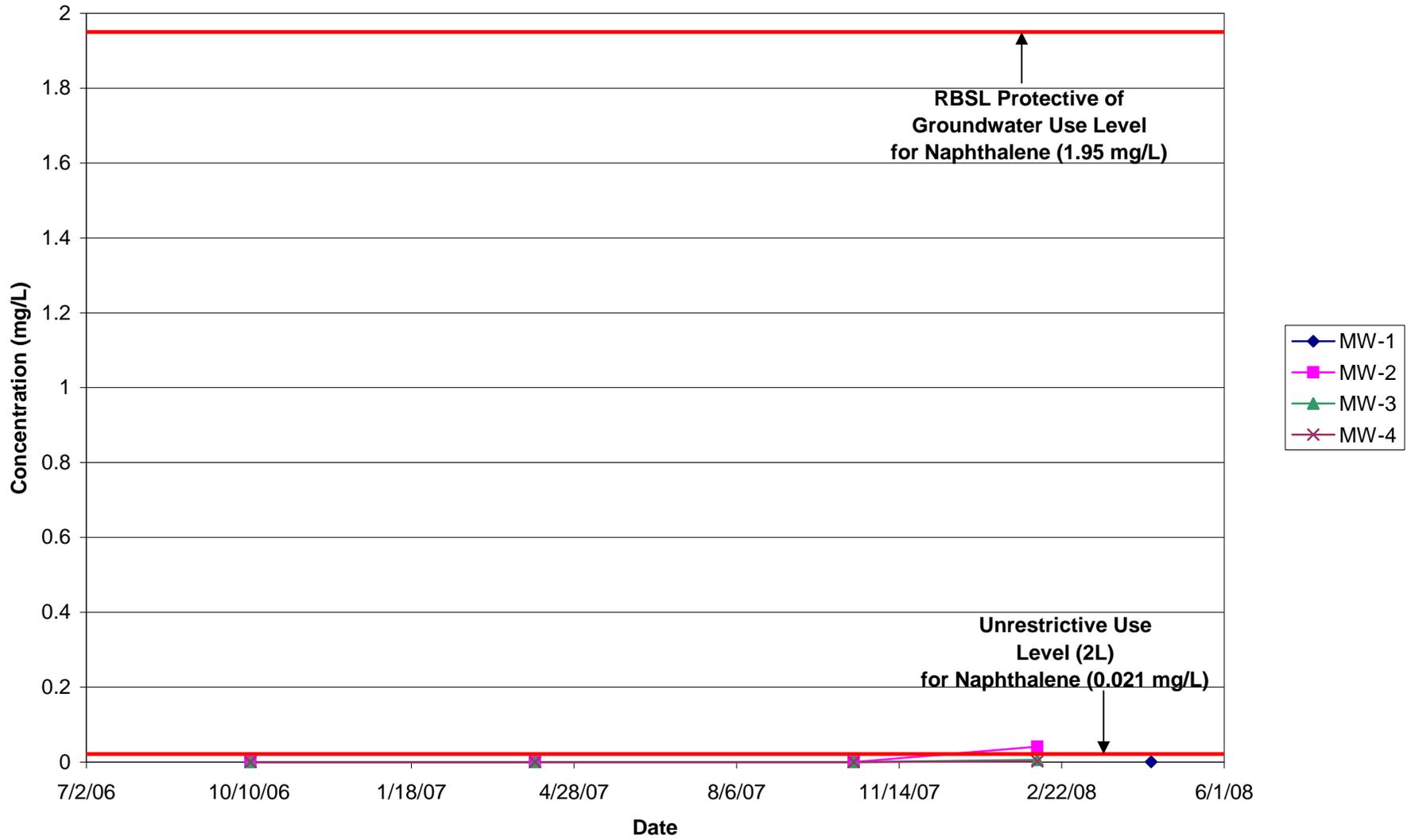
PCE Concentration vs. Time



Trichloroethylene Concentration vs. Time



Naphthalene Concentration vs. Time



APPENDIX B

LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS

Appendix A
Ecological Risk Assessment – Level 1
Dry Cleaners Express
1930 N. Poplar Street
Southern Pines, Moore County, NC
ATC Project No: 45.34341.6305
DSCA Site ID: 63-0005

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?

Based on the Southern Pines Quadrangle United States Geological Survey (USGS) Topographic Map, the nearest mapped surface water body is an intermittent stream located approximately 1,000 feet southeast of the site. However, based on a review of aerial photographs and visual observations, ATC found that a pond associated with the headwaters of the stream is located approximately 400 feet southeast of the site. The intermittent stream drains to Bear Ford Swamp then ultimately into Aberdeen Creek. See the topographic map in **Attachment 1** and the United States Fish and Wildlife Service (USFWS) Ecomap in **Attachment 2**.

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

Based on the USGS topographic map, surface water bodies within one-half mile of the site include the above referenced intermittent stream, another intermittent stream located approximately 2,000 feet to the southeast, and two ponds located 2,300 feet to the northeast and 2,300 feet to the east.

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

Based on the USFWS, two small ponds located approximately 2,300 feet northeast and east of the site are classified as wetland areas. In addition, wetland areas are located adjacent to Bear Creek Swamp near the one-half mile radius to the southeast.

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

Based on a review of the USFWS online database and the North Carolina Heritage, no critical habitats or significant natural areas are located within one-half mile of the site.

5. 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.

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 of the site?

Based on the USFWS online databases, there are no wilderness areas or wildlife refuges 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 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 Moore County (e.g., Bald Eagle, Canadian Goose, Mourning Dove) are likely to be within one-half mile of the site.

8. 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, ecologically important species could potentially be located in the woodland area and surface water areas located east and southeast of the site.

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

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

- *Notropis mekistocholas* – Capre Fear Shiner: Endangered
- *Picoides borealis* – Red-cockaded Woodpecker: Endangered
- *Schwalbea Americana* – American Chaffseed: Endangered
- *Rhus michauxii* – Michaux's Sumac: Endangered

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

- *Eupatorium resinosum* – Pine Barren Boneset: Threatened-Special Concern
- *Lilium pyrophilum* – Sandhills Lily: Endangered- Special Concern
- *Pyxidantha barbulate* var. *brevifolia* – Sandhills Pyxie-moss: Endangered
- *Picoides borealis* – Red-cockaded Woodpecker: Endangered

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), trichloroethylene (TCE), and naphthalene. Based on published references [Environmental Protection Agency (EPA) and United States Agency for Toxic Substances and Disease Registry (ATSDR)], PCE and TCE are leachable to groundwater and soluble in groundwater. Naphthalene has a lower solubility, but still may leach and dissolve 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 (Fetter, 1988). Based on these values, the mobility class of PCE and TCE is considered moderate and the mobility class of naphthalene is considered low.

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

The primary ecological receptor habitats identified in the site vicinity are the surface water features located 400 to 3,000 feet southeast of the site. However, the plume has been fully defined and does not extend off the site property. As such, the impacted groundwater does not appear likely to discharge to these ecological receptor habitats.

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

No. As discussed above, the plume is confined to the site property and does not appear likely to reach the nearest ecological receptor habitats.

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

Yes. Surficial soils have been impacted at the site. PCE has been detected at concentrations ranging from 0.0016 to 0.0237 milligrams per kilogram (mg/kg) in surficial soil. Note that these concentrations are less than the lowest Tier 1 Risk-Based Screening Level (RBSL) established by DSCA of 0.034 mg/kg.

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. However, it should be noted that the area of surficial soil impact is located beneath a paved area or the building. As such, the extent of leaching is likely minimized.

No. The surficial soils impacted at the site are located beneath the existing building and a paved area. As such, severe erosion and transport of 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. Low concentrations of PCE have been identified in surficial soil, but the soil is located in an area where runoff or erosion appears 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 site property is an active shopping center with paved surface cover and no surface water features. As such, ecological receptors are 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 below paved areas or the on-site building 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 area of impacted soil is located beneath a paved area or the on-site building, so erosion as dust or particulate matter appears 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 due to the surface cover (paving or building) located over the impacted soil.

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?

No. The area of surficial soil impact is located beneath asphalt pavement or the on-site building and plants are not growing in the area.

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

No. There is no significant vegetation growing in the area of impacted soil, so feeding by ecological receptors is unlikely

