



January 14, 2011

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

Att: Mr. Billy Meyer  
DSCA Project Manager

Re: **Risk Management Plan**  
Ayden Plaza - DSCA Site ID #74-0002  
144 Third Street  
Ayden, Pitt County, North Carolina

Dear Mr. Meyer:

URS Corporation – North Carolina (URS) is pleased to provide the attached Risk Management Plan (RMP) for the Ayden Plaza site located at 144 Third Street, Ayden, North Carolina. A prior risk assessment conducted for the site indicates that contaminant concentrations at the site do not pose an unacceptable risk. The primary purpose of this RMP is to ensure that the assumptions made in the risk assessment remain valid in the future. Based on the documentation outlined in this report, URS recommends issuance of a No Further Action letter for the site.

If you have any questions or require additional information, please do not hesitate to contact either Rob MacWilliams at 704.522.0330 or Mike Ranck at 919.461.1258.

Sincerely,

**URS CORPORATION-NORTH CAROLINA**

J. Michael Ranck, PG  
Project Manager

Kristine M. MacWilliams, PE  
Senior Environmental Engineer

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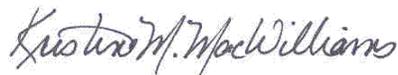
**Risk Management Plan**  
**Ayden Plaza - DSCA Site ID # 74-0002**  
**144 Third Street**  
**Pitt County**  
**Ayden, North Carolina 28513**

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



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Project Manager  
N.C. Professional Geologist #2004



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Ayden, North Carolina 28513

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## **1.0 INTRODUCTION**

URS Corporation – North Carolina (URS) has prepared this Risk Management Plan (RMP) to address dry-cleaning solvent contamination associated with the Ayden Plaza site (DSCA Site #74-0002) on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Dry-Cleaning Solvent Cleanup Act (DSCA) Program. The Ayden Plaza site (herein referred to as “site”) is located at 144 Third Street, Ayden, Pitt County, North Carolina. The site is shown on the attached Figure 1. 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**

URS completed assessment activities at the site which indicated that trichloroethene (TCE) soil impacts exist on site above unrestricted land use standards and tetrachloroethene (PCE), TCE, cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride (VC) groundwater impacts exist on site at levels exceeding the Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards). URS completed a Tier 1 risk assessment for the site in December 2010. The results of the Tier 1 risk assessment indicate that there are on-site risks that do exceed target risk levels. However, the risks will be managed based on site-specific land-use conditions that have been selected as part of the evaluation and which require an RMP. Thus, the objective of the RMP is to ensure that those site-specific land-use conditions remain valid in the future.

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

Based on soil and groundwater impacts above unrestricted use standards, URS completed a Tier 1 Risk Assessment Report for the site in December 2010. This section summarizes the risk assessment, which resulted in the recommendation for no further action status for the site.

The first step in the risk assessment process consisted of development of an exposure model. The exposure model evaluation indicated the following complete exposure pathways for the site (on-site domain):

- 
- On-site non-residential worker – Combined pathway for surficial soil: outdoor inhalation of vapor emissions and particulates, accidental ingestion, and dermal contact for current and future conditions.
  - On-site non-residential worker – indoor inhalation of vapor emissions from subsurface soils for current and future conditions.
  - On-site non-residential worker – outdoor inhalation of vapor emissions from subsurface soils for future conditions.
  - On-site non-residential worker – indoor and outdoor inhalation of vapor emissions from groundwater for current and future conditions.
  - On-site non-residential worker – incidental dermal contact from groundwater for future conditions.
  - On-site construction worker – Combined pathway for soil up to depth of construction: outdoor inhalation of vapor emissions and particulates, accidental ingestion, and dermal contact.
  - On-site construction worker – outdoor inhalation of vapor emissions from groundwater.
  - On-site construction worker – incidental dermal contact from groundwater.

Additionally, URS evaluated the Protection of Groundwater Use pathway. For this pathway, URS assumed that the nearest potential point-of-exposure (POE) for groundwater was at the down-gradient property boundary, as defined on the map included in Appendix A of this report. The POE is approximately 115 feet west-southwest of the soil contaminant source area which is considered to be the area of soil boring SA-5 where the greatest soil contaminant concentrations have been observed, and approximately 75 feet west-southwest of the groundwater contaminant source area, which is considered to be the area of monitoring wells MW-4, MW-8, and PZ-1 where the greatest groundwater contaminant concentrations have been observed. The nearest surface water body is an unnamed tributary that is located approximately one-quarter mile northwest of the site. Based on this distance and the location of the groundwater plume associated with the site, it was determined that there was no risk to the surface water.

As a part of the Tier 1 evaluation, site-specific representative concentrations (RCs) were calculated for each complete exposure pathway and compared to the Tier 1 Risk-Based Screening Levels (RBSLs) established by the DSCA Program. The results of this comparison indicated that PCE groundwater concentrations exceeded Tier 1 RBSLs for incidental dermal contact for on-site non-residential worker for future conditions. Additionally, the protection of groundwater goal at the POE was exceeded for VC from the groundwater contaminant source area. Due to the fact the exceedances are based on future conditions and that incidental dermal contact would only take place in the event of a water supply well being installed on the site, and

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the fact that groundwater quality data generated to date at monitoring well MW-5 (located down gradient of the source area) does not indicate detectable levels of vinyl chloride (empirically indicating that the down-gradient extent of impacted groundwater does not extend to the POE), URS did not proceed with a Tier 2 evaluation.

The cumulative indoor air risk posed by the concentrations detected in the air sample does not exceed the Target Carcinogenic Risk Level of 1.0E-6 for the current use of the site.

DSCA currently screens soil gas results against industry standards (NCDENR Inactive Hazardous Sites Branch Industrial/Commercial Vapor Intrusion Screening Tables) to determine whether the soil gas to indoor air pathway requires further investigation via indoor air sampling. DSCA is using these screening levels to evaluate the soil gas the indoor air pathway in its Tiered approach. Vinyl chloride was observed at concentrations near, but not exceeding, the NCDENR Inactive Hazardous Sites Branch Industrial/Commercial Screening Level. Although indoor air concentrations did not exceed the target risk level of 1.0E-06, vapor intrusion from the observed concentrations in soil gas could potentially impact indoor air of future structures. As a result, a land use restriction should be implemented to help ensure that future construction on the property does not create a vapor intrusion pathway.

## **4.0 RMP COMPONENTS**

### **4.1 Summary of Prior Assessment**

The site property is approximately 3.83 acres in size and is currently operating as a Piggly Wiggly grocery store and a Kerr Drug store. The dry-cleaning facility was reported in operation on the southern portion of the current shopping center on the southwest corner of the property from 1990 to 1996. The former location of the dry-cleaning facility is now the Piggly Wiggly.

A Phase II Environmental Site Assessment report prepared by Professional Service Industries, Inc., and dated July 31, 2000, documented the collection of four (4) soil borings and four (4) groundwater samples around the perimeter of the former dry-cleaning facility. Results indicated that a dry-cleaning solvent release may have occurred at the site.

On August 13, 2001, Geotechnical Consultants, Inc. notified NCDENR (Inactive Hazardous Sites Branch) of a release of dry-cleaning solvents. The Petitioner filed a Petition of Certification into the DSCA Program on May 31, 2007, to request admittance of the site into the DSCA Program. The site was accepted into the program on July 17, 2007, and an Assessment and Remediation Agreement was executed.

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Assessment activities executed by URS began on October 29, 2007, which included the sampling of three (3) existing monitoring wells, and the advancement of fourteen (14) soil borings within and adjacent to the assumed footprint of the former dry-cleaning facility – located inside the current Piggly Wiggly store – to evaluate potential contaminant source areas. The installation of two (2) on site Type II monitoring wells and two (2) on site multi-level piezometers (Type II monitoring wells) was observed by URS personnel on October 30-31, 2007. The purpose of the monitoring wells was to evaluate the groundwater quality beneath the site.

Following URS' first round of assessment activities, laboratory data indicated that the horizontal extent of groundwater impacts had not been delineated for the site. Therefore, on December 20, 2007, URS personnel observed the installation of four (4) additional on site Type II temporary monitoring wells from within the footprint of the current Piggly Wiggly during renovation activities at the store.

