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January 26, 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**  
Former North Boulevard Cleaners  
5141 New Hope Road  
Raleigh, Wake County, North Carolina  
ATC Project No. 45.34341.9236  
DSCA Site Identification No. 92-0036

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 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.**

Kurt Ness, P.G.  
Senior Project Manager

Genna K. Olson, P.G.  
Program Manager

Enclosure: Risk Management Plan

**RISK MANAGEMENT PLAN  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
ATC PROJECT NO. 45.34341.9236  
DSCA SITE IDENTIFICATION NO. 92-0036  
JANUARY 26, 2011**

**Risk Management Plan**  
**Former North Boulevard Cleaners**  
5141 New Hope Road  
Raleigh, Wake County, North Carolina  
ATC Project No. 45.34341.9236  
DSCA Site Identification No. 92-0036

**Prepared By:**

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**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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January 26, 2011

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## **1.0 INTRODUCTION**

ATC Associates of North Carolina, P.C. (ATC) has prepared this Risk Management Plan (RMP) for the former North Boulevard Cleaners site on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Drycleaning Solvent Cleanup Act (DSCA) Program. The site is located at 5141 New Hope Road 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 a Risk Assessment Report for the former North Boulevard Cleaners site on July 1, 2009, and a Risk Assessment Report Addendum on January 26, 2011. The results of the risk assessment indicated that the site-wide risks do exceed target risk levels. However, the risks will be managed based on site-specific land-use conditions that require an RMP. As such, the objective of the RMP is to ensure that those site-specific land-use conditions remain valid in the future.

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

This section summarizes the Risk Assessment Report dated July 7, 2009, and the Risk Assessment Report Addendum dated January 26, 2011. The first step in the risk assessment process consisted of development of an exposure model. Two exposure units were defined for the purposes of the exposure model. The on-site exposure unit encompasses the source area and the off-site exposure unit encompasses the remainder of the groundwater contaminant plume. It should be noted that the exposure units are defined by areas of common contaminant concentrations and/or land-use rather than along actual parcel boundaries. The extent of the plume covers two parcels, but both parcels are owned by the same entity (North Boulevard Plaza) so they are generally considered as one property for the purposes of this RMP.

Once the exposure units were defined, ATC evaluated the complete exposure pathways for each unit. The exposure model evaluation indicated the following complete exposure pathways for the site:

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

ATC deemed pathways associated with residential use incomplete. As discussed in Section 6.0, land-use restrictions (LURs) will be implemented to ensure that this assumption remains valid in the future. Also, note that the on-site indoor inhalation of vapor emissions pathway would be complete only for a future scenario if a building is constructed within the on-site exposure unit. If the area within the on-site exposure unit remains undeveloped, this pathway would not be complete.

As part of the initial Tier 1 evaluation, site-specific representative concentrations (RCs) were calculated for each complete exposure pathway and compared to the Tier 1 Risk-Based Screening Levels (RBSLs) established by the DSCA Program. The results of this comparison indicated that tetrachloroethylene (PCE) and trichloroethylene (TCE) subsurface soil concentrations exceeded the Tier 1 RBSLs for indoor inhalation of vapors by future on-site non-residential worker. As such, ATC proceeded with a Tier 2 evaluation. As part of the Tier 2 evaluation, site-specific fate and transport parameters and site-specific RCs for each complete exposure pathway were entered into the North Carolina Risk-Based Corrective Action (RBCA) Computational Software distributed by the DSCA Program. Soil gas data collected historically at the site were used for evaluation of the vapor emissions pathways. The results of the Tier 2 evaluation indicated that the cumulative site-wide risk does not exceed the allowable risk

established by DSCA. However, as discussed below, later changes in the DSCA Program's risk assessment procedures resulted in additional evaluation of the vapor intrusion pathway.

The DSCA Program changed their risk assessment procedures for vapor intrusion in 2010. Per these changes, the Vapor Intrusion Screening Levels (VISLs) established by the NCDENR Inactive Hazardous Sites Branch are currently used for screening of soil gas data, rather than the NC RBCA Computational Software. ATC completed a Risk Assessment Report Addendum on January 26, 2011, documenting the revised vapor intrusion assessment. Comparison of constituent concentrations detected in soil gas in the source area to the Industrial/Commercial VISLs indicated numerous exceedences. To address the potential for vapor intrusion into future structures, the LURs 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, ATC also evaluated the protection of groundwater use pathway. For this pathway, ATC assumed that the nearest potential point-of-exposure (POE) for groundwater was at the downgradient off-site property boundary, approximately 350 feet east-southeast of the source area. The results of the Tier 1 indicated no exceedences of Tier 1 RBSLs for the protection of groundwater use pathway. The nearest surface water body is located approximately 1,700 feet from the subject site. Based on this distance and the small size of the plume associated with the subject site, the surface water pathway was deemed incomplete.

Based on the results of the risk assessment, ATC concluded that the release at the subject site does not pose an unacceptable risk, provided that the restrictions detailed in this RMP are implemented. Therefore, ATC recommended site closure in accordance with the DSCA Program's risk-based rules.

## **4.0 RAP COMPONENTS**

### **4.1 Summary of Prior Assessment and Interim Actions**

URS Corporation – North Carolina (URS) completed a Phase I Environmental Site Assessment Report in November 2006 which concluded that the dry-cleaning operation was a recognized environmental condition. In February 2006, URS completed a Limited Phase II Investigation where six soil borings (SB-1 through SB-6) were advanced outside the North Boulevard Cleaners building and two soil borings (SB-7 and SB-8) were advanced inside the building. Three of the exterior soil borings were converted into monitoring wells MW-1, MW-2, and MW-3. Laboratory analysis of the groundwater indicated detectable concentrations of chlorinated solvent compounds. At an unknown date in 2006, URS advanced soil borings SB-10 through SB-27. A formal report documenting this sampling was not obtained by ATC.

Consolidated Laundry Equipment, the dry-cleaner operator, submitted a petition for certification of the site into the DSCA Program on May 9, 2006. The site was certified into the DSCA Program on August 28, 2006.

A Prioritization Assessment Report was completed by ATC Associates of North Carolina, P.C. (ATC) on November 15, 2006. The scope of work performed for the PAR included groundwater monitoring event for the three existing wells. The results of prior receptor surveys were also reported and indicated no water supply wells within 1,500 feet of the site and the nearest surface water body is located 1,700 feet southwest of the site.

In March 2007, ATC advanced soil borings SB-28 through SB-38 to delineate the extent of soil contamination at the site. Temporary wells TW-1 through TW-5 were also advanced to further delineate the horizontal extent of the plume. In April 2007, monitoring wells MW-1, MW-2, and MW-3 were abandoned and the dry-cleaner building was demolished in preparation of construction of a retail drug store. However, construction was later delayed and the site has not been redeveloped to date.

Between May 14 and May 15, 2007, ATC conducted a soil excavation to remove source area soils on-site. Approximately 188 tons of soil were removed from three source areas. Post-excavation samples SW-1 through SW-12 and Bottom-1 through Bottom-3 were collected following the excavation. The results of the 2007 assessment and soil excavation activities were later documented in an Assessment Report dated September 3, 2008.

In January 2008, ATC installed four soil gas monitoring point (SGMP-1 through SGMP-4). The locations were selected to evaluate the risk of vapor intrusion into the drug store building proposed to be constructed on-site. (As previously noted, the building construction was later delayed and the property remains vacant to date.) The results of the soil gas sampling indicated contaminant concentrations above Tier 1 RBSLs for indoor inhalation of vapor emissions. ATC prepared a Soil Gas Sampling report dated March 14, 2009, which recommended either installation of a vapor barrier during the proposed building construction or additional data evaluation under a Tier 2 risk assessment. As discussed in Section 3.0, the DSCA Program changed their risk assessment procedures for vapor intrusion evaluation in 2010. However, even under the new process, the recommendation is similar in that no activities that cause or create a vapor intrusion risk may occur on the site property without prior approval of NCDENR.

In May 2008, ATC installed five new monitoring wells (MW-4, MW-5, MW-6, MW-7S, MW-7D, MW-8S, and MW-8D). The first sampling event for the new monitoring wells was completed in June 2008. Slug tests were also completed on selected monitoring wells to evaluate the hydraulic conductivity of the aquifer sediments. In September 2008, ATC submitted an Assessment Report documenting the plume delineation activities as well as the 2007 soil excavation activities.

Groundwater monitoring events were performed in October 2008, December 2008, February 2009, and March 2009 in order to evaluate whether the contaminant plume was stable. Monitoring well MW-9 was also installed prior to the March 2009 event to confirm the upgradient extent of impacted groundwater. PCE, TCE, cis-1,2-dichloroethylene (c-1,2-DCE), and vinyl chloride were intermittently detected in monitoring wells MW-4, MW-5 and MW-8S/D at concentrations above 2L Standards. However, the detections were low and did not exhibit an increasing trend. As such, ATC concluded that the plume was stable. The results of

the monitoring events were documented in a Groundwater Monitoring Report dated May 26, 2009.

Upon completion of groundwater monitoring event in March 2009, ATC prepared the Risk Assessment Report dated July 7, 2009. A Risk Assessment Report Addendum was then prepared on January 26, 2011. As discussed in Section 3.0, the results of the risk assessment indicated that the remaining contamination does not pose an unacceptable risk as long as LURs are implemented for the property overlying the plume. The property overlying the plume encompasses two parcels, but both parcels are owned by the same entity.

## **4.2 Remedial Action**

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

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

Periodic groundwater monitoring has been conducted at the site since 2006. Two groundwater sampling events were conducted for monitoring wells MW-1 through MW-3 before they were abandoned. Five groundwater sampling events have been conducted for monitoring wells MW-4 through MW-8S/D, and one sampling event has been conducted for MW-9.

Constituents of concern (COCs) detected at the site historically include 1,1-dichloroethylene, chloroform, c-1,2-DCE, methyl tert-butyl ether (MTBE), naphthalene, PCE, toluene, trans-1,2-dichloroethylene (t-1,2-DCE), TCE, vinyl chloride, xylenes, bromomethane, acetone, diisopropyl ether, chloromethane, trichlorofluoromethane, 2-butanone, and styrene. Of these constituents, only PCE, TCE, c-1,2-DCE, t-1,2-DCE, and vinyl chloride have been detected at concentrations exceeding 2L Standards. The constituent t-1,2-DCE was detected above the 2L Standard during only one sampling event in one well. As such, ATC focused c-1,2-DCE, PCE, TCE, and vinyl chloride for the plume stability evaluation.

ATC prepared concentration versus time and concentration versus distance graphs for sampling events conducted at the site for c-1,2-DCE, PCE, TCE, and vinyl chloride. The graphs also show unrestricted use standards (i.e. 2L Standards) and Tier 1 RBSLs protective of groundwater use at the property boundary (i.e. concentrations modeled to be acceptable in the source area with no exceedences of 2L Standards at the property boundary). For c-1,2-DCE, PCE, and TCE, the graphs show that concentrations do not exhibit an increasing trend, decrease with distance from the source area, and are significantly below the Tier 1 RBSLs for all sampling events. As such, ATC concludes that the plumes for c-1,2-DCE, PCE, and TCE are clearly stable.

