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January 12, 2011

Mr. Billy Meyer
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
Johnson Cleaners
1563 East Broad Street
Statesville, Iredell County, NC
ATC Project No. 45.34341.4902
DSCA Site Identification No. 49-0002

Dear Mr. Meyer:

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

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

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

Steven M. Aldis, P.G.
Project Manager

Genna K. Olson, P.G.
Program Manager

Enclosure: Risk Management Plan

**RISK MANAGEMENT PLAN
JOHNSON CLEANERS
1563 EAST BROAD STREET
STATESVILLE, IREDELL COUNTY, NORTH CAROLINA
ATC PROJECT NO. 45.34341.4902
DSCA SITE IDENTIFICATION NO. 49-0002
JANUARY 12, 2011**

Risk Management Plan
Johnson Cleaners
1563 East Broad Street
Statesville, Iredell County, North Carolina
ATC Project No. 45.34341.4902
DSCA Site Identification No. 49-0002

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



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1.0 INTRODUCTION

ATC Associates of North Carolina, P.C. (ATC) has prepared this Risk Management Plan (RMP) for the Johnson Cleaners site (DSCA Site #49-0002) on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Drycleaning Solvent Cleanup Act (DSCA) Program. The Johnson Cleaners site (herein referred to as the “site”) is located at 1563 East Broad Street in Statesville, Iredell County, North Carolina. The site property encompasses the Johnson Cleaners facility building, a large multi-tenant shopping center building to north, and several additional outbuildings further to the northwest. Site assessment activities have confirmed that groundwater contamination extends onto the next downgradient property, which is occupied by the Brookwood Inn (herein referred to as the “Brookwood Inn property”). The Brookwood Inn is located at 1503 East Broad Street, Statesville, North Carolina. Both the site property and the Brookwood Inn property are owned by the same entity, Interstate Development Company. This RMP is intended to comply with the requirements of the DSCA (N.C.G.S. 143-215.104A *et seqs*) and promulgated rules and follows the outline provided in the DSCA Program’s risk-based corrective action (RBCA) guidance.

2.0 OBJECTIVES OF RMP

ATC completed assessment activities at the site which indicated that tetrachloroethylene (PCE) and trichloroethylene (TCE) impacts exist on the site property and Brookwood Inn property at levels exceeding the Title 15A NCAC 2L .0202 Groundwater Standards. ATC completed a Risk Assessment for the Johnson Cleaners site on January 12, 2011. The results of the Risk Assessment indicated that there are on and off-site risks that do exceed target risk levels. However, the risks will be managed based on site-specific land use conditions that have been selected as part of the evaluation and which require an RMP. Thus, the objective of the RMP is to ensure that those site-specific land use conditions remain valid in the future.

3.0 SUMMARY OF APPROVED RISK ASSESSMENT REPORT

Based on groundwater impacts above unrestricted use standards, ATC completed a Risk Assessment Report for the site and Brookwood Inn property on January 12, 2011. This section

summarizes the final risk assessment, which resulted in the recommendation for no further action status for the site and Brookwood Inn property.

The first step in the risk assessment process consisted of development of an exposure model. Two exposure units were assigned, one “on-site unit” encompassing the area in the immediate vicinity of the Johnson Cleaners facility building (approximately 25-foot radius around the building) and a second “off-site unit” encompassing the remainder of the plume. Note that the off-site unit encompasses portions of the site property as well as portions of the adjacent Brookwood Inn property. The exposure model evaluation indicated the following complete exposure pathways for each unit:

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

Note that the site property and Brookwood Inn property are zoned business and therefore residential land use in the future is unlikely. However, ATC included possible future residential land use in the exposure model evaluation in order to confirm whether a land use restriction limiting future land use to residential is necessary.

The results of the Tier 1 indicated exceedences for on-site and off-site inhalation of vapor emissions by a resident or non-residential worker. Further discussion of exceedences for each exposure unit and additional evaluation and/or mechanisms to address the risk is detailed below.

The risk assessment for the on-site exposure unit is complicated by the presence of an active drycleaning facility. Drycleaning operations may emit vapors that result in constituent detections in indoor air. A review of sub-slab soil gas versus indoor air concentrations for the Johnson Cleaners facility building shows that indoor air concentrations are significantly higher than sub-slab soil gas concentrations. These data clearly suggest that the drycleaning operation is contributing to indoor air impacts. The DSCA Program covers assessment and remediation of drycleaning solvent contamination resulting from releases as defined in G.S. 143-215.104B(b)24. Because of the vapor emissions from day-to-day operations of the drycleaner, the risk to future users of the building should be evaluated by re-testing the indoor air after the drycleaning business vacates the structure and prior to occupancy by subsequent tenants. Section 6.0 addresses this in a land-use restriction for the site.

For the off-site exposure unit, ATC evaluated the indoor inhalation pathways using indoor air data collected from the building determined to be at highest risk for possible vapor intrusion. This data was collected from the former Harris Teeter tenant space located in the shopping center building to the north of the Johnson Cleaners facility building. The results of the risk assessment based on this data indicated exceedences of Tier 1 levels for residential and non-residential land use. Note that the Tier 1 levels currently used by the DSCA Program are the Regional Screening Levels for residential or industrial air established by Region 3 of the Environmental Protection Agency (EPA). Based on exceedences identified during the Tier 1, the risk for the off-site exposure unit was further investigated via a Tier 2 cumulative risk evaluation. The results of the Tier 2 indicated exceedences of acceptable risk levels for a future resident, but not for a non-residential worker. To address this exceedence, the LUR for the site will limit future land use for the site to non-residential.

The risk assessment was focused on evaluation of indoor inhalation pathways for existing buildings. However, additional evaluation should be conducted if future buildings are constructed. Soil gas concentrations exist in the subsurface that exceed the Tier 1 levels currently used by the DSCA Program, which are the Vapor Intrusion Screening Levels (VISLs) established by the NCDENR Inactive Hazardous Sites Branch (IHSB). To address the potential for vapor intrusion into future structures, the LUR for the site will specify that no activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that

encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the site property without prior approval of DENR.

In addition to the above referenced pathways for the on-site and off-site exposure units, ATC also evaluated the protection of groundwater use pathway and the protection of surface water pathway. For the protection of groundwater use pathway, ATC assumed that the nearest potential point-of-exposure (POE) for groundwater use was at the downgradient edge of the Brookwood Inn property. Note that modeling under this scenario assumes that LUR will be implemented for both the site property and the Brookwood Inn property limiting groundwater use. The initial Tier 1 evaluation showed that concentrations of PCE in source groundwater exceeded the Tier 1 RBSLs for the protection of groundwater use pathway. Therefore, ATC performed a Tier 2 evaluation for this pathway. Site specific fate and transport parameters were input into the DSCA Program's RBCA software to calculate Tier 2 Site Specific Target Levels (SSTLs). Source area soil and groundwater concentrations were not found to exceed the Tier 2 SSTLs for protection of groundwater.

The nearest surface water body is an unnamed tributary to Willow Creek. The protection of surface water pathway was not covered in the Tier 1, but was covered in a Tier 2 evaluation. The source soil and groundwater concentrations were not found to exceed the Tier 2 SSTLs for the protection of surface water pathway.

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

4.0 RAP COMPONENTS

4.1 Summary of Prior Assessment and Interim Actions

The drycleaning facility has been operational from 1968 through the present. Mr. Bruce Bebber purchased the facility and property in 1992 from his father-in-law. Mr. Bebber's father-in-law

(name unknown) operated the facility from 1968 to 1992. From 1992 to 2005, Mr. Bebber owned and operated the facility until it was sold to Mr. Joel Sapp. Mr. Sapp currently operates the facility. Mr. Sapp changed the name from Johnson Cleaners to Town and Country Cleaners when he took over the operation.

The DSCA Program's files contained a Proposed Work Plan for Prioritization Assessment prepared by MACTEC dated September 9, 2003. Copies of prior assessment reports were not found in the files, but were referenced in the MACTEC work plan. Based on these references, Trigon Engineering Consultants, Inc. (Trigon) conducted a limited groundwater assessment at the in 1993. A groundwater sample collected from a temporary monitoring well contained PCE at a concentration of 63 micrograms per liter ($\mu\text{g/l}$). Boggs Dry Cleaning & Laundry Supplies & Equipment, Inc. subsequently collected an air sample beneath the concrete floor on June 21, 1994. Analysis of the sample using colorimetric tubes indicated a PCE concentration of 4 parts per million (ppm). It should be noted that ATC considers the sub-slab soil gas data to be questionable due to a lack of documentation of sampling protocol and the presence of an active drycleaning operation in the building during the sampling. The MACTEC work plan was submitted to NCDENR for review but was not authorized.

On January 14, 2002, Mr. Bruce Bebber of Johnson Cleaners, Inc. submitted a petition for certification of the site into the DSCA Program. The site was subsequently certified into the program on January 25, 2002. ATC began work at the site under contract to the DSCA Program in 2006.

In October 2006, ATC initiated field work as part of a Prioritization Assessment. Direct-push borings B-1 through B-11 were advanced across the property. Soil samples were collected from B-1 through B-5. Groundwater samples were collected from B-2 through B-11. Three surface water samples were collected from the downgradient stream (C-1 through C-3). The results of the soil and groundwater sampling indicated no evidence of impacts to soil or surface water. PCE was detected in one groundwater sample at a concentration of 39 $\mu\text{g/l}$. A receptor survey was also completed during the prioritization assessment. The receptor survey identified one non-drinking water supply well 705 feet west of the site and a surface water body approximately 500

feet downgradient. The results of the investigation were documented in a Prioritization Assessment Report dated December 26, 2006.

Additional investigations were completed between August 2007 and August 2008 and documented in an Assessment Report dated January 27, 2009. As part of these investigations, direct-push borings B-12 through B-28 were advanced, hand auger borings HA-1 through HA-4 were advanced, four sets of nested monitoring wells were installed and sampled (MW-1 through MW-4), and groundwater samples were collected from existing monitoring wells on the adjacent Citgo gas station site. The results of soil sampling identified detectable PCE and other constituents of concern below the Johnson Cleaners facility building, but the detected concentrations were below the lowest Tier 1 RBSLs established by the DSCA Program. The results of groundwater sampling identified a PCE plume extending at least 470 feet downgradient of the Johnson Cleaners facility building. The plume did not appear to have impacted the Citgo gas station property to the west. However, the downgradient extent of the plume to the northwest in the direction of the Brookwood Inn property was not defined.

In February 2009, quarterly groundwater monitoring was initiated concurrent with installation of two additional monitoring wells to delineate the downgradient plume extent. In March 2009, two sets of nested monitoring wells (MW-5 and MW-6) were installed. Groundwater samples collected from these wells indicated that the plume likely extended onto the adjacent Brookwood Inn property, but the plume did not extend beyond this property and the downgradient extent was adequately defined. Quarterly groundwater monitoring events were conducted for the monitoring well network in February/March, May, and August 2009. These three monitoring events along with the initial monitoring well sampling in 2008 comprise the minimum of four monitoring events necessary to establish plume stability. The results of the monitoring events were documented in a Groundwater Monitoring Report dated October 16, 2009.