A third round of assessment activities was conducted on September 15-16, 2008 following the completion of renovations to the Piggly Wiggly. One (1) on site Type III (deep) monitoring well was installed to delineate the vertical extent of impacts on the site. Additionally, three (3) Type II monitoring wells were installed on the site and one (1) Type II monitoring well was installed on the adjacent offsite property in order to collect additional groundwater data for the Tier 1 analysis.

On June 1, 2010, URS submitted an Assessment Report (AR) to the DSCA Program, outlining the details of the aforementioned assessment activities. Also included in the AR were specifics related to a site reconnaissance and receptor survey. Results from the AR indicate chlorinated solvent soil and groundwater impacts on-site were delineated and PCE, TCE, and cis-1,2-DCE are the primary constituents of concern (COC) for the site.

Quarterly monitoring of the existing monitoring wells MW-4 through MW-9 and DMW-1 was initiated following completion of assessment activities. After the initial sampling event in September 2008, three (3) additional sampling events were completed in December 2008, March 2009 and June 2009. The results of the sampling events are documented in the Groundwater Monitoring Report submitted to the DSCA Program on June 1, 2010.

URS conducted air sampling activities at the site during the RMP Implementation. An indoor air sample was taken on November 16, 2010. The results of the indoor air sampling event are documented in the Indoor Air Quality Evaluation Report submitted in December 2010. Soil gas samples were collected on December 27, 2007. The results of these sampling activities were submitted in the AR to DSCA on June 1, 2010.

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## 4.2 Interim Action

Initial assessment activities completed during the week of October 29, 2007 indicated that soils directly behind the western portion of the former dry-cleaning facility were impacted with solvents typical of dry-cleaning operations; specifically, PCE, TCE, and cis-1,2-DCE. In addition to soil impacts, groundwater impacts were identified to include those compounds detected in the soil as well as low levels of VC. The origin of the groundwater impacts appeared to be consistent within the area where the soil impacts were delineated.

The site owner was proceeding with renovation activities at the site including demolition of the facility structures and construction of a grocery store in its place. Due to the limited window of opportunity prior to the construction of the grocery store, URS and DSCA operated on an accelerated site assessment schedule to evaluate contaminant source materials that would potentially continue to impact groundwater quality beneath the site and/or create a potential pathway for indoor inhalation of vapors in the future grocery store. Due to the limited horizontal and vertical extent of soils exhibiting concentrations of contaminants that exceeded relevant RBSLs, soil excavation with offsite transportation and disposal was a cost-effective and simple interim action approach.

On December 3 and 4, 2007, URS oversaw the excavation and containerization of approximately 70 cubic yards (115 tons) of soil from the proposed excavation area using a backhoe. The area of excavation measured approximately 18' x 13' x 8' deep. The bottom of the excavation, measured at approximately 8 feet below grade surface, intersected the water table and water was observed in the bottom of the excavation. Following the completion of excavation activities, 60 pounds of Hydrogen Release Compound® (HRC) was placed in the bottom of the excavation to provide a hydrogen source for continuing biodegradation of dissolved chlorinated solvents in the groundwater beneath the site. A detailed excavation report was submitted to DSCA on May 6, 2010.

## 4.3 Remedial Action

According to the DSCA Program's RBCA guidance, no remedial action is necessary if the following four site conditions are met. Each of these conditions and their applicability to the subject site are addressed below. Since these conditions were met via the quarterly groundwater monitoring described in Section 4.1 and interim action described in Section 4.2, land-use restrictions (LURs) and no further action are recommended for the site.

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

A total of four (4) groundwater monitoring events have been conducted for monitoring wells MW-4 through MW-9 and DMW-1 in September 2008, December 2008, March 2009 and June 2009. Constituents detected in groundwater samples from the site include: PCE, TCE, cis-1,2-

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DCE, trans-1,2-dichloroethene, VC, toluene, ethylbenzene, and xylenes. Of these, only PCE, TCE, cis-1,2-DCE, and VC were detected at concentrations exceeding the 2L Standards. URS focused on PCE as a constituent of concern (COC) for evaluation of plume stability.

PCE has been detected in the groundwater samples collected from the source area monitoring wells MW-4 and MW-8 during the four (4) sampling events conducted. URS prepared a concentration versus distance graph for sampling events conducted at the site, which is included in **Appendix A**. As indicated on the graph, PCE concentrations in the groundwater samples collected from monitoring well MW-8 appear to have remained generally stable for the four quarterly sampling events (September 2008 through June 2009) with PCE concentrations ranging from 1.4 micrograms per liter (ug/l) to 4.5 ug/l. Similarly, groundwater samples collected from monitoring well MW-4 appear to have remained generally stable, with PCE concentrations ranging from non-detect to 0.43 ug/l. No COC was detected above 2L Standards in groundwater samples collected from down gradient monitoring well MW-5 or up gradient monitoring well MW-6 during any of the four sampling events. Based on this data, URS concludes that the size of the plume is stable and concentrations in the source area are likely to remain generally stable.

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

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

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

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

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

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

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

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

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

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

## **6.0 LAND-USE RESTRICTIONS (LUR)**

The risk assessment for the site was based on the assumption that usage of the site property will remain industrial/commercial, that groundwater will not be utilized on the property, and no activities will take place that will cause or create a vapor intrusion risk. LURs will be implemented for the site property to ensure that land-use conditions are maintained and monitored until LURs are no longer required for the site. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR is included in **Appendix C**. A plat showing the locations and types of dry-cleaning solvent impacts on the property is included as an exhibit to the NDCSR. The locations of dry-cleaning solvent impacts are where contaminants have been detected above unrestrictive use standards. As discussed in Section 4.1, PCE, TCE, and cis-1-2-DCE are the primary COCs for the site.

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

The NDCSR contains a clause which requires that the owner of the site to submit notarized "Annual DSCA Land Use Restrictions Certification" to NCDENR on an annual basis certifying that the NDCSR remains recorded with the Register of Deeds and that land-use conditions have

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not changed. An example of such a notice is included in **Appendix D**. Documents relating to the site will be maintained by NCDENR and available for public access.

## **8.0 RMP IMPLEMENTATION SCHEDULE**

Since the groundwater plume is stable and confined to the site property, and potential exposure to the impacts is managed through the NDCSR and LURs, no additional site remediation activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. Appendix E includes example documents used to announce the public comment period in the local newspaper and to inform interested parties. Thus, upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Pitt County Register of Deeds and will complete the RMP schedule.

## **9.0 CRITERIA FOR DEMONSTRATING RMP SUCCESS**

The RMP will be successfully implemented once the required LURs have been executed and recorded with the Pitt County Register of Deeds. The NDCSR may, at the request of the property owner, be canceled by NCDENR after risk to public health and the environment associated with the dry-cleaning solvent impacts and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated as a result of the remediation of the property. If NCDENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the site conditions have impacted the requirements set forth in the NDCSR and LUR and if changes are required. Enforcement of the RMP will be maintained through receipt of the “Annual DSCA Land Use Restrictions Certification” 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 LURs specified in the NDCSR will remain in effect. Pursuant to N.C.G.S. 143-215.104K, if any of the LURs set out in the NDCSR are violated, the owners of the property at the time the LURs are violated, the owner’s successors and assigns, and the owner’s agents who direct or contract for alteration of the site in violation of the LURs, shall be held liable for the remediation of all contaminants to unrestricted use standards.