For vinyl chloride, the graphs show that MW-5 contained concentrations above the Tier 1 RBSL during two sampling events. However, ATC does not consider this a significant concern for several reasons. Most importantly, analytical data collected from wells further downgradient confirm that the vinyl chloride plume does not extend beyond the property boundary. As such, the Tier 1 RBSL appears overly conservative and the analytical data confirm that the plume is confined to the site property. In addition, if a representative concentration is calculated for vinyl chloride in MW-5, the representative concentration is below Tier 1 RBSLs. Furthermore, concentrations of vinyl chloride do not exhibit an increasing trend in any monitoring well. Based on these data, ATC concludes that the vinyl chloride plume is also stable.

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

*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 LURs for the property overlying the plume.

## **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)**

The risk assessment for the site was based on the assumptions that land-use will be limited to non-residential, groundwater will not be utilized, and no activities that cause or create a vapor intrusion risk will occur on the site property without prior approval of DENR. LURs will be implemented for the property to ensure that land-use conditions are maintained and monitored until the LURs are no longer required for the site. The LURs cover two parcels of land overlying the plume, both of which are owned by North Boulevard Plaza. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR is included in *Appendix C*. A plat showing the locations and types of dry-cleaning solvent contamination is included as an exhibit to the NDCSR. The locations of

dry-cleaning solvent contamination are where contaminants have been detected above unrestrictive use standards.

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

The NDCSR contains a clause which requires that the owner of the site to submit notarized “Annual 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 notice is included in *Appendix D*.

## **8.0 RMP IMPLEMENTATION SCHEDULE**

Since the contaminant plume is stable and defined, and possible exposure to the contamination is managed through the NDCSR and LURs, no additional site remediation activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. *Appendix E* includes example documents used to announce the public comment period in the local newspaper and to inform 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 North Boulevard Cleaners site on behalf of the NC DSCA Program. The results of a previous 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.

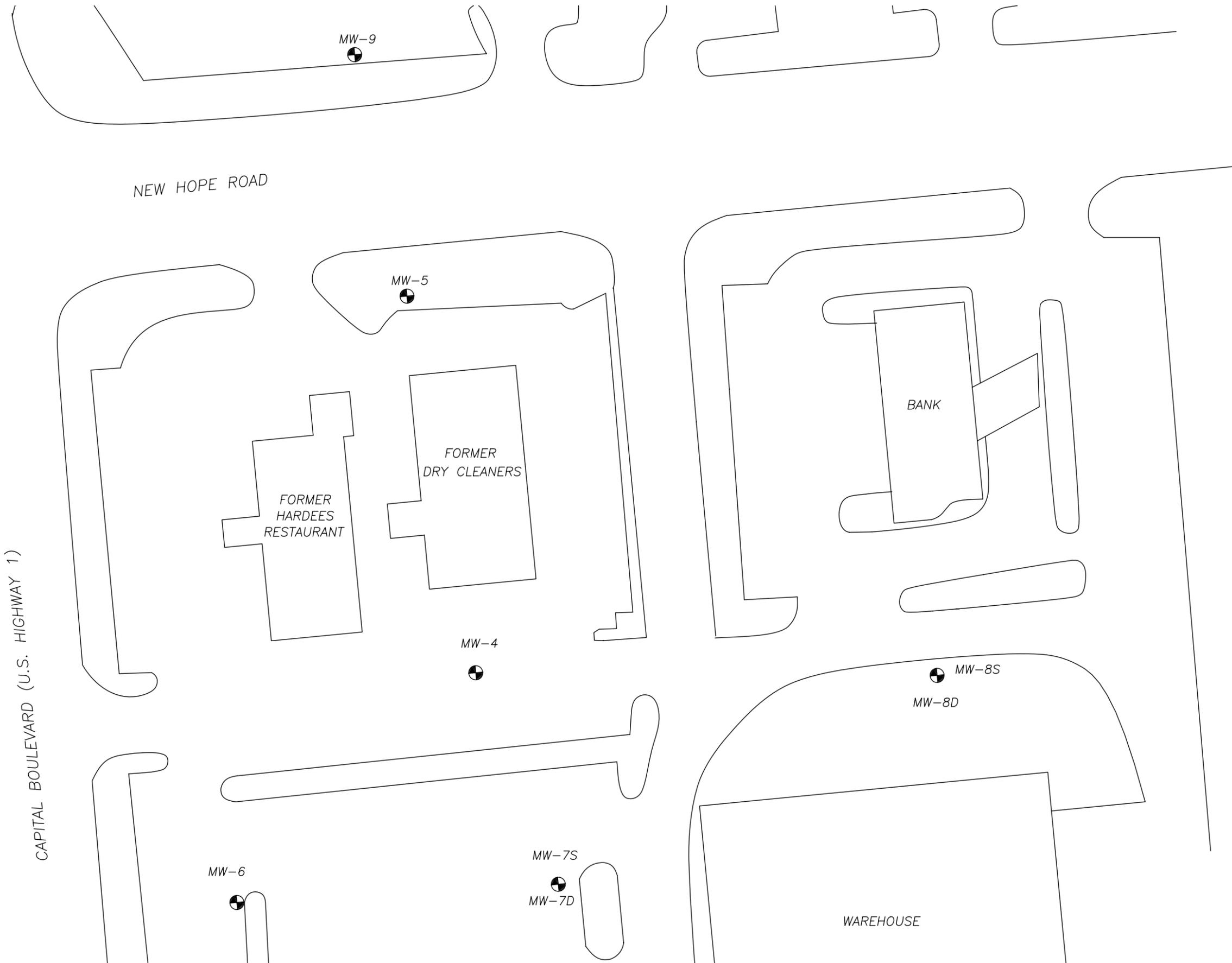
**APPENDIX A**

**DOCUMENTATION OF PLUME STABILITY EVALUATION**

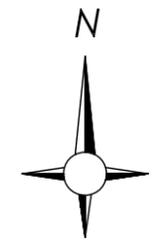
**Table 1: Analytical Data for Groundwater**

DSCA ID No.: 92-0036

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1-Dichloroethylene	Chloroform	cis-1,2-Dichloroethylene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)	Bromomethane	Acetone	Diisopropyl ether	Chloromethane	Trichlorofluoromethane	2-Butanone	Styrene
		[mg/L]																	
MW-1	1/16/06	<0.100	<0.100	<b>1.19</b>	NA	NA	<0.100	NA	<0.100	<0.100	<0.100	NA	<0.100	NA	NA	NA	NA	NA	NA
	8/29/06	<0.050	<0.050	<b>2.3</b>	<0.050	<0.050	<0.050	<0.050	<b>0.11</b>	<0.050	<0.100	<0.050	<0.100	<0.100	NA	NA	NA	NA	NA
MW-2	1/16/06	<0.001	0.00145	0.0114	NA	NA	<b>0.0176</b>	NA	<0.001	<0.001	<0.001	<0.001	<0.001	NA	NA	NA	NA	NA	NA
	8/29/06	<0.005	<0.005	0.035	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.010	<0.010	NA	NA	NA	NA	NA	NA
MW-3	1/16/06	<0.010	<0.010	<b>0.154</b>	NA	NA	<0.010	NA	<0.010	<0.010	<0.010	NA	<0.010	NA	NA	NA	NA	NA	NA
	8/29/06	<0.005	<0.005	<b>0.13</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.005	<0.010	<0.010	NA	NA	NA	NA	NA	NA
MW-4	6/5/08	<0.005	0.0011	<b>0.22</b>	0.00131	<0.005	<0.007	<0.005	0.012	0.00211	<0.005	<0.005	0.000871	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	9/18/08	<0.005	0.0011	<b>0.23</b>	0.00131	<0.005	<0.007	<0.005	0.012	0.00221	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	12/2/08	<0.005	0.0011	<b>0.23</b>	<0.005	<0.005	<0.007	<0.005	0.0094	0.0021	<b>0.0005</b>	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	2/10/09	<0.005	0.000911	<b>0.2</b>	0.00131	<0.005	<0.007	<0.005	0.0083	0.00181	<0.005	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	3/23/09	<0.005	0.000791	<b>0.18</b>	0.00131	<0.005	<0.007	<0.005	0.0073	0.00181	<0.005	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	0.00461	<0.005
	6/5/08	0.000921	<0.005	<b>0.49</b>	<0.005	<0.005	<b>0.0025</b>	<0.005	0.037	0.00171	<b>0.0031</b>	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
MW-5	9/18/08	0.00141	<0.005	<b>0.8</b>	<0.005	<0.005	<b>0.014</b>	<0.005	0.034	<b>0.00491</b>	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	12/2/08	0.00121	<0.005	<b>0.75</b>	<0.005	<0.005	<b>0.023</b>	<0.005	0.017	<b>0.0071</b>	<b>0.00098</b>	<0.005	0.00351	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	2/10/09	0.00111	<0.005	<b>0.61</b>	<0.005	<0.005	<b>0.016</b>	<0.005	0.016	<b>0.00451</b>	<b>0.0013</b>	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	3/23/09	0.00121	<0.005	<b>0.73</b>	<0.005	0.00171	<b>0.0074</b>	<0.001	0.029	<b>0.00341</b>	<b>0.0019</b>	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	6/4/08	<0.005	<0.005	<0.005	<0.005	<0.005	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	9/18/08	<0.005	<0.005	0.000951	<0.005	<0.005	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
MW-6	12/2/08	<0.005	<0.005	0.00121	<0.005	<0.005	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	0.00351	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	2/10/09	<0.005	<0.005	0.00081	<0.005	<0.005	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	<0.01	<0.05	<0.005	0.00051	<0.005	<0.01	<0.005
	3/23/09	<0.005	<0.005	<0.005	<0.005	0.0011	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	6/4/08	<0.005	0.00131	0.045	0.000841	<0.005	<0.007	<0.005	0.00441	0.000821	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	9/18/08	<0.005	0.00121	0.046	0.000931	<0.005	<0.007	<0.005	0.00261	0.000741	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	12/2/08	<0.005	0.00111	0.041	0.00141	0.000751	<0.007	<0.005	0.00171	0.000521	<0.005	<0.005	0.00361	0.00651	0.000341	<0.005	<0.005	<0.01	<0.005
MW-7S	2/10/09	<0.005	0.00111	0.041	0.000931	<0.005	<0.007	<0.005	0.00251	0.000591	<0.005	<0.005	<0.01	<0.05	<0.005	0.000771	<0.005	<0.01	<0.005
	3/23/09	<0.005	0.00121	0.042	0.000911	0.0011	<0.007	<0.005	0.00271	0.000691	<0.005	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	6/4/08	<0.005	0.00081	0.0087	0.00111	<0.005	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	9/18/08	<0.005	0.000551	0.0099	0.000931	<0.005	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	12/2/08	<0.005	0.000621	0.02	0.00121	<0.005	<0.007	<0.005	<0.005	<0.005	<0.005	<0.005	0.00361	0.00781	<0.005	<0.005	<0.005	<0.01	<0.005
	2/10/09	<0.005	0.000461	0.018	0.000871	<0.005	<0.007	<0.005	0.00051	<0.005	<0.005	<0.005	<0.01	0.079	<0.005	0.0092	<0.005	<0.01	<0.005
MW-7D	3/23/09	<0.005	0.000561	0.021	0.00111	0.000821	<0.007	0.000381	0.000561	<0.005	<0.005	<0.005	<0.1	0.072	<0.005	<0.005	<0.005	<0.01	0.000251
	6/5/08	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0014</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	9/18/08	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0019</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	12/2/08	<0.005	<0.005	<0.005	<0.005	0.00211	<b>0.0013</b>	0.00121	<0.005	<0.005	<0.005	0.00121	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	2/10/09	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.00099</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	3/23/09	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0014</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.01	<0.05	<0.005	0.00141	<0.005	<0.01	<0.005
MW-8S	3/23/09	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0013</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	0.012	<0.005	<0.005	<0.005	<0.01	<0.005
	6/5/08	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0013</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	0.012	<0.005	<0.005	<0.005	<0.01	<0.005
	9/18/08	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0013</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.010	<0.010	<0.005	<0.005	<0.005	<0.01	<0.005
	12/2/08	<0.005	<0.005	0.000531	<0.005	0.000791	<b>0.0016</b>	<0.005	<0.005	<0.005	<0.005	<0.005	0.00351	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
	2/10/09	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0019</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.01	<0.05	<0.005	<0.005	0.000521	<0.01	<0.005
	3/23/09	<0.005	<0.005	<0.005	<0.005	<0.005	<b>0.0027</b>	<0.005	<0.005	<0.005	<0.005	<0.005	<0.01	<0.05	<0.005	0.000431	0.000731	<0.01	<0.005
MW-9	3/23/09	<0.005	0.000381	<0.005	0.000421	<0.005	<0.007	0.000381	<0.005	<0.005	<0.005	<0.005	<0.01	<0.05	<0.005	<0.005	<0.005	<0.01	<0.005
TW-1 (24-28)	3/5/07	<0.001	NA	<b>0.179</b>	NA	NA	<0.001	<0.001	0.0089	0.002	<0.001	<0.003	NA	NA	NA	NA	NA	NA	NA
TW-2 (29-33)	3/6/07	<0.001	NA	0.0248	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.006	NA	NA	NA	NA	NA	NA	NA
TW-3 (27-31)	3/6/07	<0.001	NA	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.003	NA	NA	NA	NA	NA	NA	NA
TW-4 (21-25)	3/6/07	<0.001	NA	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.003	NA	NA	NA	NA	NA	NA	NA
TW-5 (24-28)	3/6/07	<0.001	NA	<0.001	NA	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.003	NA	NA	NA	NA	NA	NA	NA
NC 2L Standard		0.007	0.07	0.07	0.02	0.006	0.0007	0.6	0.1	0.003	0.00003	0.5	NE	6	0.07	0.003	2		



**LEGEND**  
 ● = MONITORING WELL LOCATION

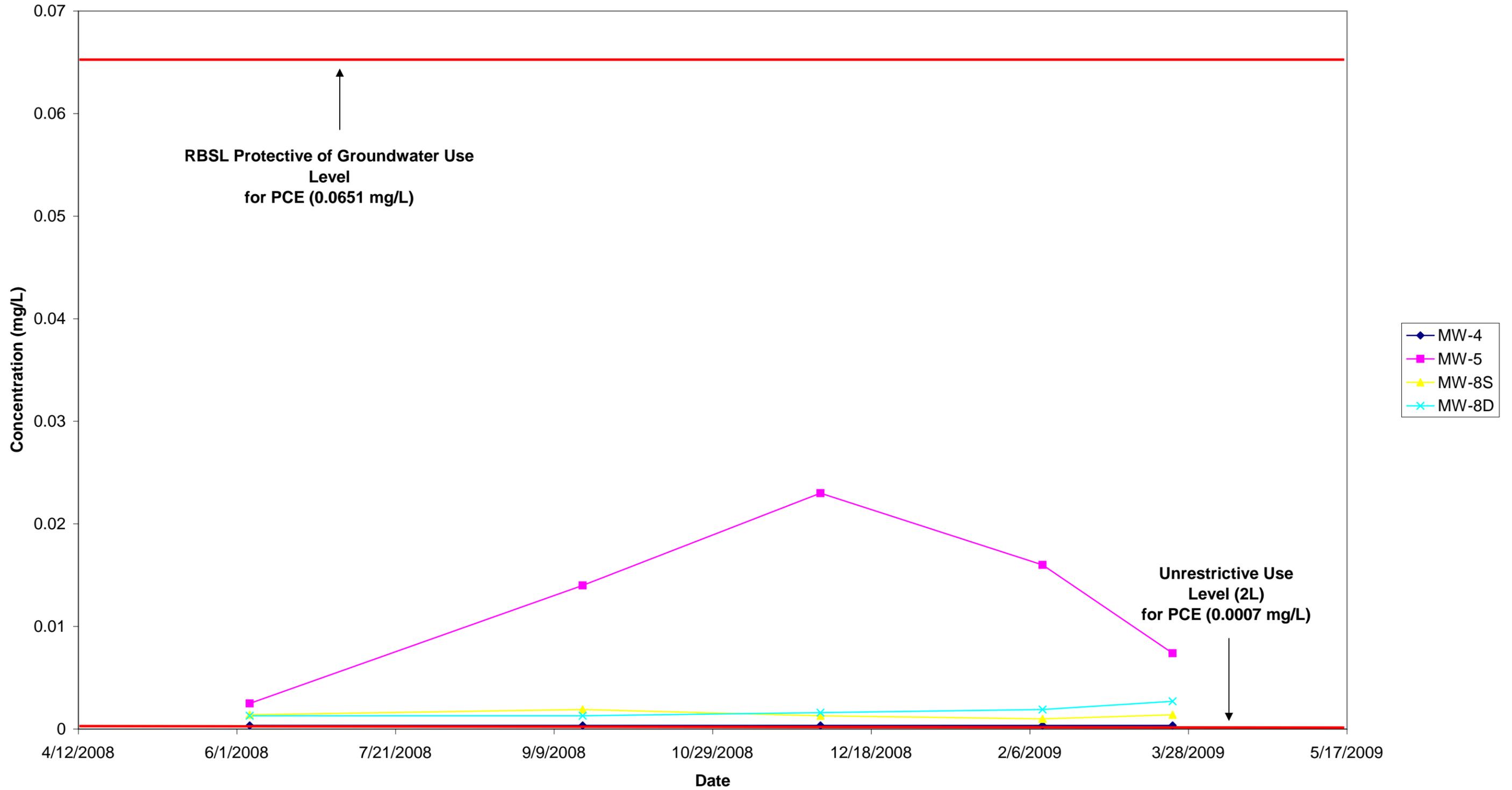


NOTES:  
 1. MONITORING WELLS INSTALLED 05/27/08.

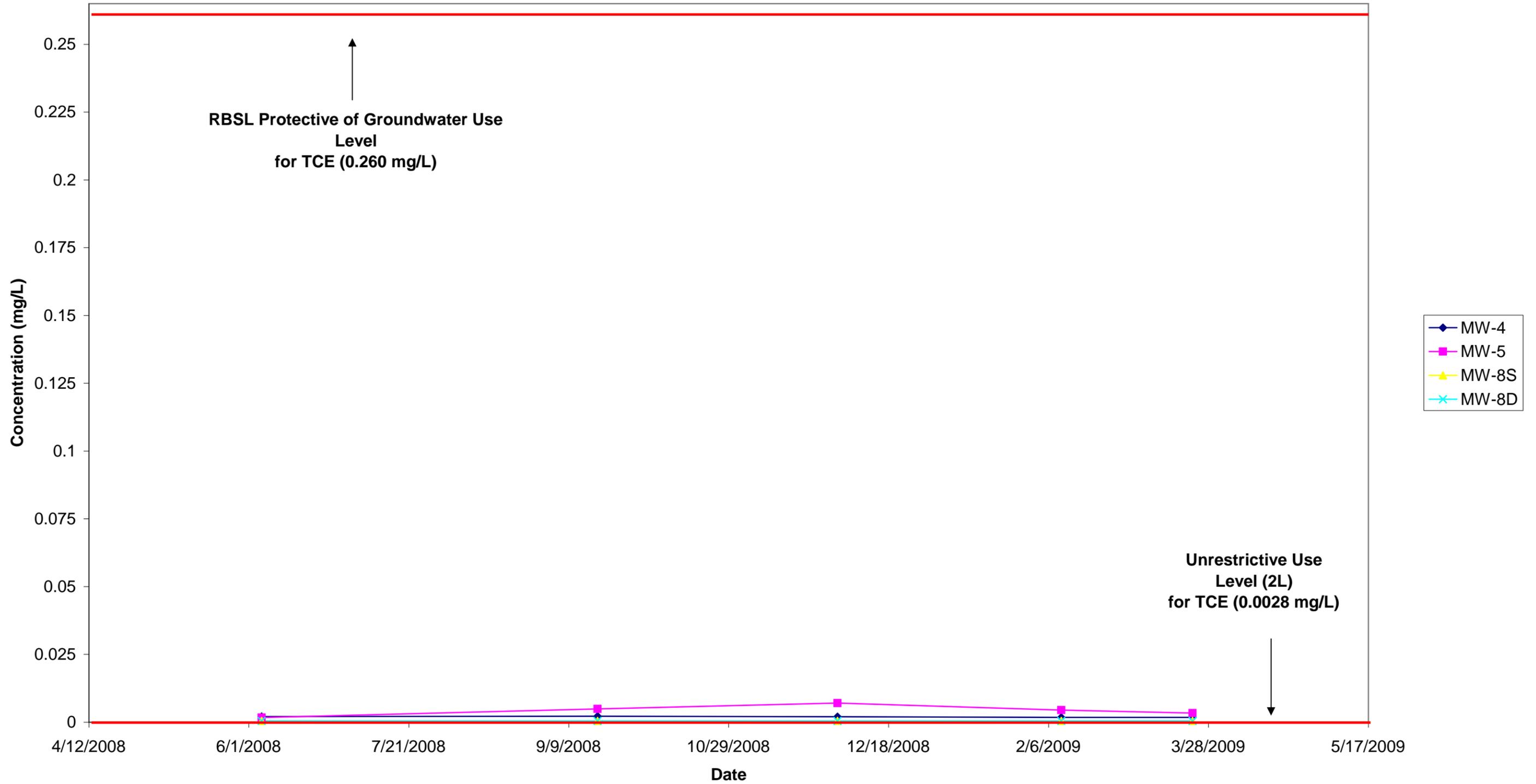
**SITE MAP**  
 FORMER NORTH BOULEVARD CLEANERS DSCA #92-0036  
 5141 NEW HOPE ROAD  
 RALEIGH, NORTH CAROLINA

Project Number: 45.34341.9236	Drn. By: LB
Drawing File:	Ckd. By:
Date: 03/20/09	App'd By: AW
Scale: AS SHOWN	Attachment
<b>WATC</b> ASSOCIATES, INC.	
<b>4</b>	

