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June 28, 2012

Mr. Billy Meyer
State of North Carolina
Department of Environment and Natural Resources
Division of Waste Management, Superfund Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

RE: Risk Management Plan
Ace Dry Cleaners
4701-141 Atlantic Avenue
Raleigh, Wake County, North Carolina
ATC Project No. 45.34341.9218
DSCA Site Identification No. 92-0018

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 Tier 1 and 2 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.

Genna K. Olson, P.G.
Program Manager

Enclosure: Risk Management Plan

RISK MANAGEMENT PLAN
ACE DRY CLEANERS
4701-141 ATLANTIC AVENUE
RALEIGH, WAKE COUNTY, NORTH CAROLINA
ATC PROJECT NO. 45.34341.9218
DSCA SITE IDENTIFICATION NO. 92-0018
JUNE 28, 2012

Risk Management Plan
Ace Dry Cleaners
4701-141 Atlantic Avenue
Raleigh, Wake County, North Carolina
ATC Project No. 45.34341.9218
DSCA Site Identification No. 92-0018

Prepared By:

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N.C. Professional Geologist #1981

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Program Manager
N.C. Professional Geologist #1660

Submitted To:

North Carolina Department of Environment and Natural Resources
Division of Waste Management
Superfund Section – DSCA Program
1646 Mail Service Center
Raleigh, North Carolina 2799-1646

Prepared By:

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June 28, 2012

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APPENDICES

1.0 INTRODUCTION

ATC Associates of North Carolina, P.C. (ATC) has prepared this Risk Management Plan (RMP) for the Ace Dry Cleaners site on behalf of the North Carolina Drycleaning Solvent Cleanup Act (DSCA) Program. The site is located at 4701-141 Atlantic Avenue in Raleigh, Wake County, North Carolina. This RMP is intended to comply with the requirements of the DSCA (N.C.G.S. 143-215.104A *et seqs*) and promulgated rules and follows the outline provided in the DSCA Program's risk-based corrective action (RBCA) guidance.

2.0 OBJECTIVES OF RMP

ATC completed assessment activities at the site which indicated that tetrachloroethylene (PCE) and trichloroethylene (TCE) are present in soil above unrestricted land-use standards and in groundwater above Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards). The impacts appear confined to the site property. ATC completed a Risk Assessment for the site on March 16, 2011. The results of the Risk Assessment indicated that there are on-site risks that do exceed target risk levels. However, the risks will be managed based on site-specific land-use conditions that have been selected as part of the evaluation and which require an RMP. Thus, the objective of the RMP is to ensure that those site-specific land-use conditions remain valid in the future.

3.0 SUMMARY OF APPROVED RISK ASSESSMENT REPORT

Based on soil and groundwater impacts above unrestricted use standards, ATC completed a Tier 1 and 2 Risk Assessment report for the site on March 16, 2011. This section summarizes the final risk assessment, which resulted in the recommendation for no further action status for the site.

The first step in the risk assessment process consisted of development of an exposure model. Two exposure units were assigned, one "on-site unit" encompassing the area in the immediate vicinity of the former dry-cleaning tenant space (approximate 25-foot radius around the space) and an "off-site unit" encompassing the remainder of the plume. Note that both the on-site and

off-site units are located on property owned by Millbrook Collection, LLC. Impacted groundwater was historically detected on the adjacent property to the south owned by Ashland Construction Company. However, dry-cleaning solvent constituents of concern (COCs) were detected on this property at low levels during only one of five sampling events, and no COCs were detected during the three most recent quarterly sampling events. As such, potential impacts to this property do not appear significant and the property was not included as a separate exposure unit. The exposure model evaluation indicated the following complete exposure pathways for the site:

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

Note that the site property is currently non-residential and future land-use for the site property is not expected to change. However, ATC evaluated both residential and non-residential land-use in the Risk Assessment to evaluate potential land-use restrictions needed at the time of closure.

Indoor air data are available for the on-site exposure unit and were therefore utilized during the risk assessment for evaluation of indoor inhalation pathways. No indoor air data are available for the off-site exposure unit, and therefore soil and groundwater data were used. The results of the Tier 1 indicated concentrations of PCE in indoor air in the on-site exposure unit above the Tier 1 levels for indoor inhalation by a resident or non-residential worker. Note that the Tier 1 levels currently used by the DSCA Program are the Regional Screening Levels (RSLs)

established by the Environmental Protection Agency (EPA). For the off-site exposure unit, concentrations of PCE and TCE in groundwater exceeded the Tier 1 Risk Based Screening Levels (RBSLs) established by the DSCA Program for inhalation of vapor emissions by a future resident. No exceedences of Tier 1 levels were identified for a non-residential worker in the off-site exposure unit. ATC's Tier 1 risk assessment recommended a land-use restriction (LUR) prohibiting residential land-use to address Tier 1 exceedences for a future resident. A Tier 2 evaluation was performed to further evaluate the risk for a non-residential worker in the on-site exposure unit.

A Tier 2 evaluation was performed for the on-site exposure unit by modeling the cumulative risk posed by the complete exposure pathways. The indoor inhalation pathway was modeled using the DSCA Program's Indoor Air Risk Calculator. The surficial soil and outdoor inhalation pathways were modeled using the RBCA software developed by the RAM Group. The results of the Tier 2 indicated that the cumulative risk for an on-site non-residential worker does not exceed the risk levels considered acceptable by the DSCA Program.

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

In addition to the above referenced pathways, ATC also evaluated the protection of groundwater use and surface water pathways. The source area is located in the vicinity of monitoring wells

MW-1 and MW-8S. For the protection of groundwater use pathway, ATC assumed that the nearest potential point-of-exposure (POE) for groundwater use was at the nearest off-site property boundary in the downgradient direction, which is located approximately 400 feet east-southeast across Atlantic Avenue. The source area representative concentrations were not found to exceed Tier 1 RBSLs for protection of groundwater use. The nearest surface water body is an unnamed tributary to Marsh Creek, which is located approximately 90 feet south of the source area. ATC calculated Tier 2 Site Specific Target Levels (SSTLs) for the surface water pathway during the Tier 2 evaluation. The source area representative concentrations were not found to exceed Tier 2 SSTLss for the surface water pathway.

The Risk Assessment concluded that risks associated with the contamination could be managed through implementation of LURs for the site property, as detailed in this RMP. Therefore, the Risk Assessment recommended risk-based closure for the site. Refer to Section 6.0 for additional details regarding LURs proposed for the site.

4.0 RAP COMPONENTS

4.1 Summary of Prior Assessment and Interim Actions

According to a report prepared by Altura Environmental, Inc. (Altura) and submitted to the North Carolina DSCA Program, the former Ace Dry Cleaners facility operated from mid-1998 until mid-2003. Previously, a different dry cleaning facility operated at the site for approximately ten years.

A Soil and Groundwater Assessment was prepared for Mr. William McKinstry of TIAA-CREF on March 26, 2002, by Altura. This report indicated that condensate water from the closed-loop PCE system had been discharged at the south side of the building outside the rear door. During the soil and groundwater assessment, two soil borings (SB-1 and SB-2) were installed outside the rear door and three temporary monitoring wells installed outside the building (TMW-1, TMW-2, and TMW-3). Soil samples were collected from each boring and temporary well for laboratory analysis. The analytical results for the soil samples indicated detectable concentrations of cis-1,2-dichloroethene, PCE, TCE, naphthalene, total xylenes, and acetone.

The analytical results for the groundwater samples indicated PCE concentrations above the 2L Standards in TMW-1 and TMW-2.

On June 27, 2002, Altura prepared a Petition for Certification of the site into the DSCA Program. The site was certified into the Program on March 5, 2003.

On October 27, 2003, Altura prepared a Prioritization Ranking Form (PRF) and Site Reconnaissance Results Report. This report included a file review for land-use, local geology, and aquifer systems in the vicinity; site reconnaissance including use of a private utility locator; a receptor survey; and preparation of the PRF. The receptor survey identified five water supply wells within 1,500 feet of the site.

In 2005, ownership of the site property was transferred to Millbrook Collection, LLC. In June 2005, Millbrook Collection, LLC was accepted as a petitioner in the DSCA Program and an Assessment and Remediation Agreement was executed.

ATC assumed work at the site under contract to the DSCA Program in 2006. A Prioritization Assessment Report (PAR) was completed by ATC on November 29, 2006. As part of the PAR investigation, three monitoring wells were installed (MW-1 through MW-3), additional soil samples (SB-3 through SB-11) were collected via direct-push and hand-auger borings, and an updated receptor survey was completed. Groundwater samples collected from the newly installed monitoring wells contained PCE and TCE concentrations above 2L Standards. The extent of impacted soil and groundwater were not delineated during the investigation. The updated receptor survey indicated that the closest water supply well was located 750 feet cross-gradient and did not appear threatened by the release. A surface water receptor was also identified in close proximity to the plume to the south, but samples were collected from the surface water body that did not contain detectable constituents of concern (COCs).