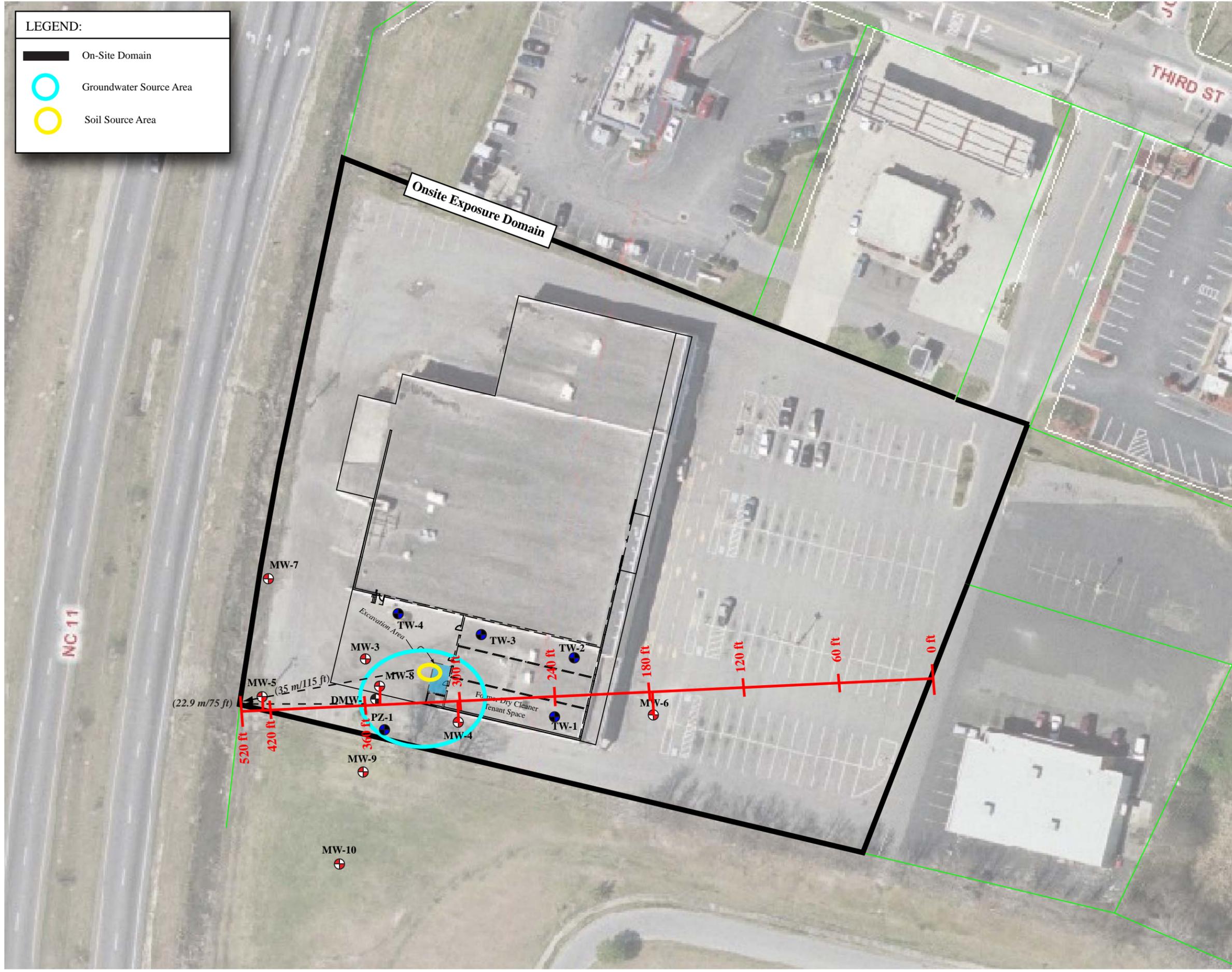
## **11.0 CONCLUSIONS AND RECOMMENDATIONS**

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

## **APPENDIX A**

**LEGEND:**

- On-Site Domain
- Groundwater Source Area
- Soil Source Area



Monitoring Well Location Map  
 Ayden Plaza  
 144 3rd Street Ayden Shopping Center  
 Ayden, NC  
 DSCA Site # 74-0002

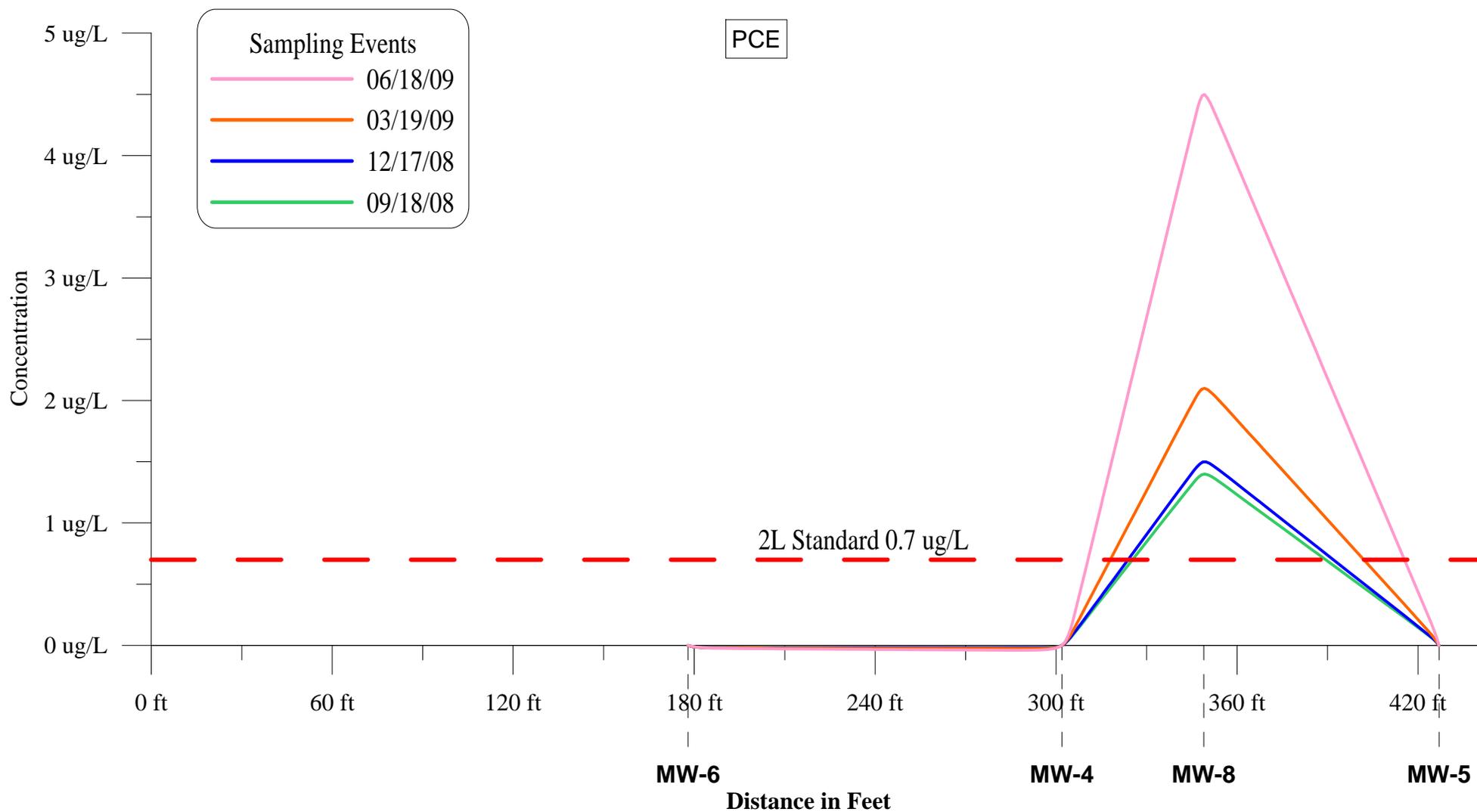
URS CORPORATION - NORTH CAROLINA  
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DRAWN BY:	CLE - 12/14/09
CHECKED BY:	JMR - 12/14/09
PROJECT NO.:	38854432

SHEET:  
**ATT. 1**

Concentration vs. Distance  
Sampling Events September 2008 through June 2009  
Ayden Plaza, Ayden, Pitt County, NC