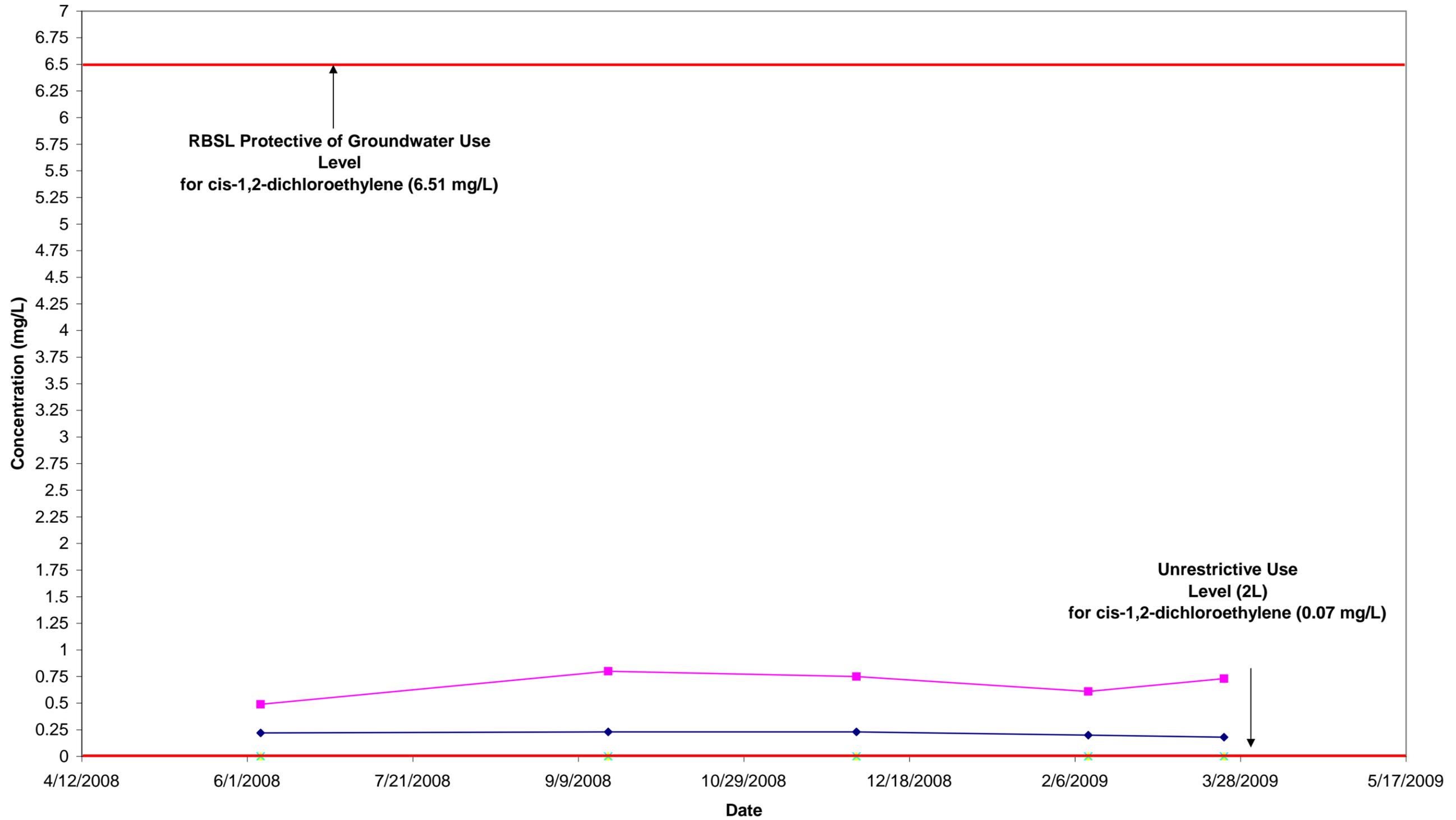
PCE CONCENTRATION vs TIME  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA # 92-0036



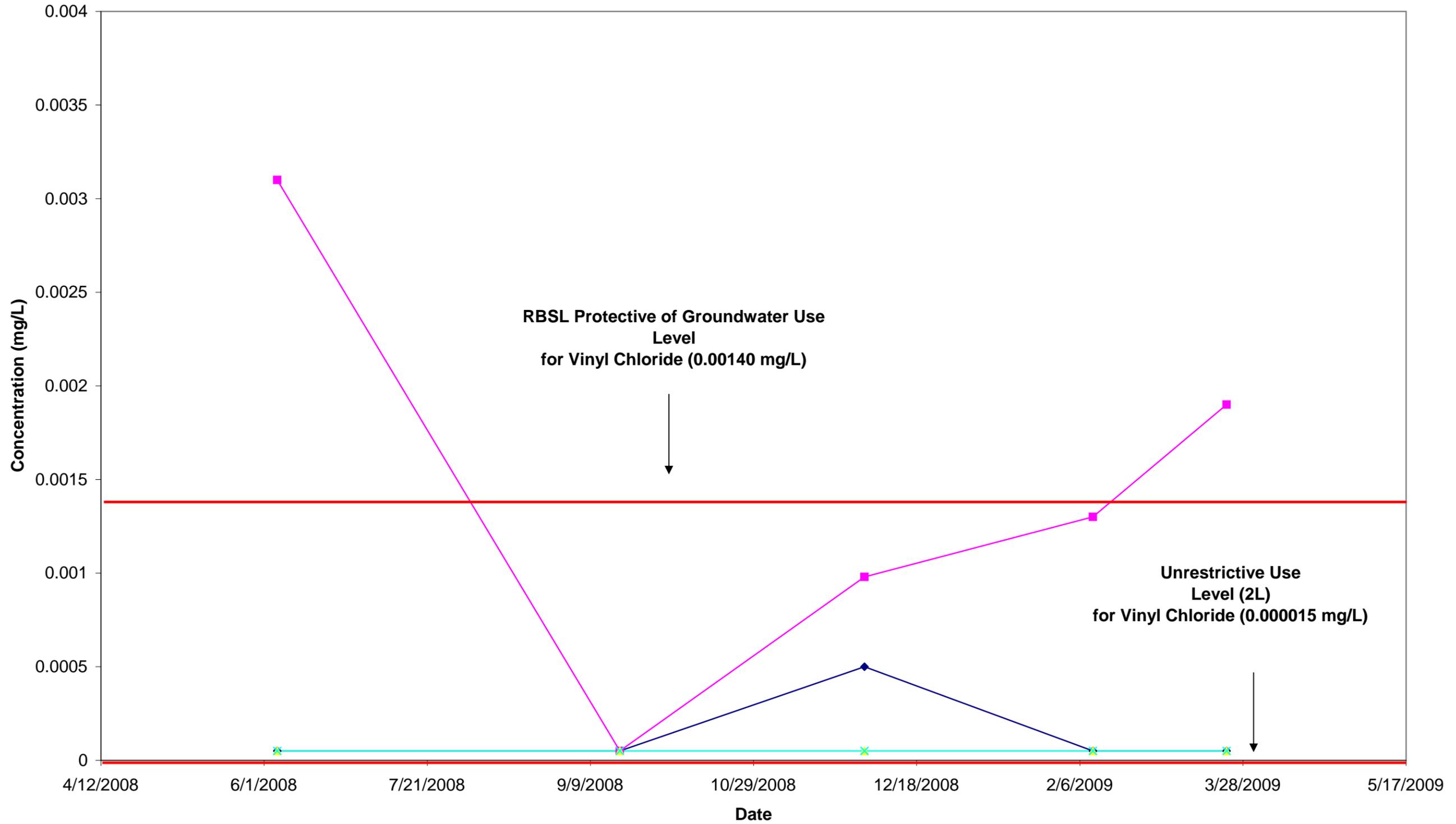
TCE CONCENTRATION vs TIME  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA # 92-0036



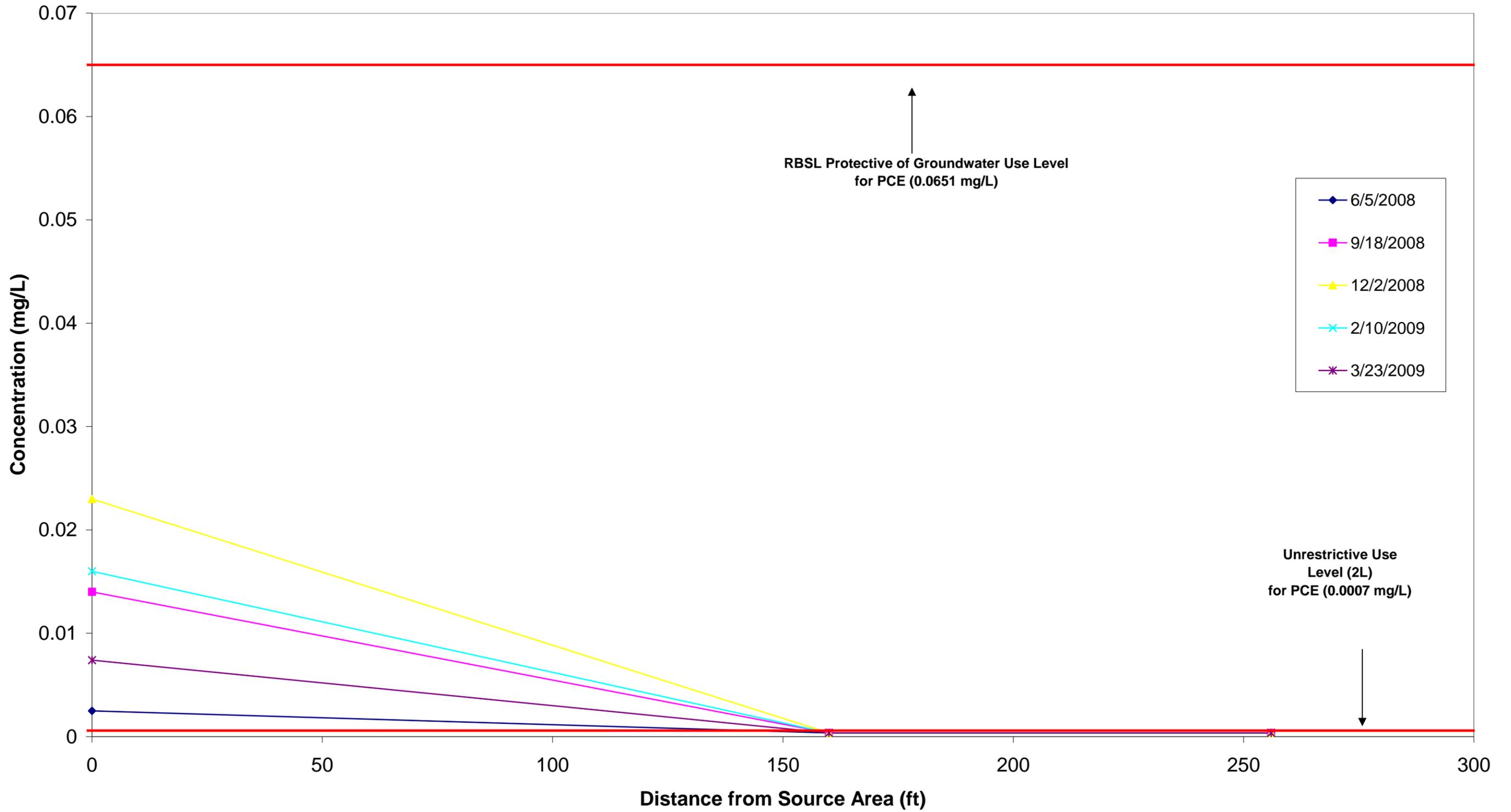
**cis-1,2-DICHLOROETHYLENE vs TIME  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA # 92-0036**



