

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

MICHAEL SCOTT

Director



NORTH CAROLINA
Environmental Quality

September 13, 2021

Mr. Jerod M. Clifton
Coastal Environmental Consulting, Inc.
7748 Cypress Island Drive
Wilmington, NC 28412

Re: **Conditional Notice of No Further Action**
15A NCAC 2L .0507(d)
Risk-based Assessment and Corrective Action
for Petroleum Aboveground Storage Tanks and Other
Petroleum Sources

Bridge Street Mart/Energy Fuels
260 Bridge Street
Washington, Beaufort County
Incident Number: 96122
Risk Classification: Low
Rank: L 125 D

Dear Mr. Clifton:

The Notice of Residual Petroleum received on September 7, 2021 has been reviewed and signed. The review indicates that soil and groundwater contamination meet the cleanup requirements for a low-risk release from an aboveground storage tank (AST) or other source under Title 15A NCAC 2L .0202 and .0500, but contamination exceeds the limits allowed for unrestricted closure of a site.

The UST Section determines the subject incident to be eligible conditionally for no further action status. **However, final approval of no further action status is contingent on the filing of the approved NRP (attached) with the Register of Deeds in the county in which the release is located, verified by the receipt of a certified copy of the filed NRP by this office; and on receipt of confirmation that public notice requirements have been completed, as described in the following paragraphs.**

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 as stipulated in the Notice of Residual Petroleum (attached). Be advised that as soil contamination exceeds the residential MSCCs, the property containing the contamination is suitable only for **industrial/commercial use** as stipulated in the Notice of Residual Petroleum (attached).



North Carolina Department of Environmental Quality | Division of Waste Management | UST Section
Washington Regional Office | 943 Washington Square Mall | Washington, NC 27889 | (252) 946-6481

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, pursuant to NCGS 143B-279.9 and 143B-279.11, you must file the approved Notice of Residual Petroleum (attached) with the Register of Deeds in the county in which the release is located and submit a certified copy to the UST Section within 30 days of receipt of this letter.

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, public notice in accordance with 15A NCAC 2L .0409(b) also is required. Thus, within 30 days of receipt of this letter, a copy of the letter must be provided by certified mail, or by posting in a prominent place, if certified mail is impractical, to the local health director, the chief administrative officer of each political jurisdiction in which the contamination occurs, all property owners and occupants within or contiguous to the area containing contamination, and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. **Within 60 days of receiving this letter, this office must be provided with proof of receipt of the copy of the letter or of refusal by the addressee to accept delivery of the copy of the letter or with a description of the manner in which the letter was posted.** Interested parties may examine the information on 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 conditional No Further Action determination will not become valid until the UST Section receives a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds and until public notice requirements are completed.

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

Sincerely,



Sylvia Newsom-Hunneke
Regional UST Supervisor
Washington Regional Office

Attachments: Notice of Residual Petroleum

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

NOTICE OF RESIDUAL PETROLEUM

Bridge Street Mart / Energy Fuels, UST Incident Number 96122, 260 Bridge Street, Washington, Beaufort County, North Carolina

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Aboveground Storage Tank (AST) 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 Environmental 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 Environmental 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 will be recorded at the Beaufort County Register of Deeds' office

Book _____, Page _____.

Source Property

A & K Property, LLC of Greenville, North Carolina is the owner in fee simple of all of the Site, which is located in the County of Beaufort, State of North Carolina, and is known and legally described as:

That tract or parcel of land located at 260 Bridge Street in the City of Washington, Beaufort County, North Carolina, more particularly described as follows: BEGINNING at a found iron pipe, said point of beginning being located on the Western right of way of U.S. Highway 17 in the City of Washington, and also being the dividing line between the property herein described and the property of Service Distributing, Inc., reference Deed Book 743, Page 686 in the Beaufort County Registry; thence North 56 degrees 58 minutes 49 seconds West 138.41 feet to a rod set in concrete; thence North 32 degrees 30 minutes 00 seconds East along the line of Sawyer Auto Parts, Inc. 139.97 feet to a new iron pipe located in the Southern right of way of West Third Street; thence along the Southern right of way of West Third Street South 56 degrees 59 minutes 31 seconds East 124.61 feet to a drill hole in concrete; thence with the curve of the intersection of West Third Street and U.S. Highway 17, said curve having a radius of 14.00 feet, a chord of South 12 degrees 13 minutes 46 seconds East 19.71 feet, and an arc of 21.87 feet, to a drill hole, located in the Western right of way of U.S Highway 17; thence along the Western right of way of U.S. Highway 17 South 32 degrees 32 minutes 00 seconds West 126.12 feet to the point of Beginning, containing 0.44 acre, more or less, and being that identical property described on that map of survey entitled "Property of Taylor Oil Company of Washington, N.C., Inc.", by Hood Richardson, P.A. dated March 6, 1989, said survey being recorded in Plat Cabinet E, Slide 2-2, of the Beaufort County Registry. Reference is made to deed recorded in Book 899, Page 68, in the office of Register of Deeds of Beaufort County.

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 Beaufort County Register of Deeds 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: The Site shall be used for industrial/commercial use only. Industrial/commercial use means a use 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: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.

ENFORCEMENT

The above land use restrictions shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restrictions 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 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.

IN WITNESS WHEREOF, A & K Property, LLC has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 1 day of September, 2021.

By: 
(signature of responsible party)

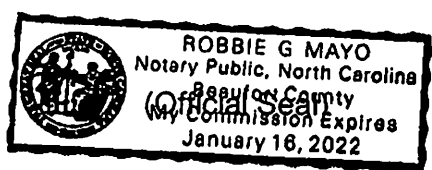
Signatory's name typed or printed: Ali Alakwa

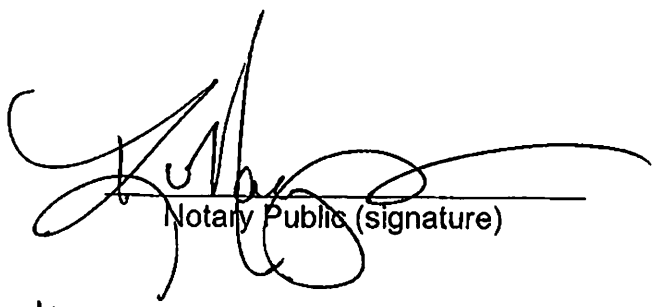
NORTH CAROLINA
PITT COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document:

Ali Alakwa

WITNESS my hand and seal this the 1 day of Sept., 2021




Notary Public (signature)

My commission expires 1-16, 2022

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

Sylvia Newsom-Hunneke
(signature of Regional Supervisor)

Sylvia Newsom-Hunneke, Regional Supervisor
(printed name of Regional Supervisor)

Washington Regional Office
(name of Region)

UST Section
Division of Waste Management
Department of Environmental Quality

NORTH CAROLINA
BEAUFORT COUNTY

I certify that the following person personally appeared before me this day,
acknowledging to me that he signed the foregoing document:

Sylvia Newsom-Hunneke (full printed name of Regional Supervisor)

Date: Sept 10, 2021

(Official Seal)



Pamela S. Barker
Notary Public (signature)

My commission expires July 29, 2025