Sub-slab soil gas sampling was completed in three locations (VP-1 through VP-3) in the Johnson Cleaners facility building on November 5, 2009. The results of the sub-slab soil gas sample analyses indicated elevated levels of PCE. On April 21, 2010 through April 23, 2010, indoor air sampling was performed in the drycleaner (Johnson Front and Johnson Rear) and the adjacent coil laundry (Laundry Front & Laundry Rear). Sub-slab soil gas monitoring points were

installed in the adjacent coil laundry (Laundry VP-1 & Laundry VP-2). The results of the sub-slab soil gas and indoor air sample analyses indicated elevated levels of PCE. However, as discussed in Section 3.0, the active PCE drycleaning operation appears to be contributing to indoor air impacts. The DSCA Program covers assessment and remediation of drycleaning solvent contamination resulting from releases as defined in G.S. 143-215.104B(b)24. Based on the results of the vapor intrusion evaluation for the Johnson Cleaners facility building, the LUR for the site specify that prior to using the Johnson Cleaners facility building for any purpose other than drycleaning operations, the property owner must demonstrate to the satisfaction of DENR that the indoor air of the structure does not pose an unacceptable risk to occupants.

As part of the April 2010 sampling, soil gas monitoring points SGMP-1 through SGMP-4 were also installed around the exterior of the Johnson Cleaners facility building. The results of the exterior soil gas sample analyses indicated elevated levels of PCE in the northern and western directions, with the highest concentrations to the north towards the adjacent vacant shopping center building. On July 8 and 9, 2010, ATC collected sub-slab soil gas samples (Harris Teeter VP-1 and Harris Teeter VP-2) and air samples (Harris Teeter Front and Harris Teeter Rear) from the adjacent building. The results of the sub-slab soil gas and indoor air sample analyses indicated elevated levels of PCE in four of the five samples. However, as discussed in Section 3.0, evaluation of the cumulative risk for the indoor air samples indicated no exceedences of the acceptable risk levels for a non-residential worker. Refer to the Vapor Intrusion Investigation Report dated January 12, 2011 for the details of the sampling events.

ATC completed a Risk Assessment for the site on January 12, 2011. As discussed in detail in Section 3.0, the Risk Assessment concluded that risks associated with the contamination could be managed through implementation of LUR for the site property and the Brookwood Inn property, as detailed in this RMP. Therefore, the Risk Assessment recommended risk-based closure for the site.

4.2 Remedial Action

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

Condition 1: The dissolved plume is stable or decreasing.

Periodic groundwater monitoring has been conducted at the site since 2008. A total of four groundwater sampling events have been conducted for monitoring wells MW-1 through MW-4, and three groundwater sampling events have been conducted for monitoring wells MW-5 and MW-6. ATC compared the constituents detected in monitoring wells MW-1 through MW-6 to the most recent Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards) updated January 1, 2010. (Note that numerous 2L Standards changed on January 1, 2010, and previous reports compared the data to standards that are currently out of date.) The results of this comparison indicated that constituents detected at concentrations above 2L Standards in the area of the drycleaning solvent release include PCE, TCE, and 1,2-dichloroethane (EDC). Exceedences for EDC included only one well during one sampling event at a laboratory estimated concentration ("J" value) at the 2L Standard. As such, ATC focused on the constituents PCE and TCE for the plume stability evaluation. Note that additional petroleum constituents were detected at concentrations above 2L Standards on the adjacent Citgo property, but are associated with petroleum release on that property rather than the drycleaning solvent release and are therefore not addressed in this RMP. The off-site petroleum release is regulated separately by the NCDENR Underground Storage Tank (UST) Section.

ATC prepared concentration versus time and concentration versus distance graphs for sampling events conducted at the site for PCE and TCE. Although some wells have shown contaminant concentrations above 2L Standards, the graphs show that the majority of the wells exhibit a stable or decreasing trend. In addition, the farthest downgradient well contained no PCE or TCE during any sampling event. Based on this 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, concentration versus time graphs, and concentration versus distance 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 Risk Assessment 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.

LUR will be implemented for the site property and the Brookwood Inn property to ensure the assumptions made in the Risk Assessment remain valid in the future. Refer to Section 6.0 for additional details regarding the proposed LUR for the site.

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

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

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

5.0 DATA COLLECTED DURING RMP IMPLEMENTATION

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

6.0 LAND USE RESTRICTIONS (LUR)

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

- Prior to using the Johnson Cleaners facility building for any purpose other than drycleaning operations, the property owner must demonstrate to the satisfaction of DENR that the indoor air of the structure does not pose an unacceptable risk to occupants;
- Land use will be limited to non-residential;
- No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the site property without prior approval of DENR; and
- Groundwater will not be utilized on the site property or the Brookwood Inn property;

LUR will be implemented for the site property and the Brookwood Inn property to ensure that land use conditions are maintained and monitored until the LUR are no longer required for the site. Notices of Dry-cleaning Solvent Remediation (NDCSR) were prepared for the site property and the adjacent Brookwood Inn property to comply with the LUR requirement. The on-site NDCSR is included in *Appendix C* and the off-site NDCSR is included in *Appendix D*. Refer to the NDCSR for the specific language to be incorporated to address each of the risk assessment assumptions detailed above. A plat showing the locations and types of drycleaning solvent contamination on the property is included as an exhibit to each NDCSR. The locations of drycleaning solvent contamination are where contaminants have been detected above unrestricted 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 Certification of Land Use Restrictions” to NCDENR on an annual basis certifying that

the NDCSR remains recorded with the Register of Deeds and that land use conditions have not changed. An example of such a certification is included in *Appendix E*.

8.0 RMP IMPLEMENTATION SCHEDULE

Since the contamination is stable and confined to the site property and Brookwood Inn property, and possible exposure to the contamination is managed through the NDCSR and LUR, no additional site remediation activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. *Appendix F* includes example documents used to announce the public comment period in the local newspaper and to inform local officials, nearby property owners, and interested parties. As such, upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Iredell 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 Iredell County Register of Deeds. The NDCSR may, at the request of the owner of the site property or Brookwood Inn property, be canceled by DENR after the risk to public health and the environment associated with the drycleaning solvent contamination and any other contaminants included in the drycleaning solvent assessment and remediation agreement has been eliminated as a result of remediation of the properties. 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 directed or contracted for alteration of the site in violation of the LURs, shall be held liable for the remediation of all contaminants to unrestricted use standards.

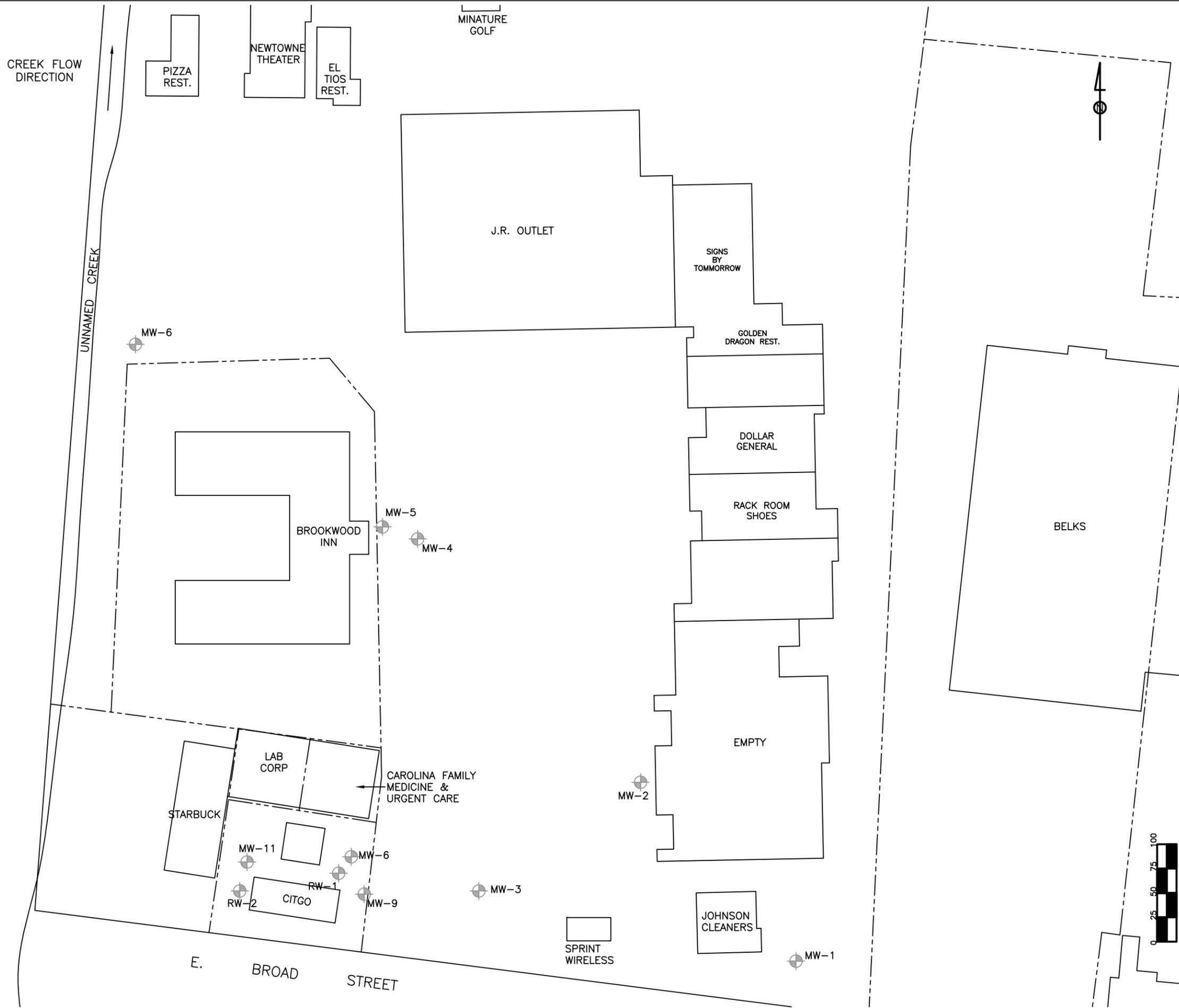
11.0 CONCLUSIONS AND RECOMMENDATIONS

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

APPENDIX A

DOCUMENTATION OF PLUME STABILITY EVALUATION

I-77



NOTES:

1. Wells CMW-6, CMW-9, CMW-11, CRW-1 and CRW-2 were installed as part of a separate UST investigation at the Citgo site.

FIGURE 1

SITE MAP
 JOHNSON CLEANERS
 1563 EAST BROAD STREET
 STATESVILLE, NORTH CAROLINA

CAD FILE	DSCA ID	PREP. BY	REV. BY
1253069.DWG	49-0002	RS	GO

SCALE	DATE
1" = 100'	8/30/10

PROJECT NO.
45.34341.4902



VATC
 ASSOCIATES OF NORTH CAROLINA, P.C.
 Charlotte, North Carolina 28217 (704) 529-3200 FAX (704) 529-3272

