



September 14, 2010

North Carolina Department of Environment
and Natural Resources
Division of Waste Management – DSCA Program
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350

Att: Mr. Peter Doorn
DSCA Project Manager

Re: **Risk Management Plan**
Blue Ridge Cleaners - DSCA Site ID #11-0006
1378 Hendersonville Road
Asheville, Buncombe County, North Carolina

Dear Mr. Doorn:

URS Corporation – North Carolina (URS) is pleased to provide the attached Risk Management Plan for the former Blue Ridge Cleaners site located at 1378 Hendersonville Road, Asheville, North Carolina. A prior 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 in the risk assessment remain valid in the future. Based on the documentation outlined in this report, URS recommends issuance of a No Further Action letter for the site.

If you have any questions or require additional information, please do not hesitate to contact either Rob MacWilliams at 704.522.0330 or Aaron Council at 864.527.4737.

Sincerely,

URS CORPORATION-NORTH CAROLINA

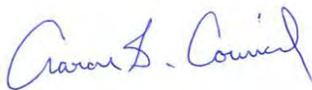
Aaron S. Council
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**Risk Management Plan
Blue Ridge Cleaners - DSCA Site ID # 11-0006
1378 Hendersonville Road
Buncombe County
Asheville, North Carolina 28803**

Submitted To:
NC Department of Environment and Natural Resources
Division of Waste Management – DSCA Program
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350



Aaron S. Council
Project Manager



Kristine M. MacWilliams, PE
Senior Environmental Engineer
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 1378 Hendersonville Road
 Buncombe County
 Asheville, North Carolina 28803**

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1.0 INTRODUCTION

URS Corporation – North Carolina (URS) has prepared this Risk Management Plan (RMP) to address dry-cleaning solvent contamination associated with the Blue Ridge Cleaners site (DSCA Site #11-0006) on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Dry-Cleaning Solvent Cleanup Act (DSCA) Program. The Blue Ridge Cleaners site (herein referred to as “site”) is located at 1378 Hendersonville Road, Buncombe County, Asheville, North Carolina. Site assessment activities have confirmed that groundwater contamination extends onto the next down-gradient property, the Carolina Day School. The Carolina Day School (herein referred to as “school property”) is located at 1345 Hendersonville Road, Buncombe County, Asheville, North Carolina. The site and school property are shown on the attached Figure 1. 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

URS completed assessment activities at the site and school property which indicated that tetrachloroethene (PCE) soil impacts exist on site above unrestricted land use standards, and PCE groundwater impacts exist on the site and school property at levels exceeding the Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards). URS completed a Tier I Risk Assessment Report for the site and school property in November 2009. The results of the Tier I risk assessment indicate that there are on and off-site risks that do exceed target risk levels. However, the risks will be managed based on site-specific land-use conditions that have been selected as part of the evaluation and which require an RMP. Thus, the objective of the RMP is to ensure that those site-specific land-use conditions remain valid in the future.

3.0 SUMMARY OF RISK ASSESSMENT REPORT

Based on soil and groundwater impacts above unrestricted use standards, URS completed a Tier I Risk Assessment Report for the site and school property in November 2009. This section

summarizes the final risk assessment, which resulted in the recommendation for no further action status for the site and school property.

The first step in the risk assessment process consisted of development of an exposure model. The exposure model evaluation indicated the following complete exposure pathways for the site (on-site and off-site #1 domains) and school property (off-site #2 domain):

- On-site Non-Residential Worker – Combined pathway for surficial soil: outdoor inhalation of vapor emissions and particulates, accidental ingestion, and dermal contact for current and future conditions.
- On-site Non-Residential Worker – indoor inhalation of vapor emissions from subsurface soils for current and future conditions.
- On-site Non-Residential Worker – indoor and outdoor inhalation of vapor emissions from groundwater for current and future conditions.
- On-site Non-Residential Worker – incidental dermal contact from groundwater for future conditions.
- Off-site (#1) Non-Residential Worker – indoor and outdoor inhalation of vapor emissions from groundwater for current and future conditions.
- Off-site (#1) Non-Residential Worker – incidental dermal contact from groundwater for future conditions.
- On-Site Construction Worker – Combined pathway for Soil Up to Depth of Construction: outdoor inhalation of vapor emissions and particulates, accidental ingestion, and dermal contact.
- On-Site Construction Worker – outdoor inhalation of vapor emissions from groundwater.
- Off-Site (#1) Construction Worker – outdoor inhalation of vapor emissions from groundwater.
- Off-Site Resident (#2) – indoor and outdoor inhalation of vapor emissions from groundwater for current and future conditions.
- Off-Site Resident (#2) – ingestion of groundwater for future conditions.

Additionally, URS evaluated the Protection of Groundwater Use Pathway. For this pathway, URS assumed that the nearest potential point-of-exposure (POE) for groundwater was at the western most edge of off-site domain #2, as defined on the exposure domain map included in Appendix A of this report. The POE is approximately 558 feet northwest of the groundwater contaminant source area which is considered to be the area of monitoring well MW-5 where the greatest groundwater contaminant concentrations have been observed. The nearest surface water body is an unnamed creek located approximately 940 feet northwest of the footprint of the former dry-cleaning facility. The creek begins at the northeast corner of the school property and flows to Fourmile Branch, a tributary of the French Broad River. Based on this distance and the location of the plume associated with the site, it was determined that there was no risk to the surface water.

As part of the Tier I evaluation, site-specific representative concentrations (RCs) were calculated for each complete exposure pathway listed above and compared to the Tier I Risk-Based Screening Levels (RBSLs) established by the DSCA Program. The results of this comparison indicated that PCE groundwater concentrations exceeded Tier I RBSLs for incidental dermal contact for on-site non-residential worker for future conditions and off-site #1 non-residential worker for future conditions. The RBSL was also exceeded for ingestion of groundwater for off-site #2 resident for future conditions. Due to the fact the exceedances are based on future conditions and that incidental contact or ingestion would only take place in the event of a water supply well being installed on either the site or the school property, URS did not proceed with a Tier 2 evaluation.

4.0 RMP COMPONENTS

4.1 Summary of Prior Assessment and Interim Actions

The site property is approximately 13.65 acres in size and contains the Biltmore Parkway Centre. The Blue Ridge Cleaners facility operated on the southern portion of the current shopping center and southeast corner of the property from approximately 1987 to 1991. The former location of the dry-cleaning facility is now the current Harris Teeter grocery store.

A Phase II Environmental Site Assessment report prepared by LandAmerica Assessment Corporation, and dated April 11, 2008, documented the collection of groundwater samples around the perimeter of the current Harris Teeter building. PCE impacted groundwater was detected in a sample collected northwest of the former dry-cleaning facility.

Upon confirmation of a release, the property owner, Biltmore Commercial Properties I, LLC, submitted a petitioner questionnaire on April 21, 2008, to request admittance of the site into the DSCA Program. The site was accepted into the program on May 9, 2008, and an Assessment and Remediation Agreement was executed.

Assessment activities executed by URS began on July 22-23, 2008, which included the advancement of seven (7) soil borings using a hand auger within the assumed footprint of the former dry-cleaning facility – located inside the current Harris Teeter store – to evaluate potential contaminant source areas. The installation of six (6) on site Type II monitoring wells was observed by URS personnel on August 6-7, 2008. The purpose of the monitoring wells was to evaluate the groundwater quality beneath the site.

Following URS' first round of assessment activities, laboratory data indicated that the horizontal extent of impacts had not been delineated for the site. Therefore, on September 20, 2008, URS personnel observed the installation of three additional Type II monitoring wells. One monitoring well was installed on the site and the remaining two monitoring wells were installed on the school property, located across Hendersonville Road and downgradient of the site. Following receipt of laboratory data for the three additional monitoring wells, it was determined groundwater impacts for the site had been horizontally delineated.

A third round of assessment activities was conducted on November 6-8, 2008. One Type III (deep) monitoring well was installed to delineate the vertical extent of impacts on the site. Additionally, two temporary monitoring wells were installed on the school property in order to collect additional groundwater data for the Tier 1 analysis.