From April 2007 through November 2007, ATC completed additional site activities to delineate the extent of impacted soil and groundwater. Direct-push borings TW-1 through TW-8 and SB-12 through SB-14 were advanced, a Gore-Sorber survey was conducted, and permanent monitoring wells MW-5 through MW-10 were installed. (Note that MW-4 does not exist, this

number was inadvertently skipped.) The results of the investigation indicated that the extent of impacted soil and groundwater were adequately defined. The results of the investigation were documented in an Assessment Report dated February 1, 2008.

Groundwater monitoring events were performed in March 2008, June 2008, September 2008, and December 2008 in order to evaluate whether the contaminant plume was stable. PCE and TCE were intermittently detected in groundwater samples collected from monitoring wells MW-1, MW-2, MW-8S/D, MW-9, and MW-10 at concentrations above 2L Standards. However, the detections were low and did not exhibit an increasing trend. Surface water samples were also collected in September 2008 and December 2008 that did not contain detectable constituents of concern. Based on the results of the monitoring, ATC concluded that the plume was stable. The results of the monitoring events were documented in a Groundwater Monitoring Report dated January 19, 2009.

Per the DSCA Program's Policy to Evaluate Indoor Air at PCE DSCA Sites, ATC also completed sub-slab soil gas and indoor air sampling at the site in November/December 2009 to confirm whether the indoor inhalation of vapor emissions pathway poses a risk. PCE, TCE, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene and vinyl chloride were detected in indoor air. However, a cumulative risk calculation showed a carcinogenic risk ranging from 8.36×10^{-7} to 1.44×10^{-6} and a hazard index range from 3.14×10^{-4} to 3.84×10^{-4}, which are considered acceptable risk levels by the DSCA Program. The results of the sampling were documented in a Soil Gas and Air Sampling Report dated July 9, 2010.

4.2 Remedial Action

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

Condition 1: The dissolved plume is stable or decreasing.

Periodic groundwater monitoring has been conducted at the site since 2006. Six groundwater sampling events have been conducted for monitoring wells MW-1 through MW-3. Five

groundwater sampling events have been conducted for monitoring wells MW-5 through MW-10. COCs detected at the site historically include 1,2-dichloroethane, acetone, bromomethane, carbon disulfide, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethylene, naphthalene, PCE, toluene, trans-1,2-dichloroethylene, and TCE. Of these constituents, only PCE, TCE, and 1,2-dichloroethane have been detected at concentrations exceeding 2L Standards. 1,2-Dichloroethane was detected in multiple wells in June 2008, but at laboratory estimated values ("J-values", between the method detection limits and the laboratory reporting limit). This constituent was not detected during other five sampling events conducted at the site both before and after June 2008. Based on the limited detections and laboratory qualifiers, ATC does not consider 1,2-dichlorethane to be a significant constituent of concern for the site. As such, ATC focused on the compounds PCE and TCE for the plume stability evaluation.

ATC prepared concentration versus time and concentration versus distance graphs for sampling events conducted at the site for PCE and TCE. The concentration versus time graphs show that concentrations of PCE and TCE have fluctuated over time, but appear generally stable. PCE was detected once above the Tier 1 RBSL Protective of Groundwater Use in MW-8S in March 2008, but the concentration was only slightly above the RBSL (0.087 mg/L detected versus 0.0849 mg/L RBSL) and concentrations reduced to below RBSLs during the three subsequent events. The concentration versus distance graphs show that contaminant concentrations reduce with distance from the source and have remained below detection in the most downgradient monitoring well (MW-7) throughout the monitoring period. Based on these data, ATC concludes that the plume is stable. Documentation of the plume stability evaluation, including a figure showing monitoring well locations, a table showing historical groundwater analytical data, 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.

LURs will be implemented for the site 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 LURs for the site.

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

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

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

5.0 DATA COLLECTED DURING RMP IMPLEMENTATION

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

6.0 LAND-USE RESTRICTIONS (LURs)

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

- Land use on the contaminated portion of the site property will be limited to non-residential;

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

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

Note that the survey plat included in ***Appendix C*** identifies a delineation line dividing the property into "Delineation Area A" and "Delineation Area B". "Delineation Area A" encompasses the area of known soil and groundwater impacts. The NDCSR outlines LURs that are applicable only to Delineation Area A, as well as LURs that are applicable to the entire property.

7.0 LONG-TERM STEWARDSHIP PLAN

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

8.0 RMP IMPLEMENTATION SCHEDULE

Since the contamination is stable and confined to the site property, and possible exposure to the contamination is managed through the NDCSRs and LURs, no additional site remediation activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. ***Appendix E*** 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 Wake County Register of Deeds and will complete the RMP schedule.

9.0 CRITERIA FOR DEMONSTRATING RMP SUCCESS

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

10.0 CONTINGENCY PLAN IF RMP FAILS

As discussed above, unless the DSCA Program is notified of a change in land-use conditions at the site, per the notification requirements detailed in this plan, the RMP will remain in effect until the RMP has met its objectives and is considered a success. Pursuant to N.C.G.S. 143-215.104K, if any of the LURs set out in the NDCSR are violated, the owner of the site property at the time the LURs are violated, the owner's successors and assigns, and the owner's agents

who direct or contract for alteration of the site in violation of the LURs, shall be held liable for the remediation of all contaminants to unrestricted use standards.

11.0 CONCLUSIONS AND RECOMMENDATIONS

ATC has prepared this RMP for the former Ace Dry 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

Table 1: Analytical Data for Groundwater

DSCA ID No.: 92-0018

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethanae	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)	Acetone	Bromomethane	Carbon disulfide	Chloroethane	Chloromethane
														[mg/L]												
MW-1	10/23/06	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.034**	<0.005	<0.005	<0.005	<0.002	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	11/13/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.081**	<0.005	<0.005	0.0015J	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00033J	<0.005	<0.005	<0.005	<0.005	**0.066**	<0.005	<0.005	0.0023J	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	**0.0018J**	<0.0005	NA	<0.0005	<0.005	0.00051J	<0.005	<0.005	<0.005	**0.066**	<0.005	<0.005	0.0021J	<0.0005	<0.005	<0.010	<0.010	<0.005	0.0071J	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00026J	<0.005	<0.005	<0.005	<0.005	**0.048**	<0.005	<0.005	0.0015J	<0.0005	<0.005	0.006	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.075**	<0.005	<0.005	0.0024J	<0.0005	<0.005	<0.05	0.0036J	<0.005	<0.01	<0.005
MW-2	10/23/06	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.019**	<0.005	<0.005	<0.005	<0.002	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	11/13/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.025**	<0.005	<0.005	**0.0042J**	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/10/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.029**	<0.005	<0.005	**0.0056**	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	**0.0002J**	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.027**	<0.005	<0.005	**0.0047J**	<0.0005	<0.005	<0.010	<0.010	0.0012J	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00025J	<0.005	<0.005	<0.005	<0.005	**0.022**	<0.005	<0.005	**0.0032J**	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.031**	0.005	0.005	**0.0047J**	<0.0005	<0.005	<0.05	0.0036J	<0.005	<0.01	<0.005
MW-3	10/23/06	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	NA	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.002	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	11/14/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/12/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/12/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	**0.0017J**	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	0.0012J	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.05	0.0036J	<0.005	<0.01	<0.005
MW-5	11/13/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/10/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	**0.0025J**	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	0.0013J	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	0.0099J	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.05	0.0036J	<0.005	<0.01	<0.005
MW-6	11/13/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	0.00077J	<0.005	<0.010	<0.005
	3/10/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/12/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	0.0071J	0.001J	<0.005	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	0.052	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.05	0.0035J	<0.005	<0.01	<0.005
MW-7	11/13/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.001	0.00062J	<0.005	<0.010	<0.005
	3/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/12/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	0.084	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	0.00062J	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.05	0.0036J	<0.005	<0.01	<0.005
MW-8S	11/13/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	0.0024J	<0.005	<0.005	<0.005	**0.02**	<0.005	<0.005	**0.004J**	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	0.0086	<0.005	<0.005	<0.005	**0.087**	<0.005	0.00079J	**0.015**	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	**0.0017J**	<0.0005	NA	<0.0005	<0.005	0.0082	<0.005	<0.005	<0.005	**0.06**	<0.005	0.00084J	**0.013**	<0.0005	<0.005	<0.010	<0.010	0.0012J	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	0.0082	<0.005	<0.005	<0.005	**0.056**	<0.005	<0.005	**0.012**	<0.0005	<0.005	0.0084J	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	0.0048J	<0.005	<0.005	<0.005	**0.038**	<0.005	0.00057J	**0.01**	<0.0005	<0.005	<0.05	0.0036J	<0.005	<0.01	<0.005
MW-8D	11/13/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00064J	<0.005	<0.005	<0.005	<0.005	0.00064J	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00087J	<0.005	<0.005	<0.005	<0.005	**0.0037**	<0.005	<0.005	0.00062 J	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	**0.0014J**	<0.0005	NA	<0.0005	0.00073J	<0.005	<0.005	<0.005	<0.005	**0.00095**	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.0007J	<0.005	<0.005	<0.005	<0.005	**0.001**	<0.005	<0.005	<0.005	<0.0005	<0.005	0.057	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	0.00076J	<0.005	<0.005	<0.005	<0.005	0.00067J	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.05	0.0035J	<0.005	<0.01	<0.005
MW-9	11/14/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	0.0053	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.0024**	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/12/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	0.0014J	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.05	0.0034J	<0.005	<0.01	<0.005
MW-10	11/14/07	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	3/11/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	**0.0014**	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	<0.005
	6/12/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.010	<0.010	<0.005	<0.010	0.0013J
	9/29/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	0.014 J	<0.010	<0.005	<0.010	<0.005
	12/2/08	<0.005	<0.0005	<0.005	<0.0005	<0.005	<0.005	<0.0005	NA	<0.0005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.005	<0.0005	<0.005	<0.05	0.0034J	<0.005	<0.01	<0.005
NC 2L Standard		0.2	0.0002	NE	0.006	0.007	0.0004	0.001	0.000005	0.0003	0.07	0.07	0.6	0.02	0.006	0.0007	0.6	0.1	0.003	0.00003	0.5	6	NE	0.7	3	0.003