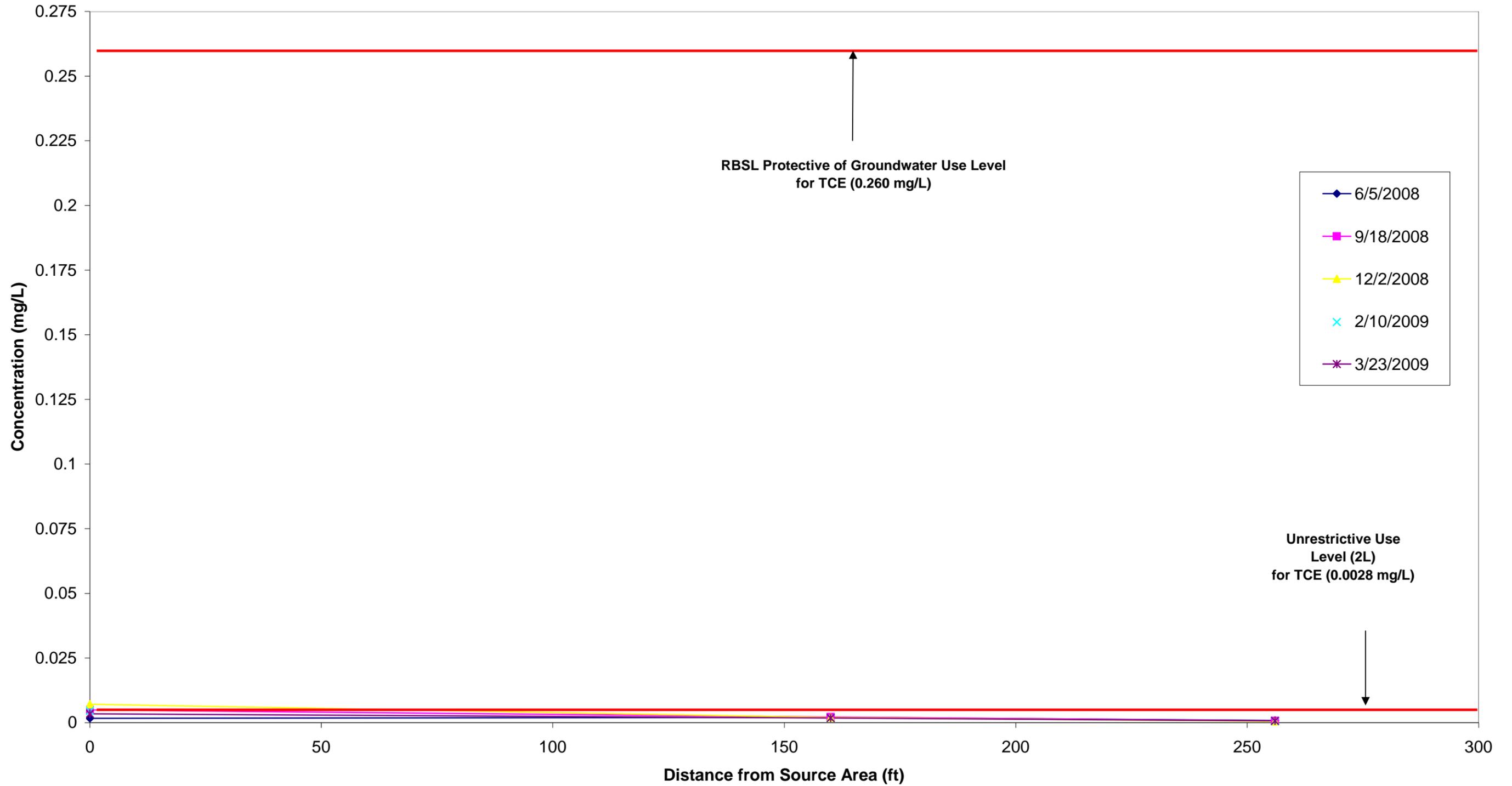
VINYL CHLORIDE CONCENTRATION vs TIME  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA # 92-0036



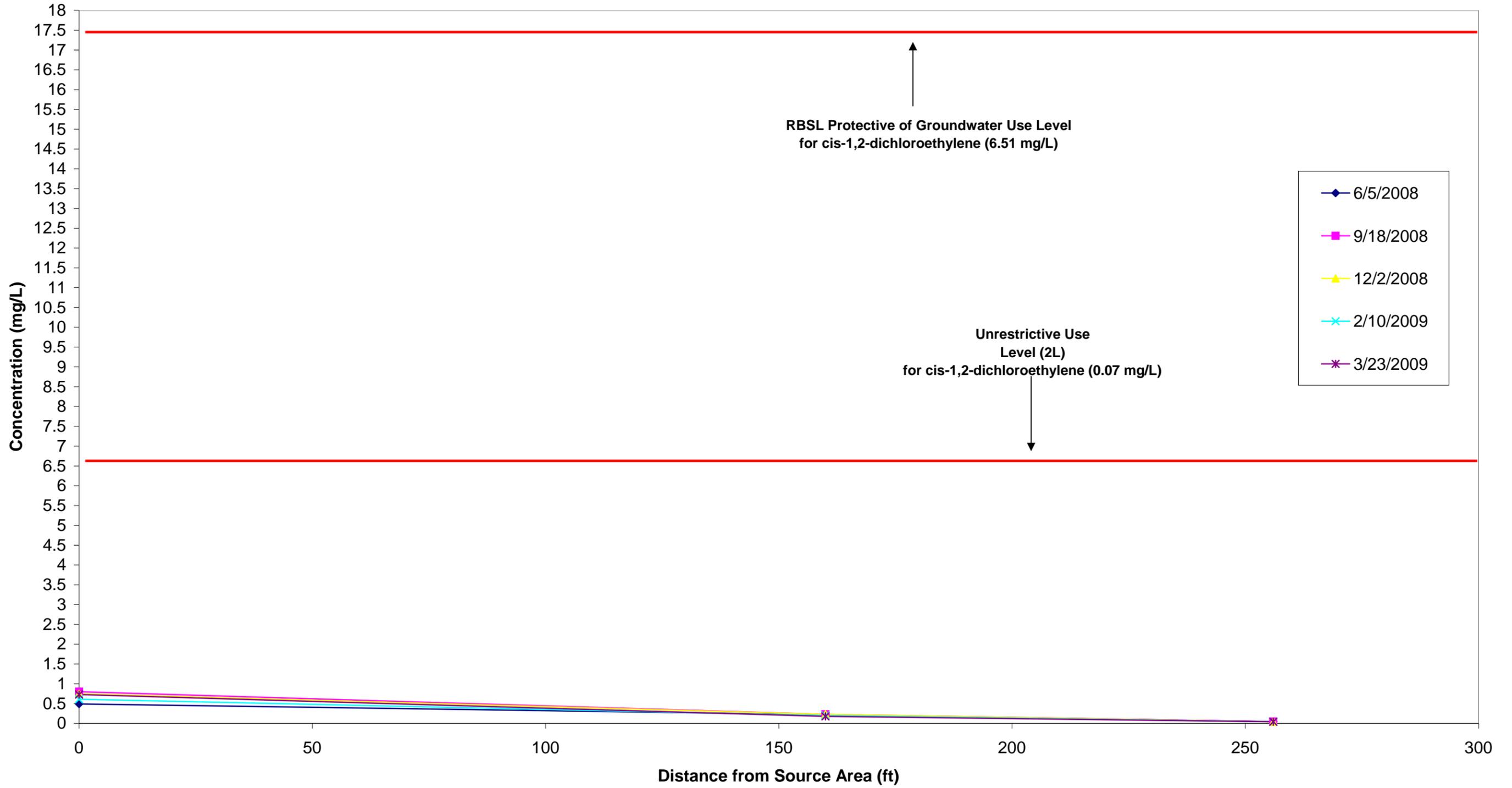
PCE CONCENTRATION vs DISTANCE  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE CHURCH ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA #92-0036



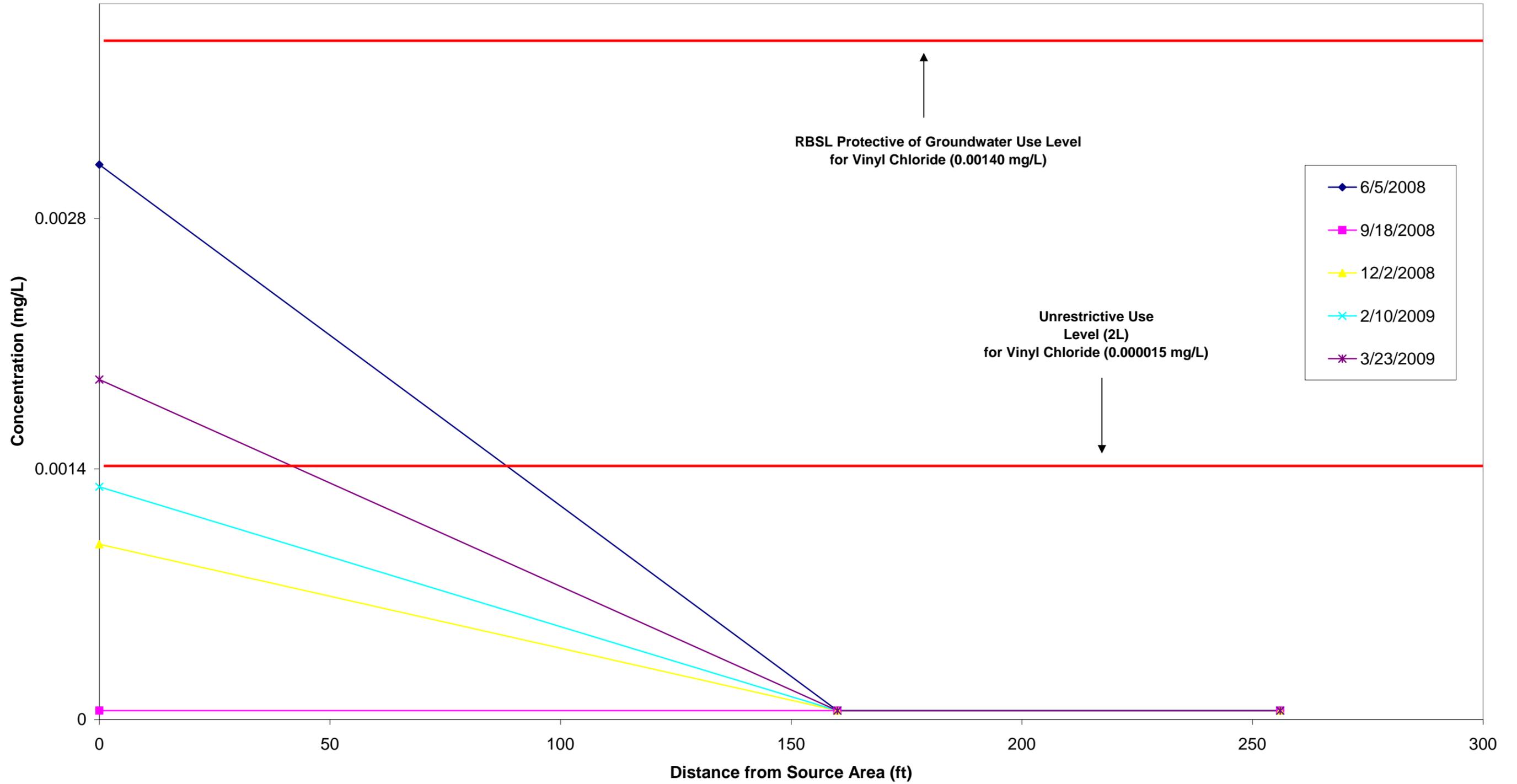
TCE CONCENTRATION vs DISTANCE  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE CHURCH ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA #92-0036