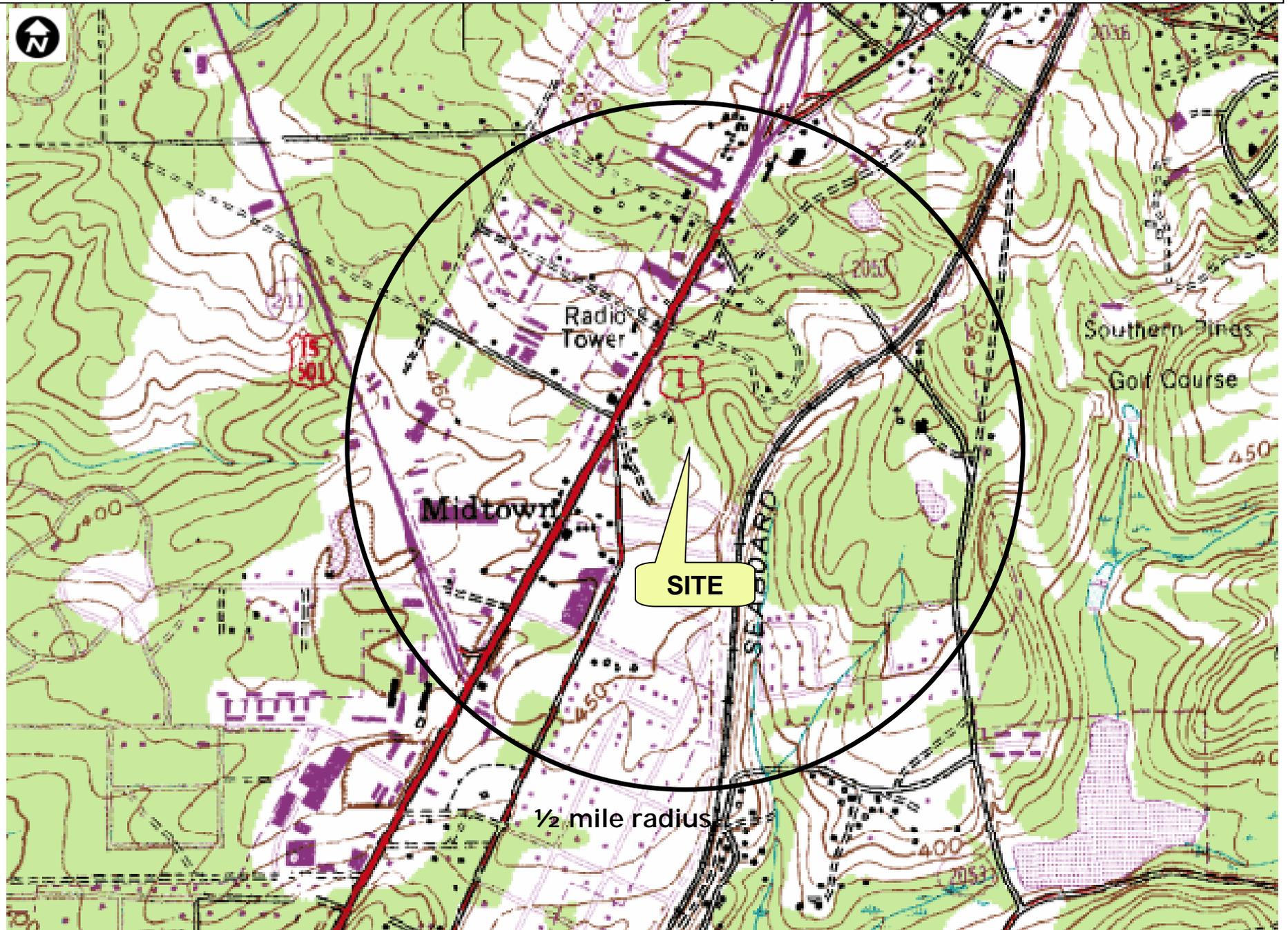
6D. Do chemicals found on the site bioaccumulate?

No. Based on published references (ATSDR and EPA), PCE, TCE, and naphthalene 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 surficial soils, surface cover over the area of impacted soil, 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.

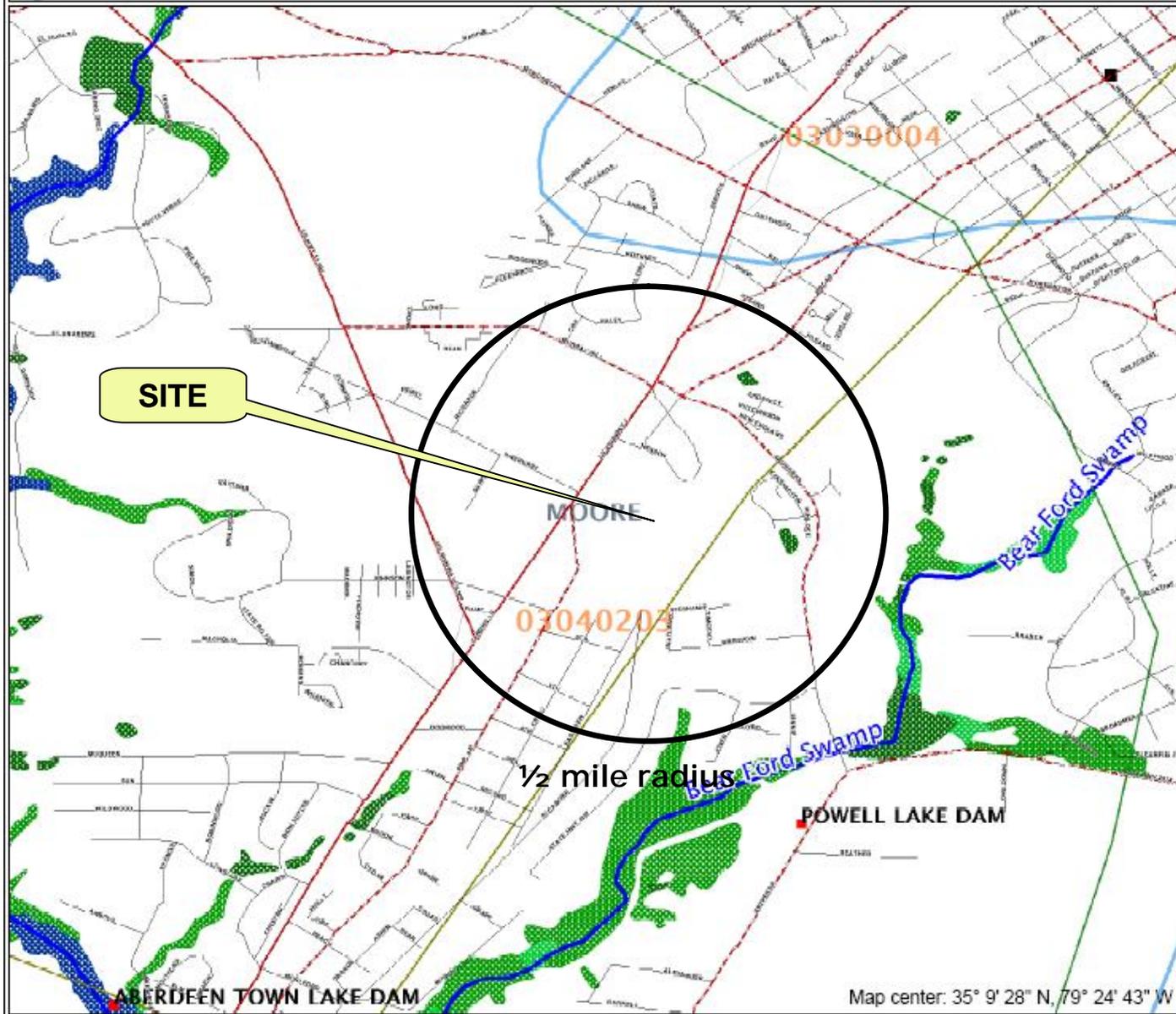
Attachment 1: USGS Southern Pines Quadrangle, Moore County, NC (Source Terraserver.com)
DSCA Site 63-0005 Dry Clean Express