PARKING AREA

MW-3

TMW-3

SB-11

SB-10

TMW-2

SB-9

SB-7

SB-3

MW-2

SB-2

SB-14

SB-1

SB-8

MW-5

SB-12

TW-4

SB-4

TW-1

SB-6

SB-5

MW-1

TMW-1

SB-13

MW-8

TW-3

TW-2

MW-6

GRASS

WOODS

PW-1

WOODS

MW-10

TW-5

STREAM

CROSS STREAM

STREAM

UPSTREAM

TW-7

TW-6

WOODS

MW-9

MW-7

DOWNSTREAM

ASPHALT

CHAR-GRILL RESTAURANT

TW-8

N

Ⓟ POTABLE WELL (NOT IN USE)

SURFACE WATER SAMPLING POINT

MONITORING WELL LOCATIONS

TEMPORARY MONITORING WELL LOCATIONS

TEMPORARY MONITORING WELL LOCATION BY OTHERS

BORING LOCATION

ATC ASSOCIATES INC.
Raleigh, North Carolina 27604 (919) 871-0999 FAX (919) 871-0335

PROJECT NO. 45.30968.9218

DATE 01-09-2009

SCALE 1" = 50'

REV. BY GO

PREP. BY AW

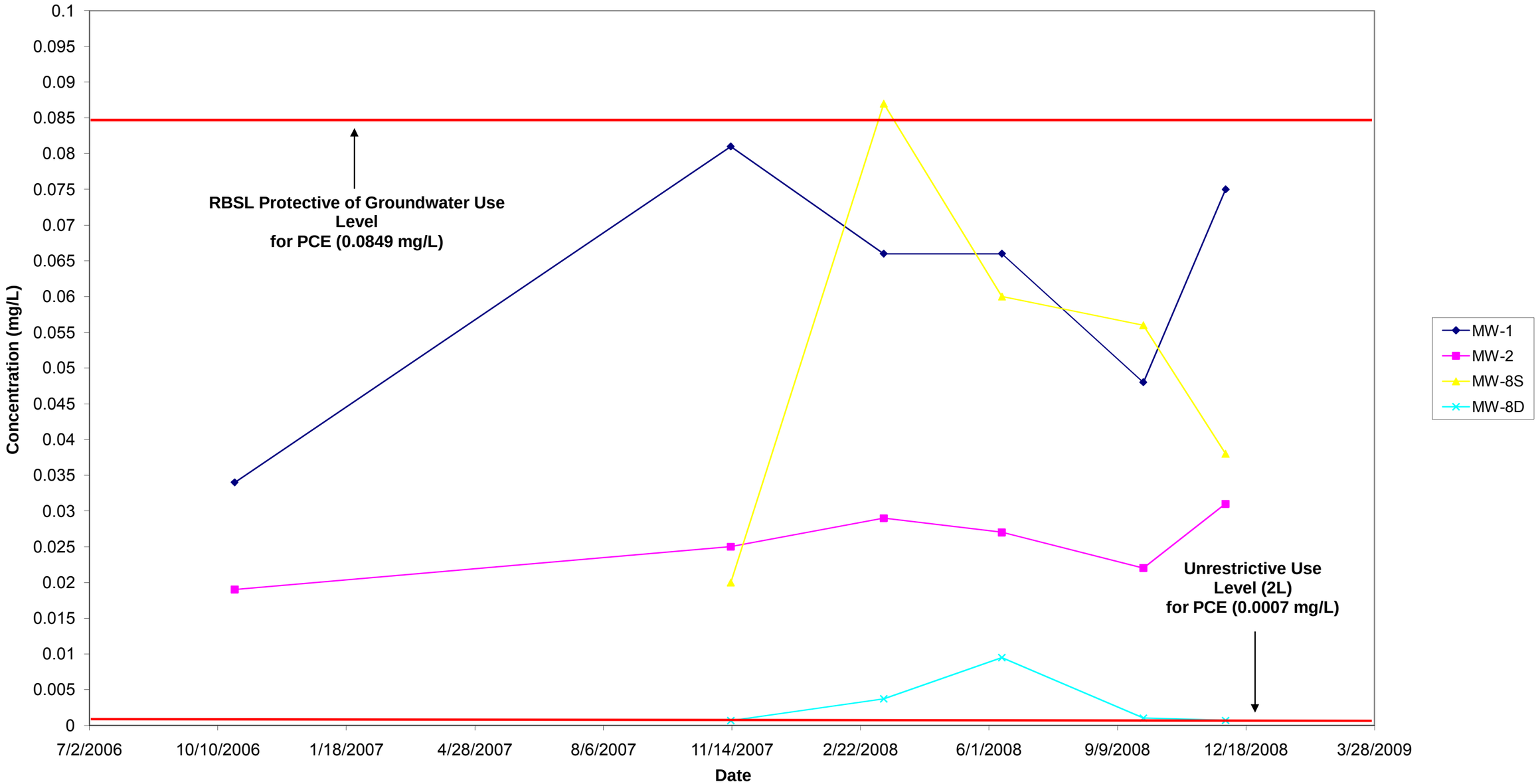
TYPE CODE

CAD FILE 1253073.DWG

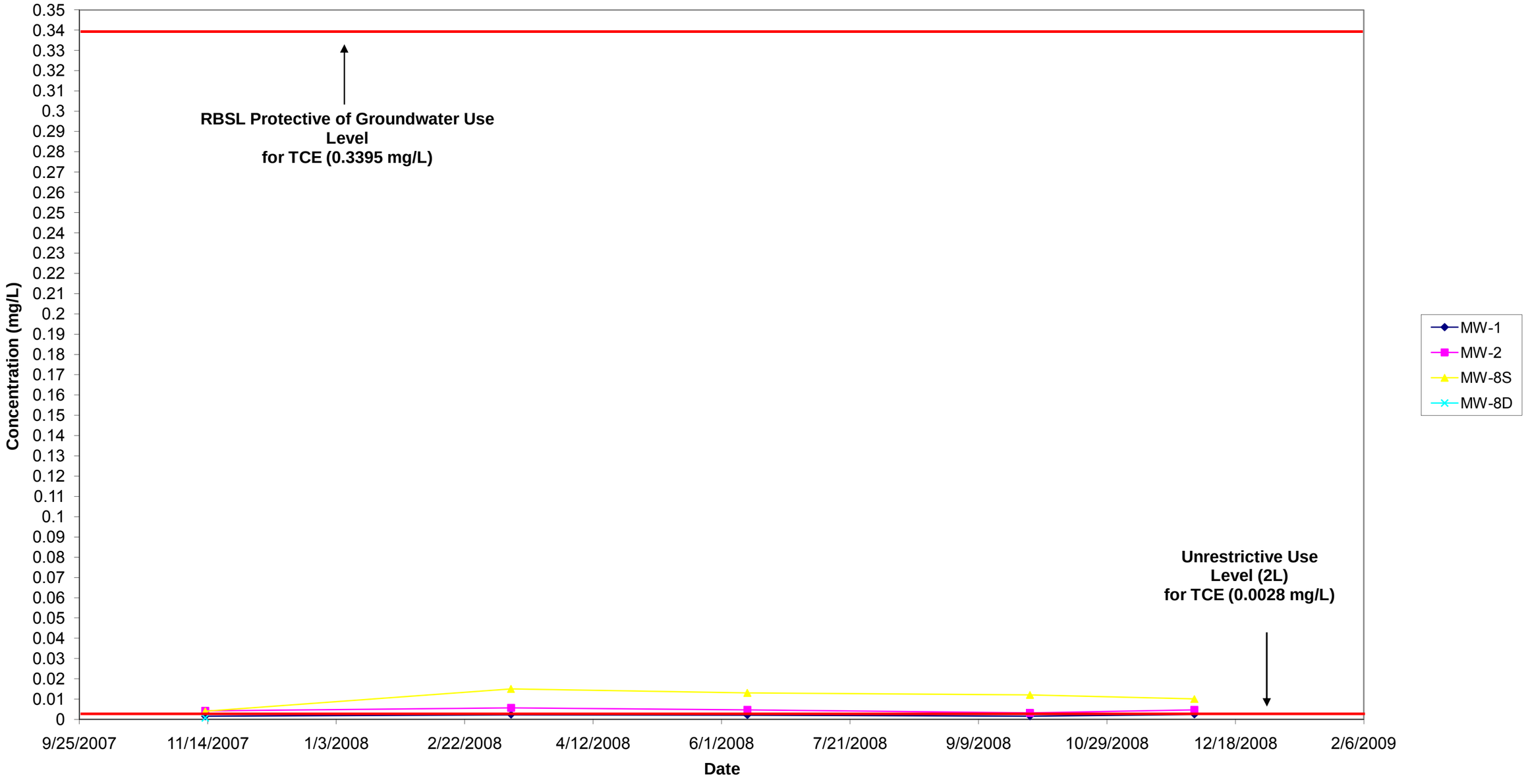
TITLE
SITE MAP
ACE DRY CLEANERS
4701-141 ATLANTIC AVENUE
RALEIGH, NORTH CAROLINA

NOTES:

