

Risk Management Plan
Blue Ridge Cleaners
DSCA ID No. 45-0001
503 E. Seventh Avenue
Hendersonville, Henderson County
North Carolina Dry-Cleaning
Solvent Cleanup Act Program

H&H Job No. DS0-34

January 13, 2011



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Hendersonville, NC**

1.0 INTRODUCTION

Hart & Hickman, PC (H&H) has prepared this Risk Management Plan (RMP) for the former Blue Ridge Cleaners facility (the site) on behalf of the North Carolina Dry-Cleaning Solvent Cleanup Act (DSCA) Program. The site is located at 503 E. Seventh Avenue in Hendersonville, Henderson County, North Carolina. This RMP is intended to comply with the requirements of 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

H&H performed a Tier 1 risk assessment and completed DSCA's Indoor Air Risk Calculator to evaluate the cumulative site-wide risk under industrial/commercial land use scenarios. The results of the Tier 1 risk assessment and Indoor Air Risk Calculator indicate that site-wide risks do not exceed target risk levels under current conditions. However, the evaluation was based on site-specific land use conditions that require an RMP. As such, the objective of this RMP is to ensure that those site-specific land use conditions remain valid in the future.

3.0 SUMMARY OF APPROVED RISK ASSESSMENT REPORT

H&H submitted a Tier 1 Assessment Report dated September 3, 2010 to DSCA documenting a risk assessment evaluation of contamination associated with the site. The Tier 1 risk assessment evaluation included the development of an exposure model that included a single on-site exposure unit. The model accounted for potential exposure pathways within the on-site exposure unit. Specifically, the exposure model consisted of the following complete exposure pathways:

- On-Site Non-Residential Worker – Current and Future Conditions – Subsurface Soil – Indoor Inhalation of Vapor Emissions
- On-Site Non-Residential Worker – Current and Future Conditions – Subsurface Soil – Outdoor Inhalation of Vapor Emissions
- On-Site Non-Residential Worker – Current and Future Conditions – Groundwater (First Encountered Zone) – Indoor Inhalation of Vapor Emissions
- On-Site Non-Residential Worker – Current and Future Conditions – Groundwater (First Encountered Zone) – Outdoor Inhalation of Vapor Emissions
- On-Site Construction Worker – Soil Up to Depth of Construction – Combined Pathway
- On-Site Construction Worker – Groundwater (First Encountered Zone) - Outdoor Inhalation of Vapor Emissions

For each complete pathway, representative concentrations (RCs) of detected contaminants in soil and groundwater were calculated and compared with Tier 1 Risk-Based Screening Levels (RBSLs) established by the DSCA Program. The RCs for tetrachloroethylene (PCE), trichloroethylene (TCE), and benzene exceeded the Tier 1 RBSLs for the On-Site Non-Residential Worker – Current and Future Conditions – Subsurface Soil – Indoor Inhalation of Vapor Emissions pathway. However, an indoor air sample was collected at the site on October 8, 2009 and contained only 0.55 $\mu\text{g}/\text{m}^3$ of PCE. H&H completed DSCA's Indoor Air Risk Calculator to evaluate the indoor air inhalation pathway. Based on the indoor air sample data, the calculated cumulative risk level for an industrial worker was 2.64×10^{-7} , which is below acceptable levels under current conditions. However, since the RCs for PCE and TCE exceeded the Tier 1 RBSLs for the soil to indoor air pathway under future conditions, a land-use restriction should be implemented to help ensure that future property alterations do not create a vapor intrusion pathway. The risk calculator is included as Appendix A.

In addition to these pathways, the Tier 1 risk assessment included an evaluation of the protection of groundwater use pathway. For this pathway, the soil source area was determined and RCs of compounds detected in the source area were calculated. No dry-cleaning solvents have been

detected in on-site groundwater. Petroleum constituents unrelated to the dry-cleaning release were detected in on-site groundwater, but the representative concentrations do not exceed their respective Tier 1 RBSLs for complete groundwater pathways. Thus, a groundwater source area was not included in the Tier 1 Risk Assessment. A hypothetical point-of-exposure (POE) for the nearest possible future location of a water supply well was identified approximately 147 feet east and downgradient of the soil source area at the nearest downgradient property boundary. There were no exceedances of Tier 1 RBSLs by the soil source area RCs.

The nearest surface water bodies are Mud Creek and an unnamed tributary of Mud Creek located approximately 1,700 ft northeast (cross-gradient) and 1,500 ft north (up-gradient), respectively, of the soil source area. There are no other streams located within a one-half mile radius of the site, and no dry-cleaning constituents have been detected in on-site groundwater. Thus, the protection of surface water pathway is not complete and was not included in the risk assessment evaluation.

Based on the results of the Tier 1 evaluation and the Indoor Air Risk Calculator, H&H concluded that the release at the subject site does not pose an unacceptable risk and recommended site closure in accordance with the DSCA Program's risk-based rules.

4.0 RAP COMPONENTS

4.1 Summary of Prior Assessment

Based on information from Hendersonville City Directories, the former Blue Ridge Cleaners conducted dry-cleaning operations at the site from 1956 to 1980. The site is located in a moderately populated area consisting primarily of commercial and office properties. The site property is an approximately 0.12-acre parcel of land containing a single structure which is currently unoccupied.