On January 6, 2009, URS submitted a Prioritization Report (PAR) to the DSCA Program, outlining the details of the aforementioned assessment activities. Also included in the PAR were specifics related to a site reconnaissance and receptor survey. Results from the PAR indicate chlorinated solvent soil impacts on-site were horizontally delineated and PCE is the primary constituent of concern (COC) for the site.

Quarterly monitoring of the ten (10) existing monitoring wells was initiated following completion of assessment activities. After the initial sampling event in February 2009, three additional sampling events were completed in May 2009, August 2009 and November 2009. The results of the sampling events are documented in the Groundwater Monitoring Report submitted to the DSCA Program on December 8, 2009.

4.2 Remedial Action

According to the DSCA Program's RBCA guidance, no remedial action is necessary if the following four site conditions are met: the dissolved plume is stable or decreasing; 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; 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; and, there are no ecological concerns at the site. The subject 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 and remedial action at the site is not required. Each of these conditions and their applicability to the subject site are summarized in the following sections.

4.2.1 Condition 1 – The Dissolved Plume is Stable or Decreasing

Following initial assessment activities at the site and school property, a quarterly groundwater monitoring schedule was implemented for monitoring wells MW-1 through MW-9 and DW-1.

Each monitoring well was sampled in February 2009, May 2009, August 2009 and November 2009. Constituents detected in groundwater samples from the site historically include PCE, trichloroethene (TCE), cis-1,2-dichloroethene (DCE), toluene, xylenes, ethylbenzene, chloromethane and 1,2,3-Trichlorobenzene. Of these constituents, only PCE was detected at concentrations exceeding 2L Standards. Based on this data, URS focused on the compound of PCE as a (COC) for evaluation of plume stability.

PCE has been detected in groundwater source area monitoring well MW-5 during each of the four sampling events conducted. URS prepared a concentration versus distance graph for sampling events conducted at the site. Contaminant concentrations observed during the first three quarters showed minimal increases. Fourth quarter results versus third quarter results show stabilized PCE concentrations. No COCs were detected above 2L Standards in the upgradient monitoring well (MW-1) or the downgradient monitoring well (MW-8), which is located in close proximity to a surface water body, during any of the four sampling events. Based on this data, URS concludes that the size of the plume is stable and concentrations in the source area are likely to decrease over time as a result of natural attenuation.

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

4.2.2 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

Based on review of the RCs calculated as part of the Tier 1 risk assessment, this condition has been met for all COCs and exposure pathways at the site and school property.

4.2.3 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 for the site was based on land-use conditions that the usage of the site and school property will remain unchanged and that groundwater will not be utilized on the properties. As discussed in Section 6.0, land use restrictions (LURs) will be implemented for the site and school property to ensure that these assumptions remain valid.

4.2.4 Condition 4 – There are no ecological concerns at the site.

URS completed a Level I Ecological Risk Assessment for the site and the school property 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 I Ecological Risk Assessment Checklists A and B and associated attachments are included in Appendix B.

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

5.0 DATA COLLECTED DURING RMP IMPLEMENTATION

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

6.0 LAND-USE RESTRICTIONS

The risk assessment for the site and school property was based on assumptions that usage of both properties will remain unchanged and that groundwater will not be utilized on the site or school property. LURs will be implemented for the site and school property to ensure that these conditions are maintained and monitored until the LUR is no longer required for the site and school property. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site and school property to comply with the LUR requirement. The NDCSR is included in Appendix C. A plat showing the locations and types of dry-cleaning solvent impacts on the site

and school property is included as an exhibit to the NDCSR. The locations of dry-cleaning solvent impacts are where contaminants have been detected above unrestrictive use standards. As discussed in Section 4.2, PCE is the primary COC for the site.

7.0 LONG-TERM STEWARDSHIP PLAN

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

8.0 RMP IMPLEMENTATION SCHEDULE

Since the groundwater plume is stable and confined to the site and school property, and potential exposure to the impacts is managed through the NDCSR and LURs, no additional site remediation activities are required to implement the RMP. Thus, upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Buncombe 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 Buncombe County Register of Deeds. The NDCSR may, at the request of the site owner or the school 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 as a result of the remediation of the properties. 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 site conditions have impacted the requirements set forth in the

NDCSR and LUR 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 owners 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 or school property, per the notification requirements detailed in this plan, the LURs specified in the NDCSR 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 owners of the properties 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

URS has prepared this RMP for the site and school property on behalf of the DSCA Program. The results of a risk assessment indicated that contaminant concentrations at the site do not pose an unacceptable risk. The contaminant plume associated with the site and school property appears stable and 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, URS recommends issuance of a “No Further Action” letter.

FIGURES



Carolina Day School

Approximate Location of Former Dry Cleaning Facility



Site Location Map
Blue Ridge Cleaners
1378 Hendersonville Raod
Asheville, NC
DSCA Site # 11-0006

URS CORPORATION - NORTH CAROLINA
TWO SOUTH EXECUTIVE PARK
6135 PARK SOUTH DRIVE, SUITE 300
CHARLOTTE, NC 28210
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DRAWN BY:	CLE - 5/27/10
CHECKED BY:	RHM - 5/27/10
PROJECT NO.:	38854451

SHEET:
ATT. 1

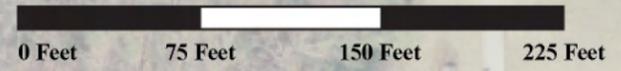
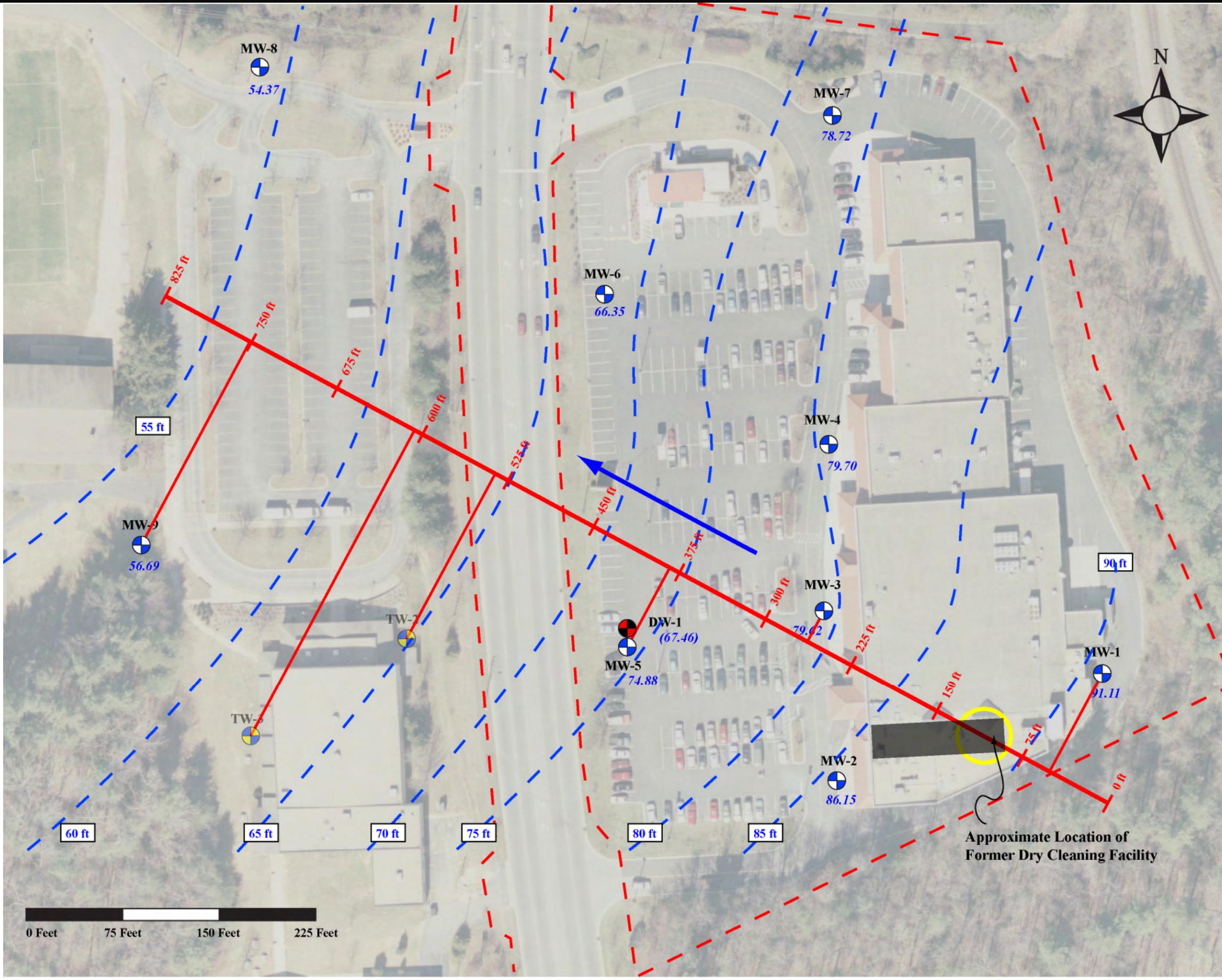
APPENDIX A