Table 1: Analytical Data for Groundwater

DSCA ID No.: 49-0002

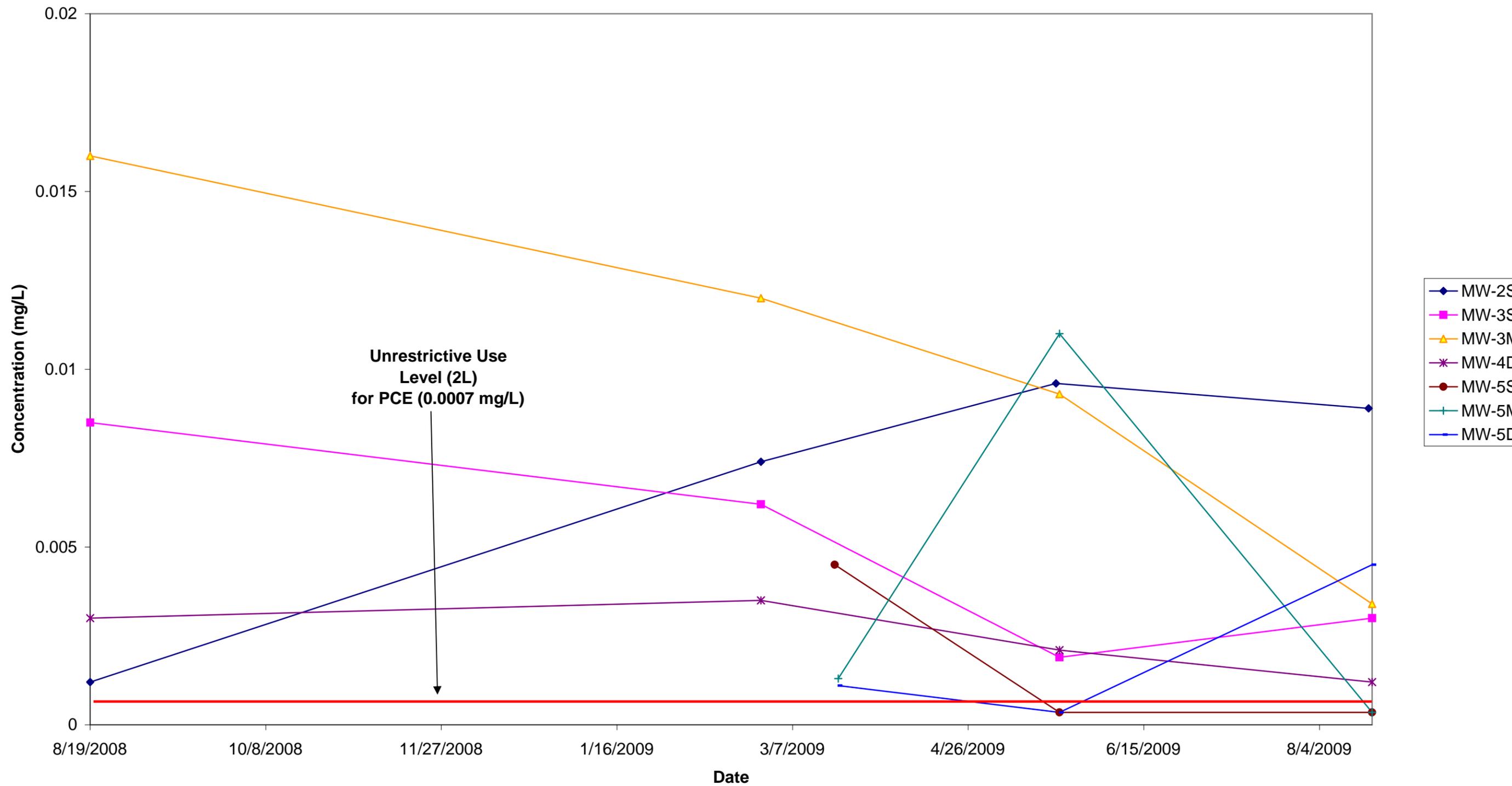
Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
B-24 35'-39'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-24 61'-65'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-25 20'-24'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	0.0081	<0.001	<0.001	<0.001	<0.001	<0.002
B-25 35'-39'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-25 60'-64'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-26 20'-24'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-26 35'-39'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-26 56'-60'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-28 20'-24'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-28 35'-39'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
B-28 54'-58'	8/15/2007	NA	NA	NA	NA	<0.001	NA	<0.001	NA	NA	NA	<0.001	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-1S	8/19/2008	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	0.0031J	<0.005	<0.005	0.0034J	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.010	0.00032J
	2/26/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	0.00033J	0.00021J	NA	<0.0005	0.0056	<0.005	0.00027J	0.0042J	0.0053	<0.0007	0.00041J	<0.005	<0.005	<0.0005	0.00128J
	5/21/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	0.0034J	<0.005	NA	<0.0005	0.0073	<0.005	<0.005	0.004J	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
	8/18/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.0005	NA	<0.0005	0.0078	<0.005	<0.005	<0.005	0.0037J	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
MW-1M	8/19/2008	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	0.0082	<0.005	<0.005	0.004J	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.010	<0.005
	2/26/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.017	<0.005	<0.005	0.005J	0.0015J	<0.0007	<0.005	<0.005	<0.005	<0.0005	0.00049J
	5/21/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.02	<0.005	<0.005	0.0038J	0.00087J	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
	8/18/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.02	<0.005	<0.005	0.0034J	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
MW-1D	8/19/2008	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	0.0084	<0.005	<0.005	0.0066J	0.00031J	<0.0007	<0.005	<0.005	<0.005	<0.010	<0.005
	2/26/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.0071	<0.005	<0.005	0.00085J	0.00095J	<0.0007	<0.005	<0.005	<0.005	<0.0005	0.00036J
	5/21/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.0091	<0.005	0.00063J	0.00071J	0.0021	<0.0007	<0.005	<0.005	<0.0028	<0.0005	0.00102J
	8/18/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.011	<0.005	<0.005	0.00072J	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
MW-2S	8/19/2008	<0.005	<0.005	<0.005	<0.005	<0.005	0.0011J	<0.005	NA	<0.005	0.0031J	<0.005	<0.005	0.045	0.00027J	0.0012	<0.005	<0.005	<0.005	<0.010	<0.005
	2/26/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	0.0012J	<0.0005	NA	<0.0005	0.00042J	<0.005	<0.005	0.057	0.00069J	0.0074	<0.005	<0.005	<0.005	<0.0005	0.00031J
	5/21/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	0.00097J	<0.0005	NA	<0.0005	0.0004J	<0.005	<0.005	0.014	<0.005	0.0096	<0.005	<0.005	<0.0028	<0.0005	<0.005
	8/18/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00027J	<0.005	<0.005	0.023	<0.005	0.0089	<0.005	<0.005	<0.0028	<0.0005	<0.005
MW-2M	8/19/2008	<0.005	<0.005	<0.005	<0.005	<0.005	0.0018J	<0.005	NA	<0.005	0.00088J	<0.005	<0.005	0.089	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.010	<0.005
	2/26/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	0.0019J	<0.0005	NA	<0.0005	0.00072J	<0.005	<0.005	0.12	0.00072J	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005
	5/21/2009	<0.005	<0.0005	<0.005	0.0022J	<0.005	<0.005	<0.0005	NA	<0.0005	0.00071J	<0.005	<0.005	0.012	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
	8/18/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	0.0018J	<0.0005	NA	<0.0005	0.00046J	<0.005	<0.005	0.1	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
MW-2D	8/19/2008	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	0.00038J	<0.005	<0.005	0.00048J	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.010	<0.005
	2/26/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00036J	<0.005	<0.005	0.0004J	0.00064J	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005
	5/21/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.005	NA	<0.0005	0.00031J	<0.005	<0.005	0.00023J	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
	8/18/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00034J	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.0028	<0.0005	<0.005
MW-3S	8/19/2008	<0.005	<0.005	<0.005	<0.005	<0.005	0.00055J	<0.005	NA	<0.005	0.00039J	<0.005	<0.005	0.0071	<0.005	0.0085	<0.005	<0.005	<0.005	<0.010	<0.005
	2/26/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	0.0006J	<0.0005	NA	<0.0005	0.00029J	0.00045J	<0.005	0.0073	<0.005	0.0062	<0.005	<0.005	<0.005	<0.0005	<0.005
	5/22/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	0.0064	0.0011J	0.0019	<0.005	<0.005	<0.0028	<0.0005	<0.005
	8/19/2009	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	0.0059	<0.005	0.003	<0.005	<0.005	<0.0028	<0.0005	<0.005

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

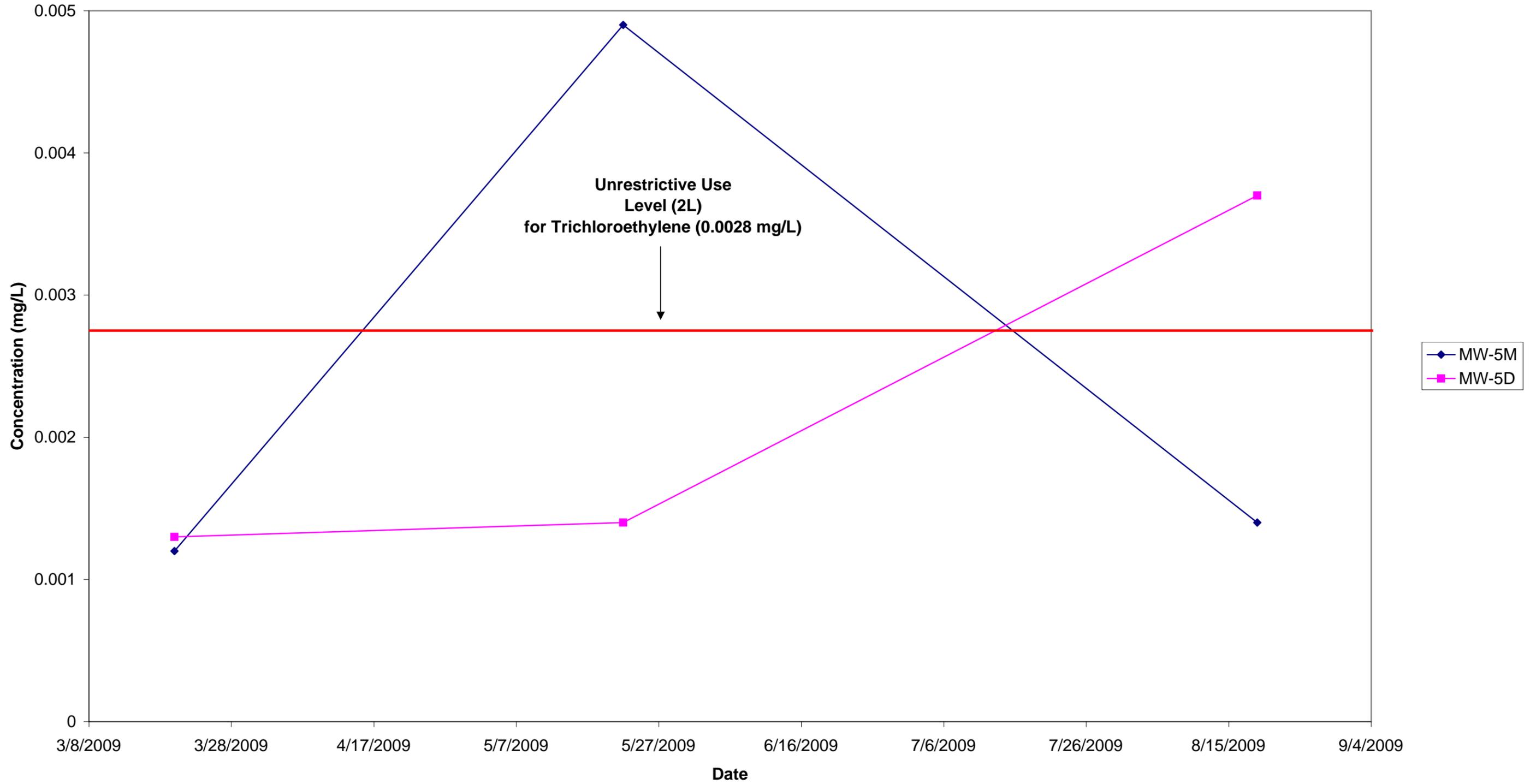
DSCA ID No.: 49-0002

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	Acetone	Diisopropylether	Chloromethane	Methylene chloride	Bromodichloromethane	Bromomethane	trans-1,3-Dichloropropene	Carbon disulfide	4-Methyl-2-pentanone	2-Butanone	2-Hexanone	Bromoform							
		[mg/L]																		
B-2-200	10/16/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-2-350	10/16/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-3	10/16/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-4	10/16/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-5	10/16/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-6	10/16/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-7	10/16/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-8	10/17/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-9	10/17/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-10	10/17/2006	<0.010	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-11	10/17/2006	0.038	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.005	<0.010	<0.010	<0.010	<0.005							
B-17 200-240	8/13/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-17 350-390	8/13/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-17 550-590	8/13/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-18 200-240	8/13/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-18 350-390	8/13/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-18 550-590	8/13/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-19 200-240	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-19 350-390	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-19 550-590	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-20 200-240	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-20 350-390	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-20 600-640	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-21 250-290	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-21 400-440	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-21 600-640	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-22 200-240	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-22 400-440	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-22 580-620	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-23 200-240	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-23 400-440	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							
B-23 590-630	8/14/2007	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA							