Attachment 2: USFWS Ecomap, Southern Pines Quadrangle, Moore County, NC
 DSCA Site: 63-0005 Dry Clean Express



<http://ecos.fws.gov>



- Critical Habitat
- Barriers
- Cities
- Cities Greater than 500,000
- Cities 100,000 to 500,000
- Towns below 100,000
- FWS Ecological Regions
- FWS Regions
- Railroads
- 8 Digit HUCs
- Quad Map Bounds
- Counties
- Streams
- Water Bodies
- Refuges
- NWI Wetlands
- Estuary
- Estuarine Wetland



Disclaimer: This map DOES NOT represent all of the critical habitat designated by the U.S Fish & Wildlife Service. It shows only the available digitized critical habitats that have been submitted into this system as of print date.



Scale 1:24,921
 U.S. Fish & Wildlife Service
 Printed: Jun 30, 2008 11:57:16 AM

APPENDIX C

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Derby Investment Company, LLC
Recorded in Book ____, Page ____
Associated plat recorded in Plat Book ____, Page ____

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

This documentary component of a Notice of Dry-Cleaning Solvent Remediation (NDCSR or Notice), as well as the plat component, have been filed this ____ day of _____, 200__ by Derby Investment Company, LLC (hereinafter “Property Owner”).

The Notice concerns contaminated property.

A copy of this Notice certified by the North Carolina Department of Environment and Natural Resources, or its successor in function (hereinafter “DENR”) is required to be filed in the Register of Deeds’ Office in the county or counties in which the land is located, pursuant to North Carolina General Statutes (hereinafter “NCGS”), Section (hereinafter “§”) 143-215.104M.

This Notice is required by NCGS § 143-215.104M in order to reduce or eliminate the danger to public health or the environment posed by environmental contamination at a property (hereinafter the “DSCA Site”) being addressed under the Dry-Cleaning Solvent Cleanup Act of 1997, Article 21A, Part 6 NCGS § 143-215.104A *et seq*, (hereinafter “DSCA”).

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.

The DSCA Site is located at 1930 North Poplar Street, Southern Pines, Moore County, North Carolina and is approximately 8.46 acres in size. The DSCA Site has been used as a retail dry-cleaning facility from 1987 to December 1997. Soil and groundwater are contaminated with dry-cleaning solvents.

Attached hereto as **Exhibit A** is a reduction, to 8 1/2" x 11", of the survey plat required by NCGS § 143-215.104M. It is a plat that has been prepared and certified by a professional land surveyor and that meets the requirements of NCGS § 47-30. That plat contains the following information:

- (1) 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 substances and contaminants known to exist on the DSCA Site.

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

LAND USE RESTRICTIONS

NCGS § 143-215.104M also requires that the Notice identify any restrictions on the current and future use of the DSCA Site that are necessary or useful to maintain the level of protection appropriate for the designated

current or future use of the DSCA Site 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 its successor in function), or his/her designee, after the hazards have been eliminated, pursuant to NCGS §143-215104M. Those restrictions are hereby imposed on the DSCA Site, and are as follows:

1. The DSCA Site shall be used exclusively for commercial or industrial purposes and related amenities (parking, landscape areas and walkways), and all other uses of the DSCA site are prohibited except as approved in writing by DENR.

2. Without prior written approval from DENR, the DSCA Site shall not be used for:
- a. child care centers, schools, parks, recreational areas, athletic fields or sporting activities of any kind;
 - b. agricultural or grazing purposes or for timber production;
 - c. kennels, private animal pens, or for riding clubs;
 - d. mining or extraction of coal, oil, gas or any other mineral or non-mineral substances.

3. Surface water and underground water at the DSCA Site may not be used for any purpose without the approval of DENR.

4. 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 DSCA Site without prior sampling and analysis of groundwater to the satisfaction of DENR in any areas proposed for such activities, and submittal of the analytical results to DENR. If such results disclose to DENR contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DENR on such conditions as DENR imposes, including at a minimum compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the proposed activities.

