



Waste Management
ENVIRONMENTAL QUALITY

RECEIVED

APR 07 2016

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL SCOTT
Acting Director

April 6, 2016

CERTIFIED MAIL RETURN

RECEIPT REQUESTED

7015 0640 0007 2358 9120

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

Re: Public Notice
Rouse Property
108 Cedar lane, Washington, NC
Beaufort County
Incident Number: 31293
Risk Classification: Low

Dear Mr. Woodruff:

The Washington Regional Office (WaRO) Underground Storage Tank (UST) Section is providing notice of "No Further Action" dated **April 6, 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



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL SCOTT
Acting Director

April 6, 2016

Mr. David Rouse
108 Cedar Lane
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

Rouse Property (David)
108 Cedar Lane, Washington, NC
Beaufort County
Incident Number: 31293
Risk Classification: Low

Dear Mr. Rouse:

The filed Notice of Residual Petroleum contamination (NRP) received by the UST Section, Division of Waste Management, Washington Regional Office on March 31, 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 March 31, 2016, the UST Section received a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds. On April 6, 2016, the public notice requirements were completed.

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,

A handwritten signature in black ink, appearing to read "Scott Bullock", with a long horizontal flourish extending to the right.

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

BK 1896 PG 702

FOR REGISTRATION REGISTER OF DEEDS
Jennifer Leggett Whitehurst
Beaufort County, NC
March 28, 2016 08:47:19 AM
Book 1896 Page 702-709
FEE: \$26.00
INSTRUMENT # 2016001348



INSTRUMENT # 2016001348

NOTICE OF RESIDUAL PETROLEUM

David and Shirley Rouse Residence, 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

David and Shirley Rouse, 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.

DK1896PG704

IN WITNESS WHEREOF, Scott Bullock has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 15th day of March, 2016.

By: David P Shirley Rouse
(name of responsible party if agent is signing)
Scott Bullock
(signature of responsible party, attorney or other agent if there is one)
Regional UST Supervisor
(Title of agent for responsible party if there is one)

Signatory's name typed or printed: Scott Bullock

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: Scott Bullock

Date: 15 March 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: 15 March 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

To Have and to Hold, the said land and premises, with all rights, privileges and appurtenances thereunto belonging, or in anywise thereupon appertaining, unto him, the said party of the second part, Trustee, his heirs and assigns.

But Upon The Special Trust: But if default shall be made in the payment of the interest on the said notes, as the same may hereafter become due, or of principal and interest as they may become due, or in any part of either, or if the said parties of the first part, shall fail to pay the taxes from time to time assessed against the said property when due, or shall fail to keep the said property insured as hereinafter provided, (it being expressly stipulated and agreed, that such default in payment of said notes when due, or any part thereof, or default in the payment of the interest on said indebtedness when payable, or any part thereof, or such failure to pay all taxes, which may be from time to time assessed against the property, when due, or failure to keep the said property insured as hereinafter provided, shall at the option of the said parties of third part, their successors, heirs or assigns, cause the entire indebtedness hereby secured, with accrued interest, to become immediately due and payable, notwithstanding the terms of the notes to the contrary), then and in any such event, on application of said parties of the third part, assignee, or any other person who may be entitled to the moneys due on said notes, it shall be lawful for and the duty of the said party of the second part, Trustee, or his successor in trust, to advertise a sale of the land in some newspaper in the said County, for a time not less than once a week for four successive weeks, and to post a notice of the said sale at the Court House door in said County, for at least thirty days immediately preceding said sale therein appointing a day and place of sale, and at such time and place to expose the said land at public sale for cash, and to convey the same to the purchaser in fee simple, and out of the moneys arising from said sale to pay the cost and expenses of such sale, including a commission to the said Trustee, of

Five per cent upon the gross amount realized from the said sale, in compensation for his services, and to pay the said debt and interest, including any sums paid by the holder or holders of said bonds for taxes or insurance with interest, and to pay the surplus, if any there be, to the said parties of the first part, their legal representatives, successors or assigns.