**Table 5: Analytical Data for Groundwater**

**ADT 5**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)	
		[mg/L]																				
GW-1	7/20/00	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA	
GW-2	7/20/00	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	NA	<0.001	<0.001	0.08	NA	NA	NA	<0.001	NA	0.0052	0.0067	<0.001	NA	
GW-3	7/20/00	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA	
GW-4	7/20/00	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	NA	<0.001	<0.001	0.16	NA	NA	NA	<0.001	NA	<0.001	<0.001	<0.001	NA	
MW-02	10/30/07	NA	NA	NA	NA	0.0041	NA	<0.001	NA	NA	NA	3.5 j	<0.001	NA	NA	0.0073	0.0016	0.0824	0.0216	0.0066	<0.003	
MW-03	10/30/07	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	0.0064	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.003	
MW-04	10/30/07	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	0.0795	<0.001	NA	NA	<0.001	<0.001	0.0068	0.0045	0.0019	<0.003	
MW-05	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.04	<0.001	<0.001	<0.001	<0.001	<0.001	0.0025	0.0003 2 j	<0.001	<0.001	
MW-06	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	0.0005 5 j	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	
PZ-01-10	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.44	<0.001	<0.001	<0.001	<0.001	0.0005 j	0.0095	0.0016	0.0022	<0.001	
PZ-01-15	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.0039	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	
PZ-01-20	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.0023	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	
PZ-02-10	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.16	<0.001	<0.001	<0.001	0.14	<0.001	0.0018	0.014	<0.001	<0.001	
PZ-02-15	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.011	<0.001	<0.001	<0.001	0.0012	<0.001	<0.001	<0.001	<0.001	<0.001	
PZ-02-20	10/31/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.016	<0.001	<0.001	<0.001	0.013	<0.001	<0.001	0.0014	<0.001	<0.001	
PZ-02-25	10/31/07	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	0.0029 j	<0.005	<0.005	<0.005	0.0028 j	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
PZ-02-30	10/31/07	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	
TW-01	12/20/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	0.0004 2 j	<0.001	<0.001	0.0036	0.0006 5 j	<0.001	<0.001	<0.001	<0.001	
TW-02	12/20/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0044	<0.001	<0.001	<0.001	<0.001	<0.001	
TW-03	12/20/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.025	<0.001	<0.001	0.001	<0.001	<0.001	
TW-04	12/20/07	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	

**Table 5: Analytical Data for Groundwater**

**ADT 5**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)	
		[mg/L]																				
DMW-01	9/18/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	
MW-04	9/18/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.11	< 0.001	< 0.001	< 0.001	0.0004 3 j	< 0.001	0.008	0.0059	0.0031	< 0.001	
MW-05	9/18/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.021	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.0019	< 0.001	< 0.001	< 0.001	
MW-06	9/18/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	
MW-07	9/18/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	
MW-08	9/18/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.14	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.0014	< 0.001	0.0092	0.0036	0.0021
MW-09	9/18/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	
DMW-01	12/17/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	
MW-04	12/17/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.086	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.0071	0.0045	0.0018	< 0.001
MW-05	12/17/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.019	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.002	0.0004	< 0.001	< 0.001
MW-06	12/17/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001
MW-07	12/17/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001
MW-09	12/17/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.0011	< 0.001	< 0.001	< 0.001	< 0.001
MW-08	12/22/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.11	0.0058	< 0.001	< 0.001	0.0015	< 0.001	0.0075	0.0033	0.001	0.026	
DMW-1	3/19/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010
MW-4	3/19/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	0.066	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	0.0042	0.0041	0.001	< 0.0010
MW-5	3/19/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	0.011	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	0.001	< 0.0010	< 0.0010	< 0.0010
MW-6	3/19/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010
MW-7	3/19/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010
MW-8	3/19/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	0.11	< 0.0010	< 0.0010	< 0.0010	0.0021	< 0.0010	0.0074	0.0034	0.0009 8 J	0.0016	

**Table 5: Analytical Data for Groundwater**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)	
		[mg/L]																				
MW-9	3/19/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	0.0007 7 J	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	
DMW-1	6/18/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	
MW-4	6/18/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	0.078	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	0.0059	0.0028	0.0014	< 0.0010	
MW-5	6/18/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	0.016	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	0.0018	< 0.0010	< 0.0010	< 0.0010	
MW-6	6/18/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	
MW-7	6/18/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	
MW-8	6/18/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	0.16	< 0.0010	< 0.0010	< 0.0010	0.0045	< 0.0010	0.012	0.0052	0.0019	0.0005 0 J	
MW-9	6/18/09	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	NA	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	< 0.0010	

**Table 5: Analytical Data for Groundwater**

**ADT 5**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,1,2-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]																			

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

**ADT 5(1)**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,2,4-Trimethylbenzene	p-Isopropyltoluene	[mg/L]															
GW-1	7/20/00	NA	0.0013																
GW-2	7/20/00	NA	<0.001																
GW-3	7/20/00	NA	<0.001																
GW-4	7/20/00	NA	<0.001																
MW-02	10/30/07	NA	NA																
MW-03	10/30/07	NA	NA																
MW-04	10/30/07	NA	NA																
MW-05	10/31/07	< 0.001	< 0.001																
MW-06	10/31/07	< 0.001	< 0.001																
PZ-01-10	10/31/07	< 0.001	< 0.001																
PZ-01-15	10/31/07	< 0.001	< 0.001																
PZ-01-20	10/31/07	< 0.001	< 0.001																
PZ-02-10	10/31/07	< 0.001	< 0.001																
PZ-02-15	10/31/07	< 0.001	< 0.001																
PZ-02-20	10/31/07	< 0.001	< 0.001																
PZ-02-25	10/31/07	< 0.005	< 0.005																
PZ-02-30	10/31/07	< 0.005	< 0.005																
TMP-01	12/20/07	< 0.001	0.0013																
TMP-02	12/20/07	< 0.001	< 0.001																
TMP-03	12/20/07	< 0.001	< 0.001																
TMP-04	12/20/07	< 0.001	< 0.001																

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

**ADT 5(1)**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,2,4-Trimethylbenzene	p-Isopropyltoluene																	
		[mg/L]																		
DMW-01	9/18/08	< 0.001	< 0.001																	
MW-04	9/18/08	< 0.001	< 0.001																	
MW-05	9/18/08	< 0.001	< 0.001																	
MW-06	9/18/08	< 0.001	< 0.001																	
MW-07	9/18/08	< 0.001	< 0.001																	
MW-08	9/18/08	< 0.001	< 0.001																	
MW-09	9/18/08	< 0.001	< 0.001																	
DMW-01	12/17/08	< 0.001	< 0.001																	
MW-04	12/17/08	< 0.001	< 0.001																	
MW-05	12/17/08	< 0.001	< 0.001																	
MW-06	12/17/08	< 0.001	< 0.001																	
MW-07	12/17/08	< 0.001	< 0.001																	
MW-09	12/17/08	< 0.001	< 0.001																	
MW-08	12/22/08	0.0008	< 0.001																	
DMW-1	3/19/09	< 0.001	NA																	
MW-4	3/19/09	< 0.001	NA																	
MW-5	3/19/09	< 0.001	NA																	
MW-6	3/19/09	< 0.001	NA																	
MW-7	3/19/09	< 0.001	NA																	
MW-8	3/19/09	< 0.001	NA																	

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

**ADT 5(1)**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,2,4-Trimethylbenzene	p-Isopropyltoluene																	
		[mg/L]																		
MW-9	3/19/09	< 0.001	NA																	
DMW-1	6/18/09	< 0.001	NA																	
MW-4	6/18/09	< 0.001	NA																	
MW-5	6/18/09	< 0.001	NA																	
MW-6	6/18/09	< 0.001	NA																	
MW-7	6/18/09	< 0.001	NA																	
MW-8	6/18/09	< 0.001	NA																	
MW-9	6/18/09	< 0.001	NA																	

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

**ADT 5(1)**

**DSCA ID No.: 74-0002**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,2,4-Trimethylbenzene	p-Isopropyltoluene																	
		[mg/L]																		

## **APPENDIX B**



September 09, 2009

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

Att: Mr. Billy Meyer  
DSCA Project Manager

Re: Level 1 Ecological Risk Assessment  
Ayden Plaza DSCA Site ID #74-0002  
144 Third Street  
Ayden, Pitt County, North Carolina  
URS-NC Project Number 38854426

Dear Mr. Meyer:

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

Sincerely,

**URS CORPORATION-NORTH CAROLINA**

Michael T. Chang  
Environmental Scientist

Robert H. MacWilliams, PG  
Program Manager

Attachment  
cc: Project File (hard copy)