5. In January of each year, on or before January 31st, the owner of any portion of the DSCA Site shall submit a notarized Annual DSCA Land Use Restrictions Certification to DENR certifying that this Notice remains recorded at the Moore County Register of Deeds' office, that the Land Use Restrictions are being complied with.

6. No person conducting environmental assessment or remediation at the Site, 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 DSCA Site for the purpose of conducting such activities.

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

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 DSCA Site. 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 DSCA Site; 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 a NDCSR required under NCGS § 143-215.104.M is violated, the owner of the contamination site 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 DSCA Site 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 DSCA Site has been contaminated with dry-cleaning solvent and, if appropriate, cleaned up under the DSCA.

The Property Owner shall notify the Division 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. This notice shall include the name, business address and phone number of the transferee and the expected date of transfer.

GENERAL PROVISIONS

The Property Owner shall notify the Division within thirty (30) days following the Owner's petitioning for or filing of any document initiating a rezoning of the Property that would change the base zone of the Property.

CANCELLATION OF NDSCR

A NDSCR may, at the request of the Property Owner, be canceled by the Division 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.

OWNER SIGNATURE

IN WITNESS WHEREOF, Property Owner has caused this instrument to be duly executed this _____ day of _____, 200__.

Derby Investment Company, LLC

By: _____
name of contact

STATE OF _____
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he is a Member of Derby Investment Company, 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 _____, 200__.

Name typed or printed:
Notary Public

My Commission expires: _____
[Stamp/Seal]

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

LIMITED POWER OF ATTORNEY

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

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

Signature of Property Owner _____

Dated this ____ day of _____, 20__.

STATE OF _____
COUNTY OF _____

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

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

Notary Public

My Commission expires: _____

[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.

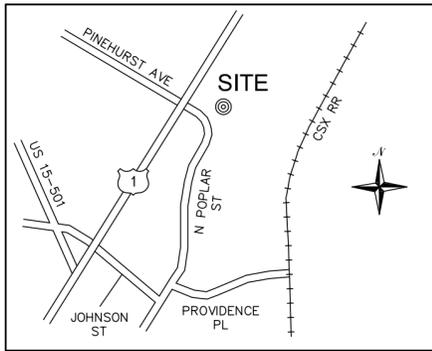
Register of Deeds for Moore County

By: _____

Name typed or printed: _____

Deputy/Assistant Register of Deeds

Date



VICINITY MAP (NOT TO SCALE)

- ABBREVIATIONS:**
- BM BOOK OF MAPS
 - CF COMBINED FACTOR
 - CLF CHAIN-LINK FENCE
 - CMF CONCRETE MONUMENT FOUND
 - DB DEED BOOK
 - IPF IRON PIPE FOUND
 - IRF IRON ROD FOUND
 - IRS IRON ROD SET
 - PB PLAT BOOK
 - PG PAGE
 - PL PROPERTY LINE
 - R/W RIGHT-OF-WAY
 - LRK LAND RECORD KEY

- SURVEY REFERENCES**
- DEED BOOK 3041 PAGE 186
 - DEED BOOK 2046 PAGE 81
 - DEED BOOK 1140 PAGE 472
 - DEED BOOK 2131 PAGE 330
 - DEED BOOK 1899 PAGE 273



LINE LEGEND

| | |
|--|------------------------|
| | PROPERTY LINE (PL) |
| | PL NOT SURVEYED (DEED) |
| | PL NOT SURVEYED (GIS) |
| | CURB & GUTTER |
| | WOOD FENCE |
| | OVERHEAD UTILITY WIRES |

SYMBOL LEGEND

| | |
|--|------------------------|
| | PROPERTY CORNER FOUND |
| | LIGHT POLE |
| | UTILITY POLE |
| | UTILITY POLE WITH DROP |
| | ELECTRIC TRANSFORMER |
| | ELECTRIC MANHOLE |
| | TELEPHONE PEDESTAL |
| | MONITORING WELL |
| | COMPUTED POINT |
| | DATUM CONTROL POINT |

