

Sept 11.23.15

Governor

DONALD R. VAN DER VAART

Secretary

LINDA CULPEPPER

Director



Waste Management
ENVIRONMENTAL QUALITY

November 20, 2015

Mid-State Petroleum, Inc.
Mr. Tony Perez
4192 Mendenhall Oaks Parkway
High Point, NC 27265

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

Pop Shoppe #124
6980 Market Street, Wilmington
New Hanover County
Incident Number: 43013
Risk Classification: Low
Ranking: L140D

Dear Mr. Perez:

The Initial Assessment Report received on November 5, 2015 and Limited Site Assessment Report received by the UST Section, Division of Waste Management, Wilmington Regional Office on November 12, 2015 along with the Notice of Residual Petroleum filed in January 2012 have 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 the subject incident to be eligible conditionally for no further action status. However, final approval of no further action status is contingent 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. 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).

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202 and soil contamination exceeds the lower of the soil-to-groundwater or residential MSCCs, 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

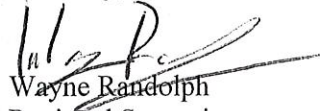


the area containing contamination, and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. Within 60 days of receiving this letter, this office must be provided with proof of receipt of the copy of the letter or of refusal by the addressee 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 Limited Site Assessment Report 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,



Wayne Randolph
Regional Supervisor
Wilmington Regional Office
UST Section, Division of Waste Management, NCDEQ

Attachments: Notice of Residual Petroleum

cc: WIRO/UST

Ben Robinson, Paragon
PO Box 157
Thomasville, NC 27361-0157

New Hanover County Health Department

UST Regional Office:

Wilmington (WIL) – 127 Cardinal Drive Extension, Wilmington, NC 28405 (910) 796-7215

(4)
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ENVIROTAC-MAIL
375 WINKLER DR
ALPHARETTA GA 30004

FOR REGISTRATION REGISTER OF DEEDS
JENNIFER H. MACNEISH
NEW HANOVER COUNTY, NC
2012 JAN 11 11:33:11 AM
BK:5610 PG:1875-1879 FEE:\$26.00

INSTRUMENT # 2012000822

NOTICE OF RESIDUAL PETROLEUM

Former Market Street Ogden Sunoco, Wilmington, New Hanover County, North Carolina
(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 Hanover County
(name of county)

Register of Deeds' office Book ____, Page ____.

Source Property

Mid-State Petroleum Inc. of High Point, 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 New Hanover, State of North Carolina, and is known and legally described as:

Beginning at an existing iron pin in the southeastern margin of Market Street/U.S. Hwy. 17, a corner with the property of Bay Foods, Inc. (Deed Book 1242, Page 1782); thence along and with the southeastern margin of Market Street/U.S. Hwy. 17 North 39° 41' 26" East 303.29 feet to an existing iron stake in the southern line of intersection between the southeastern margin of Market Street/U.S. Hwy. 17 and the western margin of Military Cut-Off Road; thence along and with the southern line of intersection of Market Street/U.S. Hwy. 17 and Military Cut-Off Road South 59° 22' 54" East 85.58 feet to an existing iron pin in the western margin of Military Cut-Off Road; thence along and with the western margin of Military Cut-Off Road South 16° 23' 21" West 345.28 feet to an existing iron pin, a corner with the property of Bay Foods, Inc. (Deed Book 1242, Page 1782); thence along and with the property line of Bay Foods, Inc. North 50° 13' 24" West 221.09 feet to the point and place of BEGINNING as shown on survey by Davis-Martin-Powell & Assoc., Inc. dated 1-7-93, Job No. S-33716.28

Additional Affected Property Also Subject to Restrictions

_____ of _____ is the owner in fee simple of a portion of
(Owner's Name) (City & State of owner)
the Site, which is located in the County of _____, State of North Carolina. Petroleum contamination is located on this property at the time this Notice is approved. This property was also owned or controlled by the underground storage tank owner or operator or another party responsible for the petroleum discharge or release at the time the discharge or release was discovered or reported, or at any time thereafter. This property is known and legally described as:

(Insert Real Property Description Here for Additional Properties Owned or Controlled by Any Owner or Operator of the Underground Storage Tank or Other Responsible Party, if Applicable)

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

Additional Affected Property Not Subject to Restrictions

Additionally residual petroleum is also located on the following property. The following property is not subject to land use restrictions pursuant to N.C.G.S. Section 143B-279.9(b). The following property is known and legally described as:

(Insert Legal Description of Other Real Property Affected by Residual Petroleum Not Owned or Controlled by Any Owner or Operator of the Underground Storage Tank or Other Responsible Party, if Applicable)

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 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, Sunoco Inc. (R+M) has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 12 day of December, 2011.

Joseph W Roberts
(Name of responsible party if agent is signing)

By: J.W. Roberts
(Signature of responsible party, attorney or other agent if there is one)

SUNOCO - Mgr of Corporate Environmentals
(Title of agent for responsible party if there is one)

Signatory's name typed or printed: Joseph W Roberts

Remediation

State Of Pennsylvania
Montgomery COUNTY

I, Betty J. White, a Notary Public for said County and State, do hereby certify that

Joseph W. Roberts personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the 12th day of December, 2011.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Betty J. White, Notary Public
Mariontown Twp., Montgomery County
My Commission Expires Sept. 11, 2012
Member, Pennsylvania Association of Notaries

Betty J. White
Notary Public (signature)

My commission expires September 11, 2012"

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

Gene Jackson
(signature of Regional Supervisor)

Gene Jackson, Regional Supervisor

(printed name of Regional Supervisor)

Wilmington Regional Office
(name of Region)

UST Section

Division of Waste Management

Department of Environment and Natural Resources

NORTH CAROLINA
Pender COUNTY

I, Brenda K. Shumbarger, a Notary Public for said County and State, do hereby certify that
(name of Notary Public)

Gene Jackson, Regional Supervisor, personally appeared before me this day and
(name of Regional Supervisor)

acknowledged that he is the Regional Supervisor, UST Section, Division of Waste Management, Department of Environment and Natural Resources, and that by authority duly given and as an act of the agency, the foregoing instrument was signed in its name by him as Regional Supervisor on behalf of the agency

WITNESS my hand and official seal, this the 29th day of December, 2011.

BREND A K. SHUMBARGER
NOTARY SEAL
PUBLIC
PENDER COUNTY, N.C.
My commission expires 4-15, 2014

Brenda K. Shumbarger
Notary Public (signature)