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

**Level 1 Ecological Risk Assessment  
Checklist A for Potential Receptors and Habitat  
DSCA # 74-0002**

- 1. Are there any navigable water bodies or tributaries to a navigable water body on or within the one-half mile of this site?** Yes, an unnamed tributary that leads to Swift Creek which eventually leads to navigable water is depicted on the USGS Topographic Map, Ayden, North Carolina approximately 0.25 mile northwest of the site. This tributary is shown in Figure 1
- 2. Are there any water bodies anywhere on or within the one-half mile of the site?** Yes, the tributary listed above located approximately 0.25 mile northwest of the site.
- 3. Are there any wetland areas such as marshes or swamps on or within one-half mile of the site?** None were identified by the National Wetland Inventory (NWI) within ½ mile of the site. However, the tributary listed above would likely be classified as a wetland.
- 4. Are there any sensitive environmental areas on or within one-half mile of the site?** Yes, the tributary listed above which would likely be classified as a wetland.
- 5. Are there any areas on or within one-half mile of the site owned or used by local tribes?** No, none were identified by the Indian Reservation Database.
- 6. Are there any habitat, foraging area or refuge by rare, threatened, endangered, candidate and/or proposed species (plants or animals), or any otherwise protected species on or within one-half mile of the site?** Not likely. None were identified on the North Carolina Natural Heritage Sites database or the North Carolina Natural Areas database. Two endangered species were identified in the EPA Endangered Species Protection Program database for Pitt County, however, none were identified within ½ mile of the site.
- 7. Are there any breeding, roosting or feeding areas by migratory bird species on or within one-half of the site?** Potentially, migratory birds are present in Pitt County according to the U.S. Fish and Wildlife Service, however, none have been specifically identified within ½ mile of the site.
- 8. Are there any ecologically, recreationally or commercially important species on or within one-half mile of the site?** None have been identified.
- 9. Are there any threatened and/or endangered species (plant or animal) on or within one-half mile of the site?** Not likely. None were identified on the North Carolina Natural Heritage Sites database or the North Carolina Natural Areas database. Two endangered species were identified in the EPA Endangered Species Protection Program database for Pitt County, however, none were identified within ½ mile of the site.

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

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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 and opportunistic species that populate an area if they serve as a food source for other species, but do not include domesticated animals or plants/animals whose existence is maintained by continuous human interventions.

March 2007

DSCA Program

**Level 1 Ecological Risk Assessment**  
**Checklist B for Potential Receptors and Habitat**  
**DSCA # 74-0002**

- 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? **Not likely, groundwater at the site appears to be flowing towards the southwest and no surface water is located within 0.5 mile to the southwest of the site.**

**Question 1. Could chemicals associated with the site reach ecological receptors through groundwater?** **Not likely, as groundwater at the site appears to be flowing towards the southwest and no surface water is located within 0.5 mile to the west of the site.**

- 2A. Are chemicals present in surface soils on the site? **Yes, soil impacts have been identified 0' to 3' below ground surface (bgs).**
- 2B. Can chemicals be leached from or be transported by erosion of surface soils on the site? **No, the soil impacts are located beneath impervious surfaces.**

**Question 2. Could chemicals associated with the site reach ecological receptors through runoff or erosion?** **Not likely, the surface soil impacts were only identified under paved impervious surfaces.**

- 3A. Are chemicals present in surface soil or on the surface of the ground? **Yes, soil impacts have been identified 0' to 3' bgs.**
- 3B. Are potential ecological receptors on the site? **No**

**Question 3. Could chemicals associated with the site reach ecological receptors through direct contact?** **No, surface soil impacts are located beneath impervious surfaces.**

- 4A. Are chemicals on the site volatile? **Yes**
- 4B. Could chemicals on the site be transported in air as dust or particulate matter? **No, surficial soil impacts are located beneath impervious surfaces.**

**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, surficial soil contamination is located beneath impervious surfaces. No burrowing animals have been observed or would be expected beneath the paved asphalt and/or buildings at the site.**

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

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

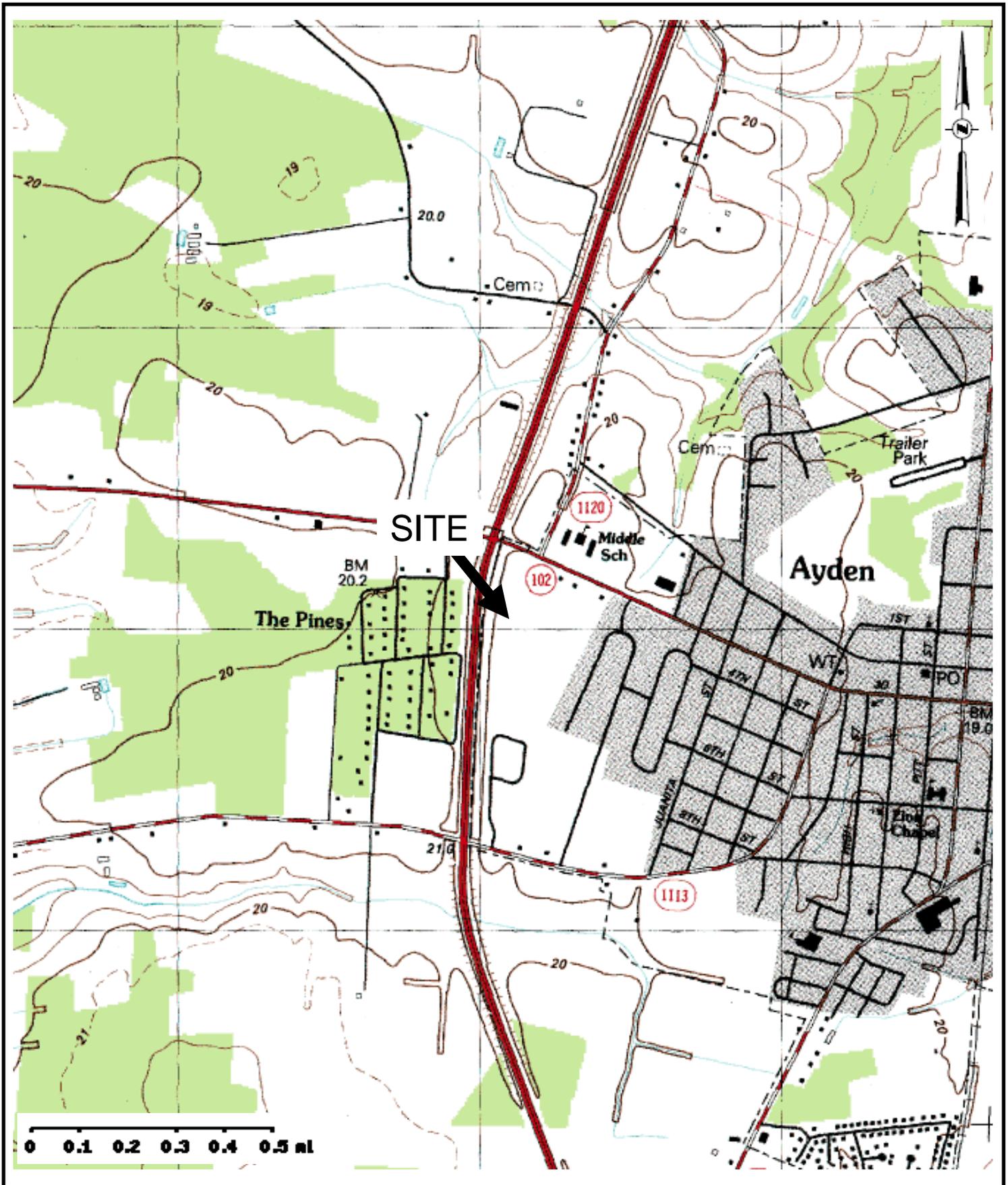
- 6A. Are chemicals present in surface and shallow subsurface soils or on the surface of the ground? **Yes, chemicals have been identified 0' - 3' below ground surface impervious surfaces.**
- 6B. Are chemicals found in soil on the site taken up by plants growing on the site? **Not likely, as known soil impacts are located beneath impervious surfaces.**
- 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, as soil impacts are located beneath impervious surfaces.**

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

March 2007

DSCA Program



Reference: 7.5 Minute USGS Topographic Map: Ayden, North Carolina (1988)

1:24,000



URS CORPORATION - NORTH CAROLINA  
 TWO SOUTH EXECUTIVE PARK  
 6125 PARK SOUTH DRIVE, SUITE 300  
 CHARLOTTE, NC 28210  
 TEL: (704) 522-0330  
 FAX: (704) 522-0663