SURVEY NOTES

- THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS AND DIMENSIONS OF THE AREAS OF POTENTIAL ENVIRONMENTAL CONCERN WITH RESPECT TO SURVEYED BENCHMARKS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THIS NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
- THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING. THIS INFORMATION WAS SUPPLIED TO TAYLOR WISEMAN & TAYLOR BY ATC ASSOCIATES OF RALEIGH, NC.
- ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 (2001 ADJUSTMENT), WITH NAVD88 ELEVATIONS. PER A GPS SURVEY PERFORMED BY TAYLOR WISEMAN & TAYLOR ON NOVEMBER 3, 2008. THE N. C. STATE PLANE COORDINATES SHOWN FOR CONTROL POINT #1 AND #2 WERE ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEY'S VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). COORDINATES SHOWN FOR THE MONITORING WELLS ARE LOCALIZED ABOUT CONTROL POINT #1. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U. S. SURVEY FEET (UNLESS NOTED OTHERWISE).
- THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF THE ENTIRE SUBJECT PROPERTY. ONLY BOUNDARY LINES REPRESENTED BY SOLID LINES WERE SURVEYED IN ACCORDANCE WITH G.S. 47-30 REQUIREMENTS. ALL PROPERTY LINES SHOWN WITH DASHED LINES REPRESENT "PROPERTY LINES NOT SURVEYED". PROPERTY LINES NOT SURVEYED, DENOTED AS "DEED", ARE BASED UPON THE GEOMETRY OF THE LEGAL DESCRIPTION FOUND IN DEED BOOK 3041 PAGE 186. PROPERTY LINES NOT SURVEYED, DENOTED AS "GIS", ARE SCALED FROM TAX MAPS AND ARE SHOWN FOR REFERENCE PURPOSES ONLY.
- EXCEPT WHERE PARALLEL AND CLOSE TO A SURVEYED PROPERTY LINE, CURB & GUTTER AND PAVEMENT LINES SHOWN HEREON WERE SCALED FROM MOORE COUNTY GIS IMAGERY (DATED 2007) AND THIS INFORMATION HAS BEEN SHOWN HEREON FOR REFERENCE PURPOSES ONLY. NO ACCURACY OR POSITIONAL TOLERANCE IS GUARANTEED BY THIS SURVEY AS TO HOW THE SURVEYED FEATURES TRULY RELATE TO THE CURBS AND PAVEMENTS SHOWN HEREON.
- PROPERTY OWNER INFORMATION WAS OBTAINED FROM MOORE COUNTY ONLINE GIS.
- PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.

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

JACK BUTLER, CHIEF
SUPERFUND SECTION
DIVISION OF WASTE MANAGEMENT

STATE OF NORTH CAROLINA COUNTY OF _____

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

_____ DID PERSONALLY APPEAR &
SIGN BEFORE ME THIS THE _____ DAY OF _____, 2008.

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES _____

OWNERS CERTIFICATE

THIS CERTIFIES AND WARRANTS THAT THE UNDERSIGNED ARE THE SOLE OWNERS OR TENANTS IN COMMON, OF THE PROPERTIES SHOWN ON THIS MAP OR PLAT AND ANY ACCOMPANYING SHEETS SUBJECT TO THE EXCEPTIONS ON RECORD, HAVING ACQUIRED THE PROPERTIES IN FEE SIMPLE BY DEEDS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF MOORE COUNTY, NORTH CAROLINA, OR OTHERWISE, AS SHOWN BELOW AND AS SUCH, HAVE THE RIGHT TO CONVEY THE PROPERTY IN FEE SIMPLE, AND THAT THE DEDICATORS WILL WARRANT AND DEFEND THE TITLE AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER UNLESS EXCEPTED HEREIN.

DEED BOOK 3041 PAGE 186

SIGNATURE (S) OF PROPERTY OWNER (S) DERBY INVESTMENT COMPANY, LLC.

TITLE: _____

STATE OF NORTH CAROLINA COUNTY OF _____

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

PERSONALLY CAME BEFORE ME THIS DAY AND
ACKNOWLEDGED THAT HE/SHE IS A MEMBER OF DERBY INVESTMENT COMPANY, A FLORIDA LIMITED LIABILITY CORPORATION, AND ITS MANAGER, AND THAT BY AUTHORITY DULY GIVEN AND AS THE ACT OF THE COMPANY, THE FOREGOING CERTIFICATION WAS SIGNED IN ITS NAME BY HIM/HER.

WITNESS MY HAND AND OFFICIAL STAMP OR SEAL.

THIS _____ DAY OF _____, 2008.

