



DONALD R. VAN DER VAART

Secretary

LINDA CULPEPPER

Directo.

December 8, 2015

Mr. Paul Hendrick, Registered Agent Beroth Oil 723 Coliseum Drive Winston-Salem, NC 27106

Re:

Notice of No Further Action 15A NCAC 2L .0407(d)

Risk-based Assessment and Corrective Action for Petroleum Underground

Storage Tanks

Walkertown Tire Service

2780 Old Hollow Road, Walkertown

Forsyth County

Incident Number: 13607 Risk Classification: Low

Ranking: L20D

Dear Mr. Hendrick:

The above-referenced incident file has been reviewed by the UST Section, Division of Waste Management, Winston-Salem Regional Office. The review indicates that soil contamination exceeds the residential maximum soil contaminant concentrations (MSCCs) established in Title 15A NCAC 2L .0411 and groundwater contamination meets the cleanup requirements for a low-risk site but exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202.

The UST Section determines that no further action is warranted for this incident. All required actions have been completed. On December 8, 2015, the UST Section received a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds. On December 8, 2015, the UST Section was provided with proof of receipt of the conditional Notice of No Further Action letter or of refusal by the addressee to accept delivery of the letter or with a description of the manner in which the letter was posted.

This determination shall apply unless the UST Section later finds that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment. Pursuant to Title 15A NCAC 2L .0407(a) you have a continuing obligation to notify the Department of any changes that might affect the risk or land use classifications that have been assigned.

Be advised that as groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where groundwater contamination is expected to migrate is not suitable for use as a water supply. Be advised that as soil contamination exceeds the residential MSCCs, the property containing the contamination is suitable only for industrial/commercial use or restricted residential use (The term "residential is inclusive of, but not limited to, private houses, apartment complexes, schools, nursing homes, parks, recreation areas and day care centers), as stipulated in the Notice of Residual Petroleum (attached).

Interested parties may examine the incident file by contacting this regional office and may submit comments on the site to the regional office at the address or telephone number listed below.

This No Further Action determination applies only to the subject incident; for any other incidents at the subject site, the responsible party must continue to address contamination as required.

If you have any questions regarding this notice, please contact me at the address or telephone number listed below.

Sincerely, Linda Es Mauli

Linda Estkowski Hydrogeologist

Winston-Salem Regional Office

UST Section, Division of Waste Management,

NCDEQ

Forsyth County Health Department

WSRO

cc:

Steve Mason

Geoscience & Technology, P.A.

2050 Northpoint Drive

Suite A

Winston-Salem, NC 27106

UST Regional Offices

Asheville (ARO) - 2090 US Highway 70, Swannanoa, NC 28778 (828) 296-4500

Fayetteville (FAY) - 225 Green Street, Suite 714, Systel Building, Fayetteville, NC 28301 (910) 433-3300

Mooresville (MOR) - 610 East Center Avenue, Suite 301, Mooresville, NC 28115 (704) 663-1699

Raleigh (RRO) - 1628 Mail Service Center, Raleigh, NC 27699 (919) 791-4200

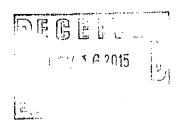
Washington (WAS) - 943 Washington Square Mall, Washington, NC 27889 (252) 946-6481

Wilmington (WIL) - 127 Cardinal Drive Extension, Wilmington, NC 28405 (910) 796-7215

Winston-Salem (WS) - 450 West Hanes Mill Road, Suite 300, Winston-Salem, NC 27105, (336) 776-9800

Guilford County Environmental Health, 400 West Market Street, Suite 300, Greensboro, NC 27401, (336) 641-3771

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00149 2015044254

FORSYTH CO, NC FEE \$26.00 PRESENTED & RECORDED: 11-19-2015 02:31:59 PM

C. NORMAN HOLLEMAN REGISTER OF DEEDS BY: OLIMA DOYLE

BK: RE 3260 PG: 1200-1206

Orisial to:

NOTICE OF RESIDUAL PETROLEUM

Walkertown Tire Service, Forsyth County, North Carolina Incident No. 13607 (Site name)

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Forsyth County Register of Deeds' office at Book _____ Page _____ ForsythCounty

Any map or plat required by DENR has been/shall be recorded at the Forsyth County Register of (name of county) Deeds' office Plat Book 64, Page 19, and has been/shall be incorporated into the Notice by this reference.

Source Property

Walkertown Shopping Center, Inc of Winston-Salem, NC is the owner in fee (city & state of homeowner) (owner's name) simple of all or a portion of the Site, which is located in the County of Forsyth, State of North Carolina, and is known and legally described as:

Commencing from a 1" iron pipe in the northern property line of the Walkertown Shopping Center property with North Carolina grid coordinates of N: 882,525.24", E: 1,658,797.14" NAD83 (2011); thence S: 04d 36' 57" W 60.11' to an iron rebar set and the Point of Beginning; Thence continuing along a new line S 00d 34" 54" W 169.53' to an iron rebar set; thence continuing along a new line N 88d 51' 17" W 147.83' to an iron rebar set; thence continuing along a new line N 03d 10' 09" W 170.00' to an iron rebar set; Thence continuing along a new line S 88d 51' 17" E 158.95' to the point of beginning, containing 0.60 acres more or less.

Additional Affected Property Also Subject to Restrictions
of is the owner in fee simple of a portion of (owner's Name) (city & state of owner) the Site, which is located in the County of, State of North Carolina. Petroleum contamination is located on this property at the time this Notice is approved. This property was also owned or controlled by the underground storage tank owner or operator or another party responsible for the petroleum discharge or release at the time the discharge or release was discovered or reported, or at any time thereafter. This property is known and legally described as:
(Insert Real Property Description Here for Additional Properties Owned or Controlled by Any Owner or Operator of the Underground Storage Tank or Other Responsible Party, if Applicable)
For protection of public health and the environment, the following land use restrictions required by N.C.G.S. Section 143B-279.9(b) shall apply to all of the above-described real property. These restrictions shall continue in effect as long as residual petroleum remains on the site in excess of unrestricted use standards and cannot be amended or cancelled unless and until theCounty Register of Deed receives and records the written concurrence of the Secretary (or his/her delegate) of DENR (or its successor in function).
Additional Affected Property Not Subject to Restrictions
Additionally residual petroleum is also located on the following property. The following property is <u>not</u> subject to land use restrictions pursuant to N.C.G.S. Section 143B-279.9(b). The following property is known and legally described as:
(Insert Legal Description of Other Real Property Affected by Residual Petroleum Not Owned or Controlled by Any Owner or Operator of the Underground Storage Tank or Other Responsible Party, if Applicable)
Payied January 15 2012

PERPETUAL LAND USE RESTRICTIONS

[Restrictions apply to activities on, over, or under the land. Choose one or both of the following as appropriate.]

The Site shall be used for industrial/commercial use only. Industrial/commercial use means a use Soil: where exposure to soil contamination is limited in time and does not involve exposure to children or other sensitive populations such as the elderly or sick. The real property shall not be developed or utilized for residential purposes including but not limited to: primary or secondary residences (permanent or temporary), schools, daycare centers, nursing homes, playgrounds, parks, recreation areas and/or picnic areas.

Groundwater from the site is prohibited from use as a water supply. Water supply wells Groundwater: of any kind shall not be installed or operated on the site.