DOCUMENTATION OF PLUME STABILITY EVALUATION



DRAWN BY:	KMH
CHECKED BY:	RHM
PROJECT NO.:	38854451

SHEET



- Temporary Monitoring Well Location
- Shallow Monitoring Well Location
- Deep Monitoring Well Location
- Soil Source Area

Concentration vs. Distance

Sampling Events September 2008 through November 2009

Blue Ridge Cleaners, Asheville, Buncombe County, NC

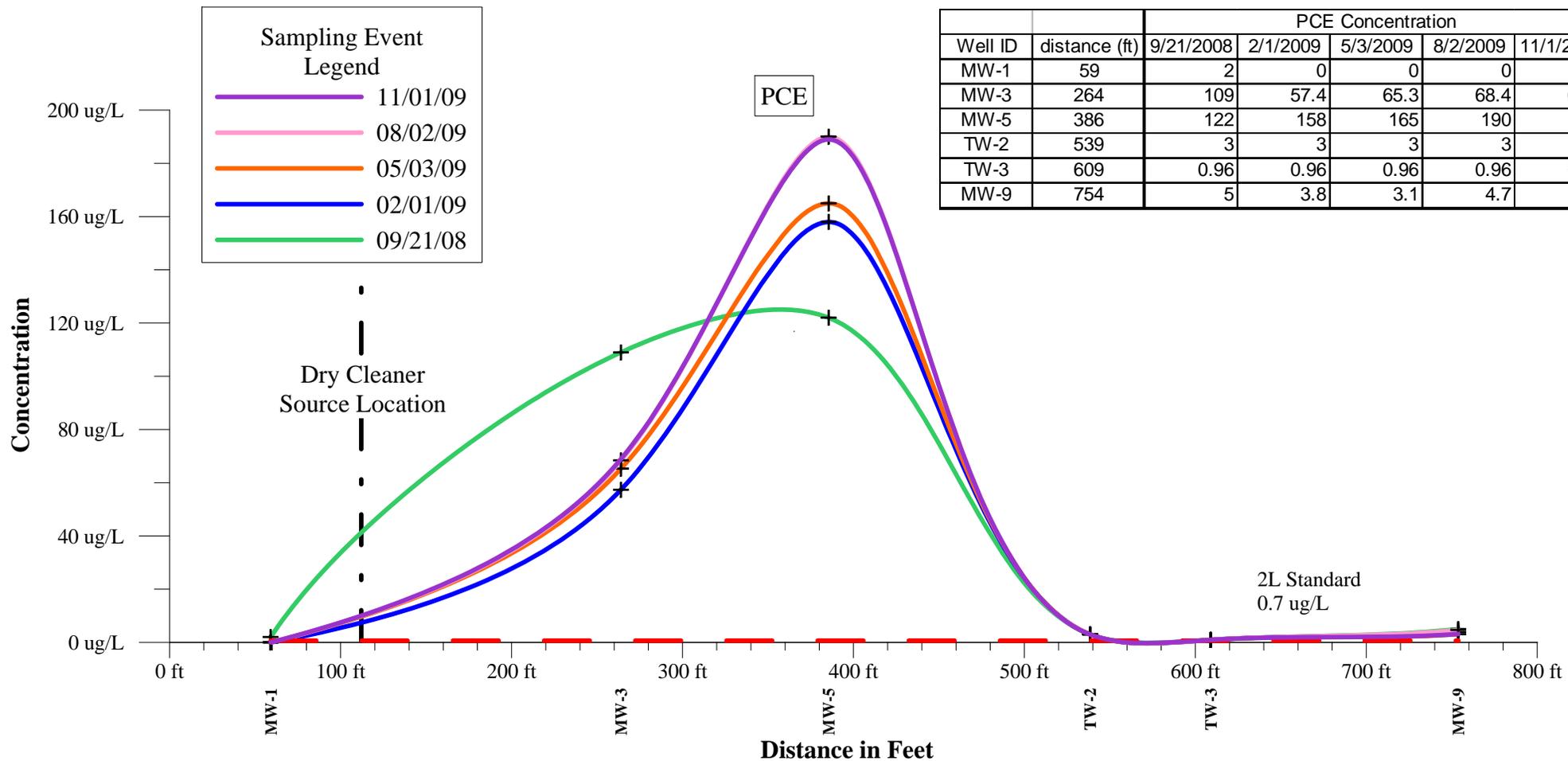


Table 5: Analytical Data for Groundwater

ADT 5

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,1,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-01	08/08/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.002	< 0.001	< 0.001	< 0.001	< 0.001	< 0.003
MW-02	08/08/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.003
MW-03	08/08/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	0.0002 4 j	< 0.001	< 0.001	< 0.001	< 0.001	0.109	< 0.001	< 0.001	< 0.001	< 0.001	< 0.003
MW-04	08/08/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	0.0001 5 j	< 0.001	< 0.001	< 0.001	< 0.001	0.0277	< 0.001	< 0.001	< 0.001	< 0.001	0.0041
MW-05	08/08/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.122	< 0.001	< 0.001	< 0.001	< 0.001	< 0.003
MW-06	08/08/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.0002 5 j	< 0.001	< 0.001	< 0.001	0.007	< 0.001	< 0.001	0.0014	< 0.001	0.0041
MW-07	9/21/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.002
MW-08	9/21/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.002
MW-09	9/21/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.005	< 0.001	< 0.001	< 0.001	< 0.001	< 0.002
DW-01	11/8/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	0.0018	< 0.001	< 0.001	< 0.001	0.0114	< 0.001	< 0.001	0.0033	< 0.001	< 0.002
TW-02	11/8/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.003	0.0003 9 j	< 0.001	< 0.001	< 0.001	< 0.002
TW-03	11/8/08	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	NA	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	< 0.001	0.0009 6 j	0.0005 8 j	< 0.001	< 0.001	< 0.001	< 0.002
DW-1	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.0015	<0.001	<0.001	<0.001	0.0092	<0.001	<0.001	0.0024	<0.001	<0.002
MW-1	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002

Table 5: Analytical Data for Groundwater

ADT 5

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-2	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-3	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0574	<0.001	<0.001	<0.001	<0.001	<0.002
MW-4	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0251	<0.001	<0.001	<0.001	<0.001	<0.002
MW-5	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.158	<0.001	<0.001	<0.001	<0.001	<0.002
MW-6	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0058	<0.001	<0.001	0.0011	<0.001	<0.002
MW-7	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-8	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-9	02/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0038	<0.001	<0.001	<0.001	<0.001	<0.002
DW-1	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.0011	<0.001	<0.001	<0.001	0.0146	0.0005 9 J	<0.001	0.0026	<0.001	<0.002
MW-1	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-2	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-3	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0653	<0.001	<0.001	<0.001	<0.001	<0.002
MW-4	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.028	<0.001	<0.001	<0.001	<0.001	<0.002
MW-5	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.165	<0.001	<0.001	<0.001	<0.001	<0.002
MW-6	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0055	<0.001	<0.001	0.0011	<0.001	<0.002
MW-7	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-8	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002

