



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

July 28, 2014

Mr. Richard H. Marbut  
Richard H. Marbut Properties, LLC  
216 Hamilton Road  
Athens, GA 30606

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)  
Annual Land Use Restrictions Update  
City West Commons, #02008-98-60  
1510,1520,1540 & 1560 West Blvd., Mecklenburg County

Dear Mr. Marbut:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Mecklenburg County Register of Deeds, all owners of the subject brownfields property are required to submit an annual certification in September to maintain liability protection granted by the Brownfields Agreement. Our records indicate that Richard H. Marbut Properties, LLC is a current owner of at least part of the subject brownfields property and that the last annual certification from this company was received 10/29/2012.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, Richard H. Marbut Properties, LLC or its authorized agent should immediately complete, sign, notarize, and submit a Land Use Restrictions Update ("LURU") to the following address:

**NC Division of Waste Management  
Brownfields Program  
1646 Mail Service Center  
Raleigh, NC 27699-1646**

Site specific LURU forms are available by visiting <http://portal.ncdenr.org/web/wm/bf-lurus> or you may send a request to me via the contact information provided herein.

Should you have any concerns or have information showing that you have not owned any part of the brownfields property since the Notice of Brownfields Property was recorded, please contact me by telephone at (910) 796-7401 or by e-mail at [David.Peacock@ncdenr.gov](mailto:David.Peacock@ncdenr.gov).

Sincerely,

*David Peacock*

David Peacock  
Brownfields Compliance Coordinator

Cc: Central Files  
Mr. James McGee Providence Group Management Services  
Ec: Bruce Nicholson, Brownfields Program Manager  
Carolyn Minnich, Brownfields Project Manager