In March 1999, Law Engineering and Environmental Services, Inc. reported detections of PCE (820 µg/L) and TCE (11 µg/L) in groundwater during the January 1999 closure of two petroleum underground storage tanks (USTs) at the 7th Avenue Warehouse located at 628 E. Seventh Avenue, approximately 400 ft northeast (downgradient) of the former Blue Ridge Cleaners facility. At that time, the DENR Division of Water Quality - Groundwater Section presumed that the PCE and TCE impacted groundwater likely resulted from dry-cleaning operations conducted at the former Blue Ridge Cleaners.

In October 2008, H&H completed a limited assessment at the site. The assessment activities included the installation and sampling of eight temporary groundwater monitoring points (GW-1 through GW-8) in the right-of-ways along E. Seventh Avenue and Ashe Street. Concentrations of PCE were detected above the NC 2L standard of 0.7 µg/L in GW-3A (5.4 µg/L) and GW-6 (1.7 µg/L). Other constituents including benzene, methyl-tert-butyl ether (MTBE), and naphthalene were detected above NC 2L standards in groundwater samples collected in the right-of-ways near the site.

On September 9, 2009, the site was certified into the DSCA Program. H&H conducted Prioritization Assessment (PA) activities at the site in October and November 2009. The PA activities included the installation and sampling of 14 soil borings (SB-1 through SB-14), eleven temporary groundwater monitoring points (GW-9 through GW-19), and three Type II monitoring wells (MW-1 through MW-3). Two constituents of concern (COCs), PCE and TCE, were detected above their lowest DSCA Tier 1 RBSLs of 0.0342 mg/kg and 0.0042 mg/kg, respectively, in soil samples SB-5 (10-12') and SB-6 (8-10'). The detected PCE and TCE concentrations in SB-5 were 0.15 mg/kg and 0.96 mg/kg, respectively, and 0.15 mg/kg and 0.68 mg/kg, respectively, in SB-6. Benzene concentrations were also detected in the samples above the lowest Tier 1 RBSL and concentrations of 1,1-dichloroethylene (1,1-DCE), cis-1,2-dichloroethylene (cis-1,2-DCE), ethylbenzene, toluene, trans-1,2-dichloroethylene (trans-1,2-DCE), and total xylenes were detected in SB-5 and SB-6 below their respective RBSLs. No dry-cleaning constituents were detected in the groundwater samples collected at the site. However,

concentrations of benzene, ethylbenzene, MTBE, naphthalene, toluene, and xylenes were detected in groundwater at the site above their respective NC 2L standards.

As part of the PA, H&H completed vapor intrusion assessment activities at the site which included the collection of one indoor ambient air sample (IAS-1) on October 8, 2009, and one sub-slab vapor sample (VMP-1) on November 2, 2009. PCE was detected in IAS-1 ($0.55 \mu\text{g}/\text{m}^3$) below the EPA Regional Screening Level (RSL) for industrial/commercial air of $2.1 \mu\text{g}/\text{m}^3$. No other COCs were detected in the indoor air sample, and no COCs were detected in the sub-slab vapor sample. On December 16, 2009, H&H submitted a Prioritization Assessment Report to the DSCA Program documenting the PA activities. The site was assigned a prioritization ranking of 4.1 due to petroleum (non-dry cleaning) groundwater impacts exceeding NC 2L standards.

H&H completed two comprehensive quarterly groundwater monitoring events at the site on February 11, 2010 and May 24, 2010. No dry-cleaning constituents were detected in the monitoring wells during the quarterly sampling events. Estimated concentrations of benzene and xylenes and concentrations of ethylbenzene were detected in MW-2 below NC 2L standards during the two sampling events. MTBE was detected in MW-3 below the NC 2L standard during both sampling events. No COCs were detected in MW-1 during the quarterly monitoring events. H&H submitted a Groundwater Monitoring Report to the DSCA Program on July 23, 2010.

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. Since these conditions were met, land-use restrictions (LURs) and no further remedial action are recommended for the site.

Condition 1: The dissolved plume is stable or decreasing.

No dry-cleaning constituents have been detected in groundwater at the site.

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.

H&H calculated representative concentrations of COCs for each complete exposure pathway during the Tier 1 Risk Assessment evaluations. The maximum concentration of each COC was less than ten times the respective RC.

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

The risk assessment conducted by H&H for the site assumed that groundwater from the site property will not be utilized in the future. As discussed in Section 6.0, LURs will be implemented for the site property to ensure that this assumption remains valid.

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

H&H 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 are included in Appendix B.

The site's compliance with the four above-referenced conditions indicates that the contaminant concentrations are not likely to pose an unacceptable risk either at present or in the future, and the appropriate remedial action is to implement LURs on the site property.

5.0 DATA COLLECTED DURING RMP IMPLEMENTATION

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

6.0 LAND-USE RESTRICTIONS

The risk assessment for the site was based on the assumptions that usage of the site property will remain commercial and groundwater from the site property will not be utilized in the future. LURs will be implemented for the site property to ensure that these land-use conditions are maintained and monitored until LURs are no longer required for the site. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR is included in Appendix C. A plat showing the locations and types of dry-cleaning solvent 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 unrestricted use standards. As discussed in Section 4.1, PCE and TCE are the primary COCs for the site.