Table 5: Analytical Data for Groundwater

ADT 5

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-9	05/03/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0031	<0.001	<0.001	<0.001	<0.001	<0.002
DW-1	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	0.0011	<0.001	<0.001	0.0011	0.0015	<0.001	<0.001	<0.001	0.0069
MW-1	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-2	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0005 2 J	<0.001	<0.001	<0.001	<0.001	<0.002
MW-3	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0684	<0.001	<0.001	<0.001	<0.001	<0.002
MW-4	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0246	<0.001	<0.001	<0.001	<0.001	<0.002
MW-5	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.19	<0.001	<0.001	<0.001	<0.001	<0.002
MW-6	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.0002 3 J	<0.001	<0.001	<0.001	0.0058	<0.001	<0.001	0.0009 8 J	<0.001	<0.002
MW-7	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-8	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-9	08/02/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0047	<0.001	<0.001	<0.001	<0.001	<0.002
DW-1	11/1/2009	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	0.0004 9 J	<0.001	<0.001	0.0007 1 J	0.0011	<0.001	<0.001	<0.001	0.001 J
MW-1	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0004 4 J	<0.001	<0.001	<0.001	<0.002
MW-2	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-3	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0689	<0.001	<0.001	<0.001	<0.001	<0.002

Table 5: Analytical Data for Groundwater

ADT 5

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,1,1-Trichloroethane	1,1,1,2,2-Tetrachloroethane	1,1,2-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichloroethane (EDC)	Benzene	Benzo(a)pyrene	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Methyl tert-butyl ether (MTBE)	Naphthalene	Tetrachloroethylene	Toluene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl chloride	Xylenes (total)
		[mg/L]																			
MW-4	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0207	<0.001	<0.001	<0.001	<0.001	<0.002
MW-5	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.189	<0.001	<0.001	<0.001	<0.001	<0.002
MW-6	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	0.0002 J	<0.001	<0.001	<0.001	0.0056	<0.001	<0.001	<0.001	<0.001	<0.002
MW-7	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-8	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.002
MW-9	11/01/09	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	NA	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.0032	<0.001	<0.001	<0.001	<0.001	<0.002

Table 5(1): Analytical Data for Groundwater (User Specified Chemicals)

ADT 5(1)

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	2-Hexanone	Acetone	Chloromethane															
		[mg/L]																	
MW-01	08/08/08	< 0.005	0.0091 j	0.0046															
MW-02	08/08/08	< 0.005	< 0.025	0.0014															
MW-03	08/08/08	< 0.005	< 0.025	0.007															
MW-04	08/08/08	< 0.005	< 0.025	0.0052															
MW-05	08/08/08	< 0.005	< 0.025	0.0089															
MW-06	08/08/08	< 0.005	0.0027 j	0.0068															
MW-07	9/21/08	< 0.005	< 0.025	< 0.001															
MW-08	9/21/08	< 0.005	< 0.025	< 0.001															
MW-09	9/21/08	< 0.005	< 0.025	< 0.001															
DW-01	11/8/08	< 0.005	0.0053 j	< 0.001															
TW-02	11/8/08	0.0006 6j	0.0304	< 0.001															
TW-03	11/8/08	< 0.005	0.0072 j	< 0.001															
DW-1	02/01/09	NA	0.0777	NA															
MW-1	02/01/09	NA	0.0712	NA															

Table 5(1): Analytical Data for Groundwater (User Specified Chemicals)

ADT 5(1)

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	2-Hexanone	Acetone	Chloromethane																
		[mg/L]																		
MW-2	02/01/09	NA	0.0719	NA																
MW-3	02/01/09	NA	0.0686	NA																
MW-4	02/01/09	NA	0.0748	NA																
MW-5	02/01/09	NA	NA	NA																
MW-6	02/01/09	NA	0.0697	NA																
MW-7	02/01/09	NA	NA	NA																
MW-8	02/01/09	NA	0.0757	NA																
MW-9	02/01/09	NA	0.0726	NA																
DW-1	05/03/09	NA	0.0593	NA																
MW-1	05/03/09	NA	0.0642	NA																
MW-2	05/03/09	NA	0.0607	NA																
MW-3	05/03/09	NA	0.0595	NA																
MW-4	05/03/09	NA	0.069	NA																
MW-5	05/03/09	NA	0.0607	NA																
MW-6	05/03/09	NA	0.0599	NA																
MW-7	05/03/09	NA	0.0611	NA																
MW-8	05/03/09	NA	0.0575	NA																

Table 5(1): Analytical Data for Groundwater (User Specified Chemicals)

ADT 5(1)

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	2-Hexanone	Acetone	Chloromethane																
		[mg/L]																		
MW-9	05/03/09	NA	0.071	NA																
DW-1	08/02/09	NA	0.0147 J	0.0002 8 J																
MW-1	08/02/09	NA	0.0138 J	NA																
MW-2	08/02/09	NA	0.0114 J	NA																
MW-3	08/02/09	NA	0.0128 J	NA																
MW-4	08/02/09	NA	0.0142 J	NA																
MW-5	08/02/09	NA	0.0147 J	NA																
MW-6	08/02/09	NA	0.0127 J	NA																
MW-7	08/02/09	NA	0.014 J	NA																
MW-8	08/02/09	NA	0.0152 J	NA																
MW-9	08/02/09	NA	0.0128 J	NA																
DW-1	11/1/09	NA	0.0197 J	0.0008 6 J																
MW-1	11/1/09	NA	0.0222 J	NA																
MW-2	11/1/09	NA	0.0183 J	NA																
MW-3	11/1/09	NA	0.026	NA																

Table 5(1): Analytical Data for Groundwater (User Specified Chemicals)

ADT 5(1)

DSCA ID No.: 11-0006

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	2-Hexanone	Acetone	Chloromethane																
		[mg/L]																		
MW-4	11/1/09	NA	0.024 J	NA																
MW-5	11/1/09	NA	0.0212 J	NA																
MW-6	11/1/09	NA	0.0203 J	NA																
MW-7	11/1/09	NA	NA	NA																
MW-8	11/1/09	NA	NA	NA																
MW-9	11/1/09	NA	0.0263	NA																

APPENDIX B

LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS



July 2, 2009

North Carolina Department of Environment
and Natural Resources
Division of Waste Management – DSCA Program
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350

Att: Mr. Peter Doorn
DSCA Project Manager

Re: Level 1 Ecological Risk Assessment
Blue Ridge Cleaners DSCA Site ID #11-0006
1378 Hendersonville Road
Asheville, Buncombe County, North Carolina
URS-NC Project Number 38854451

Dear Mr. Doorn:

URS Corporation – North Carolina (URS) is pleased to present the findings of the Level 1 Ecological Risk Assessment (Eco Risk Assessment) for the Blue Ridge Cleaners facility (site) located in Asheville, Buncombe County, North Carolina to North Carolina Department of Environment and Natural Resources (NCDENR). The Eco Risk Assessment was completed in accordance with the DSCA program's Risk Based Corrective Action (RBCA) guidance document to assess the potential for ecological receptors. If you have any questions or require additional information, please do not hesitate to contact this office.