Site Location Map  
 Ayden Plaza  
 144 Third Street  
 Ayden, North Carolina  
 DSCA Site ID #74-0002

DRAWN BY: C.J.L. - 9/5/07  
 CHECKED BY: K.M.M. - 9/5/07  
 PROJECT NO: 38854426

SHEET  
 Figure 1

## **APPENDIX C**

**NOTICE OF DRY-CLEANING SOLVENT REMEDIATION**

Property Owner: Ayden Plaza, LLC  
Recorded in Book \_\_\_\_\_, Page \_\_\_\_\_  
Associated plat recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_

**This documentary component of a Notice of Dry Cleaning Solvent Remediation (hereinafter “Notice”) is hereby recorded on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Ayden Plaza, LLC (hereinafter “Property Owner”). The survey plat component of the Notice is being recorded concurrently with this documentary component. The real property (hereinafter “Property”) which is the subject of this Notice is located at 144 Third Street, Ayden, Pitt County, North Carolina, Parcel Identification Number (PIN) 4663611191.**

**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 Ayden Plaza (DSCA Site # 74-0002) located at 144 Third Street, Ayden, in the Ayden Plaza Shopping Centre. The retail space on the Property was used as a dry-cleaning facility from approximately 1990 to 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. 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. No subsurface structures, such as basements, may be constructed on the Property without the prior approval of DENR.**
- 3. No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the Property without prior approval of DENR.**
- 4. In January of each year, on or before January 31<sup>st</sup>, the owner of Property shall submit a notarized Annual DSCA Land Use Restrictions Certification to DENR certifying that this Notice remains recorded at the Buncombe County Register of Deeds' office, and the Land Use Restrictions are being complied with.**
- 5. No person conducting environmental assessment or remediation at the Property or involved in determining compliance with applicable land use restrictions, at the**

direction of, or pursuant to a permit or order issued by DENR may be denied access to the Property for the purpose of conducting such activities.

6. The owner of any portion of the Property shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Notice. The failure to include such a provision shall not affect the validity or applicability of any land use restriction in this Notice.

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

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

### **REPRESENTATIONS AND WARRANTIES**

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

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

### **ENFORCEMENT**

The above land-use restrictions shall be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. The land-use restrictions shall be enforced by any owner of the Property. The land-use restrictions may also be enforced by DENR through the remedies provided in NCGS § 143-215.104P or by means of a civil action; by any unit of local government having jurisdiction over any part of the Property; and by any person eligible for liability protection under the DSCA who

will lose liability protection if the restrictions are violated. Any attempt to cancel any or all of this Declaration without the approval of the Secretary of DENR (or its successor in function), or his/her delegate, shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required-or authorized to enforce any of the above restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

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

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

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

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

**PROPERTY OWNER SIGNATURE**

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

Ayden Plaza, LLC

By:

\_\_\_\_\_  
Name of contact

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

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

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

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

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

**APPROVAL AND CERTIFICATION**

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

North Carolina Department of Environment and Natural Resources

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

**LIMITED POWER OF ATTORNEY**

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

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

Signature of Property Owner \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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

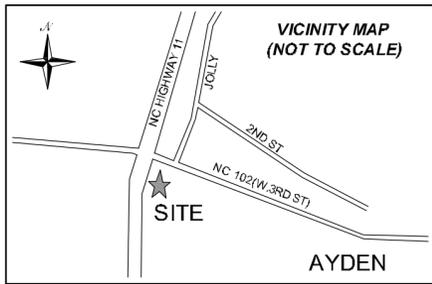
WITNESS my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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



**EXHIBIT A**  
**REDUCTION OF SURVEY PLAT**



**ABBREVIATIONS:**  
 BLDG BUILDING  
 CF COMBINED FACTOR  
 DB DEED BOOK  
 E EAST(ING)  
 IPF IRON PIPE FOUND  
 IRF IRON ROD FOUND  
 MB MAP BOOK  
 N NORTH(ING)  
 NF NOW OR FORMERLY  
 PG PAGE  
 PL PROPERTY LINE  
 RMV RIGHT-OF-WAY  
 LRK LAND RECORD KEY

**SURVEY REFERENCES**  
 DEED BOOK 2434 PAGE 671  
 MAP BOOK 65 PAGE 77

NCGS "ADEN"  
 GRID N: 631,629.81'  
 GRID E: 2,465,905.06'  
 ELEVATION 64.59'  
 POINT OF LOCALIZATION  
 CF = 0.9988274



**Location of Contaminants by Media Exceeding Unrestrictive Use Standards**

Sample ID	Depth (ft.)	Media	Units	Contaminant Type & Standards			
				PCE	TCE	cis-1,2-DCE	VC
MW-4	Unknown	Groundwater	(mg/l)	0.0007	0.003	0.070	0.00003
TMP-1	3-13	Groundwater	(mg/l)	0.0007	0.003	0.070	0.00003
MW-2	3-13	Groundwater	(mg/l)	0.0007	0.003	0.070	0.00003
TMP-2	3-13	Groundwater	(mg/l)	0.0007	0.003	0.070	0.00003
PZ-1-10	10	Groundwater	(mg/l)	0.0007	0.003	0.070	0.00003
MW-8	10-20	Groundwater	(mg/l)	0.0007	0.003	0.070	0.00003
SS-2	2	Soil	(mg/kg)	0.0342	0.00422	1.01	0.000263

Notes:  
 1. PCE = Tetrachloroethene  
 2. TCE = Trichloroethene  
 3. cis-1,2-DCE = cis-1,2-Dichloroethene  
 4. VC = Vinyl chloride  
 5. mg/l = milligrams per liter, equivalent to parts per million.  
 6. mg/kg = milligrams per kilogram, equivalent to parts per million.

**LINE LEGEND**

- PROPERTY LINE (PL)
- - - PL NOT SURVEYED
- - - TIE LINE
- EDGE OF PAVEMENT
- EDGE OF CONCRETE
- CURB & GUTTER
- x - x - x - x - WIRE FENCE
- WALL
- OVERHEAD UTILITY WIRES
- STORM DRAINAGE PIPE

**SYMBOL LEGEND**

- PROPERTY CORNER FOUND
- ⊕ DATUM CONTROL POINT
- ⊗ SPOT ELEVATION
- △ COMPUTED POINT
- SIGN
- ▣ GRATED INLET
- ▤ CURB INLET
- ◁ FLARED-END SECTION
- ⊕ UTILITY POLE
- ⊕ UTILITY POLE WITH DROP
- ⊕ UTILITY POLE LIGHT & DROP
- GUY WIRE / ANCHOR
- ⊕ ELECTRIC TRANSFORMER
- ⊕ ELECTRIC METER
- ⊕ GAS VALVE
- ⊕ SEWER MANHOLE
- ⊕ SEWER CLEANOUT
- ⊕ WATER VALVE
- ⊕ MONITORING WELL
- ⊕ MONITORING WELL +/- (PER URS)
- ⊕ SOIL BORING +/- (PER URS)

**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 (NC DENR) 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 URS CORPORATION OF MORRISVILLE, 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. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET (UNLESS NOTED OTHERWISE). ALL COORDINATES OR DISTANCES SHOWN HEREON ARE LOCALIZED, GROUND INFORMATION UNLESS SPECIFICALLY NOTED AS "GRID".
- 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 ARE BASED UPON THE DEED REFERENCES SHOWN HEREON.
- THIS SURVEY IS NOT INTENDED TO REFLECT ALL PHYSICAL IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY. ONLY A PORTION OF THE EXISTING PHYSICAL IMPROVEMENTS WERE SURVEYED IN ORDER TO SUPPORT THE BOUNDARY SURVEYING AND TO SUPPLEMENT THE LOCATIONS OF THE MONITORING WELLS DEPICTED HEREON.
- PROPERTY OWNER INFORMATION WAS OBTAINED FROM PITT COUNTY ONLINE GIS.
- PROPERTY LINES 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.

