



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

July 28, 2014

Mr. Gregory J. Godley
NoDa @ 27th Street, LLC
1001 Elizabeth Avenue, Suite 1 D
Charlotte, NC 28204

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)
Annual Land Use Restrictions Update
Boulogny Site, #07005-03-60
2320 N. Davidson Street, Mecklenburg County

Dear Mr. Godley:

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 January to maintain liability protection granted by the Brownfields Agreement. Our records indicate that NoDa @ 27th Street, 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 8/19/2013.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, NoDa @ 27th Street, 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.

Sincerely,

David Peacock

David Peacock
Brownfields Compliance Coordinator

Cc: Central Files
Ec: Bruce Nicholson, Brownfields Program Manager
Carolyn Minnich, Brownfields Project Manager