



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

April 15, 2015

Ms. Jenifer Cheek  
Chick-Fil-A @ Henderson FSU  
5200 Buffington Road  
Atlanta, GA 30349

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)  
Annual Land Use Restrictions Update  
Burkhart Carolina, #06015-02-91  
1703 Dabney Dr., Vance County

Dear Ms. Cheek:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Vance County Register of Deeds, all owners of the subject brownfields property are required to submit an annual certification in 2 to maintain liability protection granted by the Brownfields Agreement. Our records indicate that Chick-Fil-A @ Henderson FSU is a current owner of at least part of the subject brownfields property and that the last annual certification from this company was received 1/14/2013.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, Chick-Fil-A @ Henderson FSU 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 at the contact information provided below.

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

Ec: Bruce Nicholson, Brownfields Program Manager  
Tony Duque, Brownfields Project Manager