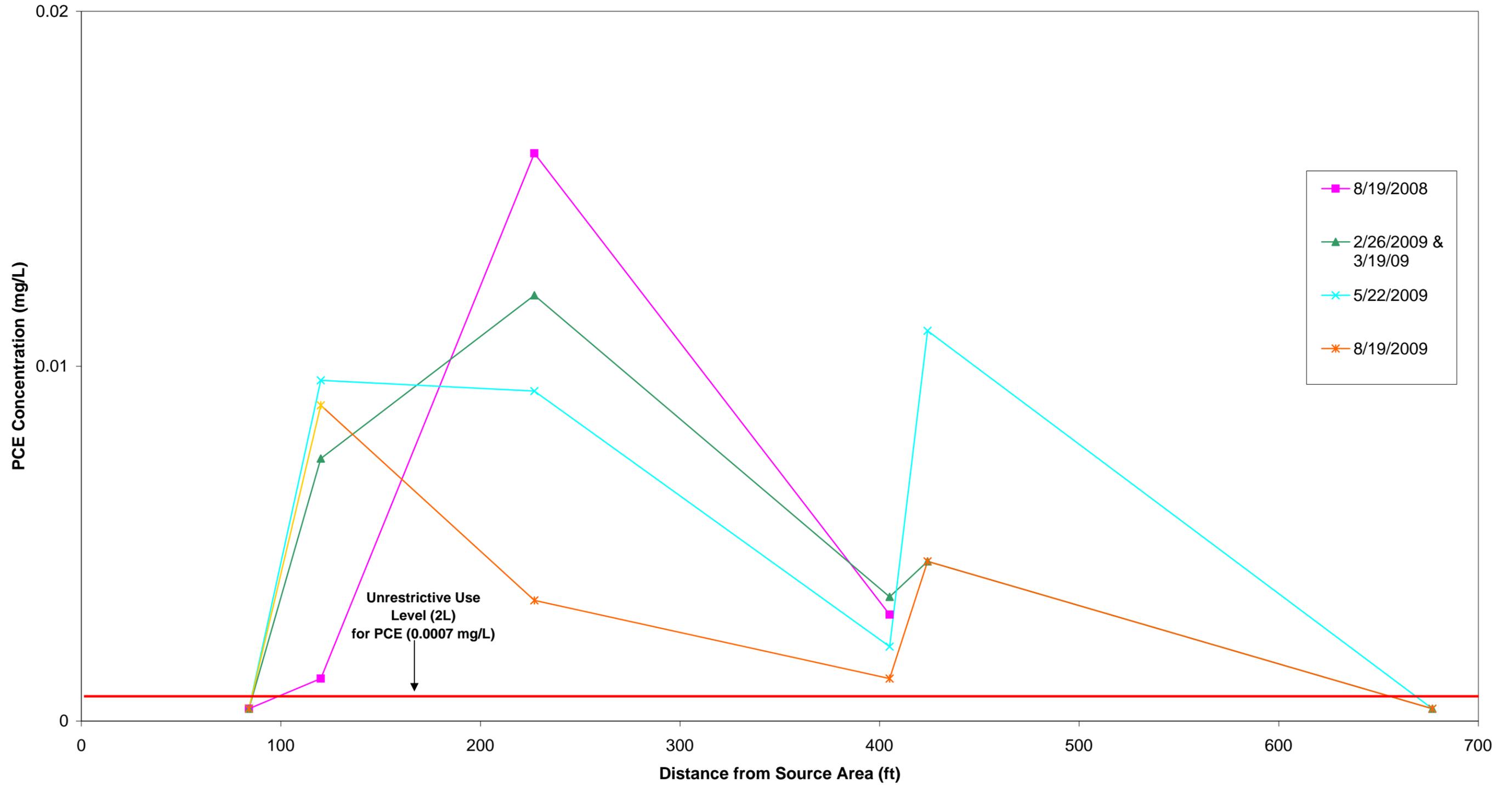
Tetrachloroethylene (PCE) Concentration vs. Time



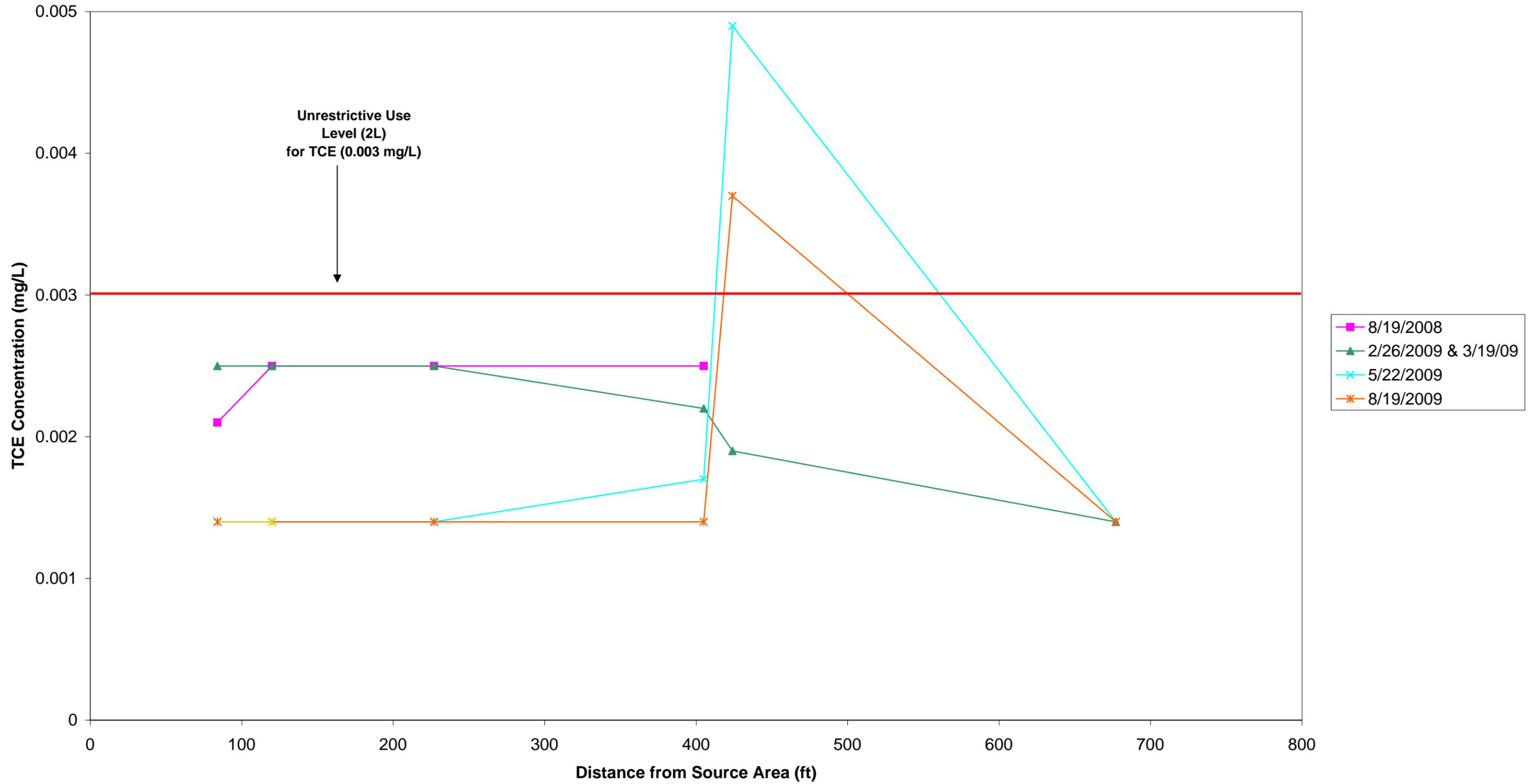
Trichloroethylene (TCE) Concentration vs. Time



Tetrachloroethylene (PCE) Concentration vs. Distance



Trichloroethylene (TCE) Concentration vs. Distance



APPENDIX B

LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS

Appendix B
Ecological Risk Assessment – Level 1
Johnson Cleaners
1563 East Broad Street
Statesville, Iredell County, NC
ATC Project No: 45.34341.4902
DSCA Site ID: 49-0002

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 Statesville East Quadrangle Topographic map, there is an unnamed tributary approximately 500 feet west of the site that flows north to Willow Creek which is considered a navigable waterway. See the USGS topographic map in **Attachment 1** and the 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 Statesville East Quadrangle Topographic map, there is an unnamed tributary approximately 500 feet west of the site.

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

Based on the USFWS Ecomap, there are no wetlands located within a half mile of the site; however, the USGS topographic map indicates an unnamed tributary approximately 500 feet west of the site.

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, 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 mile 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 Iredell 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, the site is located in an urban setting with mostly commercial, retail and residential properties surrounding the property. Based on the land use surrounding the area, no ecological, recreational, or commercially important species are likely to be within one half-mile of the site.

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

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

- *Hexastylis naniflora* – Dwarf-flowered heartleaf: Threatened

ATC also reviewed the North Carolina Heritage Program online Statesville East Quadrangle species list. The following species were identified:

- *Glyptemys muhlenbergii* – Bog turtle: Threatened

Based on the desktop review and land use surrounding the site, it is unlikely that the species listed above will be located within one-half mile of the site.

Checklist B

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

Yes. The primary constituents of concern for the site are tetrachloroethylene (PCE) and trichloroethylene (TCE). 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. Furthermore, impacted groundwater has been confirmed at the site.

1B. Are chemicals associated with the site mobile in groundwater?

Yes. Chemical mobility is primarily influenced by the chemical solubility and soil-water partition coefficient. Based on these values, PCE is classified as moderately mobile (Fetter, 1988).

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

The primary ecological receptor habitat identified in the site vicinity is the surface water body, located approximately 500 feet west of the site. The plume has been fully defined and does appear to intersect this surface water body. As such, the impacted groundwater does not appear likely to discharge to this ecological receptor habitat.

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

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

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

Yes. Surficial soils have been impacted at the site. PCE has been detected at a concentration of 0.0054 milligrams per kilogram (mg/kg) in surficial soil, which is 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?

No. The surficial soils impacted at the site are located beneath the drycleaner building. As such 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. Ecological receptors are unlikely to be present on the site property. The primary ecological receptor habitat identified in the site vicinity is the surface water body, located approximately 500 feet west of the site. Some bird and plant species were identified that may not be associated with surface water or wetland areas, but the site is an active shopping center so these species appear unlikely to be present on the site property.

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

No. Surficial soil impact has been identified; however, it is located underneath the drycleaner building, in an active shopping center and ecological receptors are unlikely to be present in the area.

4A. Are chemicals on the site volatile?

Yes. Chlorinated solvents are considered volatile organic compounds.

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

No. Surficial impacted soil is not exposed at the ground surface, erosion of soils from this area appears unlikely, and contaminant concentrations are sufficiently low such that significant volatilization is unlikely.