Sincerely,

URS CORPORATION-NORTH CAROLINA

Michael T. Chang
Environmental Scientist

Robert H. MacWilliams, PG
Program Manager

Attachment
cc: Project File (hard copy)

URS Corporation – North Carolina
6135 Park South Drive, Suite 300
Charlotte, North Carolina 28210
(704) 522-0330 Phone
(704) 522-0063 Fax

Level 1 Ecological Risk Assessment
Checklist A for Potential Receptors and Habitat
DSCA # 11-0006

- 1. Are there any navigable water bodies or tributaries to a navigable water body on or within the one-half mile of this site?** Yes, based on a review of the USGS topographic map, Asheville, North Carolina, an unnamed tributary of Fourmile Branch which eventually leads to navigable water is located approximately 940 feet northwest of the site. This tributary is shown on the attached Figure 1.
- 2. Are there any water bodies anywhere on or within the one-half mile of the site?** Yes, an unnamed tributary of Fourmile Branch and Fourmile Branch are located to the north and south of the site, respectively.
- 3. Are there any wetland areas such as marshes or swamps on or within one-half mile of the site?** Yes, two wetland areas were identified by the National Wetland Inventory (NWI) within ½ mile of the site. Additionally, the above referenced water bodies would likely be classified as wetlands. See attached Figure 2.
- 4. Are there any sensitive environmental areas on or within one-half mile of the site?** Yes, wetland areas were identified within ½ mile of the site by the NWI.
- 5. Are there any areas on or within one-half mile of the site owned or used by local tribes?** No, none were identified by the Indian Reservation Database.
- 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 mile of the site?** Not likely. None were identified on the North Carolina Natural Heritage Sites database or the North Carolina Natural Areas database. Six endangered species were identified in the EPA Endangered Species Protection Program database in Buncombe County, however, none were identified within ½ 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?** Potentially, migratory birds are present in Buncombe County according to the North Carolina Audubon Society website, however, none have been specifically identified within ½ mile of the site.
- 8. Are there any ecologically, recreationally or commercially important species on or within one-half mile of the site?** None have been identified.
- 9. Are there any threatened and/or endangered species (plant or animal) on or within one-half mile of the site?** Not likely. None were identified on the North Carolina Natural Heritage Sites database or the North Carolina Natural Areas database. Six

endangered species were identified in the EPA Endangered Species Protection Program database in Buncombe County, however, none were identified within ½ mile 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.

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.fw.gov>, federal or state agency, and USGS topographic maps. Areas that provide unique and often protected habitat for wildlife species. These areas typically used during critical life stages such as breeding, rearing or young and overwintering. Refer to Attachment 1 for examples of sensitive environments. 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.

March 2007

DSCA Program

**Level 1 Ecological Risk Assessment
Checklist B for Potential Receptors and Habitat
DSCA # 11-0006**

- 1A. Can chemicals associated with the site leach, dissolve, or otherwise migrate to groundwater? **Yes**
- 1B. Are chemicals associated with the site mobile in groundwater? **Yes**
- 1C. Does groundwater from the site discharge to ecological receptor habitat? **Yes, eventually, groundwater discharges to an unnamed tributary of Fourmile Branch located approximately 940 feet northwest of the site.**

Question 1. Could chemicals associated with the site reach ecological receptors through groundwater? **Potentially, impacted groundwater has traveled off-site and is estimated to be located approximately 415 feet from the tributary located approximately 940 feet northwest of the site.**

- 2A. Are chemicals present in surface soils on the site? **Yes**
- 2B. Can chemicals be leached from or be transported by erosion of surface soils on the site? **No, surface soil impacts were only identified under impervious surfaces at the site.**

Question 2. Could chemicals associated with the site reach ecological receptors through runoff or erosion? **Not likely, the surface soil impacts were only identified under asphalt paved areas and the building at the site, therefore, erosion and runoff are not likely concerns.**

- 3A. Are chemicals present in surface soil or on the surface of the ground? **Yes**
- 3B. Are potential ecological receptors on the site? **No**

Question 3. Could chemicals associated with the site reach ecological receptors through direct contact? **No, surface soil impacts are located beneath impervious surfaces at the site.**

- 4A. Are chemicals on the site volatile? **Yes**
- 4B. Could chemicals on the site be transported in air as dust or particulate matter? **No, surficial soil impacts are located beneath impervious surfaces at the site.**

Question 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? **Not likely, surficial soil impacts are located beneath impervious surfaces. No burrowing animals have been observed or would be expected beneath the paved asphalt at the site.**

- 5A. Is Non-Aqueous Phase Liquid (NAPL) present at the site? **No**
- 5B. Is NAPL migrating? **No**
- 5C. Could NAPL discharge occur where ecological receptors are found? **No**

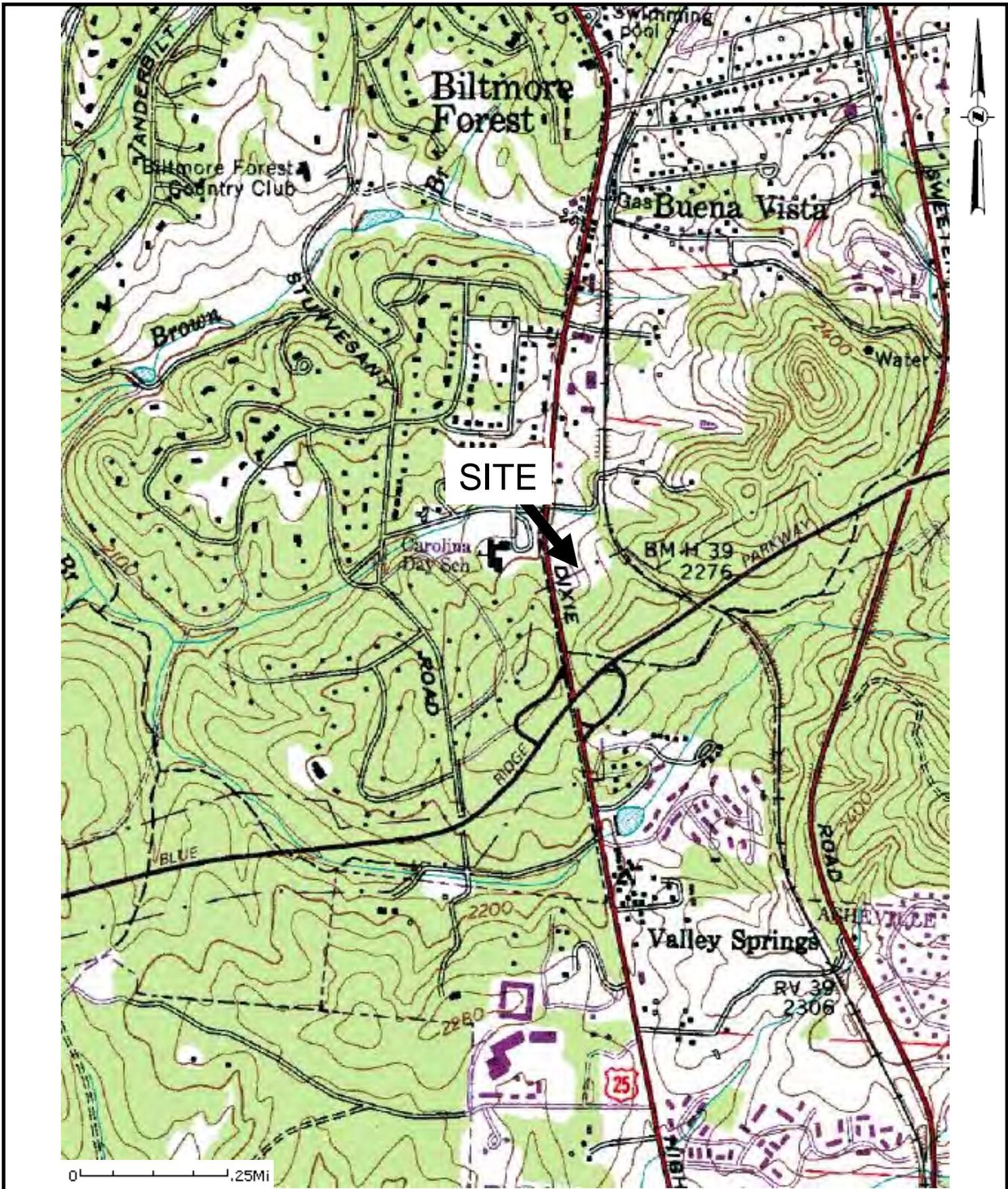
Question 5. Could chemicals associated with site reach ecological receptors through migration of NAPL? **No**

- 6A. Are chemicals present in surface and shallow subsurface soils or on the surface of the ground? **Yes, chemicals have been identified 1'- 3' below ground surface (bgs) beneath paved asphalt and the building.**
- 6B. Are chemicals found in soil on the site taken up by plants growing on the site? **No, impacted soil has only been identified beneath paved asphalt and the building at the site.**
- 6C. Do potential ecological receptors on or near the site feed on plants (e.g., grasses, shrubs, forbs, trees, etc.) found on the site? **Potentially, however, none have been specifically identified.**
- 6D. Do chemicals found on the site bioaccumulate. **No.**
- Question 6. Could chemicals associated with the site reach ecological receptors through direct ingestion of soil, plants animals or contaminants? Not likely, as soil impacts have only been identified beneath impervious surfaces at the site.**

If the answer to one or more of the above six questions is “Yes”, the DENR may require further assessment to determine whether the site poses an unacceptable risk to ecological receptors.