**cis-1,2-DICHLOROETHYLENE CONCENTRATION vs DISTANCE  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE CHURCH ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA #92-0036**



VINYL CHLORIDE CONCENTRATION vs DISTANCE  
FORMER NORTH BOULEVARD CLEANERS  
5141 NEW HOPE CHURCH ROAD  
RALEIGH, WAKE COUNTY, NORTH CAROLINA  
DSCA #92-0036



**APPENDIX B**

**LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS**

**Appendix B**  
**Ecological Risk Assessment – Level 1**  
**Former North Boulevard Cleaners**  
5141 New Hope Road  
Raleigh, Wake County, NC  
ATC Project No: 45.34341.9236  
DSCA Site ID: 92-0036

**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, the closest navigable waterway is located approximately 1,700 feet southwest of the site. This water body is a retention pond that flows south into Burnt Stocking Branch, a tributary of the Marsh Creek. Note that the United States Fish and Wildlife Service (USFWS) shows a stream in closer proximity approximately 400 feet to the west of the site. However, field verification by ATC shows that this stream has been filled during development and the nearest water body is the retention pond 1,700 feet to the southwest. 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?

As referenced in Question 1, the closest water body to the site is a retention pond located approximately 1,700 feet to the southwest of the site.

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

Based on the USFWS, the nearest possible wetland area is located at the retention pond approximately 1,700 feet southwest 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 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, it is not likely that ecological important species will be located within on-half mile of the site, except in the area of the retention pond located approximately 1,700 feet southwest of the site. No recreationally or commercially important species were observed 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 leucocephalus* – 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- Special Concern
- *Haliaeetus leucocephalus* – Bald Eagle: BGPA

## Checklist B

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

Yes. The primary constituents of concern are tetrachloroethylene (PCE), trichloroethylene (TCE), cis-1,2-dichloroethylene, and vinyl chloride. Based on published references [Environmental Protection Agency (EPA) and United States Agency for Toxic Substances and Disease Registry (ATSDR)], these constituents 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, the mobility class of PCE and TCE is considered moderate. The mobility classes of cis-1,2-dichloroethylene and vinyl chloride were not listed in the references reviewed by ATC, but ATC expect the mobility of these constituents is likely similar.

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

The primary ecological receptor habitat identified in the site vicinity is a retention pond located approximately 1,700 feet southwest of the site. This retention pond flows into a tributary of March Creek, which is located greater than one mile away from the site. The plume has been fully defined and does not come in close proximity to this retention pond or other surface water bodies. As such, the impacted groundwater does not appear likely to discharge to ecological receptor habitats.

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

**As discussed above, the plume is defined and does not appear likely to reach the nearest ecological receptor habitats.**

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

Surficial soils have been impacted at the site. PCE, TCE, cis-1,2-dichloroethylene, chloroform, and naphthalene have been detected in surficial soil.

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

Based on the groundwater data collected to date and published references, the chemicals can be leached from the soil. However, the results of the risk assessment showed that soil concentrations are below levels that could leach to cause groundwater impact at the property boundary. Regarding soil erosion, the area of impacted soil is currently unpaved pending site redevelopment. Therefore, it is possible that some soil could be eroded. However, the area is relatively flat, vegetated, and protective measures have already been taken to prevent transport of surficial soils into stormwater drains in the area. In addition, the area is surrounded by commercial development and it is expected that the site will be redeveloped in

the future. The area of surficial soil impact is likely to be paved or covered by a building when the property is ultimately redeveloped.

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

**As discussed above, ATC considers the potential for impacts to ecological receptors due to runoff or erosion to be low.**

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

Impacted surficial soils have been documented at the site.

**3B. Are potential ecological receptors on the site.**

The site property is an active shopping center with no surface water features. As such, ecological receptors are unlikely to be present on the site property.

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

**As discussed above, ecological receptors are unlikely to be present in the area of surficial soil impact.**

**4A. Are chemicals on the site volatile?**

Chlorinated solvents are considered volatile organic compounds. However, it should be noted that the risk assessment and historical soil gas sampling for the site showed no significant risk associated with outdoor inhalation of vapor emissions from soil.

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

As discussed above, the area of impacted soil is currently unpaved pending site redevelopment. However, the area is relatively flat, vegetated, and the area of impacted soil is relatively small. In addition, the area is surrounded by commercial development and it is expected that the site will be redeveloped in the future. The area of surficial soil impact is likely to be paved or covered by a building when the property is ultimately redeveloped. As such, ATC considers the risk of significant contaminant transport via air dust or particulate matter to be low.

**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?**

As discussed above, significant erosion of impacted soils or significant volatilization from impacted soils appears unlikely.

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

NAPL has not been encountered at the site.

5B. Is NAPL migrating?

NAPL has not been encountered at the site.

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

NAPL has not been encountered at the site.

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

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?

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?

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?

It is possible that migratory birds could feed on the grass overlying the surficial impacted soil at the site. However, migratory birds are considered unlikely to be in the area on a regular basis since the site is surrounded by an active commercial shopping center and busy roadways. Furthermore, based on the low contaminant concentrations in surficial soils, significant chemical concentrations in plants are unlikely to be present.

6D. Do chemicals found on the site bioaccumulate?

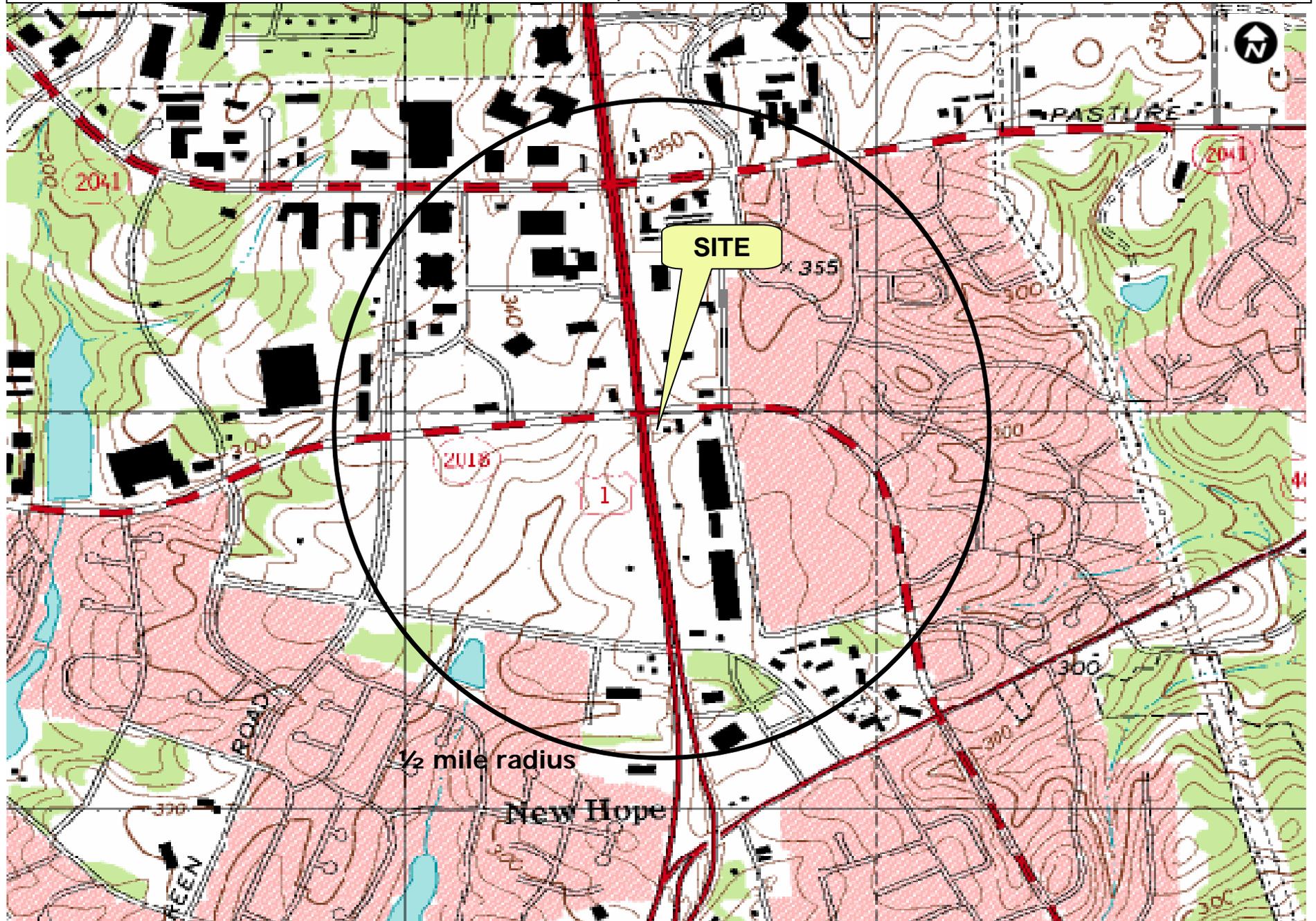
Based on published references (U.S. Agency for Toxic Substances and Disease Registry, 1997), the constituents of concern associated with the site do not significantly bioaccumulate.

