



State of North Carolina
Department of Environment, Health, and Natural Resources
Winston-Salem Regional Office

James B. Hunt, Jr., Governor

Jonathan B. Howes, Secretary

DIVISION OF ENVIRONMENTAL MANAGEMENT
GROUNDWATER SECTION

NOTICE OF REGULATORY REQUIREMENTS

February 3, 1993

CERTIFIED MAIL P 409 335 728
RETURN RECEIPT REQUESTED

Walter L. Hannah, Trustee
301 N. Elm St.
Greensboro, NC 27401

RE: ARA/Smith's, 6301 Burnt Poplar Rd., Greensboro
Guilford County

Dear Mr. Hannah:

Information received by this office on January 26, 1993 confirms a release from the underground storage tank system at the above referenced site. This letter is a standard notification to advise you of the legal requirements pertaining to such a release under North Carolina law. The Division of Environmental Management administers the State's rules for underground storage tanks and the required corrective action for petroleum releases adopted pursuant to Chapter 143 of the North Carolina General Statutes. The State rules for underground storage tanks are located in Title 15A, Subchapter 2N of the North Carolina Administrative Code (NCAC). Also, the State rules for groundwater contamination are located in Title 15A, Subchapter 2L of the Code. Pursuant to 15A NCAC 2N .0203, Walter L. Hannah, Trustee is the owner of the underground storage tanks and therefore must comply with the release response and corrective action requirements of the State's rules. A copy of this section of the rules (.0700) is attached for your reference.

Title 15A NCAC 2N .0702 requires Walter L. Hannah, Trustee to take immediate action to prevent any further release of the regulated substance into the environment and identify and

mitigate any fire, explosion, and vapor hazards. Upon receipt of this notice, Walter L. Hannah, Trustee must immediately perform these requirements if not already addressed.

Title 15A NCAC 2N .0703 requires Walter L. Hannah, Trustee to undertake certain initial abatement measures, perform a site check, and if free product is discovered, begin recovery within 14 days thereafter. A report of the measures Walter L. Hannah, Trustee has taken to comply with this rule must be received by the Guilford County Department of Emergency Services at P.O. Box 18807, Greensboro, NC 27419 no later than 20 days from the receipt of this letter.

Title 15A NCAC 2N .0704 requires that Walter L. Hannah, Trustee assemble information about the nature and quantity of the release itself and certain surrounding demographic conditions. A report of this information must be received by the Guilford County Department of Emergency Services by no later than 45 days from the receipt of this letter.

Title 15A NCAC 2N .0705 describes the requirements for removal of free product if discovered during the initial site check. A report describing the free product removal measures being undertaken must be received by the Guilford County Department of Emergency Services by no later than 45 days from the receipt of this letter.

If certain conditions exist as described in the rule, 15A NCAC 2N .0706 requires that Walter L. Hannah, Trustee conduct a comprehensive investigation of the release to determine the full extent and location of soils contaminated and any concentrations of dissolved product contamination in the State's groundwaters. This rule requires Walter L. Hannah, Trustee to determine the full horizontal and vertical extent of the contamination caused by the release from its underground storage tank system. In order to comply with this requirement, it may be necessary to go beyond the release site and onto surrounding areas to determine the full extent of contamination. If conditions determined in the initial site check require this investigation, then a complete report of the required investigation must be submitted to the Guilford County Department of Emergency Services by no later than 90 days after receipt of this letter.

At any time after reviewing the information submitted under rules .0702 through .0707, the Division of Environmental Management Department of Emergency Services may require owners to submit additional information or to develop and submit a corrective action plan for contaminated soils and groundwater. If the State's groundwater has been contaminated, Title 15A, Subchapter 2L .0106 requires that a corrective action plan be submitted, approved, and implemented until such time that you can demonstrate that continuation of the corrective action plan would not result in any significant reduction in the concentration of contaminants. If a corrective action plan is

required by the Division of Environmental Management, then public notice of the plan must be provided pursuant to 15A NCAC 2N .0708.

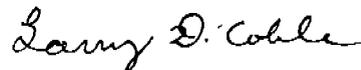
With the exception of the 20 day report required by 15A NCAC 2N .0703, the Guilford County Department of Emergency Services may establish, in writing, an alternate compliance schedule for the remaining requirements of the corrective action rules and may allow certain of the required reports to be combined. In order for such an alternate compliance schedule to be considered, Walter L. Hannah, Trustee must contact the Guilford County Department of Emergency Services immediately and follow-up in writing with a proposed schedule. Otherwise the requirements and deadlines of each rule are expected to be complied with. Upon any violations of established deadlines, no further notice will be sent and this office may immediately request that enforcement measures be commenced.

In accordance with G.S. 143-215.6A, failure to comply with the State's rules may result in the assessment of civil penalties against Walter L. Hannah, Trustee of up to \$10,000 per rule violation. Also, if groundwater standards have been exceeded under 15A NCAC 2L .0202, Walter L. Hannah, Trustee may also be assessed a civil penalty of up to \$10,000 for each standard violation. Each day that a violation continues may be considered a separate violation.

Failure to comply with the corrective action rules may also result in the Attorney General of the State requesting an injunction in Superior Court requiring the necessary measures. Also any willful or knowing noncompliance which allows groundwater standards to continually be exceeded could result in criminal sanctions being sought under G.S. 143-215.6B.

To arrange for an alternate compliance schedule, you should contact Kelly C. Gage of the Guilford County Department of Emergency Services at (919) 373-7565.

Sincerely,



Larry D. Coble
Regional Supervisor

LDC/ww

Enclosures

cc: Guilford County Emergency Services
Guilford County Emergency Management
WSRO

PS Form 3800, June 1991

P 409 335 728



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to ARA/Smith's	
Street and No.	
P.O., State and ZIP Code	
Postage	4
Certified Fee	
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Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	4
Postmark or Date	

NOVA ARA Smith's / Burnt Poplar Rd.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
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3. Article Addressed to:

Walter L. Hannah, Trustee
301 N. Elm Street
Greensboro, NC 27401

4a. Article Number

P.409.335.728

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

2-3-93

5. Signature (Addressee)

6. Signature (Agent)

Walter L. Hannah

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT