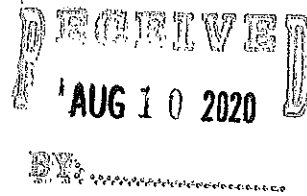


NORTH CAROLINA
Environmental Quality



ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
MICHAEL SCOTT
Director

August 6, 2020

Mr. Don Adams
Jackson County
401 Grindstaff Cove Rd., Ste. 105
Sylva, NC 28779

Re: Notice of Regulatory Requirements
15A NCAC 2L .0406(3)(b)
NCGS 143-215.94E(e4)
Risk-based Assessment and Corrective Action
for Petroleum Underground Storage Tanks

Jackson County Center
538 Scotts Creek Road, Sylva
Jackson County
Incident Number: 47176
Risk Classification: Low/Industrial Commercial

Dear Mr. Adams:

This letter is in response to the July 8, 2020 Limited Site Assessment Report by Headwater Geology LLC.

According to the report, residual soil contamination exceeds North Carolina's unrestricted use standards. Based on this site-specific information and in accordance with 15A NCAC 2L .0406(3)(b), the Department determines that the discharge or release poses no significant risk to human health or the environment. Therefore, the incident is ranked low priority/industrial commercial. In accordance with North Carolina General Statute (NCGS) 143-215.94E(e4), you are not directed to proceed with additional assessment or corrective action.

Be aware that NCGS 143-215.94E(e4) does not relieve Jackson County of the requirements for further assessment and cleanup should they be deemed necessary by this office. The Department will notify you through a Notice of Regulatory Requirements should additional action be required.

Be advised that although soil contamination at the site exceeds unrestricted use standards for a low priority site, it is possible to receive a final no further action determination. To receive this determination, a Notice of Residual Petroleum (NRP) for groundwater contamination must be filed with the Jackson County Register of Deeds and public notice requirements must be completed. This office is prepared to issue a "conditional" no further action letter upon receipt of a completed NRP. The conditional no further action letter is to be used for public notice.

Feel free to contact me at the address or telephone number listed below if you have any questions.

Sincerely,



Michael Streeter, L.G.
Hydrogeologist
Asheville Regional Office
UST Section, DWM, DEQ

cc: Mike Falknor, Headwater Geology, LLC <mike@headwaterenvironmental.com>

Asheville Regional Office – 2090 US Highway 70, Swannanoa, NC 28778 (828) 296-4500

NOTICE OF RESIDUAL PETROLEUM

Jackson County Center, 538 Scotts Creek Road, Sylva, Jackson County, North Carolina
(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 Quality (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 Quality shall hereinafter be referred to as "DEQ".

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 DEQ 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 DEQ pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Jackson County Register of Deeds' office

(name of county)

Book _____, Page _____

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

Source Property

Jackson County of Sylva, North Carolina is the owner in fee
(owner's name) (city & state of homeowner)
simple of all or a portion of the Site, which is located in the County of Jackson, State of North Carolina, and is known and legally described as:

(Insert Real Property Description Here for Source Property)

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 the Jackson County Register of Deed receives and records the written concurrence of the Secretary (or his/her delegate) of DEQ (or its successor in function).

PERPETUAL LAND USE RESTRICTIONS

Soil: Soil containing residual petroleum contamination above applicable standards exists on the site in the "Area of Soil Contamination" shown on the attached aerial photograph. No soil from a depth of 3 feet or more shall be excavated or otherwise disturbed in this area, except to remediate it in accordance with all applicable state and federal statutes, regulations and guidelines.

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 DEQ 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 DEQ (or its successor in function) shall be subject to enforcement by DEQ 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, _____ has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this _____ day of _____, 20____.

(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: _____

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:

Approved for the purposes of N.C.G.S. 143B-279.11

[Redacted Signature]

(signature of Regional Supervisor)

, Regional Supervisor

(printed name of Regional Supervisor)

Regional Office

UST Section

Division of Waste Management

Department of Environment Quality

NORTH CAROLINA

COUNTY

(Name of county in which acknowledgment was taken)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: *(full printed name of Regional Supervisor)*

Date: [Redacted]

(Official Seal)

[Redacted Notary Seal Area]

(signature of Notary Public)

(printed or typed name of Notary Public)

[Redacted Notary Name]

Notary Public

My commission

expires: [Redacted]