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

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

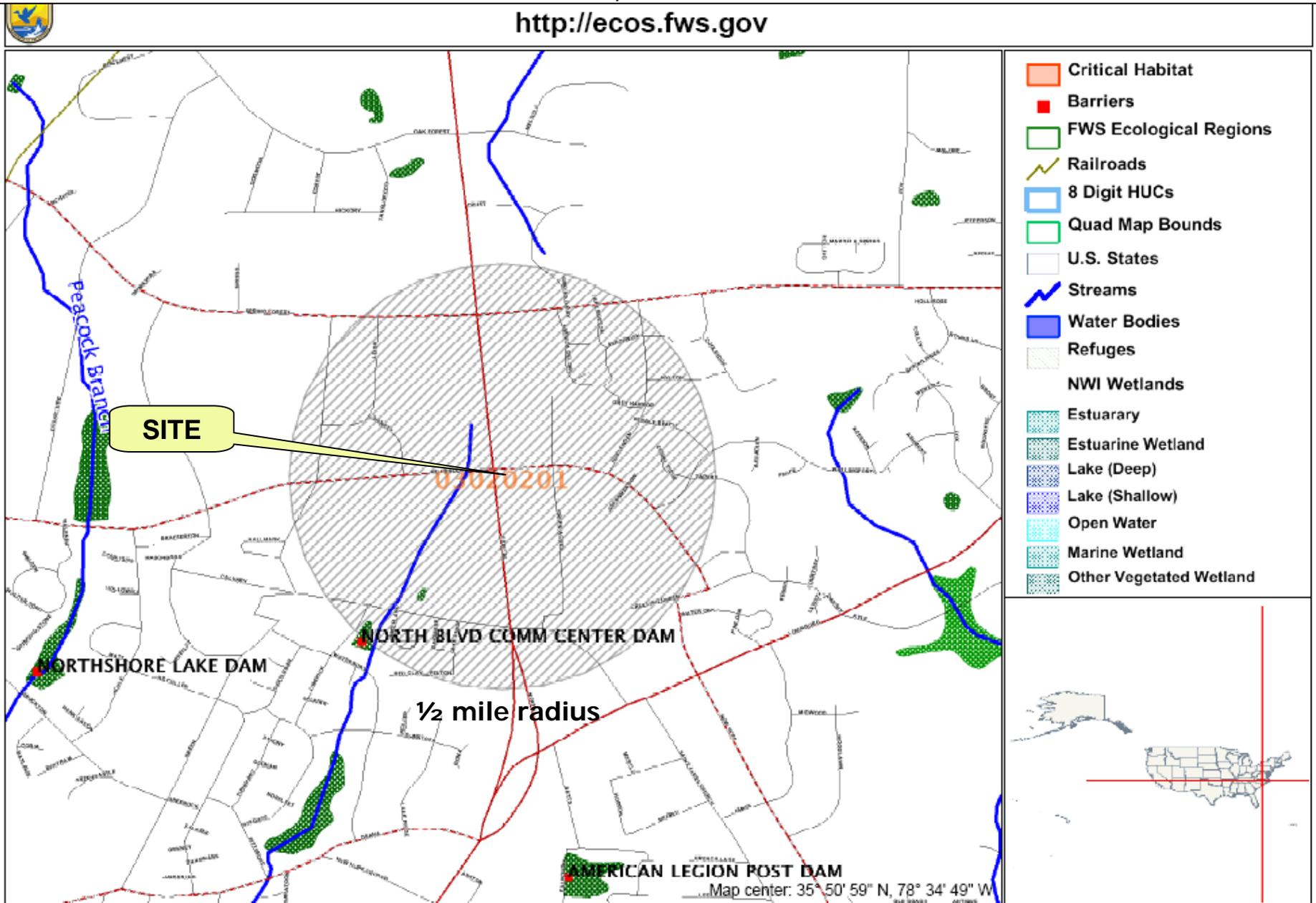
chemicals associated with the site would reach ecological receptors through direct ingestion of soil, plants, animals, or contaminants.

Attachment 1: USGS Raleigh East Quadrangle, Wake County, NC, 1987 (Terraserver.com)  
DSCA Site 92-0036, North Boulevard Cleaners



Attachment 2: USFWS Ecomap, Raleigh East Quadrangle, Wake County, NC  
 DSCA Site 92-0036, North Boulevard Cleaners

<http://ecos.fws.gov>



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



Scale 1:18,691  
 U.S. Fish & Wildlife Service  
 Printed: Jul 16, 2008 9:39:54 AM

**APPENDIX C**

**NOTICE OF DRY-CLEANING SOLVENT REMEDIATION**

**NOTICE OF DRY-CLEANING SOLVENT REMEDIATION**

Property Owner: North Boulevard Plaza

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 North Boulevard Plaza (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 5141 New Hope Road, Raleigh, Wake County, North Carolina, Parcel Identification Numbers (PIN) 1726 43 6960 and 1726 44 7472.**

**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 North Boulevard Cleaners (DSCA Site 92-0036) located at 5141 New Hope Road, Raleigh, in the Mini City Shopping Center. Dry-cleaning operations were conducted on the Property from approximately 1975 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 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 31<sup>st</sup>, 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.**

#### **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\_\_.

North Boulevard Plaza

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 North Boulevard Plaza, a North Carolina limited liability corporation, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Dry-Cleaning Solvent Remediation was signed in its name by him.

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

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

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

**APPROVAL AND CERTIFICATION**

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

North Carolina Department of Environment and Natural Resources

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

**LIMITED POWER OF ATTORNEY**

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

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

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

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

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

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

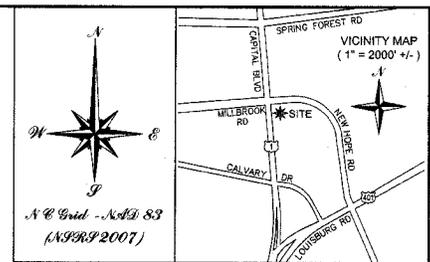
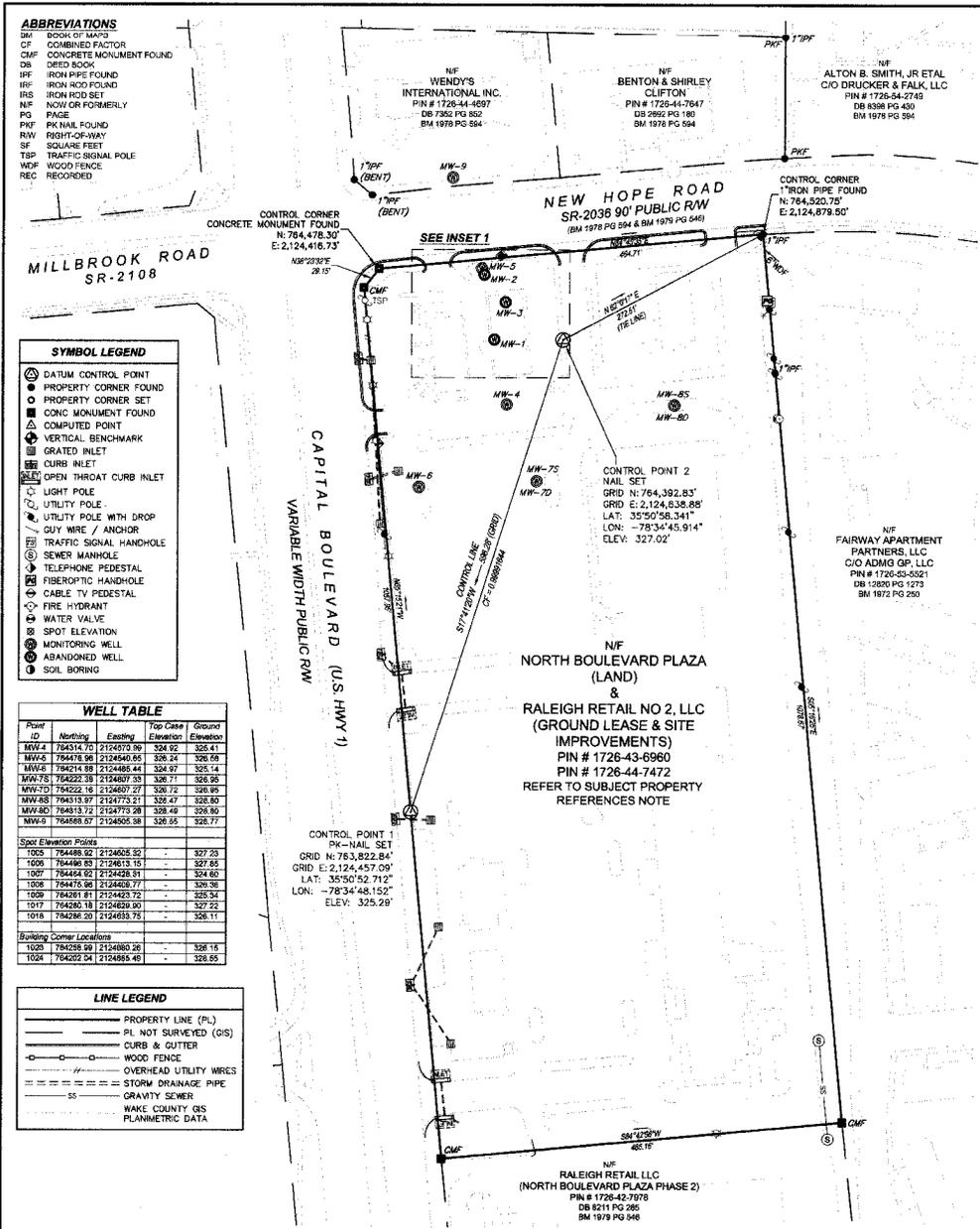
WITNESS my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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



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



**SURVEY NOTES**

- THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS AND DIMENSIONS OF THE AREAS OF POTENTIAL ENVIRONMENTAL CONCERN WITH RESPECT TO SURVEYED BENCHMARKS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCEM) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE.
- THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING. THIS INFORMATION WAS SUPPLIED TO TAYLOR WISEMAN & TAYLOR BY ATC ASSOCIATES OF RALEIGH, NC.
- ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83) REVISION 2011, WITH NAVD83 (GEOID 03) ELEVATIONS. PER A GPS SURVEY PERFORMED BY TAYLOR WISEMAN & TAYLOR ON OCTOBER 26, 2008 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.
- PROPERTY LINES IDENTIFIED AS 'GIS' AND 'GIS PLANIMETRIC DATA' SHOWN HEREON WERE TAKEN FROM THE WAKE COUNTY GIS DATABASE ON APRIL 15, 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 RELATE TO THE GIS INFORMATION SHOWN HEREON.
- WAKE COUNTY GIS IDENTIFIED THE NORTHEAST PORTION OF THIS PARCEL WITH THE PIN # 1726-44-7472. A SEARCH MADE BY THE SURVEYOR OF THE GRANTOR/GRANTEES IN THE WAKE COUNTY REGISTER OF DEEDS DID NOT FIND EVIDENCE TO SUPPORT A LEGALLY CREATED SUBDIVISION OF THE PARENT PARCEL. IT IS THE SURVEYOR'S OPINION THAT THE AREA DESIGNATED WITH SAID PIN IS STILL A PART OF THE ORIGINAL TRACT OF LAND. THE LINE SHOWN ON THE GIS INFORMATION IS THEREFORE OMITTED FROM THIS MAP.
- MONITORING WELLS IDENTIFIED HEREON THAT ARE NOT IN THE WELL TABLE WERE SCALED FROM A DRAWING PROVIDED BY ATC ENTITLED 'ATTACHMENT 11-12, DATED FEBRUARY 28, 2007. THESE LOCATIONS ARE APPROXIMATE. SOIL BORINGS IDENTIFIED HEREON WERE SCALED FROM A DRAWING PROVIDED BY ATC ENTITLED 'FIGURE 1, NORTH BOULEVARD CLEANERS', DATED FEBRUARY 19, 2008. THESE BORING LOCATIONS ARE ALSO APPROXIMATE.
- PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.

