

File Room Document Transmittal Sheet

Your Name: Shirley Liggins
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North Carolina Department of Environment and Natural Resources
Division of Waste Management

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August 23, 2011

CERTIFIED MAIL RETURN RECEIPT

Mr. James Armour
Summit Springs, LLC
1002 Mergans Lane
Henderson, NC 28791

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)
Annual Land Use Restrictions Update
Colè Orchard
198 Interchange Drive
Henderson County, Brownfields Project Number: 10060-06-45

Dear Mr. Armour:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Henderson 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 Summit Springs, 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, Summit Springs, 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

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Cole Orchard
LURU

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1002 Mergans Lane
Henderson, NC 28791

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