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES _____

N/F
DERBY INVESTMENT
COMPANY, LLC
"THE COMMONS"
SHOPPING CENTER
PIN #85711572065
LRK# 54172
DB 3041 PG 186

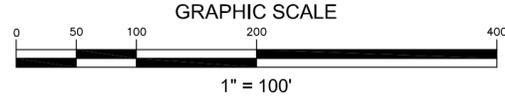
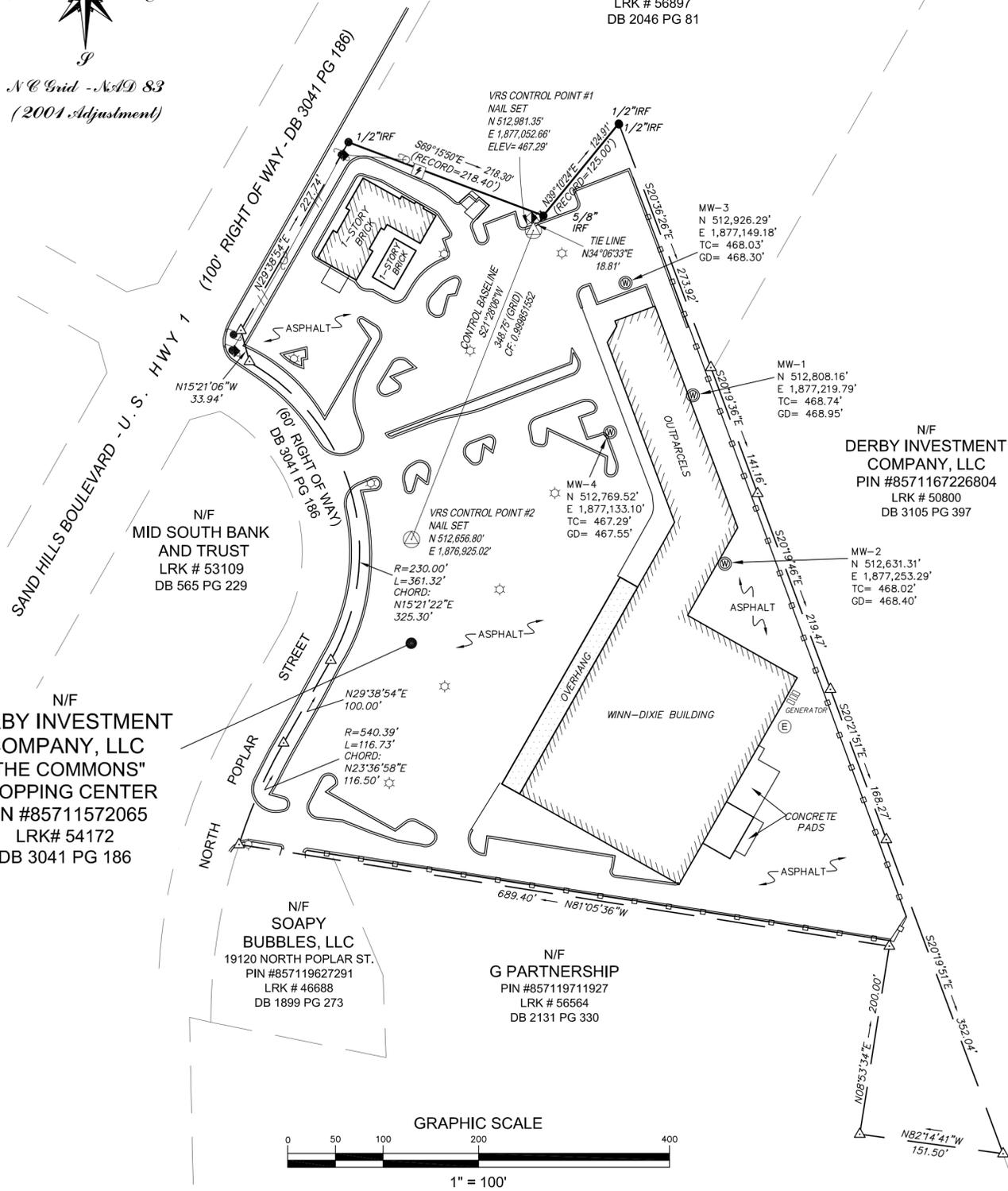
N/F
MID SOUTH BANK
AND TRUST
LRK # 53109
DB 565 PG 229

N/F
SOAPY
BUBBLES, LLC
19120 NORTH POPLAR ST.
PIN #857119627291
LRK # 46688
DB 1899 PG 273

N/F
G PARTNERSHIP
PIN #857119711927
LRK # 56564
DB 2131 PG 330

N/F
McPEAKE HOTELS, INC.
1500 SANDHILLS BLVD
PIN # 857115731280
LRK # 56897
DB 2046 PG 81

N/F
DERBY INVESTMENT
COMPANY, LLC
PIN #8571167226804
LRK # 50800
DB 3105 PG 397



STATE OF NORTH CAROLINA
I, _____ REVIEW OFFICER OF
_____ CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY
REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

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

SURVEYORS CERTIFICATE [G.S. 47-30]

I, CHAD T. HOWARD, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000; THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 8th DAY OF SEPTEMBER, 2008, A.D.

9/8/2008
CHAD T. HOWARD, P.L.S. N.C. REG. No.: L-4220

Location of Contaminants by Media Exceeding Unrestrictive Use Standards

| Sample ID | Depth | Media | Contaminant Type & Standards | | | |
|-----------|-------|-------------|------------------------------|---------------------------|-------------------------|-------------|
| | | | Units | Tetrachloroethylene (PCE) | Trichloroethylene (TCE) | Naphthalene |
| MW-2 | 55-65 | Groundwater | (mg/L) | 0.0007 | 0.0028 | 0.021 |
| MW-3 | 55-65 | Groundwater | (mg/L) | 0.0007 | 0.0028 | 0.021 |

SURVEY PLAT - EXHIBIT "A"
TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION
OWNER: DERBY INVESTMENT COMPANY, LLC PIN#857115720651
DRY CLEAN EXPRESS - DSCA 63-0005
1930 NORTH POPLAR STREET, CITY OF SOUTHERN PINES
COUNTY OF MOORE, STATE OF NORTH CAROLINA

Taylor Wiseman & Taylor
ENGINEERS / SURVEYORS / SCIENTISTS
3500 REGENCY PARKWAY EAST, SUITE 160, CARY, NC 27518
TELEPHONE: (919) 297-0085 FAX: (919) 297-0090
www.taylorwiseman.com

| | | |
|---------------------|-----------------------|---------------------|
| SCALE: 1" = 100' | DATE: AUGUST 06, 2008 | FILE: 70567.6005.01 |
| DRAWN BY: TAB / CTH | CHECKED BY: CTH | SHEET: 111 |

RECORDED IN PLAT BOOK _____ PAGE _____

EXHIBIT B

LEGAL DESCRIPTION FOR PROPERTY

In Sandhills Township, Moore County, North Carolina.

