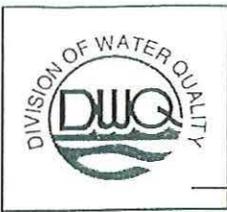


## EXHIBIT 9

### SIGNIFICANT CORRESPONDENCE ISSUED BY NORTH CAROLINA

#### DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

- A) Response to Environmental Assessment, January 9, 2003 (Charlie Stehman, DWQ)
- B) Response to Environmental Assessment, January 28, 2003 (Pat Wylie, DPH)
- C) Wetsig Yacht site, February 11, 2003 (John Powers, DWM)
- D) NORR, March 13, 2003, (David Holsinger, DWM) and Clark proposal responding to each of NORR issues, dated April 17, 2003
- E) Westig Yacht Site, June 3, 2003 (John Powers, DWM)
- F) Email correspondence IHSB per oversight, November 14, 2003 (Charlotte Jesneck, DWM)
- G) Wetsig Yacht Site, January 14, 2004 (Charlie Stehman, DWQ)
- H) Inactive Hazardous Sites Priority List, October 1, 2004 (Charlotte Jesneck, DWM)
- I) Review Letter CSA, November 30, 2004 (Charlie Stehman, DWQ)
- J) *Final Approval – Corrective Action Plan (CAP)*, October 26, 2005 (Alan Klimeck, PE, DWQ)
- K) Inactive Hazardous Waste Sites Priority List, January 20, 2006 (Charlotte Jesneck, DWM)
- L) Email correspondence IHSB per listing, February 15, 2006 (Charlie Stehman DWQ and Charlotte Jesneck, DWM)
- M) Monitoring Report Approval Letter, February 27, 2006 (Charlie Stehman, DWQ)
- N) Monitoring Report Comments Letter, May 26, 2006 (Sam Watson, DWQ)
- O) Response to “Response to Comments Letter”, July 7, 2006 (Sam Watson, DWQ)
- P) Monitoring Report Response Letter, September 25, 2006 (Sam Watson, DWQ)
- Q) Monitoring Report Response Letter, January 5, 2007 (Sam Watson, DWQ)
- R) Requirement for Contaminant Assessment & Cleanup, October 9, 2007 (Ginny Henderson, DWM)



02106

January 9, 2003

Item A

Mr. Sonny Wall  
Regional Credit Officer  
Branch Banking & Trust Company  
115 North Third Street  
Wilmington, North Carolina 28402

Subject: Environmental Assessment Report  
WETSIG Yacht Site  
Wilmington, North Carolina  
New Hanover County

Dear Mr. Wall:

The Division of Environmental Management recently received an environmental assessment report for the WETSIG Yacht Facility in Wilmington, North Carolina, prepared by Clark Environmental Services, P.C. Thank you for allowing the Division to review the report. The findings of this report do not warrant initiation of regulatory action by my agency. However, the findings may be of concern to the Divisions of Waste Management and Public Health because of metals and asbestos content in the site soils. I note that a copy of the report was not sent to the Occupational and Environmental Epidemiology Branch of Public Health. Therefore, I am forwarding my copy of the report to Pat Wylie of that agency for review of the asbestos findings.

The study reports arsenic contamination in excess of State Groundwater Standards in groundwater beneath the site. Although the source of this arsenic contamination remains unknown, experience tells us that it commonly results from past agricultural or vector control activities at facilities such as the WETSIG site. Unless a substantial remaining source of the arsenic can be found, little can be done to remediate groundwater with levels reported here. However, because of the presence of arsenic in groundwater, any existing water supply wells on the property should be abandoned, and future construction of water supply wells for any purpose should be prohibited.

If I can be of further help in this matter please feel free to call me at (910)-350-0800.

