

Brownfields Program
File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins
Project ID: 0601002032
Facility Name: Erwin Square
Document Group: Land Use Restriction Updates (LURU)
Document Type: Correspondence (C)
Description: Notice of noncompliance
Date of Doc: 8/23/2011
Author of Doc: David Peacock

File Room Use Only

Date Recieved by File Room:

Date Scanned:

Month	Day	Year
8	10	12

0601002032

Scanner's Initials: *Seu*



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

August 23, 2011

CERTIFIED MAIL RETURN RECEIPT

Mr. Brian Tague
ELPF Station Nine, LLC
153 East 53rd Street
New York, NY 10022

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)
Annual Land Use Restrictions Update
Erwin Square
2211 Hillsborough Road
Durham County, Brownfields Project Number: 06010-02-32

Dear Mr. Tague:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Durham County Register of Deeds, all owners of the brownfields property are required to submit an annual certification to maintain liability protection granted by the Brownfields Agreement for the subject property. Our records indicate that ELPF Station Nine, LLC is a current owner of at least part of the subject brownfields property and that an annual certification from this company has not been received.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, ELPF Station Nine, LLC or its authorized agent should immediately complete, sign, notarize, and submit the attached Land Use Restrictions Update ("LURU") form to the following address:

NC Brownfields Program
Land Use Restrictions Update
Mail Service Center 1646
Raleigh, NC 27699-1646

Please retain a copy of the attached form for future LURU submittals or you may request an electronic version by e-mailing me at David.Peacock@ncdenr.gov.

Should you have any questions 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.

Sincerely,



David Peacock
Brownfields Compliance Coordinator

W/Enclosures

Cc: Central Files
Ec: Bruce Nicholson, NCDENR
Rob Gelblum, Special Deputy Atty. General

U.S. Postal Service TM
CERTIFIED MAIL TM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7008 0500 0001 4785 0090

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Erwin Square
06010-02-32

Postmark
Here

Total Postage &

Sent To
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

Mr. Brian Tague
ELPF Station Nine, LLC
153 East 53rd Street
New York, NY 10022