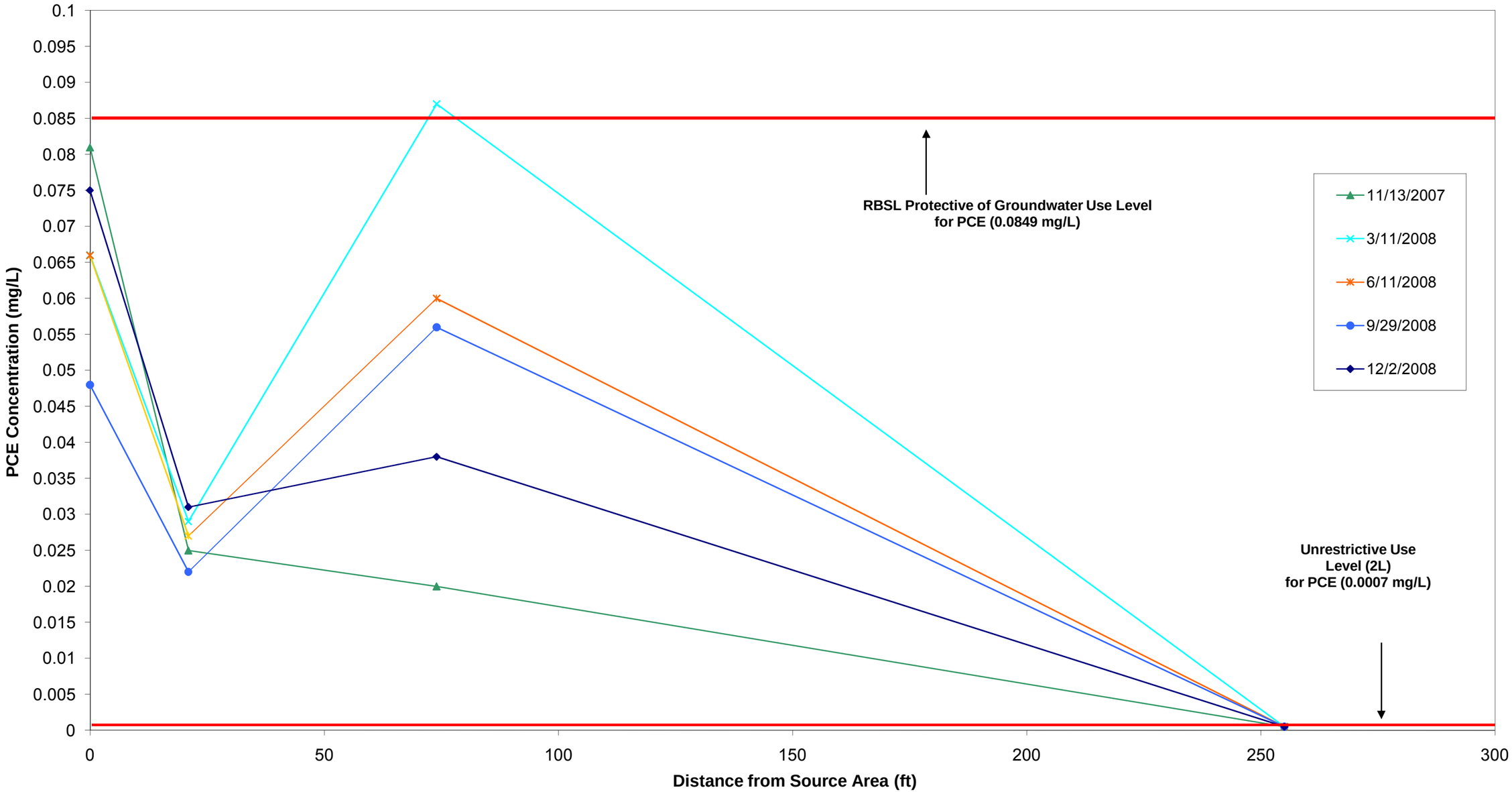
PCE Concentration vs. Time



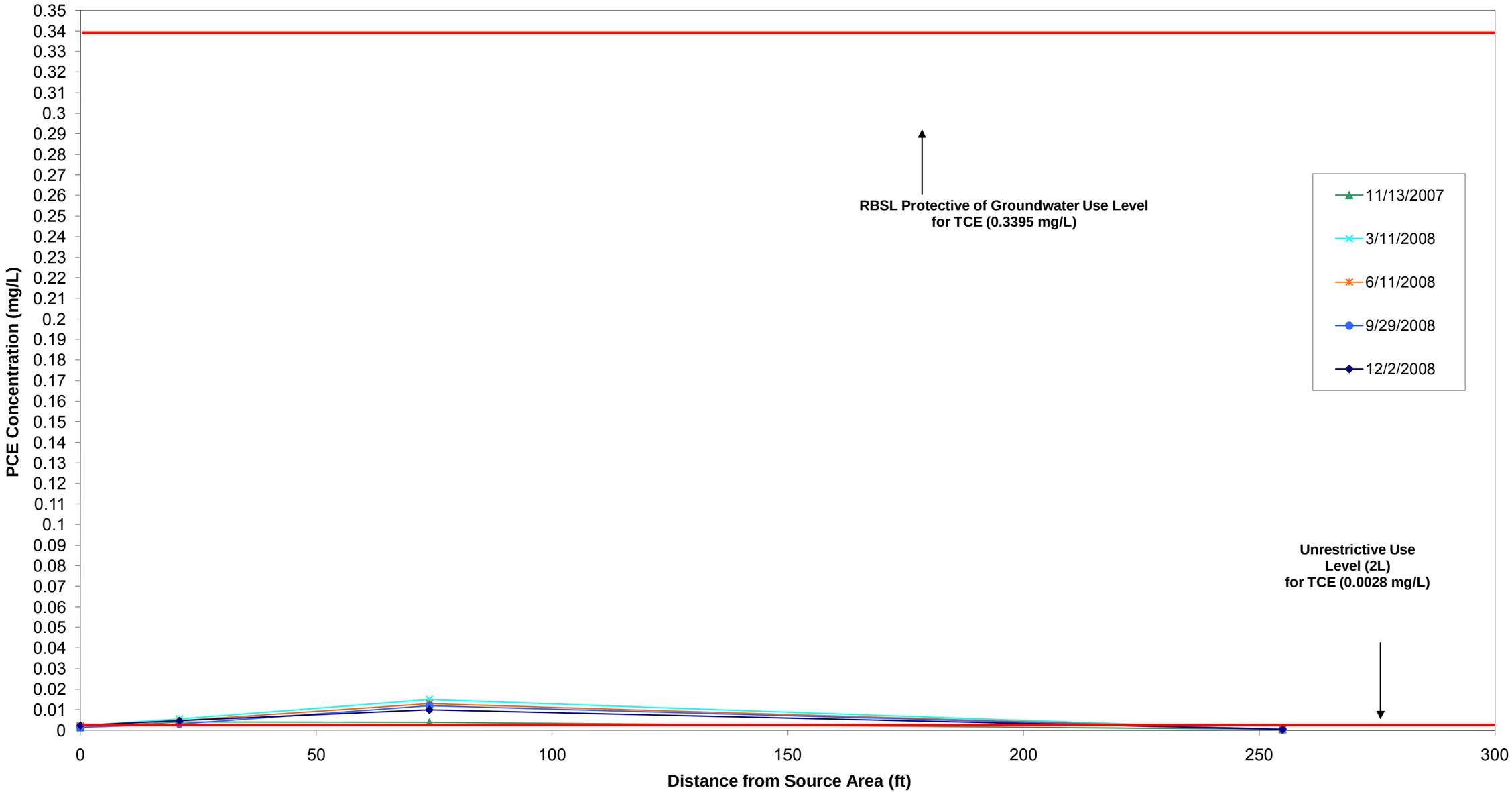
TCE Concentration vs. Time



PCE Concentration vs. Distance



TCE Concentration vs. Distance



APPENDIX B

LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS

Appendix A
Ecological Risk Assessment – Level 1
Ace Dry Cleaners
4701-141 Atlantic Avenue
Raleigh, Wake County, NC
ATC Project No: 45.34341.9218
DSCA Site ID: 92-0018

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 Raleigh East Quadrangle Topographic map and the United States Fish and Wildlife Service (USFWS) Ecomap, Marsh Creek is located approximately 800 feet east of the site. An unnamed intermittent stream which is a tributary to Marsh Creek is located approximately 90 feet south of the site. See the 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?

   Marsh Creek is located approximately 800 feet east of the site and a an unnamed intermittent stream which is a tributary to Marsh Creek is located approximately 90 feet south of the site. Several small ponds are also located along these surface water bodies, which appear to be man-made via the construction of dams across the surface water bodies.

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, three ponds are located within one-half mile of the site are classified as wetland areas.

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 have been identified 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, no wilderness areas or wildlife refuges have been identified within one-half mile of the site.

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

   The Migratory Bird Treaty Act was developed to help reduce potential migratory bird strikes with aircraft, wind turbines and towers. Many species of birds are protected that are common to the United States, Canada, and Mexico. Therefore, many species of birds in Wake 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, a wooded area to the south and areas surrounding the nearby ponds and streams may contain ecological important species. Additionally, the ponds may contain recreational important species. No 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 Wake County:

   - *Haliaeetus leucoocephalus* – Bald Eagle: BGPA (Bald and Golden Eagle Protection Act)
   - *Alasmidonta heterodon* – Dwarf Wedgemussel: Endangered
   - *Rhus michauxii* – Michaux's Sumac: Endangered

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

   - *Rhus michauxii* – Michaux's Sumac: Endangered

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 (Fetter, 1988). Based on these values, PCE and TCE are mobile in groundwater.

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

No. The primary ecological receptor habitat identified in the site vicinity is the surface water body south of the site. The stream is intermittent, which indicates it likely contains water only during rainfall events and likely does not receive groundwater discharge. Furthermore, samples collected from this surface water body in October 2006, September 2008, and December 2008 contained no detectable constituents of concern.