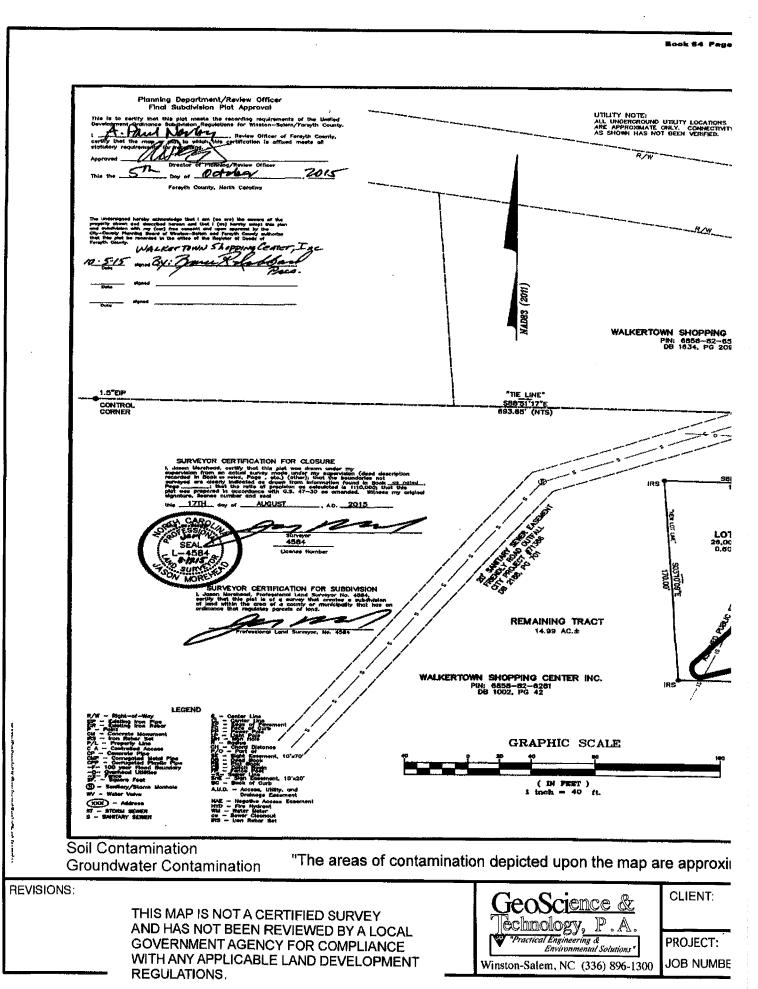
ENFORCEMENT

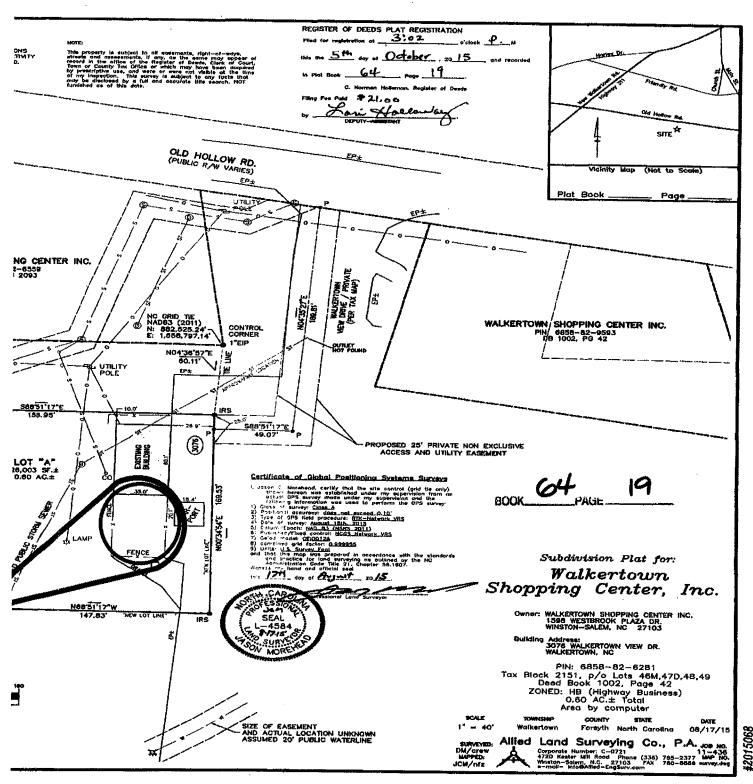
The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the