**N.C.G.S. 143-215.104M(d) STATEMENT:**

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

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE PITT COUNTY REGISTER OF DEEDS OFFICE AT BOOK PAGE \_\_\_\_\_ QUESTIONS CONCERNING THIS MATTER MAY BE DIRECTED TO THE NORTH CAROLINA DIVISION OF WASTE MANAGEMENT, SUPERFUND SECTION, DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION, 1646 MAIL SERVICE CENTER, RALEIGH, NC 27699-1646.

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

JACK BUTLER, PE  
 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 \_\_\_\_\_, 2011.

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 PROPERTY 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 WAKE 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 2434 PAGE 671

SIGNATURE (S) OF PROPERTY OWNER (S) SYLVESTER LEON WARD III

TITLE: \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ A NOTARY PUBLIC OF \_\_\_\_\_ COUNTY AND

STATE OF \_\_\_\_\_ DO HEREBY CERTIFY THAT

\_\_\_\_\_ PERSONALLY CAME BEFORE ME THIS DAY, THE FOREGOING CERTIFICATION WAS SIGNED IN BY HIM.

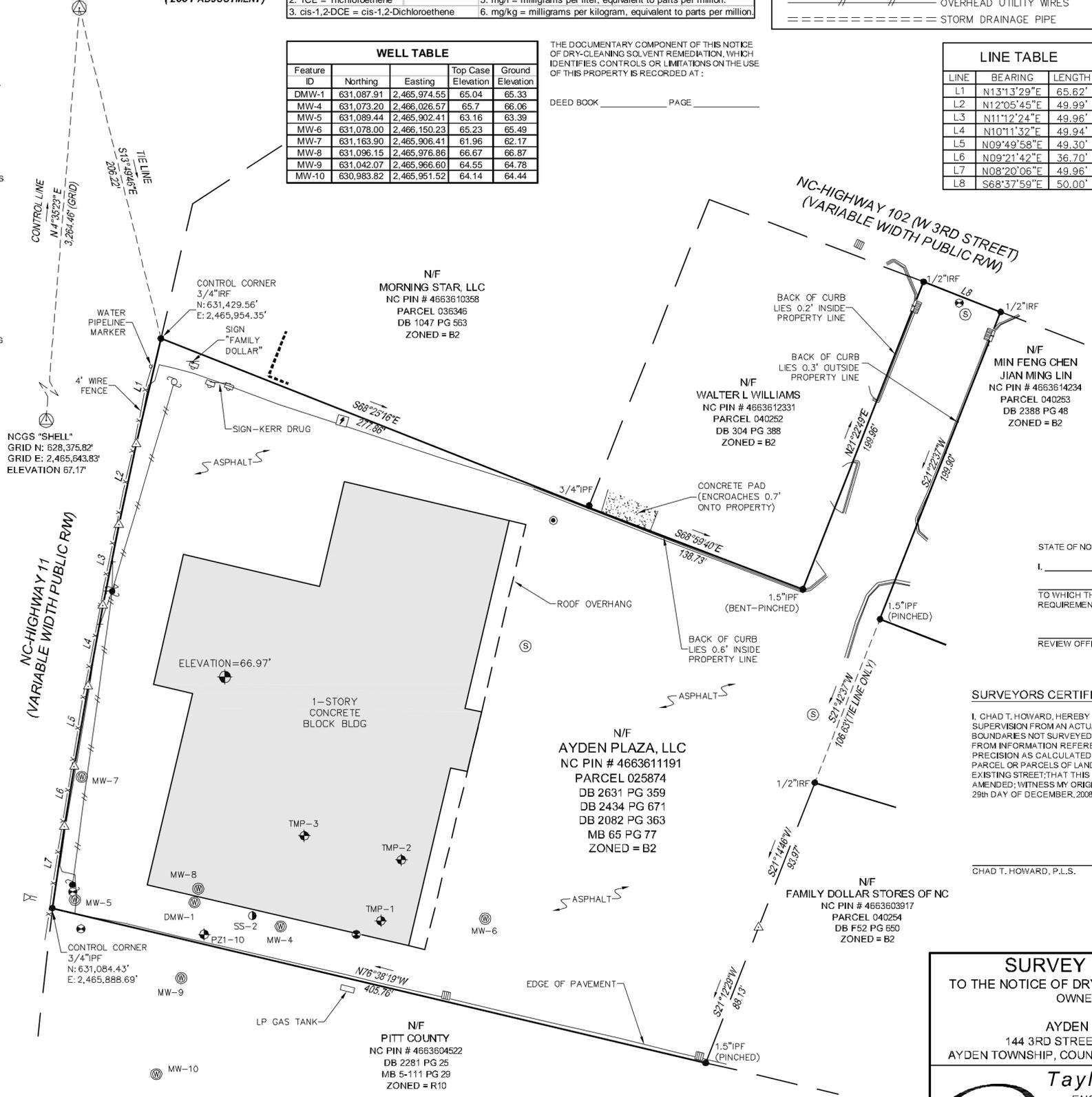
WITNESS MY HAND AND OFFICIAL STAMP OR SEAL.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES \_\_\_\_\_

NCGS "SHELL"  
 GRID N: 628,375.82'  
 GRID E: 2,465,643.83'  
 ELEVATION 67.17'



**WELL TABLE**

Feature ID	Northing	Easting	Top Case Elevation	Ground Elevation
DMW-1	631,087.91	2,465,974.55	65.04	65.33
MW-4	631,073.20	2,466,026.57	65.7	66.06
MW-5	631,089.44	2,465,902.41	63.16	63.39
MW-6	631,078.00	2,466,150.23	65.23	65.49
MW-7	631,163.90	2,465,906.41	61.96	62.17
MW-8	631,096.15	2,465,976.86	66.67	66.87
MW-9	631,042.07	2,465,966.60	64.55	64.78
MW-10	630,983.82	2,465,951.52	64.14	64.44

THE DOCUMENTARY COMPONENT OF THIS NOTICE OF DRY-CLEANING SOLVENT REMEDIATION, WHICH IDENTIFIES CONTROLS OR LIMITATIONS ON THE USE OF THIS PROPERTY IS RECORDED AT:

DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**LINE TABLE**

LINE	BEARING	LENGTH
L1	N13°13'29"E	65.62'
L2	N12°05'45"E	49.99'
L3	N11°12'24"E	49.96'
L4	N10°11'32"E	49.94'
L5	N09°49'58"E	49.30'
L6	N09°21'42"E	36.70'
L7	N08°20'06"E	49.96'
L8	S68°37'59"E	50.00'

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 \_\_\_\_\_

**SURVEYORS CERTIFICATE [G.S. 47-30]**

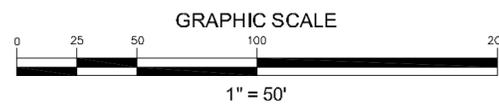
I, CHAD T. HOWARD, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED 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 29th DAY OF DECEMBER, 2008, A.D.

CHAD T. HOWARD, P.L.S. N.C. REG. No: L-4220

**SURVEY PLAT - EXHIBIT "A"**  
 TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION  
 OWNER: AYDEN PLAZA, LLC  
 PIN# 4663611191  
 AYDEN PLAZA - DSCA 74-0002  
 144 3RD STREET - AYDEN SHOPPING CENTER  
 AYDEN TOWNSHIP, COUNTY OF PITT, 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  
 NORTH CAROLINA LICENSE NUMBER: F-0362