And it is stipulated and agreed, that if the parties of the first part shall pay off the said indebtedness and interest, prior to a sale as herein authorized, then this deed shall be null and void, otherwise to be of full force and effect.

And the said parties of the first part, for themselves, their successors, heirs, executors and administrators, covenant to and with the party of the second part, his heirs and assigns, that they are seized in fee simple of the said described lands, and that the same are except deed of trust for this date to Home Savings and Loan Association free from all encumbrance, that they have a perfect right and power to make his conveyance, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

And it is expressly agreed by and between the parties to these presents, that the said parties of the first part shall and will until the debt hereby secured has been fully paid, keep the buildings erected, or to be erected, on the said lands, insured against loss or damage by fire or other casualty in some reliable insurance company, acceptable to the said parties of the third part, and doing business in the business in the State of North Carolina, in the sum of THIRTY-TWO HUNDRED AND NO/100 Dollars, with provision either in such policy or policies of insurance, or otherwise, that in the event of loss or damage by fire or other casualty the proceeds of such insurance be payable to the party of the second part, or his successor in trust to be applied upon the debt hereby secured, and should said parties of the first part fail to procure such insurance, or permit said buildings to remain uninsured for a period of twelve hours, during the existence of the lien of this trust, then such insurance may be obtained by the party of the second part, or the party of the third part, or the legal representatives or assigns of either, and all moneys expended for that purpose shall be deemed principal money, and shall be secured by the lien of this trust and shall bear interest from date of payment at the rate of six per cent per annum, and shall be due upon demand, and subject to the terms hereof.

In Testimony Whereof, the said parties of the first part

have hereunto set their hands and seals, all the day and year first above written.

David E. Rouse (SEAL)
DAVID E. ROUSE

Shirley N. Rouse (SEAL)
SHIRLEY N. ROUSE

Witness *James B. ...* (SEAL)

My Comm. Expires 5-25-10

STATE OF NORTH CAROLINA, LENOIR COUNTY

Jimmie B. Howell Notary Public of Lenoir County, North Carolina

do hereby certify that *David E. Rouse* and *Shirley N. Rouse* his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial seal this *26th* day of *May*

My Commission expires *5-25-70* *Jimmie B. Howell* Notary Public



4-2-70

Grantor-Grantee UNDETERMINED
 Grantor-Grantee DEED OF TRUST

DAVID E. ROUSE AND WIFE,
 SHIRLEY N. ROUSE
 OWEN G. RODMAN, TRUSTEE FOR
Mrs. I. O. ROBERT GUYTON PAGE AND LENA
 HANDING PAGE
309 Robinson Road
 Filed for registration at *12:20* o'clock *P.* M.
 Day of *May* 19 *67*
 and registered in the office of the Registrar of Deeds for _____ County _____
 In book _____ page _____
 Registrar of Deeds

STATE OF NORTH CAROLINA, _____ COUNTY.