4. Could chemicals associated with the site reach ecological receptors through inhalation of volatilized chemicals or adhered chemicals to dust in ambient air or in subsurface burrows?

No. As discussed above, erosion of impacted soils or significant volatilization from impacted soils appears unlikely.

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

No. NAPL has not been encountered at the site.

5B. Is NAPL migrating?

No. NAPL has not been encountered at the site.

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

No. NAPL has not been encountered at the site.

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

No. NAPL has not been encountered at the site.

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

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

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

No. Since surficial soils have only been discovered beneath the drycleaner building, it can be assumed that chemicals have not been taken up by plant root systems.

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. Since surficial soils have only been discovered beneath the drycleaner building, it can be assumed that no ecological receptors can access the surficial soils.

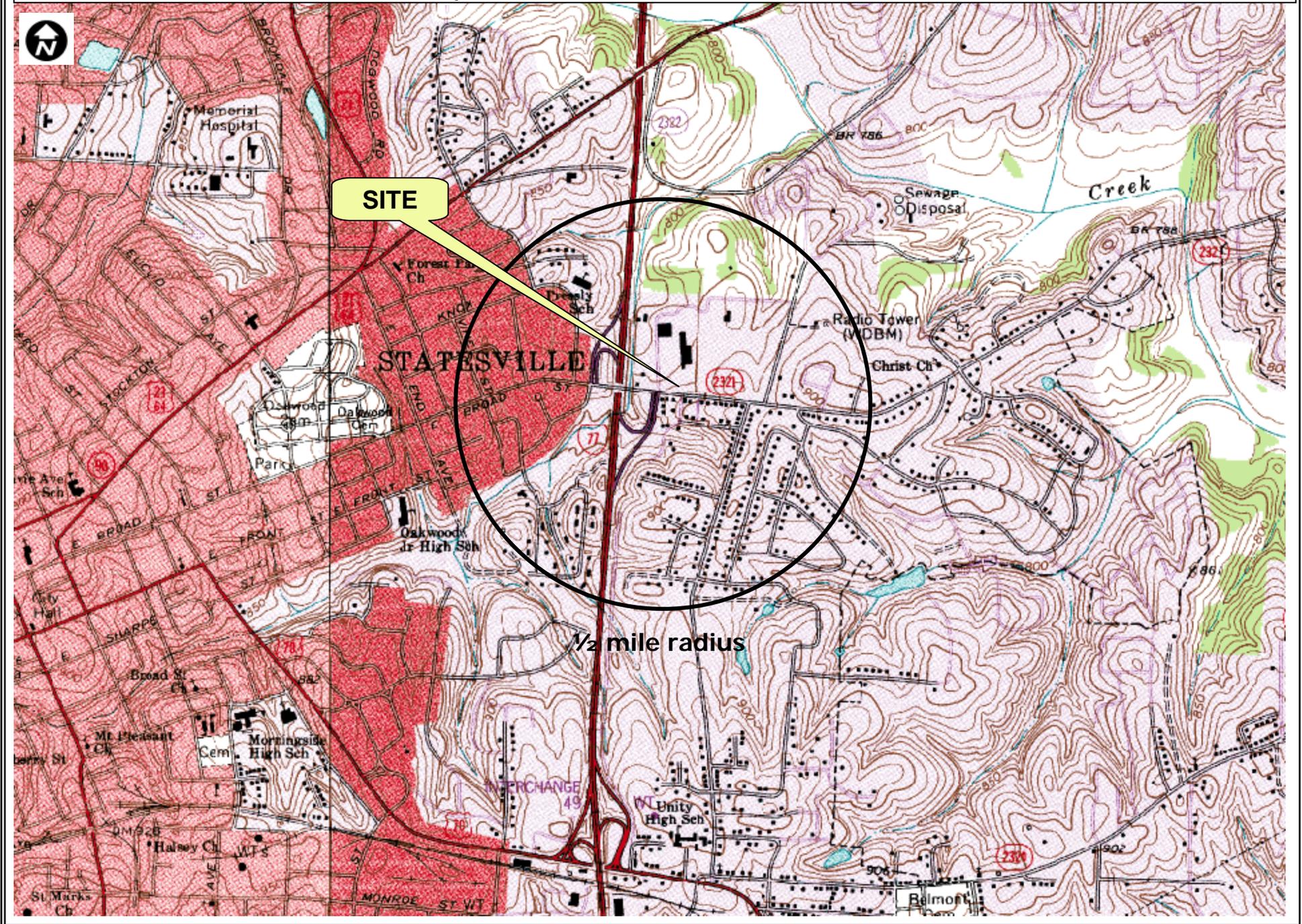
6D. Do chemicals found on the site bioaccumulate?

No. Based on published references (U.S. Agency for Toxic Substances and Disease Registry, 1997), PCE does 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, 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 Statesville East Quadrangle, Iredell County
Source: Topozone.com (DSCA Site 49-0002 Johnson Cleaners)



APPENDIX C

ON-SITE NOTICE OF DRYCLEANING SOLVENT REMEDIATION

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Interstate Development Company
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 Interstate Development Company (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 1563 East Broad Street, Statesville, Iredell County, North Carolina, Parcel Identification Number (PIN) 4744-88-2863.

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

Soil and groundwater at the Property are contaminated with dry-cleaning solvents associated with dry-cleaning operations at Johnson Cleaners (DSCA Site 49-0002) located at 1563 East Broad Street, Statesville in the Newtowne Plaza. Dry-cleaning operations were conducted on the Property from approximately 1968 to present.

Pursuant to N.C.G.S. § 143-215.104M, this Notice is being filed in order to reduce or eliminate the danger to public health or the environment posed by the Property. Attached hereto

as **Exhibit A** is a reduction, to 8 1/2" x 11", of the survey plat component of the Notice required by N.C.G.S. § 143-215.104M. The survey plat has been prepared and certified by a professional land surveyor and meets the requirements of G.S. 47-30, and contains the following information required by N.C.G.S. § 143-215.104M:

- (1) A description of the location and dimensions of the areas of potential environmental concern with respect to permanently surveyed benchmarks; and
- (2) The type, location and quantity of regulated dry-cleaning solvent contamination and other contaminants known to exist on the Property.

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

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

LAND USE RESTRICTIONS

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

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

5. **In January of each year, on or before January 31st, the owner of any portion of the Property shall submit a notarized Annual DSCA Land Use Restrictions Certification to DENR certifying that this Notice remains recorded at the Register of Deeds' office, and that the Land Use Restrictions are being complied with.**
6. **No person conducting environmental assessment or remediation at the Property or involved in determining compliance with applicable land use restrictions, at the direction of, or pursuant to a permit or order issued by DENR may be denied access to the Property for the purpose of conducting such activities.**
7. **The owner of any portion of the Property shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Notice. The failure to include such a provision shall not affect the validity or applicability of any land use restriction in this Notice.**
8. **Prior to using the Johnson Cleaners facility building, as identified in Exhibit A, for any purpose other than drycleaning operations, the property owner must demonstrate to the satisfaction of DENR that the indoor air of the structure does not pose an unacceptable risk to occupants.**

EASEMENT (RIGHT OF ENTRY)

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

REPRESENTATIONS AND WARRANTIES

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

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

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

ENFORCEMENT

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

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

FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS

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

The Property Owner shall notify 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, 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__.

Interstate Development Company

By:

Name of contact

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a Member of Interstate Development Company, 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: _____
Jack Butler, Chief
Superfund Section
Division of Waste Management

Date

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 _____

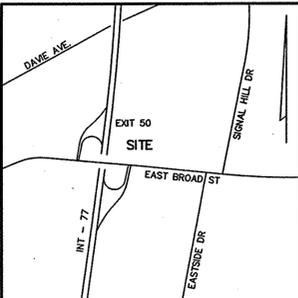
I, _____, a Notary Public, do hereby certify that _____ personally appeared before me this day and signed this “Limited Power of Attorney”.

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



FLOOD CERTIFICATION:
THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY NUMBER 371047-4403-1, DATED MARCH 18, 2008.

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE IREDELL 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, DRYCLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION, 1646 MAIL SERVICE CENTER, RALEIGH, NC 27699-1646.

OWNERS CERTIFICATE:
I ACKNOWLEDGE THAT I HAVE FULL AUTHORITY TO LEGALLY EXECUTE A DEED FOR THIS PROPERTY.

SIGNATURE _____ DATE _____

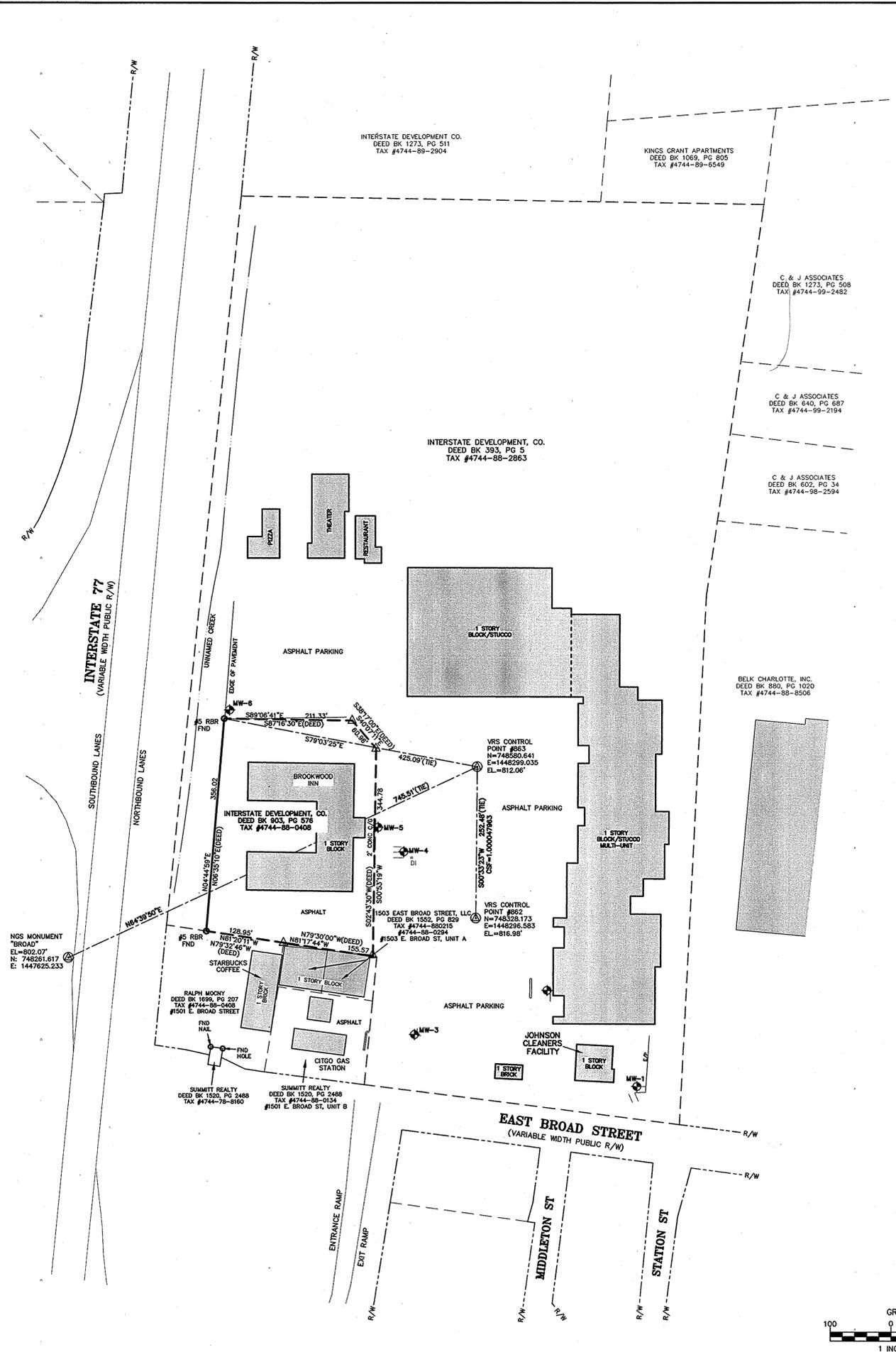
STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, A NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS _____ DAY OF _____, 2011.