March 2007

DSCA Program



Reference: 7.5 Minute USGS Topographic Map: Asheville, NC (1991)



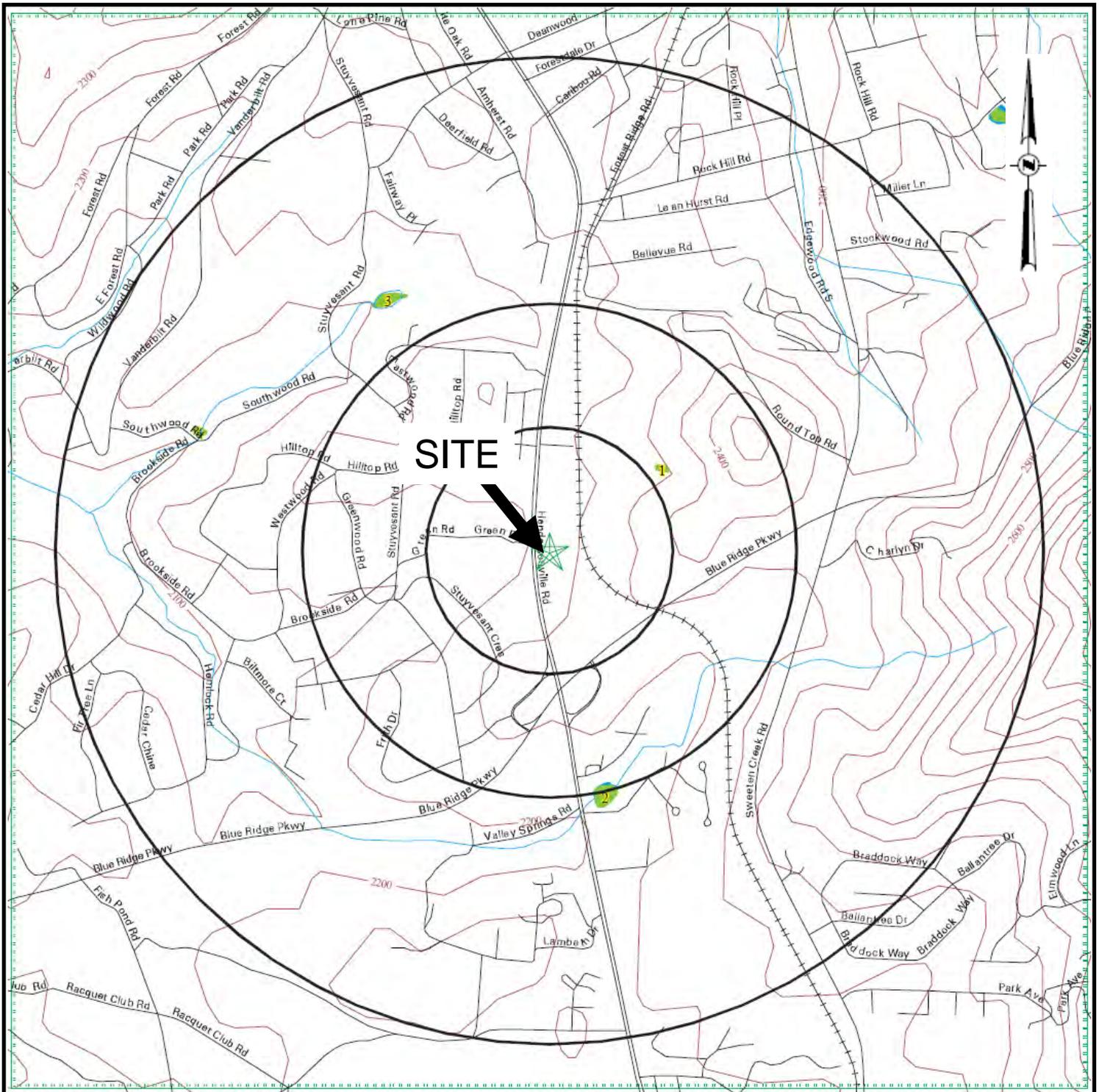
URS CORPORATION - NORTH CAROLINA
 TWO SOUTH EXECUTIVE PARK
 6125 PARK SOUTH DRIVE, SUITE 300
 CHARLOTTE, NC 28210
 TEL: (704) 522-0330
 FAX: (704) 522-0063



Site Location Map
 Blue Ridge Cleaners
 1378 Hendersonville Road
 Asheville, North Carolina
 DSCA Site ID #11-0006

DRAWN BY:	CLE - 5/22/08
CHECKED BY:	RHM - 5/22/08
PROJECT NO.:	38854451

SHEET
 Figure 1



- Major Roads
- Contour Lines
- Waterways
- County Boundary
- Power Lines
- Pipe Lines
- Fault Lines
- Water
- National Wetland Inventory
- State Wetlands
- Electronic NWI data available
- Electronic NWI data not available

Reference: 7.5 Minute USGS Topographic Map: Asheville, NC (1991)



URS CORPORATION – NORTH CAROLINA
 TWO SOUTH EXECUTIVE PARK
 6125 PARK SOUTH DRIVE, SUITE 300
 CHARLOTTE, NC 28210
 TEL: (704) 522-0330
 FAX: (704) 522-0063



National Wetlands Inventory
 Blue Ridge Cleaners
 1378 Hendersonville Road
 Asheville, NC
 DSCA Site ID #11-0006

DRAWN BY:
 CHECKED BY:
 PROJECT NO:

SHEET
 Figure 2

APPENDIX C

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Biltmore Commercial Properties I, LLC
Recorded in Book _____, Page _____
Associated plat recorded in Plat Book _____, Page _____

This documentary component of a Notice of Dry Cleaning Solvent Remediation (hereinafter “Notice”) is hereby recorded on this ____ day of _____, 20____ by Biltmore Commercial Properties I, LLC (hereinafter “Property Owner”). The survey plat component of the Notice is being recorded concurrently with this documentary component. The real property (hereinafter “Property”) which is the subject of this Notice is located at 1378 Hendersonville Road, Asheville, Buncombe County, North Carolina, Parcel Identification Number (PIN) 9656033956.

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 and is one of two parcels that make up the dry-cleaning solvent contamination site (hereinafter “Contamination Site”). A Notice will be recorded separately in each chain of title of the Contamination Site. 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”).

Soil and groundwater at the Property are contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former Blue Ridge Cleaners (DSCA Site # 11-0006) located at 1378 Hendersonville Road, Asheville, in the Biltmore Parkway Shopping Centre. The retail space on the Property was used as a dry-cleaning facility from approximately 1987 to 1991.

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. 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. No subsurface structures, such as basements, may be constructed on the Property without the prior approval of DENR.**
- 3. 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 Buncombe County Register of Deeds' office, and that the Land Use Restrictions are being complied with.**
- 4. 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.**

5. **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 the Department, its agents, contractors, and employees, and any person performing pollution remediation activities under the direction of the Department, 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 NDCSR. Such investigations and actions are necessary by the Department 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 NDCSR 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 NDCSR 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 the Division 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__.

Biltmore Commercial Properties I, LLC

By:

Name of contact

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he is a Member of Biltmore Commercial Properties I, LLC, a North Carolina limited liability corporation, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Dry-Cleaning Solvent Remediation was signed in its name by him.