7.0 LONG-TERM STEWARDSHIP PLAN

The NDCSR contains a clause requiring the owner of the site to submit a 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 the 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 made available for public access.

8.0 RMP IMPLEMENTATION SCHEDULE

Since soil contamination is confined to the site property and possible exposure to the contamination will be managed through the NDCSR and LURs, no additional site remedial activities are required to implement the RMP. As such, upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Henderson County Register of Deeds and will complete the RMP schedule.

9.0 CRITERIA FOR DEMONSTRATION OF RMP SUCCESS

The RMP will be successfully implemented once the required LURs have been executed and recorded with the Henderson County Register of Deeds. The NDCSR may, at the request of the property owner, be canceled by NCDENR after risk to public health and the environment associated with the dry-cleaning solvent contamination and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated. If NCDENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the new 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. 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

H&H has prepared this RMP for the above-referenced site on behalf of the NC DSCA Program. The results of site assessment activities indicate that no dry-cleaning constituents have been detected in groundwater and the extent of soil contamination is confined to the site. This RMP specifies that the NDCSR and LUR requirements provide notification that the land-use conditions observed during the risk assessment evaluation remain valid in the future. Based on

the documentation contained in this report, H&H recommends issuance of a “No Further Action” letter.

Appendix A

DSCA Indoor Air Risk Calculator

DSCA Indoor Air Risk Calculator - Table 2: Cumulative Risk for Industrial Worker

DSCA ID No: 45-0001

Name/Address of Sample Location: Blue Ridge Cleaners, 503 E. Seventh Ave., Hendersonville, Henderson County

Have multiple sampling events been conducted at this location: Yes No

Sampling Date: 10/8/2009

Sample ID: IAS-1

Cumulative Risk Calculation for Indoor Air Pathway (Industrial)												
	Tetrachloroethylene	Trichloroethylene	Vinyl Chloride	Benzene	Ethylbenzene	Naphthalene	MTBE	1,2-Dichloroethane				
Maximum Concentration Detected ($\mu\text{g}/\text{m}^3$)	0.55											
EPA Regional Screening Level (RSL) for Industrial Air (carcinogenic target risk = $1\text{E-}06$) $\mu\text{g}/\text{m}^3$	2.08	6.13	2.79	1.57	4.91	0.36	47.2	0.47				
Ratio = Max Concentration \div EPA RSL	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00				

CUMULATIVE RISK (sum of ratios x 10^{-6})	2.64E-07
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Cumulative Hazard Index (HI) Calculation for Indoor Air Pathway (Industrial)												
	Tetrachloroethylene	trans - 1,2 -DCE	Vinyl Chloride	Benzene	Toluene	Ethylbenzene	Total Xylenes	Naphthalene	MTBE	1,2-Dichloroethane		
Maximum Concentration Detected	0.55											
EPA Regional Screening Level (RSL) for Industrial Air [noncancer Hazard Index (HI)=1] $\mu\text{g}/\text{m}^3$	1190	263	438	131	21900	4380	438	13	13100	10600		
Ratio = Max Concentration \div EPA RSL	0.0005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		

CUMULATIVE HI (sum of ratios)	0.00
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- Notes:**
1. RSLs available at: http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/Generic_Tables/index.htm
 2. Cis-1,2-DCE, trans-1,2-DCE, toluene and xylenes were not included in the cumulative risk calculation since they currently have no carcinogenic EPA RSLs.
 3. Trichloroethylene and cis-1,2-DCE were not included in cumulative HI calculation since they currently have no noncancer EPA RSLs.

<p>CONCLUSIONS</p> <p><input checked="" type="checkbox"/> Risk is < $1\text{E-}06$</p> <p><input type="checkbox"/> Risk is between $1\text{E-}06$ and $1\text{E-}05$</p> <p><input type="checkbox"/> Risk is between $1\text{E-}05$ and $1\text{E-}04$</p> <p><input type="checkbox"/> Risk is > $1\text{E-}04$</p>
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<p>RECOMMENDATIONS (check all that apply)</p> <p><input type="checkbox"/> Collect confirmation samples</p> <p><input type="checkbox"/> Develop long-term monitoring schedule</p> <p><input type="checkbox"/> Evaluate for mitigation</p> <p><input checked="" type="checkbox"/> No further action for indoor air</p>

Appendix B

Level 1 Ecological Risk Assessment Checklists

Ecological Risk Assessment – Level 1
Checklist A – Potential Receptors and Habitat

Site / Location: Blue Ridge Cleaners 503 E. Seventh Avenue, Hendersonville, Henderson County, NC
H&H Project No.: DS0-34
DSCA Site ID: 45-0001

1. Are there navigable water bodies or tributaries to a navigable water body on or within a one-half mile radius of the site?

Yes, a tributary of Mud Creek is located approximately 1,500 feet north of the site. Mud Creek discharges into the French Broad River.

