



RECEIVED
MAY 25 2016

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL SCOTT
Director

May 23, 2016

CERTIFIED MAIL RETURN
RECEIPT REQUESTED
7015 0640 0005 9080 6320

Mr. Randell Woodruff
Beaufort County Manager
121 West 3rd St.
Washington, NC 27889

Re: Public Notice
Clagett Property
211 West 15th St., Washington, NC
Beaufort County
Incident Number: 22020
Risk Classification: Low

Dear Mr. Woodruff:

The Washington Regional Office (WaRO) Underground Storage Tank (UST) Section is providing notice of "No Further Action" dated **May 20, 2016** pursuant to requirements set forth in 15A NCAC 2L .0114(a). Please find attached a copy of the "No Further Action Letter."

The WaRO UST Section may be contacted at (252)-948-3906 during normal business hours to answer questions pertaining to this report or to arrange for an examination of the information on file related to this incident.

If you have questions regarding the information contained in this letter, please contact me at the address or telephone number listed below.

Sincerely,

Scott Bullock, L.G.
Regional UST Supervisor
Washington Regional Office
UST Section, Division of Waste Management, NCDENR

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



Waste Management
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL SCOTT
Director

May 20, 2016

Ms. C. W. Clagett
211 West 15th Street
Washington, NC 27889

Re: Notice of No Further Action
Notice of Regulatory Requirements
15A NCAC 2L .0407(d)
Risk-based Assessment and Corrective Action
for Petroleum Underground Storage Tanks

Clagett Residence (C.W.)
211 West 15th St., Washington, NC
Beaufort County
Incident Number: 22020
Risk Classification: Low

Dear Ms. Clagett:

The filed Notice of Residual Petroleum contamination (NRP) received by the UST Section, Division of Waste Management, Washington Regional Office on May 5, 2016 has been reviewed. The review indicates that soil contamination exceeds the residential maximum soil contaminant concentrations (MSCCs) established in Title 15A NCAC 2L .0411 and groundwater contamination meets the cleanup requirements for a low-risk site but exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202.

The UST Section determines that no further action is warranted for this incident. All required actions have been completed. On May 5, 2016, the UST Section received a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds. On May 20, 2016, the public notice requirements were completed by the UST Section.

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

Be advised that as groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where groundwater contamination is expected to migrate is not suitable for use as a water supply. Be advised that as soil contamination exceeds the residential MSCCs, the property containing the contamination is suitable only for restricted residential use as stipulated in the Notice of Residual Petroleum (attached). Interested parties may examine the file by contacting this regional office and may submit comments on the site to the regional office at the address or telephone number listed below.

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

If you have any questions regarding the actions or the rules mentioned in this letter, please contact me at the address or telephone number listed below. If you have any questions regarding trust fund eligibility or reimbursement, please contact the UST Section Trust Fund Branch at (919) 733-8486.

Sincerely,



Scott Bullock, L.G.
Regional UST Supervisor
Washington Regional Office

Attachments: Notice of Residual Petroleum

cc: **Beaufort County Health Department**
Washington Regional Office | 943 Washington Square Mall | Washington, NC 27889 | (252) 946-6481

DK 1899PG259

FOR REGISTRATION REGISTER OF DEEDS
Jennifer Leggett Whitehurst
Beaufort County, NC
April 29, 2016 10:48:53 AM
Book 1899 Page 259-264
FEE: \$26.00
INSTRUMENT # 2016001906



INSTRUMENT # 2016001906

NOTICE OF RESIDUAL PETROLEUM

C. W. Clagett Site, Beaufort County, NC.
(Site name)

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

NOTICE

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

Book ____, Page ____.

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

Source Property

Ms. C. W. Clagett, Washington, NC 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 Beaufort, State of North Carolina, and is known and legally described as:

Please see Attachment A

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

PERPETUAL LAND USE RESTRICTIONS

Soil: Soil containing residual petroleum above applicable regulatory standard(s) remains on the site in the area identified in Figure 1, Attachment B. No soil shall be excavated or disturbed within 3 feet of the area identified in Figure 1, Attachment B except to remediate the soil in accordance with all applicable state and federal statutes, regulations and guidelines.

