



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

James G. Martin, Governor
William W. Cobey, Jr., Secretary

Margaret Plemmons Foster
Regional Manager

DIVISION OF ENVIRONMENTAL MANAGEMENT
GROUNDWATER SECTION

NOTICE OF VIOLATION OF THE OIL POLLUTION AND
HAZARDOUS SUBSTANCES CONTROL ACT

March 26, 1992

CERTIFIED MAIL NUMBER P-074 019 310
RETURN RECEIPT REQUESTED

Louise Falk
609 Woodland Drive
Greensboro, NC 27408

Subject: Heating Oil Storage Tank at 609 Woodland Drive

Dear Mrs. Falk:

Chapter 143, North Carolina General Statutes, authorizes and directs the Environmental Management Commission of the Department of Environment, Health, and Natural Resources to protect and preserve the water and air resources of the State. The Division of Environmental Management has the delegated authority to enforce adopted pollution control rules and regulations.

The purpose of the Oil Pollution and Hazardous Substances Control Act is to promote the health, safety and welfare of the citizens of this State by protecting the land and the waters over which this State has jurisdiction from pollution by oil, oil products, oil by-products and other hazardous substances.

On February 28, 1992 this office was notified of a leaking underground storage tank at 609 Woodland Drive, Greensboro, NC. The leak was discovered after a soil sample was collected from a heating oil tank at the subject location.

Such a discharge is in violation of G.S. 143-215.75 et. seq. Oil Pollution and Hazardous Substances Control Act of 1978. Please reference the following excerpts from the Act:

143-215.83. Discharges.--(a) Unlawful Discharges. --It shall be unlawful, except as otherwise provided in this Part, for any person to discharge, or cause to be discharged, oil or other hazardous substances into or upon any waters, tidal flats, beaches, or lands within this state, or into any sewer, surface water drain or other waters that drain into the waters of this State, regardless of the fault of the person having control over the oil or other hazardous substances, or regardless of whether the discharge was the result of intentional or negligent conduct, accident or other cause.

143-215.84. Removal of prohibited discharges. -- (a) Person Discharging. -- Any person having control over all oil or other hazardous substances discharged in violation of this Article shall immediately undertake to collect and remove the discharge and to restore the area affected by the discharge as nearly as may be to the condition existing prior to the discharge.

It is our understanding that you firm are responsible for violation of the Oil Pollution and Hazardous Substances Control Act. Therefore, you are considered as the party responsible for immediately undertaking clean-up of contamination and restoring the affected area.

You are required to submit a technical and field data report which describes the full vertical and horizontal extent of the contamination. The requirements of this report may be fulfilled if reports are submitted under specifications of the Federal Underground Storage Tank Rules 40 CFR 280.62, 280.63, 280.64 and 280.65. An adequate report must be received by this office on or before May 26, 1992. If the investigation indicates that a corrective action plan (remedial action plan) is required, it should be submitted to P.O. Box 18807, Greensboro, NC 27419 within sixty (60) days after submitting a complete technical and field data report. The plan should be implemented in accordance with a Special Order by Consent (SOC) or a Special Order of the Commission.

It is requested that within fifteen (15) days, you submit a written response describing your plans to achieve compliance with the Act. Should you dispute our assessment of responsibility, please include documentation of your position in your response.

Failure to submit the report or failure to promptly undertake clean-up and restoration of the affected area may result in the recommendation of enforcement action including: (1) the issuance of a special order against you under the authority of G.S. 143-215.2, (2) a request to the Attorney