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

Yes, a tributary of Mud Creek is located approximately 1,500 feet north of the site. In addition, Mud Creek is located approximately 1,700 feet northeast of the site.

3. Are there any wetland¹ areas such as marshes or swamps on or within one-half mile of the site?

Yes, freshwater forested and shrub wetlands are located along Mud Creek. These wetlands were identified in the field and confirmed by the US Fish and Wildlife Services (USFWS) National Wetlands Inventory. The closest wetland is a forested shrub wetland located approximately 1,600 feet northeast of the site.

4. Are there any sensitive environmental areas² on or within one-half mile of the site?

Yes, wetlands and a greenway are located along Mud Creek approximately 1,600 feet northeast of the site.

5. Are there any areas on or within one-half mile of the site owned or used by local tribes?

No, the Native American Consultation Database and the US Department of the Interior's on-line National Atlas do not identify any areas within a one-half mile radius of the site owned or used by local tribes.

6. Are there any habitat, foraging area, or refuge by rare, threatened, endangered, candidate and/or proposed species (plants and animals), or any otherwise protected species on or within one-half mile of the site?

Yes, there are indications of Bunched Arrowhead (*Sagittaria fasciculata*), Swamp Pink (*Helonias bullata*), and White Irisette (*Sisyrinchium dichotomum*) habitats within a one-half mile radius of the site. Additionally, the NC Natural Heritage Program indicates the Bunched Arrowhead (*Sagittaria*

¹ Wetlands are defined in 40 CFR 232.2 as “areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” The sources to make the determination whether or not wetland areas are present may include, but not limited to, national wetland inventory available at <http://nwi.fws.gov>, federal or state agency, and USGS topographic maps.

² Areas that provide unique and often protected habitat for wildlife species. These areas typically used during critical life stages such as breeding, hatching, rearing or young and overwintering. Refer to Attachment 1 for examples of sensitive environments.

fasciculata) and Swamp Pink (*Helonias bullata*) have been identified within two miles of the site. However, none of these species were observed during the site visit.

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

Yes, areas used by migratory species were identified within a one-half mile radius of the site. Additionally, migratory species, including the Red-eyed Vireo, were observed during the site visit.

8. Are there any ecologically³, recreationally, or commercially important species on or within one-half mile of the site?

Possibly, suitable habitat for white-tail deer is present along Mud Creek. However, no ecologically, recreationally, or commercially important species were observed during the site visit.

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

No, threatened or endangered species were not observed during the site visit. However, suitable habitat is present for the Bunched Arrowhead (*Sagittaria fasciculata*), Swamp Pink (*Helonias bullata*), and White Irisette (*Sisyrinchium dichotomum*). The NC Natural Heritage Program indicates the Bunched Arrowhead (*Sagittaria fasciculata*) and Swamp Pink (*Helonias bullata*) have been identified within two miles of the site.

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

³ Ecologically important species include populations of species which provide a critical food resource for higher organisms. Ecologically important species include pest and opportunistic species that populate an area if they serve as a food source for other species, but do not include domesticated animals or plants/animals whose existence is maintained by continuous human interventions.

**Level 1 Ecological Risk Assessment
Checklist B for Potential Exposure Pathways**

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

Unlikely. Tetrachloroethylene (PCE) has not been detected in groundwater at the site. However, petroleum constituents have been detected in groundwater at the site, but are not related to former dry-cleaning activities.

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

Unlikely. Chemical mobility is primarily influenced by the chemical solubility and soil-water partition coefficient. Based on these values, PCE is classified as moderately mobile (Fetter, 1988). However, PCE has not been detected in groundwater at the site.

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

Unlikely. The primary ecological receptor habitats associated with the site are Mud Creek and an unnamed tributary of Mud Creek located north and northeast of the site, respectively. Groundwater at the site flows east/southeast.

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

Unlikely. As discussed above, groundwater at the site flows east/southeast, away from Mud Creek and the tributary of Mud Creek. Additionally, PCE has not been detected in groundwater at the site.

- 1A. Are chemicals present in surface soils on the site?

No. PCE has not been detected in surface soils collected at the site.

- 1B. Can chemicals be leached from or be transported by erosion of surface soils on the site?

No. PCE has not been detected in surface soils collected at the site.

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

No. PCE has not been detected in surface soils collected at the site. PCE has been detected in subsurface soils, but the impacted soils are beneath the footprint building.

- 2A. Are chemicals present in surface soil or on the surface of the ground?

No. PCE has not been detected in surface soils collected at the site.

- 2B. Are potential ecological receptors on the site?

No.

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

No. Groundwater at the site flows east/southeast, away from Mud Creek and the tributary of Mud Creek. Additionally, PCE has not been detected in surface soils collected at the site.

3A. Are chemicals on the site volatile?

Yes. PCE is a volatile compound.

3B. Could chemicals on the site be transported in air as dust or particulate matter?

No. Impacted soils are at least 8 feet below ground surface (bgs) and beneath the footprint of the building.

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

No. Impacted soils are beneath the footprint of the building.

4A. Is Non-Aqueous Phase Liquids (NAPL) present at the site?

No. NAPL has not been encountered at the site.