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

Name typed or printed
Notary Public

My Commission expires: _____
[Stamp/Seal]

APPROVAL AND CERTIFICATION

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

North Carolina Department of Environment and Natural Resources

By: _____ 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
BILTMORE COMMERCIAL PROPERTIES I, LLC
REDUCTION OF SURVEY PLAT

EXHIBIT B
BILTMORE COMMERCIAL PROPERTIES I, LLC
PROPERTY LEGAL DESCRIPTION

TM# 9656033956

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND SITUATE, LYING AND BEING IN WARD # 7, TOWNSHIP OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA BEING KNOWN AS TM# 9656033956 CONTAINING 8.52 ACRES +/- AS SHOWN ON A PLAT ENTITLED, "MONITORING WELL LOCATION SURVEY FOR URS CORPORATION", PREPARED BY SITE DESIGN, INC., DATED 8-3-09, AND HAVING ACCORDING TO SAID PLAT THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT A POINT LOCATED ON THE EASTERN R/W OF U.S. HIGHWAY 25 AT A COMMON CORNER WITH BLUE RIDGE PARKWAY PROPERTY N/F. THENCE RUNNING ALONG SAID R/W THE FOLLOWING COURSES AND DISTANCES: N 15-22-11 W, 61.53' TO AN IRON PIN OLD 5/8" REBAR, THENCE N 03-01-11W, 40.59' TO AN IRON PIN OLD 5/8" REBAR, THENCE N 62-13-02 W, 24.33' TO AN IRON PIN OLD 5/8" REBAR, THENCE AROUND A CURVE TO THE RIGHT WITH A RADIUS OF 4543.66' AND A CHORD BEARING AND DISTANCE OF N 03-28-16 W, 532.01' TO AN IRON PIN OLD 5/8" REBAR, THENCE N 44-21-17 E, 38.66' TO A POINT, THENCE N 08-53-52 W, 42.75' TO A POINT, THENCE N 33-44-37 W, 35.17' TO A POINT, THENCE N 01-19-39 E, 30.48' TO A POINT LOCATED AT A JOINT CORNER WITH AZALEA LIMITED PARTNERSHIP PROPERTY N/F. THENCE TURNING AND LEAVING SAID R/W AND RUNNING ALONG THE COMMON LINE WITH AZALEA LIMITED PARTNERSHIP PROPERTY S 84-00-50 E, 378.36' TO A POINT. THENCE S 84-00-50 E, 103.57' TO A POINT LOCATED AT THE JOINT CORNER WITH BILTMORE FARMS, INC. PROPERTY N/F, THENCE TURNING AND RUNNING ALONG THE COMMON LINE WITH SAID BILTMORE FARMS, INC. PROPERTY THE FOLLOWING COURSES AND DISTANCES: S 13-13-13 E, 117.82' TO A POINT, S 20-50-14 E, 136.27' TO A POINT, S 28-18-28 E, 102.96' TO A POINT, S 35-15-11 E, 125.08' TO A POINT, S 42-48-41 E, 120.95' TO A POINT, S 49-49-35 E, 121.25' TO A POINT, S 55-14-04 E, 59.98' TO A POINT LOCATED ON THE COMMON LINE WITH BLUE RIDGE PARKWAY PROPERTY N/F. THENCE TURNING AND RUNNING ALONG THE COMMON LINE WITH SAID BLUE RIDGE PARKWAY PROPERTY S 59-39-05 W, 67.75' TO A POINT, N 44-20-55 W, 272.00' TO A POINT, S 67-03-07 W, 630.57' TO THE POINT OF BEGINNING.

NOTICE OF DRY-CLEANING SOLVENT REMEDIATION

Property Owner: Carolina Day School, Inc.

Recorded in Deed 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 Carolina Day School, 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 1345 Hendersonville Road, Biltmore Forest, Buncombe County, North Carolina, Parcel Identification Number (PIN) 9646944038.

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 and is one of two parcels that make up the dry-cleaning solvent contamination site (hereinafter "Contamination Site"). A Notice will be recorded separately in each chain of title of the Contamination Site. 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").

Groundwater under the Property is contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former Blue Ridge Cleaners (DSCA Site # 11-0006) located across the street at 1378 Hendersonville Road, Asheville, in the Biltmore Parkway Shopping Centre.

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.

LAND-USE RESTRICTIONS

N.C.G.S. § 143-215.104M requires that the Notice identify any restrictions on the current or future use of the Property that are necessary to assure adequate protection of public health and the environment. The restrictions shall continue in perpetuity and cannot be amended or canceled unless and until the Buncombe County Register of Deeds receives and records the written concurrence of DENR. Those restrictions are hereby imposed on the Property, and are as follows:

1. No activities that encounter, expose, remove, or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that use groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior approval by DENR. No subsurface structures for access of personal use, such as basements, may be constructed on the Property without prior approval by DENR.

2. In January of each year, on or before January 31st, 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 Buncombe County Register of Deeds' office, and the Land Use Restrictions are being complied with.

3. No person conducting environmental assessment or remediation at the Property, or involved in determining compliance with applicable land-use restrictions, at the direction of, or pursuant to a permit or order issued by DENR may be denied access to the Property for the purpose of conducting such activities.

4. The owner of the Property which is the subject of this Notice 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 provision shall not affect the validity or applicability of any land-use restriction identified in this Notice.

For purposes of the land-use restrictions set forth above, DENR's point of contact shall be:

North Carolina Division of Waste Management
Dry-Cleaning Solvent Cleanup Act (DSCA) Program
1646 Mail Service Center
Raleigh, NC 27699-1646

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

Any land-use restriction set out above shall be enforced by any owner of the Property or by any other potentially responsible party. Any land-use restriction may also be enforced by DENR through the remedies provided at law or by means of a civil action in the superior court. DENR may enforce any land-use restriction set out above without first having exhausted any available administrative remedies. Any land-use restriction also may be enforced by any unit of local government having jurisdiction over any part of the Property by means of a civil action without the unit of local government having first exhausted any available administrative remedy. The above land-use restrictions may also be enforced by any person eligible for liability protection under the Act who will lose liability protection if the land-use restrictions are violated. The above land-use restrictions shall not be declared unenforceable due to lack of privity of estate or contract, due to lack of benefit to particular land, or due to lack of privity of any property interest in particular land. Any person who owns or leases the Property subject to the above land-use restrictions shall abide by the land-use restrictions. 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. DENR shall not be liable for any injuries or harms to third parties resulting from the failure of the Property Owner to enforce the above land-use restrictions.

FUTURE SALES, LEASES, CONVEYANCES, TRANSFERS AND PETITIONS OR FILINGS FOR REZONING

When any portion of the Property subject to this Notice 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, (1) a statement that the property has been contaminated with dry-cleaning solvent and, if appropriate, cleaned up under the Act and (2) a reference by book and page to the recordation of this Notice.

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 Property Owner's interest in the Property. This notice shall include the name, business address and phone

number of the transferee and the expected date of transfer.

The Property Owner shall notify DENR within thirty (30) days following the petitioning or filing of any document by any person initiating a rezoning of the Property that would change the base zone of the Property.

PROPERTY OWNER SIGNATURE

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

Carolina Day School, 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 is a Member of Carolina Day School, Inc. 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
CAROLINA DAY SCHOOL
REDUCTION OF SURVEY PLAT**

