

Hazardous Waste Section

File Room Document Transmittal Sheet

Name: Mary Siedlecki
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Author(s) of Doc: F. Darryl Mills, PLLC

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April 9, 2015

Mary Siedlecki
Dept. of Environmental and Natural Resources
Facility Management Branch
Hazardous Waste Section
217 West Jones St.
Raleigh, NC 27603



Re: Revised Alternate Mechanism for property at 602 Sunnyvale Drive in
Wilmington, North Carolina/Port City Distribution, LLC

Dear Ms. Siedlecki,

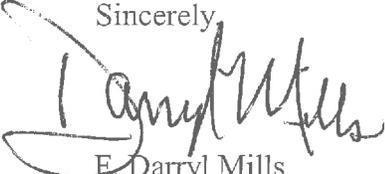
Good morning. I represent Port City Distribution, LLC, the present owners of the above referenced property. The principals of the owner asked me to review the proposed document that you presented to them a few weeks. I did review it and we determined that there were numerous provisions that run counter to the understanding and agreement that my clients entered into with their seller when my clients purchased the property. Those provisions create duty and obligation on my clients that their seller had agreed to bear. Consequently, my clients decline to sign your proposed document.

The provisions which my clients find troubling include, but are not limited to:

- i. possible additional monitoring and corrective action (page 19, #12)
- ii. implementation of requirements in the post closure plan (page 20, E.1)
- iii. develop a full remediation plan as prescribed (page 20, E.3)
- iv. acceptance of responsibility for full performance of all tasks and responsibilities (page 20, G)
- v. preparation of Facility Site Conceptual Model (page 22, F.1.,2)
- vi. continue to implement the monitoring program (page 24, J)
- vii. design a remedial strategy to meet the remedial goals for the facility (page 26, L.1)
- viii. submit a Corrective Measures Study (page 26, M.1)
- xiv. in general, any and all provisions that create or impose any affirmative duty or obligation on my clients relative to monitoring, remediation or correction of the conditions on the subject property.

Mary Siedlecki
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Please call or write if you have any questions.

Sincerely,

E. Darryl Mills

FDM/nlg
cc: client