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 restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, Mrs. C. W. Clagett has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 13th day of April, 2016.

By: George C Clagett
(name of responsible party if agent is signing)
George C Clagett
(signature of responsible party, attorney or other agent if there is one)
Owner
(Title of agent for responsible party if there is one)

Signatory's name typed or printed: George C Clagett

NORTH CAROLINA
Beaufort 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: George C. Clagett.

Date: 13 April 2016



Lyn B. Hardison
(signature of Notary Public)
Lyn B. Hardison
(printed or typed name of Notary Public)

Notary Public
My commission expires: 1 December 2020

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

Scott Bullock
(signature of Regional Supervisor)
Scott Bullock, Regional Supervisor
(printed name of Regional Supervisor)

Washington Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

NORTH CAROLINA
Beaufort 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: Scott Bullock (full printed name of Regional Supervisor)

Date: 13 April 2016



Lyn B. Hardison
(signature of Notary Public)
Lyn B. Hardison
(printed or typed name of Notary Public)

Notary Public
My commission expires: 1 December 2020

NORTH CAROLINA

243

BEAUFORT COUNTY

THIS DEED, Made this the 4th day of May, 1955, by E. W. Larkin and wife, Lucy M. Larkin, of Beaufort County, North Carolina, parties of the first part, to Charles W. Clagett and wife, Georgie C. Clagett, of Beaufort County, North Carolina, parties of the second part;

WITNESSETH:

That the said parties of the first part in consideration Ten Dollars and other valuable consideration to them paid by the said parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell, and convey unto the said parties of the second part, their heirs and assigns, those certain lots or parcels of land in the City of Washington, North Carolina, described as follows:

Lots Nos. 1 and 2 in Block "D" in that certain subdivision known as Rodman's Addition, map of which is of record in the Register's Office of Beaufort County in Map Book 5, Page 61, to which reference is made for a complete description. It being the same land conveyed by Olzie C. Rodman et al to E. W. Larkin and wife, Lucy M. Larkin, by deed dated January 12, 1948, recently recorded in the office of the Register of Deeds of Beaufort County.

TO HAVE AND TO HOLD the said lots or parcels of land and all privileges and appurtenances thereunto belonging to the said parties of the second part and their heirs and assigns forever.

And the said parties of the first part do covenant that they are seized of said premises in fee and have the right to convey the same in fee simple; that the same are free from incumbrances; and that they will warrant and defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

E. W. Larkin (SEAL)
E. W. Larkin

Lucy M. Larkin (SEAL)
Lucy M. Larkin

NORTH CAROLINA

BEAUFORT COUNTY

Before me, *Frank N. Ballins*

Notary Public in and for the County and State aforesaid, personally appeared E. W. Larkin and wife, Lucy M. Larkin, and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial Seal this *5th* day of May, 1955.