NOTARY PUBLIC (SIGNATURE) _____

MY COMMISSION EXPIRES _____

- LEGEND:**
- R/W RIGHT OF WAY
 - N.T.S. NOT TO SCALE
 - CSF COMBINED SCALE FACTOR
 - E/P EDGE OF PAVEMENT
 - MW MONITORING WELL(MW)
 - N NORTHING
 - E EASTING
 - TOC TOP OF CASING
 - TOW TOP OF WELL MANHOLE
 - ▲ CALCULATED PROPERTY CORNER
 - ⊙ TEMPORARY MONITORING WELL(TW)
 - DATUM CONTROL POINT
 - BORE LOCATION
 - N/F NOW OR FORMERLY
 - MW MONITORING WELL
 - "MONUMENTED" SUBJECT PARCEL LINES
 - - - "NON-MONUMENTED" PARCEL LINES(PLOTTED FROM DEEDS)
 - - - ADJOINER PARCEL LINES
 - - - RIGHT OF WAY LINE
 - DI DRAINAGE INLET
 - RBR REBAR



VRS SURVEY TIE:
ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED (GROUND) NAD 83 (2007 ADJUSTMENT) HORIZONTAL INFORMATION (UNLESS NOTED OTHERWISE), BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, WITH NAVD83 ELEVATIONS. THE N.C. STATE PLANE COORDINATES FOR CONTROL POINTS #892 & #893 SHOWN HEREON WERE ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). THE VRS SURVEY TIE WAS PERFORMED ON MAY 13, 2009. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET UNLESS NOTED OTHERWISE.

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

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

JACK BUTLER, P.E.
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 _____ DAY OF _____, 2011.

NOTARY PUBLIC (SIGNATURE) _____

MY COMMISSION EXPIRES _____

GROUNDWATER IN WELLS MW-2, MW-3, MW-4, AND MW-5 EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L.0200) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE AND TRICHLOROETHYLENE.

DATE: 05-13-2009 PROJECT NAME: JOHNSON CLEANERS

LOCATION: STATESVILLE, NC	DSCA #: 49-0002			
MONITORING WELL ID	NORTHING (FEET)	EASTING (FEET)	ELEVATION (FEET)	DESIGNATION
MW-1	748047.57	1448562.23	826.52	TOW
TCMW-1S	748047.57	1448562.23	826.25	TOC 1"
TCMW-1M	748047.57	1448562.23	826.19	TOC 1"
TCMW-1D	748047.57	1448562.23	826.29	TOC 1"
MW-2	748207.42	1448414.05	823.21	TOW
TCMW-2S	748207.42	1448414.05	822.79	TOC 1"
TCMW-2M	748207.42	1448414.05	822.86	TOC 1"
TCMW-2D	748207.42	1448414.05	822.92	TOC 1"
MW-3	748133.925	1448195.485	819.15	TOW
TCMW-3S	748133.925	1448195.485	818.8	TOC 1"
TCMW-3M	748133.925	1448195.485	818.88	TOC 1"
TCMW-3D	748133.925	1448195.485	818.92	TOC 1"
MW-4	748439.44	1448177.97	811.40	TOW
TCMW-4S	748439.44	1448177.97	811.10	TOC 1"
TCMW-4M	748439.44	1448177.97	811.16	TOC 1"
TCMW-4D	748439.44	1448177.97	811.15	TOC 1"
MW-5	748479.71	1448135.47	809.75	TOW
TCMW-5S	748479.71	1448135.47	809.30	TOC 1"
TCMW-5M	748479.71	1448135.47	809.33	TOC 1"
TCMW-5D	748479.71	1448135.47	809.29	TOC 1"
MW-6	748675.72	1447890.51	802.40	TOW
TCMW-6S	748675.72	1447890.51	802.18	TOC 1"
TCMW-6D	748675.72	1447890.51	802.18	TOC 1"

"S"-SHALLOW DEPTH, "M"-MEDIUM DEPTH, "D"-DEEP DEPTH

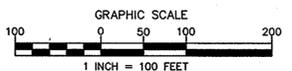
SURVEY NOTES:

- THE SUBJECT PROPERTY FOR THIS SURVEY IS IDENTIFIED BY IREDELL COUNTY PARCEL IDENTIFICATION NUMBER(PIN) #4744-88-0408. THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS OF MONITORING WELLS LOCATED ON THE SUBJECT PROPERTY 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 (NCEM) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
- THE AREAS AND TYPE OF CONTAMINATION DEPICTED UPON THE MAP ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING.
- ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 (NRS 2007), WITH NAVD83 (GEOID 07) ELEVATIONS, PER A GPS SURVEY PERFORMED BY THE ISAACS GROUP, ON MAY 13, 2009. THE N.C. STATE PLANE COORDINATES SHOWN FOR CONTROL POINT #892 AND #893 WERE ESTABLISHED UTILIZING A TRIMBLE R6 GLOBAL POSITIONING SYSTEMS (GPS) UNIT IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET (UNLESS NOTED OTHERWISE).
- THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE BOUNDARY LINES OF THE SUBJECT PROPERTIES WERE PRODUCED FROM THE LEGAL DESCRIPTIONS FOUND IN DEED 903, PAGE 576 & DEED 393, PAGE 5. THE GEOMETRY OF THOSE LEGAL DESCRIPTIONS HAVE NOT BEEN ALTERED IN ANY WAY, BUT HAVE BEEN HELD ON THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 903, PAGE 576 (A FOUND #5 REBAR), AND ROTATED TO AN ANGLE POINT ON THE EASTERN BOUNDARY OF THE PROPERTY DESCRIBED IN DEED BOOK 393, PAGE 5 (A FOUND #5 REBAR), NON-MONUMENTED SUBJECT PARCEL LINES ARE BASED ON THAT LEGAL DESCRIPTION.
- SOME INFORMATION SUCH AS BUILDING FOOTPRINTS, SOME PROPERTY LINES, AND CURB LINES/EDGE OF PAVEMENTS, HAVE BEEN TAKEN FROM IREDELL COUNTY GIS DATABASE INFORMATION, AND THIS INFORMATION IS SHOWN FOR REFERENCE PURPOSES ONLY. NO ACCURACY OR POSITIONAL TOLERANCE IS GUARANTEED BY THIS SURVEY AS TO HOW THE SURVEYED FEATURES RELATE TO THE GIS INFORMATION SHOWN.
- PROPERTY OWNER INFORMATION WAS OBTAINED ONLINE FROM IREDELL COUNTY RECORDS.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
- REFERENCE COORDINATE SYSTEM FOR VERTICAL DATUM: NAVD83 COMBINED GROUND SCALE FACTOR: 1.000047983
- THE FOLLOWING WAS USED TO PERFORM THE GPS SURVEY INFORMATION SHOWN:
 - CLASS "A" SURVEY;
 - POSITIONAL ACCURACY IS WITHIN A 95 PERCENT CONFIDENCE LEVEL;
 - REAL-TIME KINEMATIC GPS FIELD PROCEDURE;
 - SURVEY PERFORMED MAY 13, 2009;
 - VERTICAL DATUM BASED ON NAVD83;
 - TIED TO N.C. STATE PLANE COORDINATES AS SHOWN;
 - OSGD "07" MODEL;
 - COMBINED GRID FACTOR: 1.000047983;
 - UNITS ARE IN U.S. FEET.

SURVEYORS CERTIFICATE [G.S. 47-30]

I, STEPHEN S. DYER, CERTIFY THAT THIS MAP 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 23RD DAY OF JANUARY, 2011.

STEPHEN S. DYER, PLS L-3509



NO.	BY	DATE	REVISION

SURVEY PLAT - EXHIBIT "A"
TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION INTERSTATE DEVELOPMENT COMPANY:
PARCEL #4744-88-0408
BROOKWOOD INN, 1605 E. BROAD ST., STATESVILLE, 28625
STATESVILLE TOWNSHIP, IREDELL COUNTY, NORTH CAROLINA
CONTAMINATION SOURCE: JOHNSON CLEANERS-DSCA #49-0002
1583 E. BROAD ST., STATESVILLE, 28625
STATESVILLE TOWNSHIP, IREDELL COUNTY, NORTH CAROLINA

File #: 09087-DSCA-A Date: 01-07-2011 Project P.L.S.: SSD

ISAACS GROUP
CIVIL ENGINEERING DESIGN AND LAND SURVEYING
8720 RED OAK BLVD., SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

Surveyed By: BL
Drawn By: MWJ
Scale: 1"=100'
SHEET 2 OF 2

EXHIBIT B

LEGAL DESCRIPTION FOR PROPERTY

BEGINNING at an iron pin located at the point of intersection of the East margin of Interstate Highway No. 77 and the North margin of East Broad Street, and running thence with the East margin of said Interstate Highway 77 North 7 deg. 10 min. East 1,429.4 feet to an iron stake in the East margin of said Interstate Highway; thence leaving said highway and running with the Bowles line South 87 deg. 55 min. East 862.0 feet to an iron stake, a corner of the Bowles property; thence continuing with the Bowles line South 9 deg. 25 min. West 659.0 feet to an iron stake; thence continuing with the Bowles line South 4 deg. 00 min. West 880.7 feet to an iron stake in the North margin of East Broad Street; thence running with the North margin of East Broad Street North 79 deg. 30 min. West 878.9 feet to the point of BEGINNING, the same being a tract containing 28.48 acres, more or less, according to a survey prepared by L. B. Grier, Registered surveyor, dated August 9th, 1963, and being the identical property conveyed to the party of the first part by deed of S. J. Knox and wife, Catherine S. Knox, dated December 13th, 1963, and recorded in Deed Book 386, at page 343, Iredell County Registry. For further back title see Deed Book 383, at page 319, and Deed Book 220, at page 265, Iredell County Registry.

THERE IS EXCEPTED from the above-described tract a certain tract to be conveyed by the party of the first part to Station Development Corporation, a Delaware Corporation, the same being more particularly described as follows:

BEGINNING at an iron stake at the point of intersection of the East margin of Interstate Highway 77 and the North margin of East Broad Street in the City of Statesville, North Carolina; and running thence with the East margin of Interstate Highway No. 77, North 7 deg. 10 min. East 550 feet; thence running South 79 deg. 30 min. East 350 feet; thence running South 7 deg. 10 min. West 550 feet to a point in the North margin of East Broad Street; thence running with the North margin of East Broad Street North 79 deg. 30 min. West 350 feet to the point of BEGINNING, and

being a tract containing 4.41 acres, more or less, according to a survey made by L. B. Grier, Registered Surveyor, said survey being dated August 9th, 1963.

The above-described property is conveyed subject to right of way easement to State Highway Commission, dated April 8th, 1963, and recorded in Deed Book 376, at page 405; right of way easement to Public Service Company of North Carolina, Inc., dated November 5th, 1962, recorded in Deed Book 369, at page 316, Iredell County Registry; and right of way easement to Duke Power Company for construction and maintenance of power lines and poles, recorded in Deed Book 296, at page 49, Iredell County Registry.

