

State of North Carolina
Department of Environment and
Natural Resources
Washington Regional Office

Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Director



**DIVISION OF WASTE MANAGEMENT
UNDERGROUND STORAGE TANK SECTION**

February 26, 2003

Mr. Jerry Hancock
Flowers Bakery, Inc.
1925 Flowers Circle
Thomasville, North Carolina 31757

**Re: Notice of No Further Action 15A NCAC 2L .0115(h)
Risk-based Assessment and Corrective Action for Petroleum Underground Storage Tanks
Franklin Baking Facility, 1107 Myrtle Ave.
Greenville, Pitt County, North Carolina
Incident # 12444 - Low Risk Classification**

Dear Mr. Hancock:

The Underground Storage Tank (UST) Section, Division of Waste Management Washington Regional Office has received Site Closure Request and a Notice of Residual Petroleum for the above-referenced Site. **The Notice of Residual Petroleum was recorded in Book 1428, Page 705 of the Pitt County Register of Deeds' Office.** A review of the file shows that unsaturated soil contamination and groundwater contamination meet the cleanup requirements for a low risk site. No further assessment or remedial actions are required at this time. However, please be advised that because groundwater contamination still exceeds the groundwater quality standards established in 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where contamination is expected to migrate **is not suitable** for use as a water supply.

Pursuant to NCGS 143B-279.9 and 143B-279.11, the approved Notice of Residual Petroleum was recorded in **Book 1428, Page 705 of the Pitt County Register of Deeds' Office.** **This No Further Action Determination will not become valid until the public notice requirements outlined below are completed.** Public notice in accordance with 15A NCAC 2L .0115(k) is required as follows. Within **30 days** of receipt of this no further action letter, you must provide a copy of this letter to the following persons:

- ☐ Local health director;
- ☐ Chief administrative officer (i.e., Mayor, Chairman of the County Commissioners, County Manager, City Manager or other official of equal or similar position) 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.

Copies of this no further action letter must be sent to the persons listed above by certified mail. If it is impractical to provide this public notice by certified mail to the occupants of apartment buildings, condominiums, office buildings, etc., you may post a copy of this letter in a prominent place where the occupants are most likely to see it.

Within **60 days** of receiving this no further action letter, you must provide the UST Section Washington Regional Office 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. If a copy of the letter is posted, you must provide the UST Section with a description of the manner in which the letter was posted.

Interested parties may examine the file and Site Closure Request by contacting Scott Bullock at (252) 946-6481. In addition, the UST Section Washington Regional Office has the Site Closure Request along with other site information on file and available for public review. Interested parties may arrange to review this information by contacting the regional office as listed below. In addition, comments on the Site Closure Request may be submitted to the regional office.


Scott Bullock
Washington Regional Office
943 Washington Square Mall
Washington, North Carolina 27889
(252) 946-6481

Pursuant to 15A NCAC 2L .0115(e), you have a continuing obligation to notify the UST Section of any changes that you know of or should know of, that might affect the level of risk assigned to the discharge or release. Such changes include, but are not limited to, changes in zoning of real property, use of real property or the use of groundwater that has been contaminated or is expected to be contaminated by the discharge or release, if such change could cause the UST Section to reclassify the risk. Please note that this responsibility not only pertains to changes involving the property on which the release occurred, but to changes involving the surrounding properties as well.

Please be advised that you should close any monitoring wells or injection wells used to investigate or remediate this incident in accordance with 15A NCAC 2C .0113 and .0114, respectively. For guidance on closure of wells, please contact The Division of Water Quality, Groundwater Section at the Washington Regional Office.

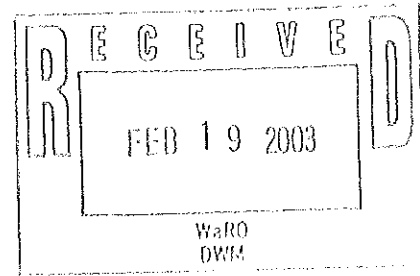
Should you have any questions concerning this letter, please contact Scott Bullock at (252) 946-6481, extension 241.

Sincerely,


Richard R. Powers
Regional UST Supervisor

cc: UST Central Office
Mr. Rob Krebs, Mooresville Regional Office
ATC Associates, 2725 E. Millbrook Road, Suite 121, Raleigh, NC 27604
WaRO File

FILED
 JUDY J. TART
 REGISTER OF DEEDS
 2003 JAN 14 PM 4:44
 PITT COUNTY, N.C.



NOTICE OF RESIDUAL PETROLEUM

Franklin Baking Company, Pitt County, North Carolina

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, 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. Section 143B-279.11 and has/shall be recorded at the Pitt County Register of Deeds' office Book ____, Page ____.