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

No. As discussed above, the primary potential ecological receptor habitat is the downgradient stream and sampling has confirmed that this stream has not been impacted by the drycleaning solvent release at the subject site.

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

Yes. Surficial soils have been impacted at the site. PCE has been detected at concentrations ranging from 0.0021 to 0.059 milligrams per kilogram (mg/kg) in surfical soil.

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

No. Surficial soil concentrations were included in the Tier 1 Risk Assessment which models the potential for soil leaching to groundwater. The concentrations were not found to exceed Tier 1 RBSLs for this pathway, therefore leaching does not appear to be a significant concern. Regarding the potential for erosion, the surficial impacted soils are located in a relatively flat grassy area where significant erosion and transport 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 significant runoff or erosion appears unlikely**.**

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

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

3B. Are potential ecological receptors on the site.

No. The area of surficial impacted soil is located within approximately 10 feet of an active shopping center building. Significant ecological receptors are unlikely to be present so close to an active commercial building for a significant time period.

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

No. Surficial impacted soil has been identified, but is located adjacent to an active shopping center and ecological receptors are unlikely to be present in the area for a significant time period.

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. Only a small area of impacted soil is exposed at the ground surface, erosion of soils from this area appear unlikely, and contaminant concentrations sufficiently low such that significant volatilization is unlikely.

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

No. Contaminant concentrations are sufficiently low such that significant volatilization is unlikely, and ecological receptors are unlikely to be present in the area of surficial impacted soil for significant time periods.

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

No. NAPL has not been encountered at the site.

5B. Is NAPL migrating?

No. NAPL has not been encountered at the site.

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

No. NAPL has not been encountered at the site.

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

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

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

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

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

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

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

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

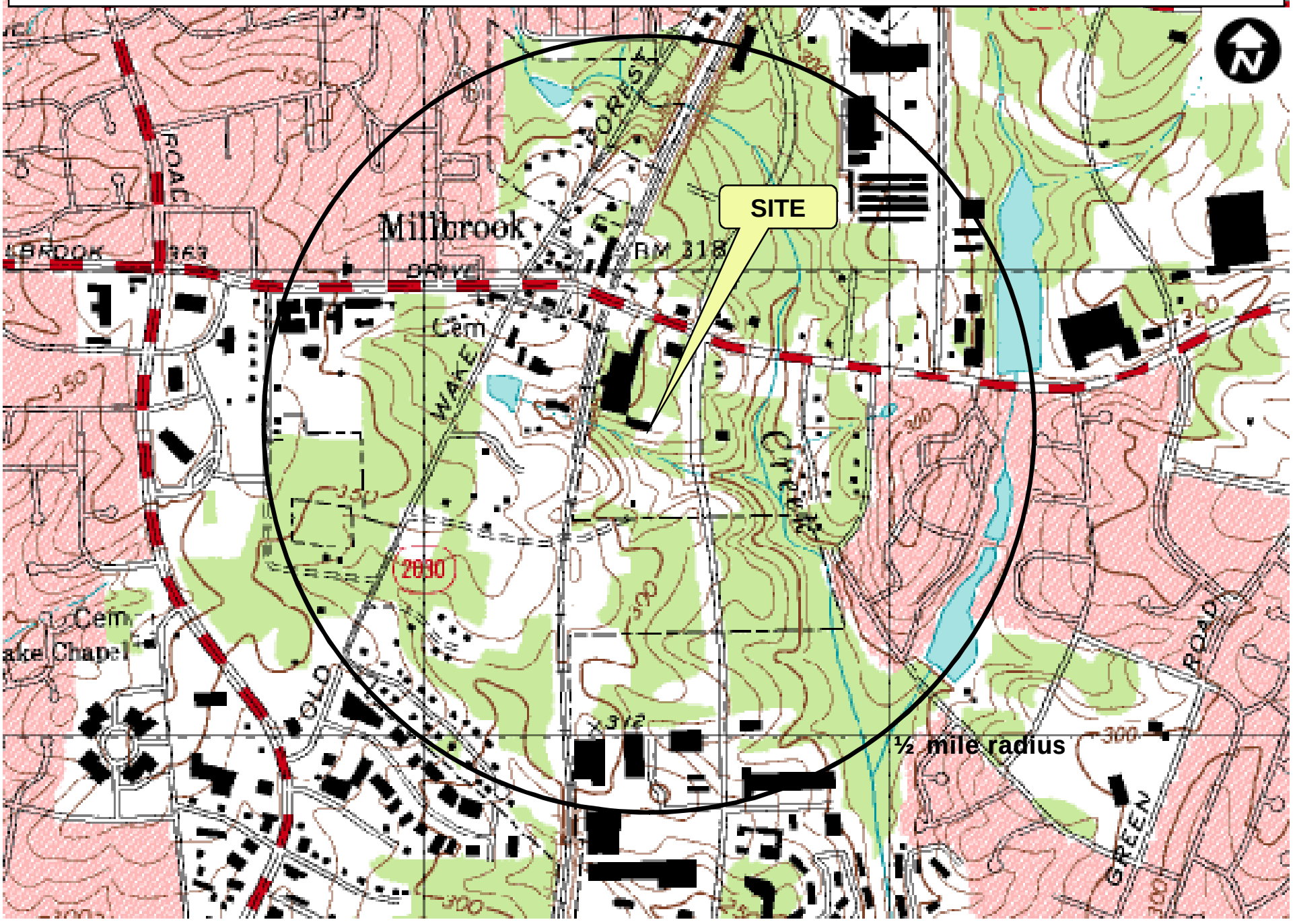
6D. Do chemicals found on the site bioaccumulate?