North Carolina
Beaufort County
The foregoing certificate of *Jimmie B. Howell*

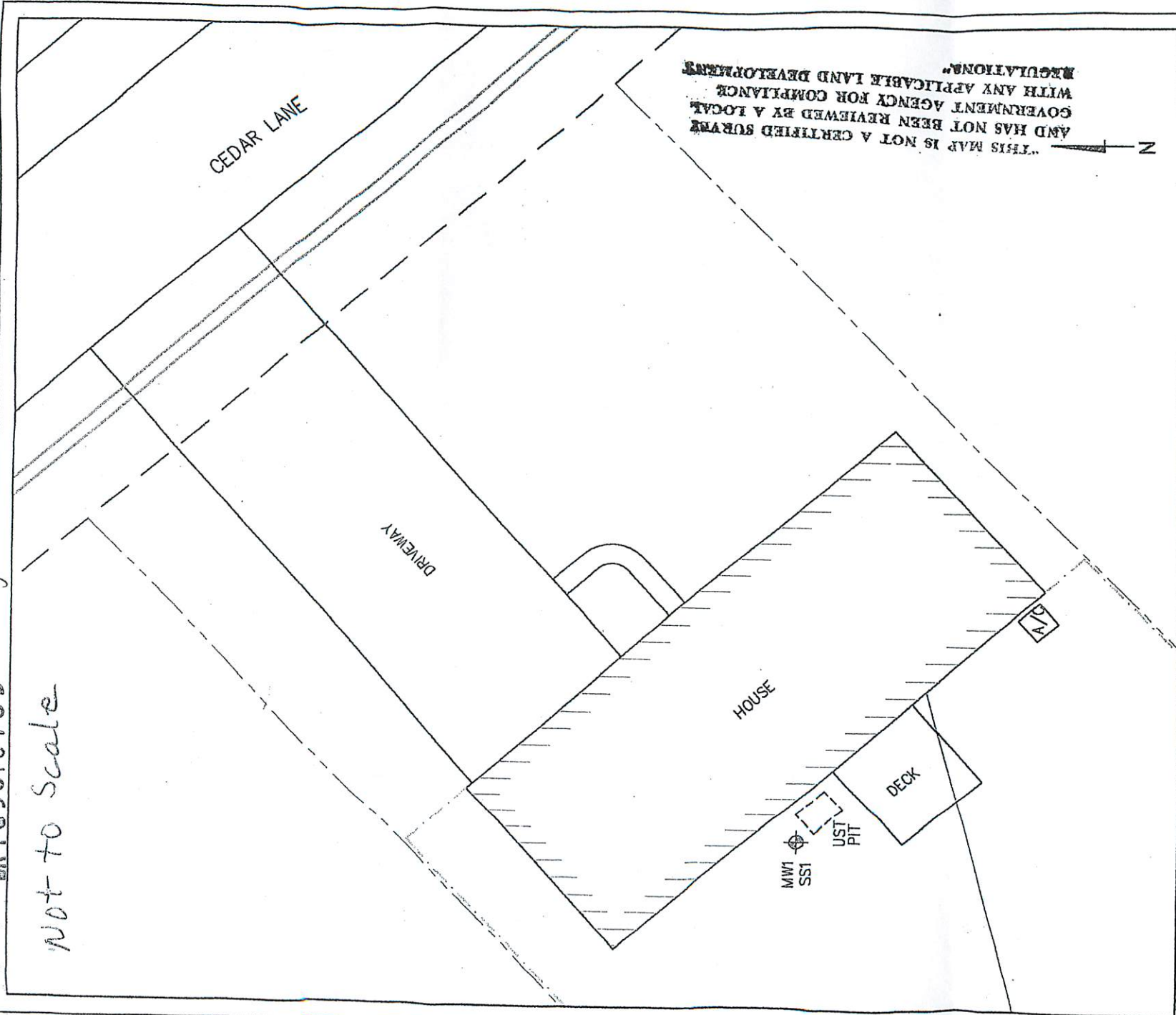
Notary Public/Notaries Public is/are certified to be correct.
This instrument was presented for registration and recorded in this office at Book *642*, Page *26*
This *27* day of *May*, 19 *67* at *12:20* o'clock *P.* M.
John I. Morgan
Register of Deeds
By *John I. Morgan*
Deputy Register of Deeds

The foregoing certificate of _____ of _____ County is adjudged to be correct. Let the instrument, with the certificate be registered.
Witness my hand this _____ day of _____ 19 _____

Clerk Superior Court

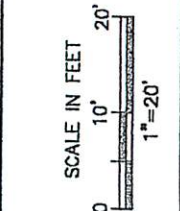
DK1895P6709 Figure 1 Attachment B

Not to Scale



Date: 8/11/2004

Figure 3



- SS=SOIL SAMPLE
- PROPERTY LINE
- ROADWAY
- RIGHT-OF-WAY
- DITCH BANK
- UNDERGROUND STORAGE TANK (UST) PIT
- MONITORING WELL
- OVERHEAD POWER/PHONE LINE

LOCATION OF MONITORING WELL, SOIL SAMPLE, UST PIT AND UTILITIES

File: GJR\GMA\72102
UST-MW-SS-UTIL

Project No. 72102

ROUSE RESIDENCE, WASHINGTON, BEAUFORT CO., NC

Flow - Drillback shaft - main