4B. Is NAPL migrating?

No. NAPL has not been encountered at the site.

4C. Could NAPL discharge occur where ecological receptors are found?

No. NAPL has not been encountered at the site.

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

No. NAPL has not been encountered at the site.

5A. Are chemicals present in surface and shallow subsurface soils or on the surface of the ground?

No. Impacted soils are at least 8 feet bgs and beneath the footprint of the building.

5B. Are chemicals found in soil on the site taken up by plants growing on the site?

No. Impacted soils are at least 8 feet bgs and beneath the footprint of the building.

5C. 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 wildlife feed on the site's vegetation.

5D. Do chemicals found on the site bioaccumulate?

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

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

Unlikely. Groundwater at the site flows east/southeast, away from Mud Creek and the tributary of Mud Creek. Additionally, PCE has not been detected in surface soils collected at the site and impacted subsurface soils are beneath the footprint of the building.



U.S. Fish and Wildlife Service

National Wetlands Inventory

DS0-34: Wetlands

Jul 28, 2010










Wetlands

-  Freshwater Emergent
-  Freshwater Forested/Shrub
-  Estuarine and Marine Deetwater
-  Estuarine and Marine
-  Freshwater Pond
-  Lake
-  Riverine
-  Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

My Map

-  County Boundaries
-  24k Shoreline
-  Interstate Highways
-  US Highways
-  NC Highways
-  Secondary Routes
-  Local Roads
-  Conservation Contacts
-  Conservation Land Easements
-  Federal
-  State
-  Other
-  Maximum Conservation Value: 9-10
-  Conservation Value: 8
-  Conservation Value: 7
-  Conservation Value: 6
-  Conservation Value: 5
-  Conservation Value: 2-4
-  Moderate Rank: 1
-  Impervious: -1



U.S. Fish & Wildlife Service

Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species,

Henderson County, North Carolina



Updated: 01-31-2008

Common Name	Scientific name	Federal Status	Record Status
Vertebrate:			
Bog turtle	<i>Clemmys muhlenbergii</i>	T (S/A)	Current
Eastern small-footed bat	<i>Myotis leibii</i>	FSC	Current
Green salamander	<i>Aneides aeneus</i>	FSC	Current
Hellbender	<i>Cryptobranchus alleganiensis</i>	FSC	Current
Mountain blotched chub	<i>Erimystax insignis eristigma</i>	FSC	Obscure
Pygmy salamander	<i>Desmognathus wrighti</i>	FSC	Current
Southern Appalachian eastern woodrat	<i>Neotoma floridana haematorea</i>	FSC	Current
Yellow-bellied sapsucker (Southern Appalachian population)	<i>Sphyrapicus varius appalachiensis</i>	FSC	Obscure
Invertebrate:			
Appalachian elktoe	<i>Alasmidonta raveneliana</i>	E	Current
Diana fritillary (butterfly)	<i>Speyeria diana</i>	FSC	Current
French Broad crayfish	<i>Cambarus reburus</i>	FSC	Obscure
Tennessee heelsplitter	<i>Lasmigona holstonia</i>	FSC	Current
Vascular Plant:			
Blue Ridge Ragwort	<i>Packera millefolium</i>	FSC	Historic
Bog asphodel	<i>Narthecium americanum</i>	C	Historic
Bunched arrowhead	<i>Sagittaria fasciculata</i>	E	Current
Butternut	<i>Juglans cinerea</i>	FSC	Current
Fort Mountain sedge	<i>Carex communis</i> var. <i>amplisquama</i>	FSC	Current
Fraser's loosestrife	<i>Lysimachia fraseri</i>	FSC	Obscure
French Broad heartleaf	<i>Hexastylis rhombiformis</i>	FSC	Current
Gray's lily	<i>Lilium grayi</i>	FSC	Historic
Large-flowered barbara's-buttons	<i>Marshallia grandiflora</i>	FSC	Historic
Mountain catchfly	<i>Silene ovata</i>	FSC	Current
Mountain heartleaf	<i>Hexastylis contracta</i>	FSC	Current
Mountain sweet pitcherplant	<i>Sarracenia rubra</i> ssp. <i>jonesii</i>	E	Current

New Jersey rush	<i>Juncus caesariensis</i>	FSC	Current
Small whorled pogonia	<i>Isotria medeoloides</i>	T	Current
Small-leaved meadow-rue	<i>Thalictrum macrostylum</i>	FSC	Current
Swamp pink	<i>Helonias bullata</i>	T	Current
Sweet pinesap	<i>Monotropsis odorata</i>	FSC	Current
White fringless orchid	<i>Platanthera integrilabia</i>	C	Historic
White irisette	<i>Sisyrinchium dichotomum</i>	E	Current

Nonvascular Plant:**Lichen:****Definitions of Federal Status Codes:**

E = endangered. A taxon "in danger of extinction throughout all or a significant portion of its range."

T = threatened. A taxon "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."

C = candidate. A taxon under consideration for official listing for which there is sufficient information to support listing. (Formerly "C1" candidate species.)

BGPA = Bald and Golden Eagle Protection Act. See below.