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

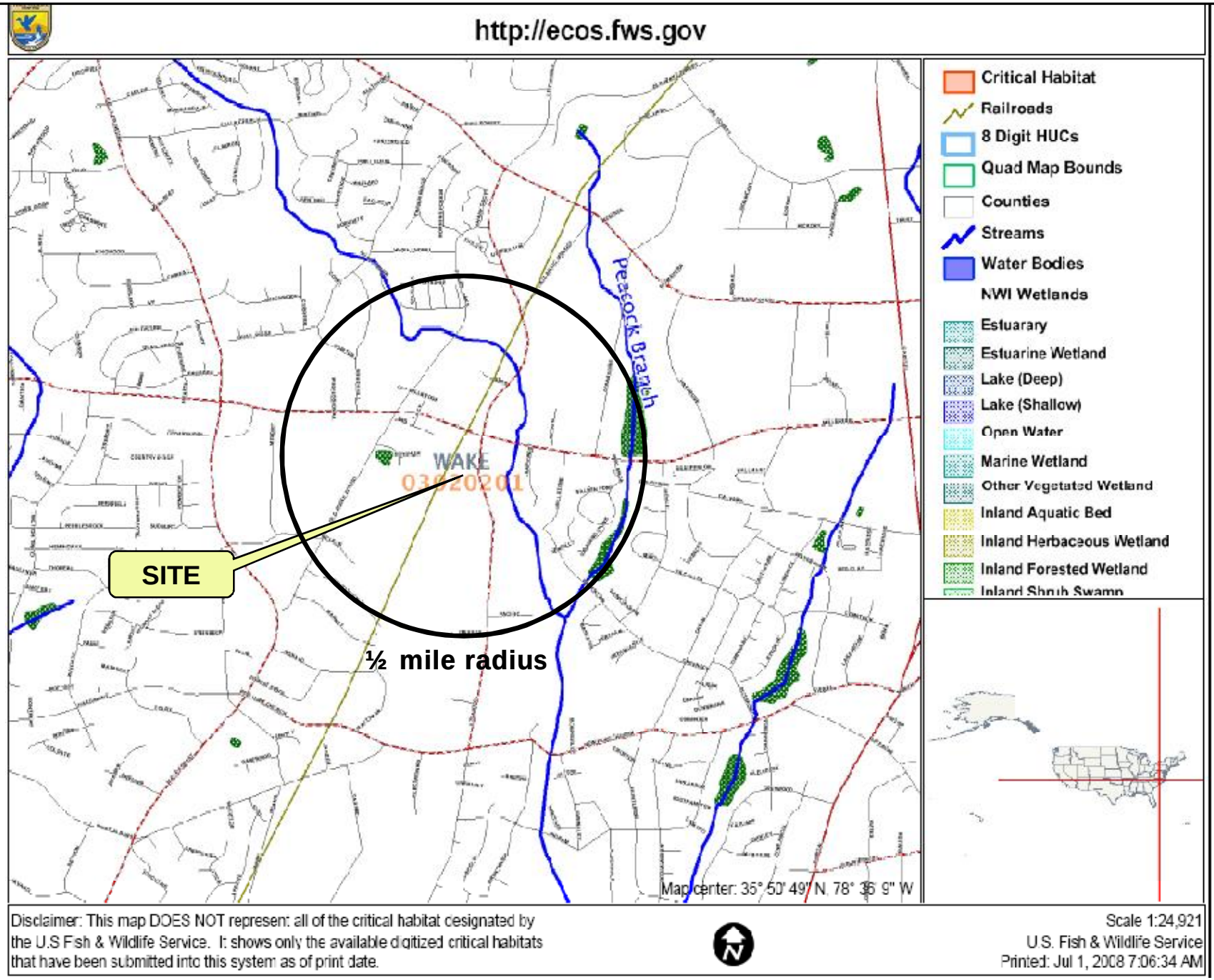
6. Could chemicals associated with the site reach ecological receptors through direct ingestion of soil, plants, animals, or contaminants?

No. Based on the low contaminant concentrations in 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 Raleigh East Quadrangle, 1987, Ace Cleaners, DSCA Site #92-0018



Attachment 2: US Fish & Wildlife Service Ecomap, Ace Cleaners, DSCA Site# 92-0018



APPENDIX C

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Millbrook Collection LLC
Recorded in Book _____, Page _____
Associated plat recorded in Plat Book _____, Page _____

This documentary component of a Notice of Dry-Cleaning Solvent Remediation (hereinafter "Notice") is hereby recorded on this ____ day of _____, 20____ by Millbrook Collection LLC (hereinafter "Property Owner"). The survey plat component of the Notice is being recorded concurrently with this documentary component. The real property (hereinafter "Property") which is the subject of this Notice is located at 4701-141 Atlantic Avenue, Raleigh, Wake County, North Carolina, Parcel Identification Number (PIN) 1716 73 5991.

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

Soil and groundwater at the Property are contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former Ace Dry Cleaners (DSCA Site 92-0018) located at 4701-141 Atlantic Avenue, in the Millbrook Collection Shopping Center. Dry-cleaning operations were conducted on the Property from approximately 1998 to 2003.

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 detailed below.

The following restrictions apply to the entire property, including Delineation Area "A" and Delineation Area "B" as shown on the survey plat attached as Exhibit A:.

1. **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.**

2. **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.**

3. **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.**

4. **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.

The following restrictions apply only to the portion of the property identified as Delineation Area "A" as shown on the survey plat attached as Exhibit A:

5. **Without prior DENR approval, Delineation Area "A" shall not be used for:**

   a. **residential facilities;**
   b. **child care centers or pre-kindergarten, elementary, middle or high schools; or**
   c. **mining or extraction of coal, oil, gas or any mineral or non-mineral substances.**

6. **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 Delineation Area "A" without prior approval of DENR. Temporary excavations, such as digging foundations and trenching for utilities, that do not cause or create a vapor intrusion risk would not require prior approval of DENR. Permanent surface grading that does not cause or create a vapor intrusion risk would not require prior approval of DENR.**

EASEMENT (RIGHT OF ENTRY)

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

REPRESENTATIONS AND WARRANTIES

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

i) that the Property Owner is the sole owner of the Property; **or** that the Property Owner has provided to DENR the names of all other persons that own an interest in or hold an encumbrance on the Property and have notified such persons of the Property Owner's intention to enter into this Notice;

ii) that the Property Owner has the power and authority to enter into this Notice, to grant the rights and interests herein provided and to carry out all obligations hereunder; and

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

ENFORCEMENT

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

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

FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS

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

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

PROPERTY OWNER SIGNATURE

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

Millbrook Collection LLC

By: _____
Name of contact

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a Member of Millbrook Collection 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]

CERTIFICATION OF REGISTER OF DEEDS

The foregoing documentary component of the Notice of Dry-Cleaning Solvent Remediation, and the associated plat, are certified to be duly recorded at the date and time, and in the Book and on the Page(s), shown on the first page hereof.