Yours very truly,

Charles F. Stehman, Ph.D., P.G.  
Environmental Supervisor I

cc: WiRO-GWS  
Jo Anne Shadrui; Clark Environmental Services  
Pat Wylie (with enclosure) Division of Public Health  
Charlotte Jesneck, Division of Waste Management

s:\gws\charlie\wetsig.jan03





02106

Item B

North Carolina Department of Health and Human Services  
Division of Public Health • Section of Human Ecology and Epidemiology

1912 Mail Service Center • Raleigh, North Carolina 27699-1912  
Tel 919-733-0820 • Fax 919-733-8493

Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

January 28, 2003

Mr. R. Paul Clark, P.G.  
Clark Environmental Services, P.C.  
P.O. Box 10136  
Wilmington, NC 28404-0136

Subject: Phase II Environmental Site Assessment  
WETSIG Yachts Facility  
Wilmington, North Carolina  
New Hanover County

Dear Mr. Clark:

As we discussed by telephone earlier today, I have reviewed the Phase II Environmental Site Assessment for the subject facility which was forwarded to this office by Dr. Charles Stehman, Division of Water Quality, NC DENR.

The report notes the presence of chrysotile asbestos in the soil at several sampling locations at the site. However, no information on the percentage of chrysotile in the soil or the extent of contamination is provided. If the soil at the site is to be disturbed, further sampling will be required to determine the extent of the asbestos contamination prior to such disturbance. Any additional sampling activities must be conducted by a North Carolina accredited asbestos inspector.

I have enclosed copies of applicable state and federal regulations for your review, along with a listing of accredited asbestos inspectors. If you have questions or need additional information, please contact me at 919-733-0654.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Wylie".

Patricia A. Wylie  
Industrial Hygiene Consultant  
Health Hazards Control Unit

cc: S. Wall, Branch Banking & Trust Co.  
M. Giguere, HHCU



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

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Director

February 11, 2003



Item C

Mr. Sonny Wall, Regional Credit Officer  
Branch Banking and Trust Company  
115 North Third Street  
Wilmington, NC 28402

RE: Wetsig Yacht Site  
4022 Market Street  
Wilmington, New Hanover County, North Carolina

Dear Mr. Wall:

The Inactive Hazardous Sites Branch has reviewed the *Phase II Environmental Site Assessment* report for the above-referenced site that was submitted by Clark Environmental Services. This letter describes the actions that the Branch believes should be performed at the site which were related by telephone to Mr. Paul Clark of Clark Environmental Services on February 3, 2003.

Additional soil sampling and laboratory analysis should be performed within areas identified as containing debris or other discarded material. These include the "Empty Drums, 'Fertilizer Pile', and Metal Debris" area, the "Metal Debris and Treated Wood Pole Pile Overgrown Area", the "Overgrown Boat Hulls" area, and the four "Overgrown Concrete/Brick Debris" areas. With respect to groundwater that was determined to be contaminated with arsenic above the State's Groundwater Standard in monitoring well MW3, additional investigation needs to be performed to determine the source of this contamination.

Following submittal of this data to the Branch, we will determine if additional assessment and cleanup will be required at this site. If such work is warranted, the Branch recommends that you enter into a voluntary cleanup agreement with the State under the Registered Environmental Consultant Cleanup Program.

If you have any questions, please contact me at (919) 733-2801, ext. 329.

Sincerely,

John Powers  
Inactive Hazardous Sites Branch  
Superfund Section

cc: John Thomas Rybeck, Branch Banking and Trust  
Paul Clark, Clark Environmental Services

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-4996 \ FAX: 919-715-3605 \ Internet: [www.enr.state.nc.us](http://www.enr.state.nc.us)

02106

North Carolina  
Department of Environment and Natural Resources  
Wilmington Regional Office  
Division of Waste Management  
UST Section



Item D (i)

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Director

March 13, 2003

Mr. Paul Wetsig  
4022 Market Street  
Wilmington, NC 28405

Re: Notice of Regulatory Requirements  
15A NCAC 2L .0115(c)  
Risk-based Assessment and Corrective Action for Petroleum Underground Storage Tanks  
Wetsig Yacht Facility  
4022 Market Street, New Hanover County  
Incident #: 32039

Dear Mr. Wetsig:

Information received by this office on January 6, 2003 confirms a release or discharge from a petroleum underground storage tank (UST) system at the above-referenced location. Records indicate that you are the owner of this UST system. This letter is a standard notice explaining the actions you must take as a result of the release or discharge in accordance with North Carolina statutes and rules. The UST Section of the Division of Waste Management administers the state's rules for USTs and the required response for petroleum releases. Those rules are located in Title 15A, Subchapter 2L and Title 15A, Subchapter 2N of the North Carolina Administrative Code (NCAC).