SCALE: 1" = 50' DATE: DECEMBER 17, 2008 FILE: 70571.6001.00  
 DRAWN BY: MAL / GTH CHECKED BY: GTH SHEET: 111



**EXHIBIT B**  
**PROPERTY LEGAL DESCRIPTION**

## PARCEL I – Fee Simple

Lying and being situated in PITT County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe in the Southern right of way line of NC Highway 102 said iron pipe being located South 28 degrees 43 minutes 24 seconds West 30.14 feet from a point in the centerline of said NC Highway 102 said latter point being located along said centerline North 61 degrees 16 minutes 36 seconds West 25.21 feet from the point of Intersection of the centerline of NC Highway 102 with the centerline of NCSR 1120 extended; thence from said point of beginning and along the Southern right of way line of NC Highway 02 South 61 degrees 16 minutes 36 seconds East. 50.0 feet to an iron on pipe; Thence South 28 degrees 43 minutes 24 seconds West 199.86 feet to an iron pipe; thence South 61 degrees 16 minutes 36 seconds East 180.58 feet to an iron pipe

in the Virginia J. Franks line thence along the Virginia J. Franks line South 32 degrees 47 minutes 15 seconds West 93.32 feet to a point; thence North 65 degrees 43 minutes 33 seconds West 175.13 feet to a point; thence South 28 degrees 34 minutes 00 seconds West: 182.06 feet to a point in tile northern line of the Pitt County Board of Education property thence with the line of the Pitt County Board of Education North 69 degrees 14 minutes 42 seconds West 405.76 feet to a point tn the Eastern right of way line of NC Highway 11, thence along the Eastern right of way line of NC Highway 11 North 15 degrees 43 minutes 46 seconds East 49.96 feet, North 16 degrees 45 minutes 22 seconds East 36.70 feet, North 17 degrees 13 minutes 38 seconds is East 49.30 feet, North 17 degrees 35 minutes 12 seconds East 49.94 feet, North 18 degrees 36 minutes 04 seconds East 49.96 feet, North 19 degrees 29 minutes 25 seconds East 49.99 feet and north 20 degrees 22 minutes 52 seconds East 65.19 feet to an iron pipe; thence leaving said right of way line South 61 degrees 16 minutes 46 seconds East 277.77 feet to an iron pipe; thence South 61 degrees 16 minutes 36 seconds East 138.78 feet to an iron pipe; thence North 20 degrees 43 minutes 24 seconds East 200.0 feet to the point of beginning and being all of racks I and VI as shown on a plat entitled "Survey for Bailey and Associates", which plat was prepared by East Engineers, P.A. and is dated February 7, 1984. Reference is hereby made to Parcel Number 25874 for Tract I in the office .or the Tax Assessor of Pitt County, North Carolina. Reference is hereby further made to Parcel Number 40255 for Tract VI in the office of the Tax Assessor of Pitt County, North Carolina.

## PARCEL II - Easement

Together with those rights and easements constituting rights in real property created defined and limited by that certain Cross Access and Parking Easement Declaration by Bailey and Associates, Inc., a North Carolina corporation, dated March 23, 1983 and recorded March 28, 1983 in Book Q-51, Page 533 (See Tab 12), Pitt County Registry, North Carolina.

### PARCEL III - Easement

Together with those rights and easements constituting rights in real property created defined and limited by that certain Reciprocal Easement Agreement by Bailey and Associates, Inc., a North Carolina corporation, dated September 27, 1983 and recorded September 27, 1983 in Book F-52, Page 761 (See Tab 13); Pitt County Registry, North Carolina.

### PARCEL IV - Easement

Together with those rights and easements constituting rights in real property created defined and limited by that certain Party Wall Declaration by Bailey and Associates, Inc., a North Carolina corporation, dated March 28, 1983 and recorded March 28, 1983 in Book Q-51, Page 542 (See Tab 11), Pitt County Registry, North Carolina.

## **APPENDIX D**



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<date>

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

Subj: Annual Certification of Land-Use Restrictions  
Ayden Plaza, 144 Third Street  
Ayden, Pitt County, North Carolina  
DSCA Site # 74-0002

Dear <property owner>:

On <date>, the Division of Waste Management made a “No Further Action” decision for the above referenced site. As part of that decision, it was determined that land-use restrictions were necessary to ensure protection of human health and the environment. The land-use restrictions for this site are specified in the enclosed Notice of Dry-Cleaning Solvent Remediation (Notice) signed by the property owner and the Division of Waste Management.

As owner of at least a portion of the DSCA Site, you are required to comply with Condition 4 of the Notice by submitting to DENR a notarized Annual Certification of Land-Use Restrictions certifying that the Notice remains recorded at the Pitt County Register of Deeds’ office and that the Land-Use Restrictions are being complied with. Please complete the enclosed Annual Certification of Land-Use Restrictions and return it to me on or before **January 31, <year>**.

Please note that the Notice further states that if a land-use restriction 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.

Annual Certification of Land-Use Restrictions  
Ayden Plaza, 144 Third Street, Ayden North Carolina  
DSCA Site # 74-0002  
Page 2

<date>

If you have any questions concerning these documents or the site, please contact me at (919) 508-8415 or via email at [billy.meyer@ncdenr.gov](mailto:billy.meyer@ncdenr.gov).

Sincerely,

Billy Meyer, Project Manager  
DSCA Remediation Unit  
Superfund Section  
Division of Waste Management

Attachments: Copy of Notice of Dry-Cleaning Solvent Remediation  
Annual Certification of Land-Use Restrictions form

Cc: DSCA Site # 74-0002 File

**Site Name:** Ayden Plaza  
**Site Address:** 144 Third Street, Ayden, Pitt County, NC  
**DSCA ID No:** 74-0002

**ANNUAL CERTIFICIATION of LAND-USE RESTRICTIONS**

Pursuant to Condition 4 in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by <property owner> and recorded in Deed Book \_\_\_, Page \_\_\_ on <date> at the Pitt County Register of Deeds Office, <property owner> 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 Pitt County Register of Deeds office and the land-use restrictions therein are being complied with.

Duly executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

<property owner>

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 <property owner>, a North Carolina limited liability corporation, and its Manager, and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her.

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

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

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

## **APPENDIX E**



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

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

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 74-0002  
Ayden Plaza, 144 Third Street, Ayden, NC

Dear <name>:

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

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

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

Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site # 74-0002  
Ayden Plaza, 144 Third St, Ayden, NC  
Page 2

<date>

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

If you have any questions, please feel free to contact me at (919)508-8415

Sincerely,

Billy Meyer, Project Manager  
DSCA Remediation Unit  
Billy.meyer@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 74-0002 File

**Public Notice**

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

Ayden Plaza  
DSCA Site # 74-0002

Pursuant to N.C.G.S. §143-215.104L, on behalf of Ayden Plaza, LLC, the North Carolina Department of Environment and Natural Resources' (DENR's) private contractor has prepared a Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site (NOI). The purpose of this Summary of the NOI is to notify the community of the proposed remedy for the contamination site and invite comment on the proposed remedy.

Ayden Plaza formerly conducted dry-cleaning operations at the Ayden Plaza Shopping Center at 144 Third Street, in Ayden, North Carolina. The property is currently occupied by the Piggy Wiggly. Dry-cleaning solvent contamination in soil and/or ground water has been identified at the following parcel(s):

144 Third Street, Ayden; Parcel No. 4663611191

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 Ayden Plaza Shopping Center. A Risk Management Plan has been prepared which proposes instituting land-use restrictions to control future site risks at the affected property.

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

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

Comments must be in writing and submitted to DENR no later than \_\_\_\_\_, 20\_\_. Written requests for a public meeting may be submitted to DENR no later than \_\_\_\_\_, 20\_\_. Requests for additional information should be directed to Billy Meyer at (919)508-8415. All comments and requests should be sent to:

Billy Meyer, 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>

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

Subj: Dry-Cleaning Solvent Contamination  
144 Third Street, Ayden, NC

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with Ayden Plaza at 144 Third Street in Ayden. The property is currently occupied by the Piggly Wiggly grocery store. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

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

If you have questions, please contact me at (919) 508-8415, or Pete Doorn at (919) 508-8578.

Sincerely,

Billy Meyer, Project Manager  
DSCA Remediation Unit  
billy.meyer@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 74-0002 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>

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

Subj: Dry-Cleaning Solvent Contamination  
144 Third Street, Ayden, NC

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with Ayden Plaza at 144 Third Street in Ayden. The property is currently occupied by the Piggly Wiggly grocery store. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy.

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

In accordance with our program's statutes, the community has an opportunity to review and comment on the proposed remedial strategy. The attached Summary of the Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site (NOI) provides a brief description of the proposed remedy, a web link to the complete NOI, and the dates and procedures for commenting on the proposed remedy. We ask that you review these documents. If you do not have access to the internet, we ask that you contact us to request a hard copy of the complete NOI.

Dry-Cleaning Solvent Contamination  
144 Third Street, Ayden, NC  
DSCA Site # 74-0002  
Page 2

<date>

If you have questions, please contact me at (919) 508-8415, or Pete Doorn at (919) 508-8578.

Sincerely,

Billy Meyer, Project Manager  
DSCA Remediation Unit  
billy.meyer@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 74-0002 File