APPENDIX D

OFF-SITE NOTICE OF DRYCLEANING SOLVENT REMEDIATION

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Interstate Development Company
Recorded in Deed 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 Interstate Development Company (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 1503 East Broad Street, Statesville, Iredell County, North Carolina, Parcel Identification Number (PIN) 4744-88-0408.

The Property is contaminated with dry-cleaning solvent, as defined at North Carolina General Statutes (hereinafter "N.C.G.S."), Section (hereinafter "§") 143-215.104B(b)(9), and other contaminants and is one of two parcels that make up the dry-cleaning solvent contamination site (hereinafter "Contamination Site"). This Notice has been approved by the North Carolina Department of Environment and Natural Resources, or its successor in function (hereinafter "DENR") under the authority of the Dry-Cleaning Solvent Cleanup Act of 1997, as amended, N.C.G.S. § 143-215.104A *et seq.* (hereinafter "DSCA"), and is required to be filed in the Register of Deeds' Office in the county or counties in which the land is located, pursuant to NCGS § 143-215.104M. A Notice will be recorded separately in each chain of title of the Contamination Site.

Groundwater under the Property is contaminated with dry-cleaning solvents associated with dry-cleaning operations at the Johnson Cleaners (DSCA Site 49-0002) located at 1563 East Broad Street, Statesville, in the Newtowne Plaza.

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.

LAND-USE RESTRICTIONS

N.C.G.S. § 143-215.104M requires that the Notice identify any restrictions on the current or future use of the Property that are necessary to assure adequate protection of public health and the environment. The restrictions shall continue in perpetuity and cannot be amended or canceled unless and until the County Register of Deeds receives and records the written concurrence of DENR. Those restrictions are hereby imposed on the Property, and are as follows:

1. Any surface or underground water shall not be used for any purpose. The installation of groundwater wells or other devices for access to groundwater for any purpose other than monitoring groundwater quality is prohibited without prior approval by DENR.
2. The Property shall not be used for mining, extraction of coal, oil, gas or any other minerals or non-mineral substances.
3. No activities that encounter, expose, remove, or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that use groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior approval by DENR. No subsurface structures for access of personal use, such as basements, may be constructed on the Property without prior approval by DENR.
4. No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the Property without prior approval of DENR.
5. 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 the Property which is the subject of this Notice 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 provision shall not affect the validity or applicability of any land-use restriction identified in this Notice.

For purposes of the land-use restrictions set forth above, DENR's point of contact shall be:

North Carolina Division of Waste Management
Dry-Cleaning Solvent Cleanup Act (DSCA) Program
1646 Mail Service Center
Raleigh, NC 27699-1646

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

Any land-use restriction set out above shall be enforced by any owner of the Property or by any other potentially responsible party. Any land-use restriction may also be enforced by DENR through the remedies provided at law or by means of a civil action in the superior court. DENR may enforce any land-use restriction set out above without first having exhausted any available administrative remedies. Any land-use restriction also may be enforced by any unit of local government having jurisdiction over any part of the Property by means of a civil action without the unit of local government having first exhausted any available administrative remedy. The above land-use restrictions may also be enforced by any person eligible for liability protection under the Act who will lose liability protection if the land-use restrictions are violated. The above land-use restrictions shall not be declared unenforceable due to lack of privity of estate or contract, due to lack of benefit to particular land, or due to lack of privity of any property interest in particular land. Any person who owns or leases the Property subject to the above land-use restrictions shall abide by the land-use restrictions. 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. DENR shall not be liable for any injuries or harms to third parties resulting from the failure of the Property Owner to enforce the above land-use restrictions.

**FUTURE SALES, LEASES, CONVEYANCES, TRANSFERS AND PETITIONS OR
FILINGS FOR REZONING**

When any portion of the Property subject to this Notice 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, (1) a statement that the property has been contaminated with dry-cleaning solvent and, if appropriate, cleaned up under the Act and (2) a reference by book and page to the recordation of this Notice.

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 Property 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.

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

PROPERTY OWNER SIGNATURE

IN WITNESS WHEREOF, Property Owner has caused this instrument to be duly executed this ____ day of _____, 20__.

Interstate Development Company

By: _____
Name of contact

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a Member of Interstate Development Company, 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: _____
Jack Butler, Chief Date
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 _____

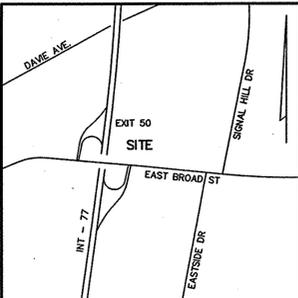
I, _____, a Notary Public, do hereby certify that _____ personally appeared before me this day and signed this “Limited Power of Attorney”.

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



FLOOD CERTIFICATION:
THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY NUMBER 371047-440-1, DATED MARCH 18, 2008.

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE IREDELL 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, DRYCLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION, 1646 MAIL SERVICE CENTER, RALEIGH, NC 27699-1646.

OWNERS CERTIFICATE:
I ACKNOWLEDGE THAT I HAVE FULL AUTHORITY TO LEGALLY EXECUTE A DEED FOR THIS PROPERTY.

SIGNATURE _____ DATE _____

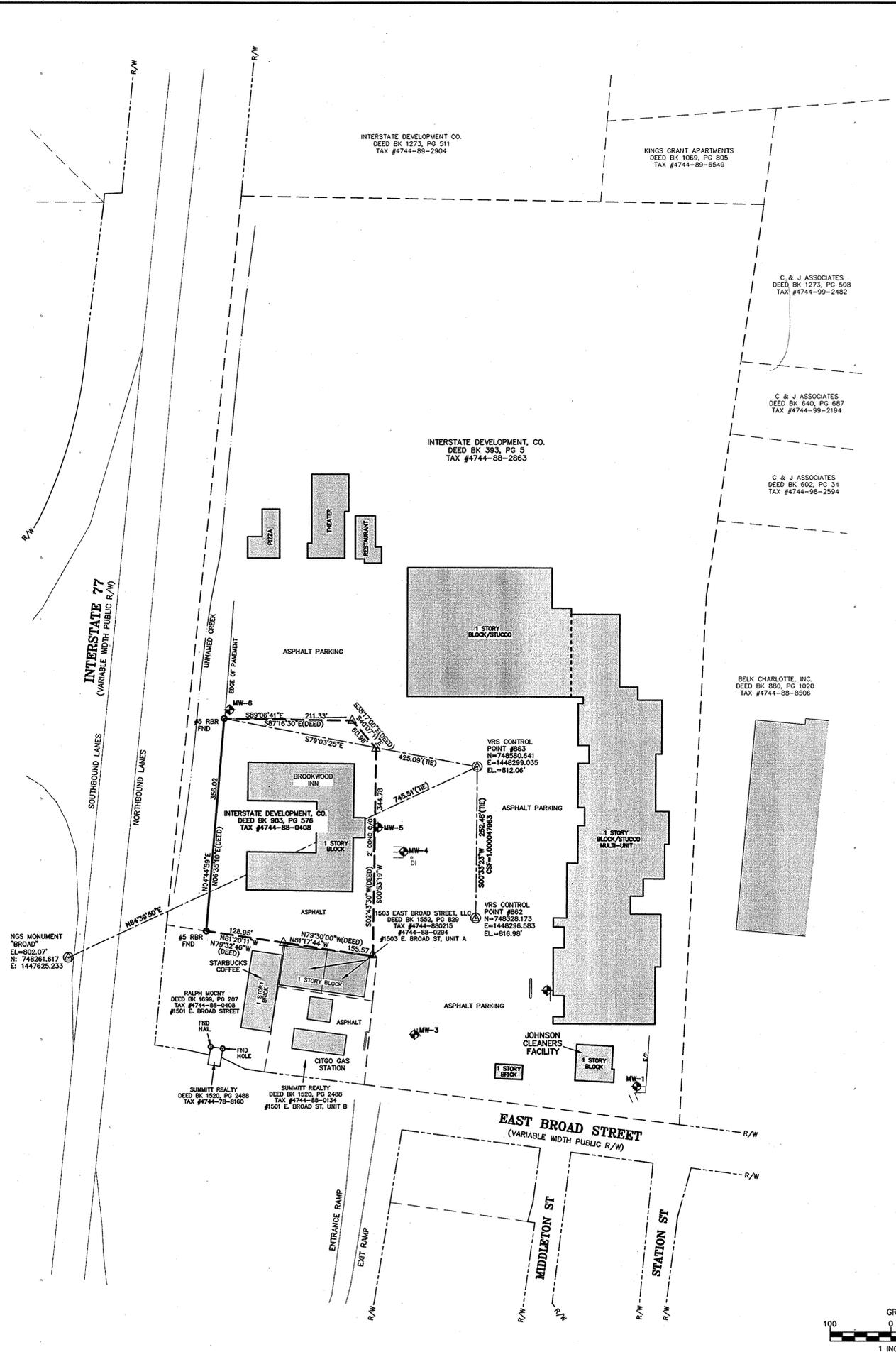
STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, A NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS THE _____ DAY OF _____, 2011.

NOTARY PUBLIC (SIGNATURE) _____

MY COMMISSION EXPIRES _____

- LEGEND:**
- R/W RIGHT OF WAY
 - N.T.S. NOT TO SCALE
 - CSF COMBINED SCALE FACTOR
 - E/P EDGE OF PAVEMENT
 - MW MONITORING WELL(MW)
 - N NORTHING
 - E EASTING
 - TOC TOP OF CASING
 - TOW TOP OF WELL MANHOLE
 - ▲ CALCULATED PROPERTY CORNER
 - ⊙ TEMPORARY MONITORING WELL(TW)
 - DATUM CONTROL POINT
 - BORE LOCATION
 - N/F NOW OR FORMERLY
 - MW MONITORING WELL
 - "MONUMENTED" SUBJECT PARCEL LINES
 - - - "NON-MONUMENTED" PARCEL LINES(PLOTTED FROM DEEDS)
 - - - ADJOINER PARCEL LINES
 - - - RIGHT OF WAY LINE
 - DI DRAINAGE INLET
 - RBR REBAR



VRS SURVEY TIE:
ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED (GROUND) NAD 83 (2007 ADJUSTMENT) HORIZONTAL INFORMATION (UNLESS NOTED OTHERWISE), BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, WITH NAVD83 ELEVATIONS. THE N.C. STATE PLANE COORDINATES FOR CONTROL POINTS #892 & #893 SHOWN HEREON WERE ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). THE VRS SURVEY TIE WAS PERFORMED ON MAY 13, 2009. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET UNLESS NOTED OTHERWISE.

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

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

JACK BUTLER, P.E.
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 _____

GROUNDWATER IN WELLS MW-2, MW-3, MW-4, AND MW-5 EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L.0200) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE AND TRICHLOROETHYLENE.