As a responsible party, you are required to comply with the release response and corrective action requirements of 15A NCAC 2L .0115(c), which include the requirements established in 15A NCAC 2N. Listed is a general description of actions you must take to comply with State rules. For a detailed description of your requirements please refer to the enclosed rules and the most recent version of the UST Section guidelines for assessment and corrective action. The guidelines are available on the Internet at <http://ust.enr.state.nc.us> or may be purchased from the UST Section for a fee of \$8.50. To purchase a copy of the guidelines, please send a check made payable to DENR to:

DENR/DWM/UST Section  
1637 Mail Service Center  
Raleigh, NC 27699-1637

127 Cardinal Drive, Wilmington, North Carolina 28405

Phone: 910-395-3900 \ FAX: 910-350-2004 \ Internet: [www.enr.state.nc.us](http://www.enr.state.nc.us)

Required Actions:

- 1) If you have not already done so, you must take immediate action to prevent any further release of the regulated substance into the environment and to identify and mitigate any fire, explosion and vapor hazards; remove any free product; and comply with the requirements of Rules .0601 through .0604 and .0701 through .0703 and .0705 of Subchapter 2N;
- 2) Incorporate the requirements of 15A NCAC 2N .0704 into the report to be submitted in accordance with 15A NCAC 2L .0115 (c)(3) or (c)(4), whichever is applicable (see Item #3 below). This shall constitute compliance with the reporting requirements of 15A NCAC 2N .0704(b);
- 3) If it can be demonstrated that localized soil contamination was cleaned up at the time of tank removal, you may submit a Soil Contamination Report in accordance with 15A NCAC 2L.0115(c)(3). The Soil Contamination Report must demonstrate that the soil remaining in the side-walls and at the base of the excavation is located in the unsaturated zone and does not exceed either the soil-to-groundwater or the residential maximum soil contaminant concentrations, whichever are lower. A Soil Contamination Report is not appropriate for sites where contamination is situated directly on top of bedrock or once a tank closure excavation has been back-filled. In both cases, a Limited Site Assessment Report is required. A Soil Contamination Report, if applicable, is due in this office **within 90 days** of the date of this letter. Upon approval of this report, the Department may issue a letter indicating that no further action related to this incident is required; or,
- 4) If the requirements of 15A NCAC .0115(c)(3) cannot be met as described in Item #3 above, submit a Limited Site Assessment (LSA) Report in accordance with 15A NCAC 2L .0115(c)(4), containing information needed by the Department to classify the level of risk to human health and the environment posed by the discharge or release. The LSA Report is due in this office **within 120 days** of the date of this letter. Based on a review of the information submitted in the LSA, the Department will classify the risk of the discharge or release as high, intermediate or low. At that time, the Department will also classify the land use of the site as either residential or industrial/commercial. You will be notified of the risk and land use classifications once review of your LSA Report is completed.
- 5) Please note that before you sell or request a "No Further Action" determination for a property that has not been remediated to below "unrestricted use" standards, you must file a Notice of Residual Petroleum ("Notice") with the Register of Deeds in the county where the property is located (NCGS 143B-279.9 and 143B-279.11). Unrestricted use standards for groundwater and soil are the groundwater quality standards and interim standards contained in 15A NCAC 2L .0202 and the residential maximum soil contaminant concentrations established in 15A NCAC 2L .0115, respectively. The Notice must first be approved and notarized by the UST Section prior to conveyance of a property or prior

to receiving a "No Further Action" determination, whichever occurs first. The Notice must contain a legal description of the property containing the source of contamination and legal descriptions of any other properties that you own (or control) that are contaminated by the release. The Notice must include appropriate land use restrictions for these properties. In addition, the Notice must identify all other properties (adjacent, adjoining, down gradient, etc.) on which contamination is known to exist at the time the Notice is prepared. If contamination is located on more than one parcel or tract, the UST Section may require that a composite map or plat be prepared. After the Notice is filed with the Register of Deeds, a certified copy of the filed Notice must be submitted to the UST Section. Additional guidance including the language and format of the Notice is available by calling this regional office or visiting the UST Section web site at <http://ust.enr.state.nc.us>.