approval of DENR (or its successor in function) 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 restriction(s) 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.
IN WITNESS WHEREOF, Walkertown Shopping Center has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 29 day of 2015
Walkertown Shopping Center The (name of responsible party if agent is signing) By: (signature of responsible party, attorney or other agent if there is one) (Title of agent for responsible party if there is one) Signatory's name typed or printed: Bruce Hubbard
(Note to be deleted on final document: Preparer of document must assure that the correct acknowledgement is used and complies with changes effective October 1, 2006.
Choice One: Instrument signed by one person
NORTH CAROLINA COUNTY
(Name of county in which acknowledgment was taken)
I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document:

Date:		
(Official Seal)	(signature of Notary Public)	
	(printed or typed name of Notary Public)	
	Notary Public	
	My commission	
expires:		
Choice Two: Acknowledge by attorney in fact		
NORTH CAROLINA		
(Name of county in which acknowledgment was taken)		
I a Notary Public	for said County and State do hereby certify that	
I,, a Notary Public , attorney in fact for, person	onally appeared before me this day, and being by	
me duly sworn, says that he executed the foregoing and	I annexed instrument for and in behalf of the said	
, and that his authority to execute and acknowledge said	I instrument is contained in an instrument duly in the County of	
executed, acknowledged, and recorded in the office of , State of, on the that this instrument was executed under and by virtue of,	day of , 200 and	
that this instrument was executed under and by virtue of	of the authority given by said instrument granting	
him power of attorney.		
I do further certify that the said	acknowledged the due execution of the rein expressed for and in behalf of the said	
	em expressed for and in behalf of the said	
WATER TOO CO. I and and a Co. in and distance of	1 £	
WITNESS my hand and official seal, this the d	ay or, 200	
(Official Seal)	(signature of Notary Public)	
	(printed or typed name of Notary Public)	
	Notary Public	
•	My commission	
expires:		
Chaica Thuas Comming security interest is non-	I muomanto of a commonation	
Choice Three: Conveying security interest in personal	r property of a corporation	
NORTH CAROLINA		
(Name of county in which acknowledgment was taken)		
	County and State, do hereby certify that	
DRUCE K, HUBBARD personally came be	fore me this day and acknowledged that he is PRESIDENT	
	Revised January 15, 2013	

of Microsoft Summe Court, INC. and act the due execution of the foregoing in	knowledged, on behalf of Naukaran Many (ensemble), the grantor istrument.
WITNESS my hand and official seal	l, this the 29 day of October, 20015.
(Official Seal) Hotary Public, North Carolina County of Forsyth BRANT H. GODFREY expires:	(signature of Notary Public) SRANT H. GATTE! (printed or typed name of Notary Public) Notary Public My commission 6/15/16
Approved for the purposes of N.C.G. CANCEL ROYAN (signature of Regional Supervisor) (printed name of Regional Supervisor) NETON-Salem Regional Office UST Section Division of Waste Management Department of Environment Quality NORTH CAROLINA Davidson COUNTY (Name of county in which acknowledgment was to	Regional Supervisor
I certify that the following person(s) that he or she signed the foregoing d	personally appeared before me this day, each acknowledging to me ocument: Cara Lee Kromm (full printed name of Regional Supervisor)
Date: 11-12-2-15	chelia M. Mafintash.
(Official Seal)	(signature of Notary Public) Me Inter
Shelia M. McIntosh	(printed or typed name of Notary Public)
Notary Public - North Carolina Davidson County	Notary Public
My Commission Expires January 19, 2017	·
expires: 1-19-2017	My commission





oximations derived from the best available information at the time of filing"

: Beroth Oil	TITLE: Site Plan with Notice of Residual Petroleum	DATE: 10.9,2015	SHEET NUMBER:
Г: Beroth Walkertown NORP иВЕR: 14.561		SCALE: as shown	NORP 1