Franklin Baking Company of Goldsboro, North Carolina is the owner in fee simple of the Site, which is located in the County of Pitt, State of North Carolina, and is known and legally described as:

See Attachment A

For protection of public health and the environment, Franklin Baking Company, acting by and through ATC Associates of North Carolina, P.C., hereby declares that all of the real property described above shall be held, sold and conveyed subject to the following perpetual land use restrictions, which shall run with the land; shall be binding on all parties having any right, title or interest in the above-described property or any part thereof, their heirs, successors and assigns; and shall, as provided in N.C.G.S. Section 143B-279.9, 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. These restrictions shall continue in perpetuity and cannot be amended or cancelled unless and until the Pitt County Register of Deeds receives and records the written concurrence of the Secretary (or his/her delegate) of DENR (or its successor in function).

Return to: ^{mail} Caroline E Davenport
 1212 Norris St
 Raleigh NC 27604

PERPETUAL LAND USE RESTRICTIONS

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 the remedies provided in N.C.G.S. Chapter 143B, Article 7, Part 1 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, Franklin Baking Company has caused these presents to be executed this 19 day of December, 2002.

Tom Buffkin
PRESIDENT

Signatory's name typed or printed: Tom Buffkin

STATE OF NORTH CAROLINA
PIFF COUNTY

I, Audrey D. Best, a Notary Public of said County and State, do hereby certify that Tom Buffkin personally appeared before me this day and acknowledged that he/she is the President of Franklin Baking Company and that by authority duly given, and as the act of Franklin Baking Company, the forgoing instrument was signed in its name by such Tom Buffkin.

WITNESS my hand and seal this the 19 day of December, 2002.

Audrey D. Best
Notary Public



My commission expires Oct. 15, 2005."

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

Richard R. Powers
RICHARD R. POWERS, Regional Supervisor
Washington Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

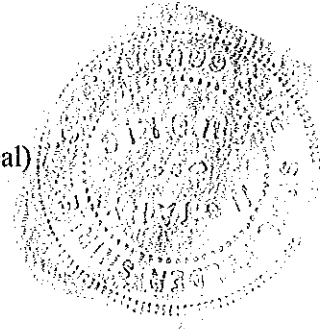
NORTH CAROLINA
PITT COUNTY

I, Sybil Felder Shirley, a Notary Public of said County and State, do hereby certify that Richard R. Powers is personally appear and sign before me this day and acknowledge that he/she is the Regional Supervisor of the Raleigh Regional Office, Department of Environment and Natural Resources.

WITNESS my hand and seal this the 7 day of January, 2003.

Sybil Felder Shirley
Notary Public

(official seal)



My commission expires 11-23, 2003.

NORTH CAROLINA: Pitt County
The foregoing certificate(s) of Audrey D. Best and

Sybil Felder Shirley

Notary(ies) Public is (are) certified to be correct. Filed for registration at 4:44 o'clock P M. this 14th

day of January 20 03.

JUDY J. TART, Register of Deeds

By Deborah C. Bauwens
Assistant/Deputy Register of Deeds

ATTACHMENT A
LEGAL DESCRIPTION

NORTH CAROLINA
PITT COUNTY



THIS DEED, made and entered into this the 8th day of September, 1967, by and between Lelia S. Higgs, Elizabeth H. Buchanan and husband, L. M. Buchanan, all of Pitt County, North Carolina, and Madeleine H. Haine and husband, Harold H. Haine, of the City of West Hartford, Connecticut, parties of the first part, to Franklin Baking Company, Inc., party of the second part;

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations to them in hand paid, receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell, grant, and convey unto the said party of the second part, its successors and assigns, in fee simple, that certain lot or parcel of land lying and being on the south side of Myrtle Street in the City of Greenville, Pitt County, North Carolina, and more particularly described as follows:

"BEGINNING at a stake in the southern property line of Myrtle Street, the northeast corner of the Fannie Mae Ange lot and running thence eastwardly and along with the southern property line of Myrtle Street, a distance of 136.2 feet more or less, to the corner of the Dora G. Howell lot, cornering; running thence southwardly and parallel with Pennsylvania Avenue a distance of 165 feet to stake, a corner; running thence westwardly and parallel with the first call a distance of 136.2 feet more or less, cornering; running thence northwardly and parallel with the eastern property line of Pennsylvania Avenue a distance of 165 feet to the point of BEGINNING; reference being directed to maps which are duly of record in the Office of the Register of Deeds of Pitt County in Map Book 2 at pages 25 and 150."

TO HAVE AND TO HOLD said lot or parcel of land, together with all privileges and appurtenances thereunto appertaining or in anywise