FSC = federal species of concern. A species under consideration for listing, for which there is insufficient information to support listing at this time. These species may or may not be listed in the future, and many of these species were formerly recognized as "C2" candidate species.

T(S/A) = threatened due to similarity of appearance. A taxon that is threatened due to similarity of appearance with another listed species and is listed for its protection. Taxa listed as T(S/A) are not biologically endangered or threatened and are not subject to Section 7 consultation. See below.

EXP = experimental population. A taxon listed as experimental (either essential or nonessential). Experimental, nonessential populations of endangered species (e.g., red wolf) are treated as threatened species on public land, for consultation purposes, and as species proposed for listing on private land.

P = proposed. Taxa proposed for official listing as endangered or threatened will be noted as "PE" or "PT", respectively.

Bald and Golden Eagle Protection Act (BGPA):

In the July 9, 2007 Federal Register(72:37346-37372), the bald eagle was declared recovered, and removed (de-listed) from the Federal List of Threatened and Endangered wildlife. This delisting took effect August 8,2007. After delisting, the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668d) becomes the primary law protecting bald eagles. The Eagle Act prohibits take of bald and golden eagles and provides a statutory definition of "take" that includes "disturb". The USFWS has developed National Bald Eagle Management Guidelines to provide guidance to land managers, landowners, and others as to how to avoid disturbing bald eagles. For mor information, visit <http://www.fws.gov/migratorybirds/baldeagle.htm>

Threatened due to similarity of appearance(T(S/A)):

In the November 4, 1997 Federal Register (55822-55825), the northern population of the bog turtle (from New York south to Maryland) was listed as T (threatened), and the southern population (from Virginia south to Georgia) was listed as T(S/A) (threatened due to similarity of appearance). The T(S/A) designation bans the collection and interstate and international commercial trade of bog turtles from the southern population. The T(S/A) designation has no effect on land management activities by private landowners in North Carolina, part of the southern population of the species. In addition to its official status as T(S/A), the U.S. Fish and Wildlife Service considers the southern population of the bog turtle as a Federal species of concern due to habitat loss.

Definitions of Record Status:

Current - the species has been observed in the county within the last 50 years.

Historic - the species was last observed in the county more than 50 years ago.

Obscure - the date and/or location of observation is uncertain.

Incidental/migrant - the species was observed outside of its normal range or habitat.

Probable/potential - the species is considered likely to occur in this county based on the proximity of known records (in adjacent counties), the presence of potentially suitable habitat, or both.

Appendix C

Notice of Dry-Cleaning Solvent Remediation

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Henderson Oil Company, Inc.

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 Henderson Oil Company, Inc. (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 503 E. Seventh Avenue, Hendersonville, Henderson County, North Carolina, Parcel Identification Number (PIN) 9569900011.

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 at the Property is contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former Blue Ridge Cleaners (DSCA Site 45-0001) located at 503 E. Seventh Avenue, Hendersonville. Dry-cleaning operations were conducted on the Property from approximately 1956 to 1980.

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. Any future construction of a building on the site shall require one of the following:**
 - a. the installation by the property owner of a DENR approved vapor barrier suitable for the prevention of vapor intrusion from subsurface soil contamination into the overlying building; or**
 - b. a demonstration to DENR by the property owner that such construction will not cause any vapor intrusion into the structure at concentrations that exceed the appropriate risk level.**
- 3. 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.**

4. **No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that use groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior approval of DENR.**
5. **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.**
6. **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.**
7. **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.**
8. **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__.

Henderson Oil Company, Inc.

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 the Secretary of Henderson Oil Company, Inc., a North Carolina corporation and that by authority duly given and as the act of the corporation, the foregoing Notice of Dry-Cleaning Solvent Remediation was signed in its name by its _____ and attested by him/her as its Secretary.

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



APPROVED FOR THE PURPOSES OF N.C.G.S. 142-215.1046

BOOK REFERENCE:
 CHIEF SUPERVISOR 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 _____ DAY OF _____.

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES _____

GROUNDWATER IN WELLS MW-2 AND MW-3 CONTAIN PETROLEUM CONSTITUENTS NOT RELATED TO THE DRY-CLEANING RELEASE AT CONCENTRATIONS THAT EXCEEDED THE APPLICABLE SL WATER QUALITY STANDARDS (15A N.C.G.S. 142-215.1027).

*SOL IN BORNHIS 28-5 AND 28-6 EXCEEDED THE ASSOCIATED RESIDENTIAL USE STANDARD (15A N.C.G.S. 142-215.1027) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE AND TRICHLOROETHYLENE.

SOL IN BORNHIS 28-5, 28-6, AND 28-12 CONTAIN PETROLEUM CONSTITUENTS NOT RELATED TO THE DRY-CLEANING RELEASE AT CONCENTRATIONS THAT EXCEEDED THE ASSOCIATED RESIDENTIAL USE STANDARD (15A N.C.G.S. 142-215.1027).