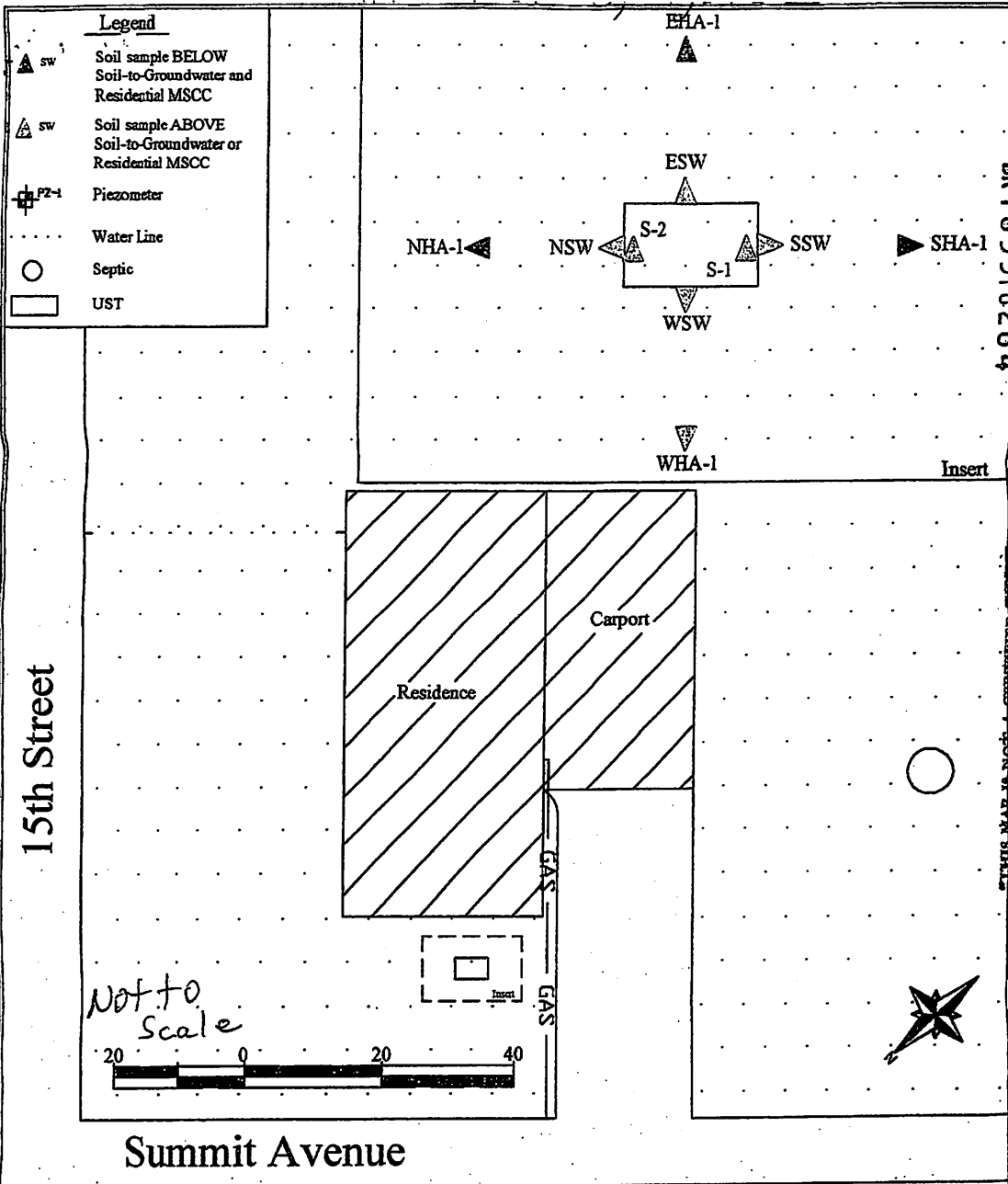
Frank N. Ballins
Notary Public

My Commission expires: *Sept 29, 1956*

North Carolina, Beaufort County.
The foregoing certificate of *Frank N. Ballins*
a Notary Public of *Beaufort*, Co. is adjudged to
be correct. Let instrument with certificate be registered.
Witness my hand this the *5* day of *May*, 1955.
Francis Cecil Dep. Clerk Superior Court

Filed May 5, 1955 at 2:30 P.M.

C.C. Duke Register of Deeds



BK109910264

THIS DRAWING HAS BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

	CLEAN-EAST Associates, Inc. P.O. Box 189 Kinston, NC 28502 1(800) 425-6097 24 Hr. Phone (252) 939-1600 Fax: (252) 527-9822	Soil Sample Location Map Claggett Site 211 West 15th Street Washington, North Carolina 27889
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Scale: 1"=20'	Drawn By: TDM	Checked By: DRS	Date: 9/4/01	Project No. 00-547	Drawing No. 5
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envelope- Mr. Scott Bullock/DWM/UST/aw