**EXHIBIT B
CAROLINA DAY SCHOOL
PROPERTY LEGAL DESCRIPTION**

TM# 9646944038

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND SITUATE, LYING AND BEING IN WARD # 7, TOWNSHIP OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA BEING KNOWN AS TM# 9646944038 CONTAINING 26.35 ACRES +/- AS SHOWN ON A PLAT ENTITLED, "MONITORING WELL LOCATION SURVEY FOR URS CORPORATION", PREPARED BY SITE DESIGN, INC., DATED 8-3-09, AND HAVING ACCORDING TO SAID PLAT THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT A POINT LOCATED ON THE WESTERN R/W OF U.S. HIGHWAY 25 AT THE JOINT CORNER WITH LEO M. JR. AND MARGARET STOREY PROPERTY N/F. THENCE RUNNING ALONG COMMON LINE WITH SAID LEO M. JR. AND MARGARET STOREY PROPERTY, AND COMMON LINE WITH JAMES V. & BARBARA B. DELEO PROPERTY N/F, AND JIMMIE W. & CAROLYN R. MANN PROPERTY N/F, N 29-58-19 W, 613.36' TO A POINT LOCATED AT THE COMMON CORNER WITH WILLIAM V. & TAMARA M. WILCOX PROPERTY, N/F. THENCE RUNNING ALONG THE COMMON LINE WITH SAID WILLIAM V. & TAMARA M. WILCOX PROPERTY N 44-26-17 W, 220.08' TO A POINT LOCATED AT THE JOINT CORNER WITH WM W. & DEBRA L. TROMETER PROPERTY N/F. THENCE RUNNING ALONG THE COMMON LINE WITH SAID WM W. & DEBRA L. TROMETER PROPERTY AND ROBERT & MARY ANNE K. URITIS PROPERTY N/F, N 44-27-42 W, 326.94' TO AN IRON PIN OLD 3.5" OPEN TOP WITH TACK. THENCE S 45-33-59 W, 206.38' TO AN IRON PIN OLD 3" OPEN TOP LOCATED ON THE NORTHERN R/W OF STUYVESANT CRESCENT. THENCE TURNING AND RUNNING ALONG THE SAID R/W THE FOLLOWING COURSES AND DISTANCES: N 44-35-49 W, 187.14' TO A IRON PIN OLD 5/8" REBAR, THENCE AROUND A CURVE TO THE LEFT WITH A RADIUS OF 191.26', AND A CHORD BEARING AND DISTANCE OF N 82-02-36 W, 232.58' TO A POINT, THENCE S 42-21-11 W, 118.92' TO A POINT. THENCE S 33-51-51 W, 151.57' TO A POINT, THENCE AROUND A CURVE TO THE RIGHT WITH A RADIUS OF 26.49' AND CHORD BEARING AND DISTANCE OF S 70-08-31 E, 51.45' TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE EASTERN R/W OF STUYVESANT ROAD. THENCE TURNING AND RUNNING ALONG SAID R/W THE FOLLOWING COURSES AND DISTANCES: N 06-03-30 E, 200.34' TO AN IRON PIN OLD 5/8" REBAR, THENCE N 06-23-51 E, 48.35' TO AN IRON PIN OLD 5/8" REBAR, THENCE AROUND A CURVE TO THE RIGHT WITH A RADIUS OF 89.76' AND A CHORD BEARING AND DISTANCE OF N 39-34-16 E, 98.23' TO A POINT LOCATED ON THE R/W OF AN UNNAMED ROAD. THENCE RUNNING ALONG SAID R/W N 72-52-51 E, 195.01' TO A POINT. THENCE N 07-31-54 E, 36.67' TO AN IRON PIN OLD 5/8" REBAR BENT LOCATED AT THE JOINT CORNER WITH THOMAS G. & ALICE H. MYER PROPERTY N/F. THENCE RUNNING ALONG THE COMMON LINE WITH SAID THOMAS G. & ALICE H. MYER PROPERTY AND JUANITA PARSON HELMS PROPERTY N/F N 07-31-54 E, 264.96' TO A POINT LOCATED ON THE COMMON LINE WITH NINA HOFFMAN PROPERTY N/F. THENCE RUNNING ALONG THE COMMON LINE WITH SAID NINA HOFFMAN PROPERTY AND PROPERTIES OF CARL F. &

BRENDA C. OSBORN, LEWELLYN LAB PERRY, AND ANTHONY M. & HOLLY SAPONARO, N 85-07-38 E, 129.40' TO AN IRON PIN OLD 5/8" REBAR, THENCE N 14-33-22 E, 420.24' TO A POINT LOCATED ON THE COMMON LINE WITH WALTER F. & LINDA G. FURR PROPERTY N/F. THENCE RUNNING ALONG THE COMMON LINE WITH SAID WALTER F. & LINDA G. FURR PROPERTY AND PROPERTIES OF H&D CREASMAN TRUST, CHARLES H. & JOAN H. LONG, JEANNIE Y. MARTIN, RAYBUB, LLC, AND WINSTON W. PULLIAM, S 84-17-43 E, 582.19' TO A POINT LOCATED ON A 12' ALLEY, CROSSING OVER AN IRON PIN OLD 3.5" OPEN TOP AT 313.40' AND 513.35'. THENCE TURNING AND RUNNING ALONG SAID 12' ALLEY AND STEVE EDWARD SMITH PROPERTY N/F S 06-08-15 W, 183.32' TO A POINT LOCATED AT THE JOINT CORNER WITH MARTHA SMITH PROPERTY N/F. THENCE RUNNING ALONG THE COMMON LINE WITH SAID MARTHA SMITH PROPERTY S 05-23-15 W, 222.10' TO A POINT. THENCE S 84-44-38 E, 350.69' TO A POINT LOCATED ON THE WESTERN R/W OF U.S. HWY 25. THENCE TURNING AND RUNNING ALONG SAID R/W THE FOLLOWING COURSES AND DISTANCES: S 01-19-24 W, 47.95' TO AN IRON PIN OLD 5/8" REBAR, S 46-53-50 W, 32.05' TO AN IRON PIN OLD 5/8" REBAR, THENCE S 01-02-16 W, 59.00' TO A POINT, THENCE S 47-08-01 E, 32.81' TO A POINT, THENCE S 01-10-04 E, 163.04' TO A POINT, THENCE S 87-41-34 W, 40.00' TO A MAG NAIL CROSSING OVER A MAG NAIL AT 25.00', THENCE S 02-36-27 E, 162.83' TO A POINT, THENCE S 02-30-42 E, 5.08' TO A MAG NAIL, THENCE S 04-36-27 E, 50.90' TO A MAG NAIL, THENCE S 09-30-21 E, 101.96' TO A MAG NAIL, THENCE S 17-39-59 E, 51.68' TO A MAG NAIL, THENCE S 23-36-02 E, 52.88' TO A MAG NAIL, THENCE S 08-20-49 E, 97.30' TO A POINT, THENCE S 67-07-27 W, 21.96' TO AN EXISTING NATIONAL PARK SERVICE MONUMENT NO. 113, THENCE S 01-08-22 E, 550.40' TO THE POINT OF BEGINNING.

APPENDIX D

NOTICE OF INTENT



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>
<address>
<city>, NC <zip>

<name>, <County Health Director>
<address>
<city>, NC <zip>

Subj: Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 11-0006
Blue Ridge Cleaners, 1378 Hendersonville Road, Asheville

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".

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:

Pete Doorn, DSCA Remediation Unit
Division of Waste Management, NC DENR
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605

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.

Remediation of Dry-Cleaning Solvent Contamination
DSCA Site # 11-0006
Blue Ridge Cleaners, 1378 Hendersonville Road, Asheville
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<date>

If you have any questions, please feel free to contact me at (919)508-8578

Sincerely,

Peter L. Doorn, Supervisor
DSCA Remediation Unit
Peter.doorn@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site # 11-0006 File

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

Blue Ridge Cleaners
DSCA Site # 11-0006

Pursuant to N.C.G.S. §143-215.104L, on behalf of Biltmore Commercial Properties I, LLC., North Carolina Department of Environment and Natural Resources (DENR) 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 the Biltmore Parkway Centre in Asheville, North Carolina. Dry-cleaning solvent contamination has been identified in soil and/or ground water at the following parcels:

1378 Hendersonville Road, Asheville; Parcel No. 9656033956
1345 Hendersonville Road, Asheville; Parcel No. 9646944038

An investigation of the extent of contamination has been completed. Based on the low risks posed by the contamination, the proposed remedy involves instituting land use restrictions to control current and future site risks at the affected properties.

The complete NOI is available online at www.ncdsca.org , under “Public Notices”.

The public comment period begins _____ , 201_ , and ends _____ , 201_ .

Comments must be in writing and submitted to DENR no later than _____ , 201_ .
Written requests for a public meeting may be submitted to DENR no later than _____ ,
201_ . Requests for additional information should be directed to Pete Doorn at (919)508-8578.
All comments and requests should be sent to:

Pete Doorn, DSCA Remediation Program
Division of Waste Management, NC DENR
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605