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

SURVEY NOTES:

- 1) THE SUBJECT PROPERTY FOR THIS SURVEY IS IDENTIFIED BY HENDERSON COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 800748. THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS OF MONITORING WELLS LOCATED ON THE SUBJECT PROPERTY WITH RESPECT TO SURVEYED BORNHIS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THE SUBJECT PROPERTY.
- 2) THE AREAS AND TYPES OF CONTAMINATION DETECTED UPON THE MAP ARE APPROPRIATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF PLATING. THIS INFORMATION WAS SUPPLIED TO THE GRADE GROUP BY HART AND HOWARD, INC.
- 3) ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83 BORN 2007), WITH NAVIGIS (2007 07) ELEVATIONS, FOR A GPS SURVEY PERFORMED BY THE GRADE GROUP, ON SEPTEMBER 27th, 2011.
- 4) THE AREAS AND TYPES OF CONTAMINATION DETECTED UPON THE MAP ARE APPROPRIATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF PLATING. THIS INFORMATION WAS SUPPLIED TO THE GRADE GROUP BY HART AND HOWARD, INC.
- 5) ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83 BORN 2007), WITH NAVIGIS (2007 07) ELEVATIONS, FOR A GPS SURVEY PERFORMED BY THE GRADE GROUP, ON SEPTEMBER 27th, 2011.
- 6) THE AREAS AND TYPES OF CONTAMINATION DETECTED UPON THE MAP ARE APPROPRIATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF PLATING. THIS INFORMATION WAS SUPPLIED TO THE GRADE GROUP BY HART AND HOWARD, INC.
- 7) PROPERTIES SHOWN HEREON ARE SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
- 8) REFERENCE COORDINATE SYSTEM FOR VERTICAL DATUM: NAVIGIS.
- 9) COVERED GROUND SCALE FACTOR: 1.00023344.
- 10) MOST OF THE SOL JOURNAL LOCATIONS ON THIS PLAT WERE SCALED FROM HART & HOWARD MAP, WITH A FEW BEING FIELD LOCATED UTILIZING WELLS.

LEGEND:

- R/W RIGHT OF WAY
- N.A. NOT TO SCALE
- C/F COVERED SCALE FACTOR
- CP CORNER
- EP EDGE OF PARCELS
- MW MONITORING WELLS
- N NORTHING
- E EASTING
- TOP TOP OF CURB
- TM TOP OF MALL MANHOLE
- CP CALCULATED PROPERTY CORNER
- CP DATUM CONTROL POINT
- BONE LOCATION (FIELD LOCATED)
- BONE LOCATION (SCALED FROM HART/HOWARD MAP)
- N/H NOW OR FORMERLY
- U/M UNRECORDED MAP
- SUBJECT PARCEL LINES WITH FOUND MONUMENTATION
- SUBJECT PARCEL LINES PLOTTED FROM DEEDS
- ADJACENT PARCEL LINES
- RIGHT OF WAY LINE
- CONTRA DE LINES
- EDGE OF GRAVEL
- C/O CURB AND GUTTER

NS MONUMENT
 "POST OFFICE 2"
 E: 81-238.27
 N: 88792.824
 E: 88797.995

FLOOD CERTIFICATION:

THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL EMERGENCY ADMINISTRATION, COMMUNITY NUMBER 270095-8800-J & 270095-8800-L, DATED OCTOBER 2, 2008.

OWNERS CERTIFICATE:

I, _____, KNOWLEDGE THAT I HAVE FULL AUTHORITY TO LEGALLY EXECUTE A DEED FOR THIS PROPERTY.

SIGNATURE _____ DATE _____

STATE OF NORTH CAROLINA
 COUNTY OF _____

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

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES _____

N.C.G.S. 142-215.1046(G) 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 THAT THAT USED IN THE BODY OF THE DEED OR INSTRUMENT, A STATEMENT THAT THE PROPERTY HAS BEEN CONTAMINATED BY DRY-CLEANING SOLVENT AND, IF APPROPRIATE, CLEANED UP UNDER THIS PART.

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE HENDERSON COUNTY REGISTER OF DEEDS' OFFICE AT BOOK _____, PAGE _____.

WELL SURVEY NO.

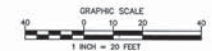
ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE LOCATED (GROUND) AND ADJUSTED (ADJUSTMENT) BEARING INFORMATION (BORNHIS) BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM WITH NAVIGIS ELEVATIONS. THE N.C. STATE PLANE COORDINATES FOR CONTROL POINTS #872 & 470, 2008M WERE USED ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS) IN CONJUNCTION WITH THE NORTH CAROLINA GRADE GROUP'S VERTICAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATION (CORS). THE WELL SURVEY NO. WAS MONITORED ON SEPTEMBER 27, 2011. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET UNLESS NOTED OTHERWISE.