BEGINNING at an iron stake in the southeastern margin of U. S. Highway No. 1 (100 feet wide) and in the eastern margin of State Road No. 2055 (60 feet wide), said iron stake being located North 33 deg. 05 min. 10 sec. East 2313.47 ft. and North 20 deg. 23 min. 40 sec. East 139.73 ft. from North Carolina Geodetic Survey Monument "Wicks"; running thence from the beginning, with the margin of U.S. Highway No. 1, North 29 deg. 38 min. 40 sec. East 227.74 ft. to an iron stake on the southeastern margin of U.S. Highway No. 1; thence, leaving the road, the following calls and distances: South 69 deg. 14 min. 20 sec. East 218.40 ft. to an iron stake; thence North 39 deg. 10 min. 10 sec. East 125.00 ft. to a concrete monument; thence South 20 deg. 36 min. 40 sec. East 273.92 ft. to a concrete monument; thence South 20 deg. 19 min. 50 sec. East 141.16 ft. to a concrete monument; thence South 20 deg. 20 min. 00 sec. East 219.47 ft. to a concrete monument; thence South 20 deg. 22 min. 05 sec. East 168.27 ft. to a concrete monument; thence South 20 deg. 20 min. 05 sec. East 352.04 ft. to a concrete monument; thence North 82 deg. 14 min. 55 sec. West 151.50 ft. to an iron stake; thence North 8 deg. 53 min. 20 sec. East 200.00 ft. to an iron stake; thence North 81 deg. 05 min. 50 sec. West 689.40 ft. to an iron stake on the eastern margin of State Road No. 2055 (Poplar Street); thence with the eastern margin of State Road No. 2055 as it curves to the right, having a radius of 540.39 ft., an arc distance of 116.73 ft., a chord bearing and distance of North 23 deg. 36 min. 44 sec. East 116.50 ft. to an iron stake; thence continuing with the margin of the road, North 29 deg. 38 min. 40 sec. East 100.00 ft. to an iron stake; thence with the margin of the road as it curves to the left, having a radius of 230.00 ft., an arc distance of 361.32 ft., a chord bearing and distance of North 15 deg. 18 min. West 325.30 ft. to an iron stake on the eastern margin of State Road No. 2055; thence continuing with the margin of the road North 15 deg. 21 min. 20 sec. West 33.94 ft. to the BEGINNING, containing 9.903 acres more or less. This description is drawn in accordance with a recent survey by C. H. Blue and Associates, P.A., dated August 13, 1987, entitled "HVM Partners No. 104, a Limited Partnership."

Together with and subject to an easement granted to the holder of the title of the subject property by Charles M. Winston and wife, recorded May 12, 1987, in Deed Book 560, Page 874.

Commencing at a N.C.G.S. monument "Wicks", point being the POC or the point of Commencement; thence leaving the POC North 32 degrees 22 minutes 05 seconds East 2,449.98 feet to an iron, said iron being the POB or Point of BEGINNING; thence from the POB North 29 degrees 38 minutes 40 seconds East 227.74 feet to an iron; thence South 69 degrees 14 minutes 20 seconds East 218.40 feet to an iron; thence North 39 degrees 07 minutes 49 seconds East 125.01 feet to an iron stake; thence South 20 degrees 37 minutes 42 seconds East 273.9 feet; thence South 20 degrees 50 minutes 13 seconds East 141.44 feet; thence South 19 degrees 58 minutes 37 seconds East 219.22 feet; thence South 20 degrees 32 minutes 41 seconds East 167.76 feet; thence South 20 degrees 17 minutes 02 seconds East 352.55 feet to a pipe; thence North 82 degrees 04 minutes 57 seconds West 151.12 feet to a pipe; thence North 8 degrees 53 minutes 52 seconds East 199.94 feet to a pipe; thence North 81 degrees 06 minutes 42 seconds West 689.49 feet to an iron; thence with a curve to the right having a radius of 540.39 feet and an arc length of 116.92 feet; thence North 29 degrees 38 minutes 40 seconds East 100.00 feet; thence with a curve to the left having a radius of 230.00 feet and an arc distance of 361.33 feet; thence North 14 degrees 46 minutes 16 seconds West 33.94 feet to the point of BEGINNING.

APPENDIX D

EXAMPLE ANNUAL DSCA LAND-USE RESTRICTIONS CERTIFICATION

Site Name: Dry Clean Express

Site Address: 1930 N. Poplar Street, Southern Pines, Moore County, NC

DSCA ID No: 63-0005

ANNUAL DSCA LAND USE RESTRICTIONS CERTIFICATION

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

Duly executed this _____ day of _____, 200_.

Derby Investment Company, LLC

By: _____
Name typed or printed:
Member/Manager

STATE OF _____
_____ 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 Derby Investment Company, 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 _____, 200_.

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]