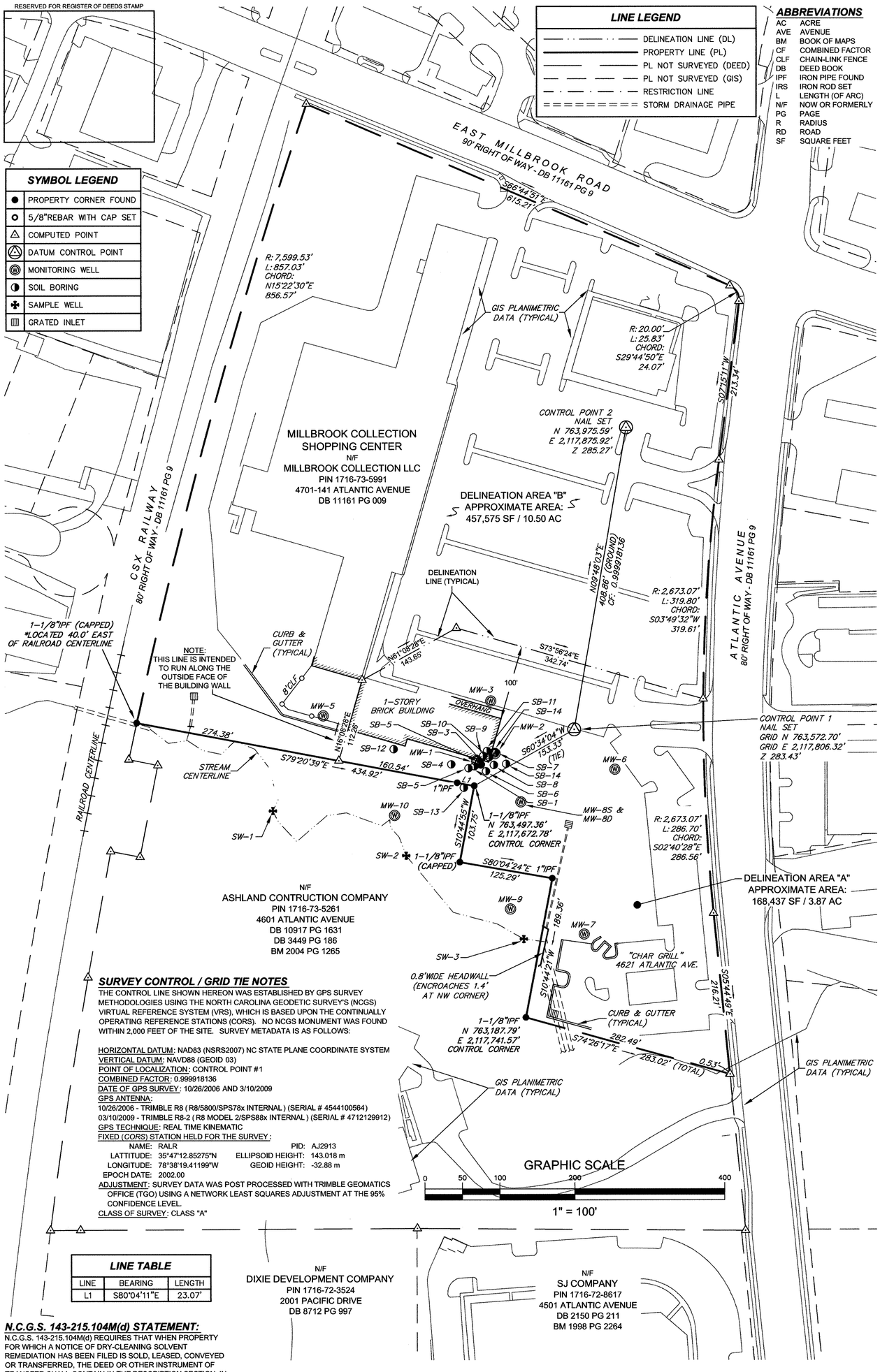
Register of Deeds for Wake County

By: _____ _____
(signature) Date

Name typed or printed: _____
Deputy/Assistant Register of Deeds

EXHIBIT A
REDUCTION OF SURVEY PLAT

RESERVED FOR REGISTER OF DEEDS STAMP



ABBREVIATIONS

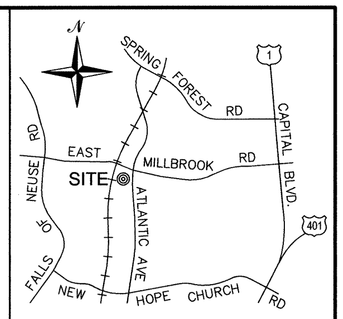
AC	ACRE
AVE	AVENUE
BM	BOOK OF MAPS
CF	COMBINED FACTOR
CLF	CHAIN-LINK FENCE
DB	DEED BOOK
IPF	IRON PIPE FOUND
IRS	IRON ROD SET
L	LENGTH (OF ARC)
N/F	NOW OR FORMERLY
PG	PAGE
R	RADIUS
RD	ROAD
SF	SQUARE FEET

N

W E

S

N C Grid - NAD 83
(NSRS 2007)



VICINITY MAP (NOT TO SCALE)

SURVEY NOTES

1) THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS AND DIMENSIONS OF THE AREAS OF POTENTIAL ENVIRONMENTAL CONCERN WITH RESPECT TO SURVEYED BENCHMARKS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THIS NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
2) THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING. THIS INFORMATION WAS SUPPLIED TO TAYLOR WISEMAN & TAYLOR (TWT) BY ATC ASSOCIATES OF RALEIGH, NC.
3) ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 (NSRS 2007), WITH NAVD88 (GEOID 03) ELEVATIONS, PER A GPS SURVEY PERFORMED BY TWT ON OCTOBER 26, 2006 AND MARCH 10, 2009. THE N. C. STATE PLANE COORDINATES SHOWN FOR CONTROL POINT #1 AND #2 WERE ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GEODETIC SURVEY'S VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). COORDINATES SHOWN HEREON ARE LOCALIZED ABOUT CONTROL POINT #1. UNIT OF MEASUREMENT IS U.S. SURVEY FEET.
4) PROPERTY LINES IDENTIFIED AS "GIS" AND "GIS PLANIMETRIC DATA" SHOWN HEREON WERE TAKEN FROM THE WAKE COUNTY GIS DATABASE ON MARCH 5, 2009. THIS INFORMATION HAS BEEN SHOWN HEREON FOR REFERENCE PURPOSES ONLY. NO TRANSLATION, ROTATION OR SCALING WAS PERFORMED ON THE GIS DATA. IT WAS INSERTED INTO OUR DRAWING FILE AS PROVIDED. NO ACCURACY OR POSITIONAL TOLERANCE IS GUARANTEED BY THIS SURVEY AS TO HOW THE SURVEYED FEATURES TRULY RELATE TO THE GIS INFORMATION SHOWN HEREON.
5) SOIL BORING LOCATIONS HAVE BEEN SCALED AND ROTATED FROM A DRAWING PROVIDED BY ATC ENTITLED "ATTACHMENT 11-12" AND BEING DATED DECEMBER 28, 2007. THESE BORING LOCATIONS ARE APPROXIMATE ONLY.
6) PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY EFFECT THESE PROPERTIES.
7) AREA CALCULATED BY THE COORDINATE METHOD.
8) DELINEATION AREAS "A" AND "B" ARE BASED ON A SKETCH SHOWN ON THE CONCEPTUAL "SITE PLAN" ENTITLED "MILLBROOK COLLECTION SHOPPING CENTER - 4603 ATLANTIC AVENUE" CREATED BY PLD AND DATED SEPTEMBER 7, 2011 AND BEING PROVIDED TO TWT ON OCTOBER 25, 2011. THE DELINEATION LINES WERE GENERATED/CREATED BY AN EXTENSION OF THE EXISTING BUILDING LINE EAST OF MW-5 AND BY HOLDNG A PERPENDICULAR OFFSET OF 100 FEET FROM THE NORTHEAST CORNER OF THE 1-STORY BRICK BUILDING. AREAS SHOWN HEREON FOR DELINEATION AREAS "A" AND "B" ARE APPROXIMATE AND ARE NOT BASED ON FIELD SURVEYED DATA.

WELL TABLE

Survey Point ID	Northing	Easting	Top Case Elevation	Ground/Lid Elevation
MW-1	763530.98	2117675.83	287.38	287.70
MW-2	763540.58	2117700.56	286.32	286.50
MW-3	763610.57	2117695.04	286.6	286.95
MW-5	763591.07	2117471.40	288.93	289.50
MW-6	763519.32	2117860.52	281.55	281.80
MW-7	763299.20	2117819.35	273.71	273.90
MW-9	763332.76	2117720.99	261.72	261.55
MW-10	763457.98	2117566.53	273.07	268.45
SW-1	763464.1	2117404.2	-	271.0
SW-2	763404.2	2117581.9	-	-
SW-3	763292.5	2117738.7	-	260.4

ACCORDING TO ATC ASSOCIATES OF RALEIGH, NC:

GROUNDWATER IN WELLS MW-1, MW-2, MW-8S, AND MW-8D EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARDS (15A NCAC 2L.0200) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE AND TRICHLOROETHYLENE.

SOIL IN BORINGS SB-4 AND SB-8 EXCEEDED THE ASSOCIATED RESIDENTIAL RISK BASED SCREENING LEVEL (15A NCAC 2S) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE AND TRICHLOROETHYLENE.