DATE 8-28-11	PROJECT NAME BLAIR RIDGE CLEANERS			
HENDERSONVILLE, NC	383 E. SEVENTH AVE.			
MONITORING WELL ID	NORTHING (FEET)	EASTING (FEET)	ELEVATION (FEET)	DESIGNATION
MW-1	88009.31	88007.88	214.87	T/O/W
MW-2	88009.31	88007.88	214.86	Z/P/C
MW-3	88008.86	88006.11	215.18	T/O/W
MW-4	88008.86	88006.11	215.18	Z/P/C
MW-5	88008.33	88006.11	215.05	T/O/W
MW-6	88008.33	88006.11	215.19	Z/P/C
MW-7	88008.33	88007.84	NA	
MW-8	88008.33	88007.84	NA	
MW-9	88008.48	88008.48	NA	
MW-10	88008.48	88008.48	NA	
MW-11	88008.33	88007.84	215.14	NA
MW-12	88008.33	88007.84	215.03	NA
MW-13	88008.33	88007.84	215.03	NA
MW-14	88008.33	88007.84	215.03	NA
MW-15	88008.33	88007.84	215.03	NA

SURVEYORS CERTIFICATE (N.C. 87-20)

I, STEPHEN S. DYER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES. DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT THAT THE BASIS OF PROVISION IS CALCULATED EXCEPT IN THOSE CASES 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 AS AMENDED BY ORIGINAL SIGNATURE REGISTRATION NUMBER AND YEAR AND 1/32nd DAY OF JANUARY, 2011.

STEPHEN S. DYER, PLS. L-3309



NO.	BY	DATE	REVISION

SURVEY PLAT - EXHIBIT "A"
 TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION
 OWNERS: HENDERSON OIL COMPANY, INC. FOR 4714787
 THE FORMER BLAIR RIDGE CLEANERS
 DSCA #40-0001

500 EAST SEVENTH AVENUE
 HENDERSONVILLE, HENDERSON COUNTY, NORTH CAROLINA

File # 1088-05CA Date: 01-13-2011 Project P.L.S.: 550

ISAACS Surveyed By: M/D/C
 Drawn By: MWJ Scale: 1"=20'

8720 RED OAK BLVD., SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

EXHIBIT B
PROPERTY LEGAL DESCRIPTION

EXHIBIT B

(Legal Description)

Situated in the Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

BEGINNING at a stake in the northwest margin of Seventh Avenue East, said point being the extreme southerly corner of that property conveyed to J.H. Reaben Oil & Supply Company in Deed Book 428, at Page 291, Henderson County Registry, and said Beginning Point being further identified as standing South 43° 30' West, measured along said margin of Seventh Avenue East 107 and 4/10ths feet from its intersection with the southwest margin of Ash Street and running thence from said Beginning Point with the line of the said Reaben lot, North 45° 15' West 109 and 2/10ths feet to a stake at the extreme westerly corner of the said Reaben lot in the outside boundary line of the Bly property; thence with said outside boundary line, South 47° 17' West 41 feet to a stake at the corner of the Bly property; thence with another outside boundary line of the Bly property South 17° 20' East 127 feet to a stake in said northwest margin of Seventh Avenue East; thence along said margin of Seventh Avenue East North 43° 30' East 102 and 3/10ths feet to the place of BEGINNING.

Being that property described herein is the same property described in Deed Book 592, Page 581, and Deed Book 842, at Page 159, Henderson County Registry.

Appendix D

Example Annual DSCA Land-Use Restrictions Certification

Site Name: Blue Ridge Cleaners
Site Address: 503 E. Seventh Avenue, Hendersonville, Henderson County, NC
DSCA ID No: 45-0001

ANNUAL CERTIFICATIION of LAND-USE RESTRICTIONS

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

Duly executed this _____ day of _____, 20__.

Henderson Oil Company, Inc.

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 the Secretary of Henderson Oil Company, Inc., a North Carolina corporation and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her as its Secretary.

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 Public Comment Period

**Notice of Intent to Remediate a
Dry-Cleaning Solvent Facility or Abandoned Site**



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 # 45-0001
Blue Ridge Cleaners, 503 E. Seventh Ave., Hendersonville

Dear <name>:

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

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

Mike Cunningham, 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 # 45-0001
Blue Ridge Cleaners, 503 E. Seventh Ave., Hendersonville
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)508-8454.

Sincerely,

Mike Cunningham, Project Manager
DSCA Remediation Unit
mike.cunningham@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 45-0001 File

Summary of the Notice of Intent

Public Notice

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

Blue Ridge Cleaners
DSCA Site # 45-0001

Pursuant to N.C.G.S. §143-215.104L, on behalf of Henderson Oil Company, 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.

Blue Ridge Cleaners formerly conducted dry-cleaning operations at 503 E. Seventh Avenue, in Hendersonville, North Carolina. The property is currently unoccupied. Dry-cleaning solvent contamination in soil has been identified at the following parcel(s):

503 E. Seventh Avenue, in Hendersonville; Parcel No. 9569900011

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 site. A Risk Management Plan has been prepared which proposes instituting land-use restrictions to prohibit the construction of a building that would create a vapor intrusion risk without prior approval of DENR.

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 Mike Cunningham at (919)508-8454.

All comments and requests should be sent to:

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

Letter to Owners of Property Contiguous to the Contamination Site



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
<property address, city>, 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 Blue Ridge Cleaners at 503 E. Seventh Avenue in Hendersonville. 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) 508-8454, or Pete Doorn at (919) 508-8578.

Sincerely,

Mike Cunningham, Project Manager
DSCA Remediation Unit
mike.cunningham@ncdenr.gov

Attachments: Summary of the NOI

Cc: DSCA Site # 45-0001 File