

**HEI**

**HOFFMAN ENGINEERING INC.**

January 23, 2014



Mr. David Peacock  
Brownfields Compliance Coordinator  
North Carolina Department of Environment and Natural Resources  
1646 Mail Service Center  
Raleigh, NC 27699-1646

RE: Annual Land Use Restrictions Update  
East Gannon Properties  
102, 108 and 110 E. Gannon and 310 N. Arendell Avenue  
Zebulon, Wake County  
Brownfields Project Number: 06020-02-92

Mr. David Peacock:

Enclosed is the Annual Land Use Restrictions Update for the referenced site. Hoffman Engineering, Inc. conducted the inspection on January 14, 2014. We have enclosed a letter from Rite Aid Corporation authorizing us to conduct the inspection on their behalf.

If you have any questions please call me.

Sincerely,  
Hoffman Engineering, Inc.

*Robert L. Hoffman*

Robert L. Hoffman, P.E.  
President

Enclosure: Annual Inspection Forms  
Authorization Letter

Cc: Ms. Loren Aloï, Rite Aid Corporation



**RITE AID Corporation**

March 3, 2009

- **MAILING ADDRESS**  
P.O. Box 3165  
Harrisburg, PA 17105
- **GENERAL OFFICE**  
30 Hunter Lane  
Camp Hill, PA 17011
- **(717) 761-2633**

Mr. David Peacock  
Environmental Compliance Coordinator  
NC Department of Environment and Natural Resources  
1647 Mail Service Center  
Raleigh, NC 27699-1646



RE: Annual Land Use Restriction Update (LURU) Forms  
Rite Aid Store # 11358  
East Gannon Properties  
Land Use Restrictions Update  
102, 108 & 110 E. Gannon Avenue & 310 N. Arendell Avenue  
Zebulon, Wake County, North Carolina  
Brownfields Project Number: 06020-02-92

To Whom It May Concern:

Hoffman Engineering Inc. (HEI) is authorized as "Agent for Rite Aid Corporation" to sign environmental administrative documents (e.g., manifests, inspection forms), including the North Carolina Department of Environment and Natural Resources ("NCDENR") *Annual Land Use Restrictions Update (LURU)* forms.

Please contact Mr. Robert Lerner, Rite Aid Corporation at (717) 214-8579 if you have any questions.

Sincerely,  
RITE AID CORPORATION

Robert Lerner  
Senior Manager Construction Services

Cc: Mr. Robert L. Hoffman, Hoffman Engineering Inc.

**Brownfields Project #: 06020-02-92**  
**Brownfields Property: East Gannon, 102, 108 & 110 East Gannon Avenue**  
**Property Owner (In whole or part): Rite Aid Corporation**



**LAND USE RESTRICTIONS ("LUR") UPDATE**

LUR 1: No use other than the following may be made of the Brownfields Property: commercial/retail.

In compliance  Out of compliance

Remarks: The Site is a retail store, Rite Aid Pharmacy.  
\_\_\_\_\_  
\_\_\_\_\_

LUR 2: Surface water and underground water at the Brownfields Property may not be used for any purpose without the approval of the Department of Environment and Natural Resources ("DENR") or its successor in function.

In compliance  Out of compliance

Remarks: Surface water and underground water is not used for any purpose at the Site.  
\_\_\_\_\_  
\_\_\_\_\_

LUR 3: No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools, or construction or excavation activities that encounter or expose groundwater) may occur on the Brownfields Property without prior sampling and analysis of groundwater to the satisfaction of DENR or its successor in function in any areas proposed for such activities, and submittal of the analytical results to DENR or its successor in function. If such results disclose to DENR or its successor in function contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DENR or its successor in function on such conditions as DENR or its successor in function imposes, including at a minimum legal approval of plans and procedures to protect public health and the environment during the proposed activities.

In compliance  Out of compliance

Remarks: \_\_\_\_\_

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LUR 4: Soil not previously sampled for contaminants may not be exposed without a minimum of five (5) business days advance written notice to DENR or its successor in function. At the time such soil is exposed, DENR or its successor in function may inspect and sample, or require sampling of, the exposed soil for contaminants. If soil contamination is discovered that DENR or its successor in function determines would likely contaminate groundwater even if capped, or that may pose an imminent threat to public health or the environment if exposed, as much soil as DENR or its successor in function requires shall be removed and disposed of in accordance with applicable law, and any other actions that DENR or its successor in function requires to make the Brownfields Property suitable for the uses specified in this Agreement while fully protecting public health and the environment shall be taken. If soil contamination is discovered that DENR or its successor in function determines would not contaminate groundwater if capped, or pose an imminent threat to public health or the environment if exposed, as much soil as DENR or its successor in function requires shall be removed and disposed of in accordance with applicable law or capped to the satisfaction of DENR or its successor in function.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 5: Soil, landscaping and contours at the Brownfields Property may not be disturbed without the approval of DENR or its successor in function, except for mowing and pruning of above-ground vegetation.

In compliance  Out of compliance

Remarks: The soil, landscaping and contours at the Site have not been disturbed.  
\_\_\_\_\_  
\_\_\_\_\_

LUR 6: No mining may be conducted on or under the Brownfields Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

In compliance  Out of compliance \_\_\_\_\_

Remarks: No mining has been conducted on the Site since the  
last annual LUR inspection.

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LUR 7: No basements may be constructed on the Brownfields Property unless they are, as determined by DENR or its successor in function, vented in conformance with applicable building codes.

In compliance  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_

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LUR 8: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 7 of the Brownfields Agreement, may be used or stored at the Brownfields Property without the prior approval of DENR or its successor in function, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_

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LUR 9: The Brownfields Property may not be used as a park or for sports of any kind, including, but not limited to, golf, football, soccer and baseball, without the approval of DENR or its successor in function.

In compliance  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_

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LUR 10: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 11: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 12: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 13: During January of each year after this Agreement becomes effective, the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR or its successor in function certifying that the Notice of Brownfields Property remains recorded at the Wake County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that this Notice remains recorded at the Wake County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by RITE AID CORPORATION, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Hoffman Engineering, Inc.

In the case of owners that are entities:

Signature of individual signing:   
Name typed or printed: ROBERT L. HOFFMAN  
Title: PRESIDENT

In the case of all owners:

Date: 1/23/14

[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]

By: Hoffman Engineering, Inc. on behalf of Rite Aid Corporation  
Name typed or printed: Robert L. Hoffman, P.E.  
Title typed or printed: President

ATTEST:

Robert L. Hoffman  
President, Hoffman Engineering, Inc.

RHODE ISLAND  
WASHINGTON COUNTY

I, Kimberly Santos, a Notary Public in the county and state aforesaid, certify that Robert L. Hoffman personally came before me this day and acknowledged that he/she is the Secretary of Hoffman Engineering, Inc. a North Carolina (state) corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its President and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 23<sup>rd</sup> day of January, 2012.

Kimberly Santos  
Name:  
Notary Public

My Commission expires:

**KIMBERLY SANTOS  
NOTARY PUBLIC  
STATE OF RHODE ISLAND  
MY COMM EXPIRES SEPTEMBER 7, 2016**

[Stamp/Seal]