SURVEY CONTROL / GRID TIE NOTES

THE CONTROL LINE SHOWN HEREON WAS ESTABLISHED BY GPS SURVEY METHODOLOGIES USING THE NORTH CAROLINA GEODETIC SURVEY'S (NCGS) VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). NO NCGS MONUMENT WAS FOUND WITHIN 2,000 FEET OF THE SITE. SURVEY METADATA IS AS FOLLOWS:

HORIZONTAL DATUM: NAD83 (NSRS2007) NC STATE PLANE COORDINATE SYSTEM
VERTICAL DATUM: NAVD88 (GEOID 03)
POINT OF LOCALIZATION: CONTROL POINT #1
COMBINED FACTOR: 0.999918136
DATE OF GPS SURVEY: 10/26/2006 AND 3/10/2009
GPS ANTENNA:
10/26/2006 - TRIMBLE R8 (R8/5800/SPS78x INTERNAL) (SERIAL # 4544100564)
03/10/2009 - TRIMBLE R8-2 (R8 MODEL 2/SPS88x INTERNAL) (SERIAL # 4712129912)
GPS TECHNIQUE: REAL TIME KINEMATIC
FIXED (CORS) STATION HELD FOR THE SURVEY:
NAME: RALR PID: AJ2913
LATTITUDE: 35°47'12.85275"N ELLIPSOID HEIGHT: 143.018 m
LONGITUDE: 78°38'19.41199"W GEOID HEIGHT: -32.88 m
EPOCH DATE: 2002.00
ADJUSTMENT: SURVEY DATA WAS POST PROCESSED WITH TRIMBLE GEOMATICS OFFICE (TGO) USING A NETWORK LEAST SQUARES ADJUSTMENT AT THE 95% CONFIDENCE LEVEL.
CLASS OF SURVEY: CLASS "A"

LINE TABLE

LINE	BEARING	LENGTH
L1	S80°04'11"E	23.07'

OWNERS ACKNOWLEDGEMENT - MILLBROOK COLLECTION, LLC

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

SIGNATURE DATE

STATE OF _____

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 _____, _____

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES _____

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

DEED BOOK _____ PAGE _____

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

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

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE WAKE COUNTY REGISTER OF DEED'S 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.

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

JACK BUTLER, PE
CHIEF, SUPERFUND SECTION
DIVISION OF WASTE MANAGEMENT

STATE OF NORTH CAROLINA COUNTY OF _____

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

_____ DID PERSONALLY APPEAR

AND SIGN BEFORE ME THIS THE _____ DAY OF

_____, _____.

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES

SURVEYORS CERTIFICATE [G.S. 47-30]

I, CHAD T. HOWARD, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000;
THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27th DAY OF JANUARY, IN THE YEAR OF OUR LORD 2011.

1/27/12

NORTH CAROLINA PROFESSIONAL SEAL L-4220 LAND SURVEYOR CHAD T. HOWARD

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

REVISION #1 - 1/27/2012 - ADDED DELINEATION AREAS TO THE MAP FOR MILLBROOK COLLECTION
NO FIELD SURVEYING SERVICES WERE PERFORMED (REFER TO SURVEY NOTE #8)

SURVEY PLAT - EXHIBIT "A"

TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION
MILLBROOK COLLECTION, LLC
ACE DRY CLEANERS - DSCA 92-0018
4701-141 ATLANTIC AVENUE
NEUSE TOWNSHIP - WAKE COUNTY - RALEIGH, NORTH CAROLINA

Taylor Wiseman & Taylor
ENGINEERS / SURVEYORS / SCIENTISTS
3500 REGENCY PARKWAY, SUITE 260, CARY, NC 27518
TELEPHONE: (919) 297-0085 FAX: (919) 297-0090
North Carolina License Number: F-0362

SCALE: 1" = 100'	DATE OF SURVEY: MARCH 10, 2009	FILE: 70567.6003.01	
DRAWN BY: CTH	CHECKED BY: RVB	SHEET: 1 \ 1	

q:\CAD\70567\70567.6003.00\dwg\70567.6003.03-BASE.dwg

EXHIBIT B
PROPERTY LEGAL DESCRIPTION

TRACT 1
MILLBROOK COLLECTION SHOPPING CENTER

BEGINNING at an existing iron pipe in the southern right-of-way of Millbrook Road (90' R/W), said iron being South 08° 54' 41" West 403.55 feet from NCGS survey monument "Millbrook F-20", said monument having N.C. Grid coordinates (NAD 27) of N=764,731.345, E=2,117,432.482, thence with said right-of-way South 66° 46' 19" East 615.21 feet to a new iron pipe, thence along a curve to the right having a radius of 20.00 feet, an arc length of 25.83 feet, and a chord bearing and distance of South 29° 46' 18" East 24.07 feet to a new iron pipe on the western right-of-way of Atlantic Avenue (80' R/W), thence with said right-of-way South 07° 13' 43" West 213.34 feet to a hole in concrete, thence along a curve to the left having a radius of 2,673.07 feet, an arc length of 606.50 feet, and a chord bearing and distance of South 00° 43' 43" West 605.20 feet to a new iron pipe, thence South 05° 46' 17" East 216.11 feet to an existing iron pipe, thence leaving said right-of-way North 74° 30' 29" West 282.46 feet to an existing iron pipe, thence North 10° 43' 39" East 189.45 feet to an existing iron pipe, thence North 80° 03' 21" West 125.32 feet to an existing iron pipe, thence North 10° 43' 39" East 103.70 feet to a new iron pipe, thence North 80° 03' 21" West 23.00 feet to an existing iron pipe, thence North 79° 22' 14" West 435.02 feet to an existing iron pipe on the eastern right-of-way of Seaboard System Railroad Inc. (80' R/W), thence with said right-of-way along a curve to the right having a radius of 7,599.53 feet, an arc length of 857.02 feet, and a chord bearing and distance of North 15° 21' 10" East 856.56 feet to the point and place of Beginning containing 14.371 Acres more or less in Tract 1, according to the map by Kenneth Close, Inc. entitled "Asbuilt Survey of Millbrook Collection Shopping Center", and dated December 1, 1995 and revised March 14, 1996.

APPENDIX D

EXAMPLE ANNUAL CERTIFICATION OF LAND-USE RESTRICTIONS

Site Name: Former Ace Dry Cleaners

Site Address: 4701-141 Atlantic Avenue, Raleigh, Wake County, NC

DSCA ID No: 92-0018

ANNUAL CERTIFICATION of LAND-USE RESTRICTIONS

Pursuant to Condition #2 in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by Millbrook Collection LLC and recorded in Deed Book ___, Page ___ on <date> at the Wake County Register of Deeds Office, Millbrook Collection LLC hereby certifies, as an owner of at least part of the property that is the subject of the Notice, that the Notice remains recorded at the Wake County Register of Deeds office and the land-use restrictions therein are being complied with.

Duly executed this _____ day of _____, 20__.

Millbrook Collection LLC

By:_____
Name typed or printed:

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a Member of Millbrook Collection LLC, a North Carolina limited liability corporation, and its Manager, and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her.

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

_____
Name typed or printed:
Notary Public

My Commission expires: _____
[Stamp/Seal]

APPENDIX E

EXAMPLE DOCUMENTS ANNOUNCING THE PUBLIC COMMENT PERIOD

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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

<Date>

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

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site #92-0018
Former Ace Dry Cleaners, 4701-141 Atlantic Avenue, Raleigh

Dear <name>:

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

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

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

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

A Summary of the NOI is being published in the Raleigh News & Observer, copies are being sent to owners of property within and contiguous with the area of contamination, and a copy of the Summary will be conspicuously posted at the Site during the public comment period.

If you have any questions, please feel free to contact me at (919) 707-8366.

Sincerely,

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

Attachments: Risk Management Plan

Cc: DSCA Site #92-0018 File

Public Notice

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

Former Ace Dry Cleaners
DSCA Site #92-0018

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

Ace Dry Cleaners formerly conducted dry-cleaning operations at the Millbrook Collection Shopping Center at 4701-141 Atlantic Avenue, in Raleigh, North Carolina. The property is currently occupied by the Planet Fitness. Dry-cleaning solvent contamination in soil and ground water has been identified at the following parcel(s):

4701-141 Atlantic Avenue, in Raleigh; Parcel No. 1716-73-5991

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 Planet Fitness. A Risk Management Plan has been prepared which proposes using land-use controls to prevent current and future risks at the affected property.

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

The public comment period begins _____ __, 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) 707-8366.

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
4701-141 Atlantic Avenue, Raleigh, NC

Dear <property owner>:

You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents. The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the former Ace Dry Cleaners at 4701-141 Atlantic Avenue in Raleigh. The property is currently occupied by Planet Fitness. 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.

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

If you have questions, please contact me at (919) 707-8366, or Pete Doorn at (919) 707-8369.

Sincerely,

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

Attachments: Summary of the NOI

Cc: DSCA Site #92-0018 File

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-707-8200 \ FAX: 919-707-8200 \ Internet: www.wastenotnc.org