

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**

November 20, 2002

Mr. Jerry Hancock, Franklin Baking Company
c/o Flowers Bakery
1925 Flowers Circle
Thomasville, North Carolina 31757

**RE: Notice of Regulatory Requirements - NCGS 143B-279.9 and 143B-279.11
Notice of Residual Petroleum
Franklin Baking Facility
1107 Myrtle Ave.
Greenville, Pitt County, NC
Incident # 12444
Low Risk Classification**

Dear Mr. Hancock:

This is to notify you of the requirements of North Carolina General Statute (NCGS) 143B-279.9 and 143B-279.11 for filing a Notice of Residual Petroleum ("Notice"). Such notice is required prior to conveyance of a contaminated property or prior to receiving a "No Further Action" determination for a release, whichever occurs first, if contamination caused by the release has not been remediated to "unrestricted standards." Unrestricted use standards for groundwater and soil are the groundwater quality standards and interim standards contained in 15A NCAC 2L .0202 and the residential maximum soil contaminant concentrations established in 15A NCAC 2L .0115, respectively. **The above referenced site contains residual petroleum contamination in the groundwater.**

Since contamination for which you are responsible has not been remediated below the **groundwater** "unrestricted use" standards, you must file a Notice with the Register of Deeds in the county where the release is located. The Notice must be prepared in accordance with the attached instructions and format. It must contain a legal description of the property containing the source of contamination and legal descriptions of any other properties that you own (or control) that are contaminated by the release. The Notice must also include appropriate land use restrictions for these properties. In addition, the Notice must identify all other properties (adjacent, adjoining, downgradient, etc.) on which contamination is known to exist at the time the Notice is prepared. The Notice must be sent to the UST Section for approval and notarization. The approved and notarized Notice must then be filed with the Register of Deeds. After the Notice is filed with the Register of Deeds, a certified copy of the filed notice must be submitted to the UST Section.

Please prepare and submit a Notice of Residual Petroleum to this office within **30 days** of the date of this notice. Failure to comply with this requirement is a violation of North Carolina law and may

result in the assessment of civil penalties and/or the use of other enforcement mechanisms available to the state.

Should you have any questions, please contact Will Hart at the Washington Regional Office at the letterhead address and/or (252) 946-6481.

Sincerely,

A handwritten signature in cursive script that reads "Richard R. Powers". The signature is written in black ink and is positioned above the printed name and title.

Richard R. Powers
Washington Regional Supervisor

Attachment: Instructions for Preparing Notice of Residual Petroleum

cc: (without attachment)
ATC Associates of NC, PC 2725 Millbrook Rd., Suite 121, Raleigh, NC 27604
WaRO File