**SYMBOL LEGEND**

- DATUM CONTROL POINT
- PROPERTY CORNER FOUND
- PROPERTY CORNER SET
- CONC MONUMENT FOUND
- COMPUTED POINT
- VERTICAL BENCHMARK
- GRADED INLET
- CURB INLET
- OPEN THROAT CURB INLET
- LIGHT POLE
- UTILITY POLE WITH DROP
- QUIRY WIRE / ANCHOR
- TRAFFIC SIGNAL HANDLE
- SEWER MANHOLE
- TELEPHONE PEDESTAL
- FIBEROPTIC HANDLE
- CABLE TV PEDESTAL
- FIRE HYDRANT
- WATER VALVE
- SPOT ELEVATION
- MONITORING WELL
- ABANDONED WELL
- SOIL BORING

**WELL TABLE**

Well ID	Abbr.	Easting	Northing	Ground Elevation	Ground Elevation
MW-4	764314.70	2124773.80	334.92	325.41	
MW-5	764478.96	2124540.65	328.24	326.56	
MW-6	739214.85	2124884.41	324.97	325.41	
MW-7S	764223.38	2124897.33	326.71	326.96	
MW-7N	764222.16	2124897.27	326.72	326.95	
MW-8	739213.97	2124773.21	325.47	325.50	
MW-80	764313.72	2124773.28	328.46	326.90	
MW-9	764868.57	2124505.38	328.55	328.77	

**Spot Elevation Points**

Point	Easting	Northing	Elevation
1005	764488.92	2124693.32	327.23
1006	764480.80	2124613.13	327.81
1007	764454.92	2124428.31	324.60
1008	764476.96	2124428.77	326.30
1009	739201.81	2124428.72	325.34
1010	764280.18	2124289.90	327.22
1011	764286.20	2124633.75	328.11

**Building Corner Locations**

Point	Easting	Northing	Elevation
1028	764286.99	2124880.26	328.18
1029	764282.94	2124885.43	328.59

**LINE LEGEND**

- PROPERTY LINE (PL)
- PL NOT SURVEYED (GIS)
- CURB & GUTTER
- WOOD FENCE
- OVERHEAD UTILITY WIRES
- STORM DRAINAGE PIPE
- GRAVITY SEWER
- WAKE COUNTY GIS PLANIMETRIC DATA



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 DEEDS & OFFICE AT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

QUESTIONS CONCERNING THIS MATTER MAY BE DIRECTED TO THE NORTH CAROLINA DIVISION OF WASTE MANAGEMENT, 1600 EAST WILSON STREET, RALEIGH, NC 27601-1600, OR BY TELEPHONE TO (919) 297-0885. FOR INFORMATION ON THE DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION, 1646 MAIL SERVICE CENTER, RALEIGH, NC 27699-1646.

**PROPERTY REFERENCES**

DB 8530 PG 1087 - DEED TO IMPROVEMENTS NORTH BOULEVARD ASSOCIATES (NC LLC) TO RALEIGH RETAIL NO. 2 LLC (NC LLC)

DB 8530 PG 1092 - GROUND LEASE NORTH BOULEVARD ASSOCIATES (NC LLC) TO RALEIGH RETAIL NO. 2 LLC (NC LLC)

DB 1885 PG 247  
 C.O. WEAVER AND WIFE, NELLA D. WEAVER, WELBURN C. CALTON AND WIFE, MARY H. CALTON RAYMOND H. KEES AND WIFE, EMILY L. KEES, LAWYERS TITLE OF NORTH CAROLINA, INC. TO NORTH BOULEVARD PLAZA (A PARTNERSHIP) TRACT 1  
 \*APPEARS TO BE THE DEED BY WHICH THE SUBJECT PROPERTY WAS ACQUIRED BY NORTH BOULEVARD PLAZA

BM 1972 PG 117, BM 1978 PG 694, BM 1979 PG 478 & BM 1979 PG 540 ALL REFLECT NORTH BOULEVARD PLAZA AS OWNER OF SUBJECT PROPERTY.

**PLAT REVISION NOTES**

01/25/11 (BY: CT-1) - RESIZED SOME OF THE INFORMATION TO MAKE ROOM FOR ADDED DSCA CERTIFICATES, ADDED ROAD NAMES; REVISED PROPERTY REFERENCES; REMOVED RESTRICTION AREA; ADDED THE LINE AND CONTROL CORNER INFORMATION

**SURVEYORS CERTIFICATE (G.S. 47-30)**

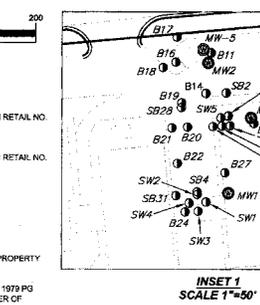
NOT A CERTIFIED DOCUMENT AS TO THE ORIGINAL DOCUMENT BUT ONLY AS TO THE REVISIONS. THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY TIMOTHY A. BROTHERS, L3487, ON OCTOBER 12, 2009. THIS DOCUMENT IS ONLY CERTIFIED AS TO THE REVISIONS.

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, WITH MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27th DAY OF JANUARY, IN THE YEAR OF OUR LORD 2011.

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



**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 \_\_\_\_\_ DAY OF \_\_\_\_\_

NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_

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

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

JACK BUTLER, PE  
 CHIEF SUPERVISOR SECTION  
 DIVISION OF WASTE MANAGEMENT

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

\_\_\_\_\_ A NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT \_\_\_\_\_ DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_

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

**PLAT REVISION NOTES**

01/25/11 (BY: CT-1) - RESIZED SOME OF THE INFORMATION TO MAKE ROOM FOR ADDED DSCA CERTIFICATES, ADDED ROAD NAMES; REVISED PROPERTY REFERENCES; REMOVED RESTRICTION AREA; ADDED THE LINE AND CONTROL CORNER INFORMATION

**SURVEYORS CERTIFICATE (G.S. 47-30)**

NOT A CERTIFIED DOCUMENT AS TO THE ORIGINAL DOCUMENT BUT ONLY AS TO THE REVISIONS. THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY TIMOTHY A. BROTHERS, L3487, ON OCTOBER 12, 2009. THIS DOCUMENT IS ONLY CERTIFIED AS TO THE REVISIONS.

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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, WITH MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27th DAY OF JANUARY, IN THE YEAR OF OUR LORD 2011.

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

**SURVEY PLAT - EXHIBIT "A"**

TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION NORTH BOULEVARD PLAZA RALEIGH RETAIL #2, LLC FORMER NORTH BOULEVARD CLEANERS - DSCA 92-0018 4600 CAPITAL BOULEVARD (US HWY 1) NEUSE TOWNSHIP - WAKE COUNTY - RALEIGH, NORTH CAROLINA

**Taylor Wiseman & Taylor**  
 ENGINEERS / SURVEYORS / SCIENTISTS  
 3500 REGENCY PARKWAY EAST, SUITE 100, CARY, NC 27516  
 TELEPHONE: (919) 297-0885 FAX: (919) 297-0980  
 NORTH CAROLINA LICENSE NUMBER F-0382 www.TaylorWiseman.com

SCALE: 1" = 100' DATE OF SURVEY: AUGUST 7, 2009 FILE: 70987.0220.03  
 DRAWN BY: MAL CHECKED BY: TAB / CTH SHEET: 1.1

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

Commencing at North Carolina Grid System (NCGS) monument "MONEY", said monument having grid coordinates (NAD 83) of North: 766,344.4948, East: 2,124,067.2605; thence South  $05^{\circ} 27' 52''$  East 1778.83' to a North Carolina Grid System (NCGS) monument "CITIZEN", said monument having grid coordinates (NAD 83) of North: 764,574.2585, East: 2,124,237.5131; thence South  $12^{\circ} 33' 01''$  East 1199.21' to an existing concrete monument located on the eastern right-of-way margin of Capital Boulevard (U.S Highway 1), said monument being the true and correct point of BEGINNING; thence from said beginning point and with the eastern right-of-way margin of Capital Boulevard, North  $05^{\circ} 12' 28''$  West 1057.66' to an existing concrete monument; thence North  $37^{\circ} 27' 03''$  East 29.16' to an existing concrete monument located on the southern right-of-way margin of New Hope Road, thence with the southern right-of-way margin of New Hope Road, North  $84^{\circ} 51' 17''$  East 464.51' to an existing iron pipe, said pipe being the northwestern corner of Shelter Properties IV (Deed Book 3105, Page 372, Wake County Registry); thence with the western property line of Shelter Properties IV, South  $05^{\circ} 15' 29''$  East 1078.25' to an existing concrete monument, said monument being the northeastern corner of North Boulevard Plaza Phase 2 (Deed Book 2622, Page 464, Wake County Registry); thence with the northern property line of North Boulevard Plaza Phase 2, South  $84^{\circ} 45' 03''$  West 485.21' to the point and place of beginning, containing 12.00 acres more or less.

**APPENDIX D**

**EXAMPLE OF ANNUAL CERTIFICATION OF LAND-USE RESTRICTIONS**

**Site Name: Former North Boulevard Cleaners**

**Site Address: 5141 New Hope Road, Raleigh, Wake County, NC**

**DSCA ID No: 92-0036**

**ANNUAL DSCA LAND USE RESTRICTIONS CERTIFICATION**

Pursuant to Land Use Restriction Number 5 in a Notice of Dry-Cleaning Solvent Remediation (NDCSR) executed by \_\_\_\_\_ and recorded on \_\_\_\_\_ at the Wake County Register of Deeds Office, North Boulevard Plaza hereby certifies, as an owner of at least part of the property that is the subject of the NDCSR, that the NDCSR remains recorded at the Wake County Register of Deeds office and the land use restrictions therein are being complied with.

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

North Boulevard Plaza

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 North Boulevard Plaza, a \_\_\_\_\_ limited liability corporation, and its Manager, and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her.

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

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

My Commission expires: \_\_\_\_\_

[Stamp/Seal]

**APPENDIX E**

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

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

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site #92-0036  
Former North Boulevard Cleaners, 5141 New Hope Road, Raleigh, NC

Dear <name>:

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

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

Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site #92-0036  
Former North Boulevard Cleaners, 5141 New Hope Road, Raleigh, NC  
Page 2

<date>

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

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

Sincerely,

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

Attachments: Risk Management Plan

Cc: DSCA Site #92-0036 File

**Public Notice**

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

Former North Boulevard Cleaners  
DSCA Site #92-0036

Pursuant to N.C.G.S. §143-215.104L, on behalf of Consolidated Laundry Equipment, 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.

North Boulevard Cleaners formerly conducted dry-cleaning operations at the Mini City Shopping Center at 5141 New Hope Road in Raleigh, North Carolina. The area of the former dry-cleaner on the property is currently vacant. Dry-cleaning solvent contamination in soil and/or ground water has been identified at the following parcels:

5141 New Hope Road, in Raleigh; Parcel No. 1726 43 6960  
5135 New Hope Road, in Raleigh; Parcel No. 1726 44 7472

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 current on-site businesses. 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](http://www.ncdsca.org), under "Public Notices".

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

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

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



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

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

Subj: Dry-Cleaning Solvent Contamination  
5141 New Hope Road, Raleigh, 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 former North Boulevard Cleaners at 5141 New Hope Road in Raleigh. The area of the former dry-cleaner is currently vacant. 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](mailto:billy.meyer@ncdenr.gov)

Attachments: Summary of the NOI

Cc: DSCA Site # 92-0036 File