DATE: 05-13-2009 PROJECT NAME: JOHNSON CLEANERS

LOCATION: STATESVILLE, NC	DSCA #: 49-0002			
MONITORING WELL ID	NORTHING (FEET)	EASTING (FEET)	ELEVATION (FEET)	DESIGNATION
MW-1	748047.57	1448562.23	826.52	TOW
TCMW-1S	748047.57	1448562.23	826.25	TOC 1"
TCMW-1M	748047.57	1448562.23	826.19	TOC 1"
TCMW-1D	748047.57	1448562.23	826.29	TOC 1"
MW-2	748207.42	1448414.05	823.21	TOW
TCMW-2S	748207.42	1448414.05	822.79	TOC 1"
TCMW-2M	748207.42	1448414.05	822.86	TOC 1"
TCMW-2D	748207.42	1448414.05	822.92	TOC 1"
MW-3	748133.925	1448195.485	819.15	TOW
TCMW-3S	748133.925	1448195.485	818.8	TOC 1"
TCMW-3M	748133.925	1448195.485	818.88	TOC 1"
TCMW-3D	748133.925	1448195.485	818.92	TOC 1"
MW-4	748439.44	1448177.97	811.40	TOW
TCMW-4S	748439.44	1448177.97	811.10	TOC 1"
TCMW-4M	748439.44	1448177.97	811.16	TOC 1"
TCMW-4D	748439.44	1448177.97	811.15	TOC 1"
MW-5	748479.71	1448135.47	809.75	TOW
TCMW-5S	748479.71	1448135.47	809.30	TOC 1"
TCMW-5M	748479.71	1448135.47	809.33	TOC 1"
TCMW-5D	748479.71	1448135.47	809.29	TOC 1"
MW-6	748675.72	1447890.51	802.40	TOW
TCMW-6S	748675.72	1447890.51	802.18	TOC 1"
TCMW-6D	748675.72	1447890.51	802.18	TOC 1"

"S"-SHALLOW DEPTH, "M"-MEDIUM DEPTH, "D"-DEEP DEPTH

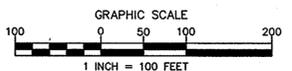
SURVEY NOTES:

- THE SUBJECT PROPERTY FOR THIS SURVEY IS IDENTIFIED BY IREDELL COUNTY PARCEL IDENTIFICATION NUMBER(PIN) #4744-88-0408. THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS OF MONITORING WELLS LOCATED ON THE SUBJECT PROPERTY 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 (NCEM) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
- THE AREAS AND TYPE OF CONTAMINATION DEPICTED UPON THE MAP ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING.
- ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 (NRS 2007), WITH NAVD83 (GEOID 07) ELEVATIONS, PER A GPS SURVEY PERFORMED BY THE ISAACS GROUP, ON MAY 13, 2009. THE N.C. STATE PLANE COORDINATES SHOWN FOR CONTROL POINT #892 AND #893 WERE ESTABLISHED UTILIZING A TRIMBLE R6 GLOBAL POSITIONING SYSTEMS (GPS) UNIT IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEYS VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET (UNLESS NOTED OTHERWISE).
- THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE BOUNDARY LINES OF THE SUBJECT PROPERTIES WERE PRODUCED FROM THE LEGAL DESCRIPTIONS FOUND IN DEED 903, PAGE 576 & DEED 393, PAGE 5. THE GEOMETRY OF THOSE LEGAL DESCRIPTIONS HAVE NOT BEEN ALTERED IN ANY WAY, BUT HAVE BEEN HELD ON THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 903, PAGE 576 (A FOUND #5 REBAR), AND ROTATED TO AN ANGLE POINT ON THE EASTERN BOUNDARY OF THE PROPERTY DESCRIBED IN DEED BOOK 393, PAGE 5 (A FOUND #5 REBAR), NON-MONUMENTED SUBJECT PARCEL LINES ARE BASED ON THAT LEGAL DESCRIPTION.
- SOME INFORMATION SUCH AS BUILDING FOOTPRINTS, SOME PROPERTY LINES, AND CURB LINES/EDGE OF PAVEMENTS, HAVE BEEN TAKEN FROM IREDELL COUNTY GIS DATABASE INFORMATION, AND THIS INFORMATION IS SHOWN FOR REFERENCE PURPOSES ONLY. NO ACCURACY OR POSITIONAL TOLERANCE IS GUARANTEED BY THIS SURVEY AS TO HOW THE SURVEYED FEATURES RELATE TO THE GIS INFORMATION SHOWN.
- PROPERTY OWNER INFORMATION WAS OBTAINED ONLINE FROM IREDELL COUNTY RECORDS.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
- REFERENCE COORDINATE SYSTEM FOR VERTICAL DATUM: NAVD83 COMBINED GROUND SCALE FACTOR: 1.000047983
- THE FOLLOWING WAS USED TO PERFORM THE GPS SURVEY INFORMATION SHOWN:
 - CLASS "A" SURVEY;
 - POSITIONAL ACCURACY IS WITHIN A 95 PERCENT CONFIDENCE LEVEL;
 - REAL-TIME KINEMATIC GPS FIELD PROCEDURE;
 - SURVEY PERFORMED MAY 13, 2009;
 - VERTICAL DATUM BASED ON NAVD83;
 - TIED TO N.C. STATE PLANE COORDINATES AS SHOWN;
 - OSGD "07" MODEL;
 - COMBINED GRID FACTOR: 1.000047983;
 - UNITS ARE IN U.S. FEET.

SURVEYORS CERTIFICATE [G.S. 47-30]

I, STEPHEN S. DYER, CERTIFY THAT THIS MAP 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 23RD DAY OF JANUARY, 2011.

STEPHEN S. DYER, PLS L-3509



NO.	BY	DATE	REVISION

SURVEY PLAT - EXHIBIT "A"
TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION INTERSTATE DEVELOPMENT COMPANY:
PARCEL #4744-88-0408
BROOKWOOD INN, 1605 E. BROAD ST., STATESVILLE, 28625
STATESVILLE TOWNSHIP, IREDELL COUNTY, NORTH CAROLINA
CONTAMINATION SOURCE: JOHNSON CLEANERS-DSCA #49-0002
1583 E. BROAD ST., STATESVILLE, 28625
STATESVILLE TOWNSHIP, IREDELL COUNTY, NORTH CAROLINA

File #: 09087-DSCA-A Date: 01-07-2011 Project P.L.S.: SSD

ISAACS GROUP
CIVIL ENGINEERING DESIGN AND LAND SURVEYING
8720 RED OAK BLVD., SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

Surveyed By: BL
Drawn By: MWJ
Scale: 1"=100'
SHEET 2 OF 2

EXHIBIT B
PROPERTY LEGAL DESCRIPTION

LEGAL DESCRIPTION
1503 East Broad Street
Statesville, NC 28677

Leasehold estate created by the terms of that certain lease, a Memorandum of which is as follows: Memorandum of Lease dated February 20, 1984, from Interstate Development Company, a North Carolina corporation, to Turnpike Properties, Inc. for a maximum term of 50 years including extensions and renewals, which Memorandum of Lease appears in Book 696 at Page 475 in the Office of the Register of Deeds of Iredell County, North Carolina, and having been amended by the terms of that document entitled "Amendment of Lease" dated March 30, 1984, and recorded in Book 698 at Page 589 in the Office of the Register of Deeds of Iredell County, North Carolina.

LYING AND BEING in Statesville Inside Township, County of Iredell, State of North Carolina:

Beginning at an iron at the northeast corner of property of James C. Kivett, et al described in deed recorded in Book 551, Page 515, Iredell County, North Carolina Registry (also being the northwest corner of property of William C. Stiles, Jr. described in deed recorded in Book 689, page 987, Iredell County, North Carolina Registry); running thence with the north line of said Kivett property North 79° 30' West 128.73 feet to an iron at the edge of pavement of the Newtowne Plaza Shopping Center paved parking lot; thence with the edge of said pavement North 06° 35' 10" East 356.02 feet to an iron at the edge of said pavement; thence South 87° 16' 30" East 211.33 feet to an iron; thence South 38° 17' 00" East 60.96 feet to an iron; thence South 02° 43' 30" West 344.78 feet to a nail; thence North 82° 27' West 148.87 feet to an iron; thence South 10° 00' West 2.00 feet to the point and place of Beginning, containing 2.23805 acres as shown on plat entitled "CRICKET INN, Statesville, Iredell County, N.C." prepared by Sprinkle Surveying Company dated February 15, 1984, revised March 20, 1984.

APPENDIX E

EXAMPLE OF ANNUAL CERTIFICATION OF LAND USE RESTRICTIONS

Site Name: Johnson Cleaners

Site Address: 1563 East Broad Street, Statesville, Iredell County, NC

DSCA ID No: 49-0002

ANNUAL DSCA LAND USE RESTRICTIONS CERTIFICATION

Pursuant to Condition 5 in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by Interstate Development Company and recorded in Deed Book ___, Page ___ on <date> at the Iredell County Register of Deeds Office, Interstate Development Company 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 Iredell County Register of Deeds office and the land-use restrictions therein are being complied with.

Duly executed this _____ day of _____, 20__.

Interstate Development Co.

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 Interstate Development Co., and it's Manager, and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her.

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

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]

APPENDIX F

**NOTICE OF INTENT TO REMEDIATE A DRY-CLEANING SOLVENT FACILITY OR
ABANDONED SITE (NOI), SUMMARY OF NOI, AND EXAMPLE LETTERS TO
OWNERS OF CONTIGUOUS AND CONTAMINATED PROPERTY**



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

<Date>

Rob Hites
Statesville City Manager
Post Office Box 1111
Statesville, North Carolina 28687-1111

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site #49-0002
Johnson Cleaners, 1563 East Broad Street, Statesville, NC

Dear Mr. Hites:

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

The NOI must provide, to the extent known, a legal description of the location of the DSCA Site, a map showing the location of the DSCA Site, a description of the contaminants involved and their concentrations in the media of the DSCA Site, a description of the intended future use of the DSCA Site, any proposed investigation and remediation, and a proposed Notice of Dry-Cleaning Solvent Remediation (NDCSR) prepared in accordance with N.C.G.S. Section 143-215.104M. The required components of the NOI are included in the attached Risk Management Plan, and are available on our website at www.ncdscsca.org, under "Public Notices" 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 #49-0002
Johnson Cleaners, 1563 East Broad Street, Statesville, NC
Page 2

<date>

A Summary of the NOI is being published in the Statesville Record & Landmark, 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 #49-0002 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>

Donna Campbell
Iredell County Health Director
318 Turnersburg Highway
Statesville, NC 28625-2798

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site #49-0002
Johnson Cleaners, 1563 East Broad Street, Statesville, NC

Dear Ms. Campbell:

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

The NOI must provide, to the extent known, a legal description of the location of the DSCA Site, a map showing the location of the DSCA Site, a description of the contaminants involved and their concentrations in the media of the DSCA Site, a description of the intended future use of the DSCA Site, any proposed investigation and remediation, and a proposed Notice of Dry-Cleaning Solvent Remediation (NDCSR) prepared in accordance with N.C.G.S. Section 143-215.104M. The required components of the NOI are included in the attached Risk Management Plan, and are available on our website at www.ncdscs.org, under "Public Notices" 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 #49-0002
Johnson Cleaners, 1563 East Broad Street, Statesville, NC
Page 2

<date>

A Summary of the NOI is being published in the Statesville Record & Landmark, 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 #49-0002 File

Public Notice

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

Johnson Cleaners
DSCA Site #49-0002

Pursuant to N.C.G.S. §143-215.104L, on behalf of Johnson Cleaners, Inc., 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.

Johnson Cleaners conducted dry-cleaning operations at the Newtowne Plaza at 1563 East Broad Street in Statesville, North Carolina. The property is currently occupied by Town and Country Cleaners. Dry-cleaning solvent contamination in soil and/or ground water has been identified at the following parcel(s):

1563 East Broad Street, in Statesville, Parcel No. 4744-88-2863
1503 East Broad Street, in Statesville, Parcel No. 4744-88-0408

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 Town and Country Cleaners. A Risk Management Plan has been prepared which proposes institution of land use restrictions to ensure the assumptions made during the risk assessment remain valid in the future.

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

The public comment period begins _____, 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
1563 East Broad Street, Statesville, NC

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the Johnson Cleaners at 1563 East Broad Street in Statesville. (The property is currently occupied by the Town and Country Cleaners.) 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 #49-0002 File