If you believe that any of the information requested above has already been submitted, please notify us of the date, title, and content of the documents that contain the information.

Your prompt attention to the items described herein is required. Failure to comply with the State's rules in the manner and time specified, may result in the assessment of civil penalties and /or the use of other enforcement mechanisms available to the State. Each day that a violation continues may be considered a separate violation. If you believe you are not the responsible party notify the UST Section **within 15 days** of the date of this letter.

Please note that performing assessment and cleanup work that is not directly related to the heating oil UST and is not required under 15A NCAC 2L.0115 is not reimbursable from the Commercial or Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds.

If you have any questions regarding the actions that must be taken or the rules mentioned in this letter, please contact the Wilmington Regional Office at the letterhead address and at 910-395-3900. If you have any questions regarding trust fund eligibility or reimbursement, please contact the UST Section Trust Fund Branch at (919) 733-8486.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Holsinger', with a long horizontal flourish extending to the right.

David Holsinger, PE  
Wilmington Regional Supervisor

Enc: 15A NCAC 2L .0115

Cc: Mr. Paul Clark, CES, Inc.  
WiRO-UST

Wetsig-lsanorr.doc

VIA FACSIMILE (815-2789) AND U.S. MAIL

Item D: (ii)

April 17, 2003

Branch Banking & Trust Company  
Attn: Mr. Sonny Wall,  
Regional Credit Manager  
115 North Third Street  
Wilmington, NC 28402

Re: Proposal for Phase III Investigations  
Wetsig Property, Boat Building and Repair Center  
Former Garden Center and Prior Fertilizer Manufacturing Plant  
4022 Market Street, Wilmington, North Carolina  
CES Project No. 02106

Dear Mr. Wall:

Please accept this proposal for follow up (Phase III) environmental investigations to be conducted at the subject site. The proposed tasks are designed to address requests for additional assessment data, contained in correspondence from each of the four respective North Carolina Department of Environment and Natural Resources' (NCDENR) Divisions which reviewed the recently submitted *Phase II Environmental Site Assessment Report*, dated December 2, 2002. Note that the work is proposed to be conducted in a step-wise manner, so that initial data is used to refine subsequent information gathering. A detailed fee estimate for the predicted sequence of tasks is attached. This includes one possible expansion of the assessment if arsenic groundwater concerns remain unresolved following another re-sampling event.

**Phase III Environmental Site Assessment Scope of Work:**

1) *Underground Storage Tank (UST) Issue*

March 13, 2003 Notice of Regulatory Requirements, Division of Waste Management, UST Section:

*A standard letter was issued from Mr. David Holsinger requesting that additional investigations (Limited Site Assessment I (LSA I)) be conducted because the soil sample taken in the former tank hold yielded a total petroleum hydrocarbon (TPH) concentration*

Mr. Sonny Wall  
April 17, 2003  
Page Two

*at a level that slightly exceeded the state's action limit.* Clark Environmental Services, P.C. (CES) recommends the procurement of one soil sample, to be analyzed using all required laboratory methods to fully address the requirements for an LSA I.

Although the previously obtained groundwater sample did not yield concentrations of any target compound in excess of any groundwater standards, additional analyses are necessary to meet the requirements of the LSA I. It is thus recommended that the monitoring well, MW1, that is already present within the former tank area, be re-sampled using the required standard laboratory methods for an LSA I. A report, utilizing NCDENR's recommended report format, will be compiled. Based upon the low concentrations already measured, the possibility of the UST issue expanding beyond an LSA I is believed to be remote. In the unlikely event that the findings indicate that a more comprehensive approach (LSA II) is needed, a separate scope of work would be established.

2) *Asbestos Issue*

January 28, 2003 Response to Phase II Report, Division of Public Health:

*The letter from Ms. Patricia Wiley notes that the Phase II report revealed the presence of chrysotile asbestos in several soil samples and requests that the percentage of chrysotile in the soil be determined, and, the extent of this be clarified through additional soil sampling.* Upon review of the requirements, it is recommended that for each of the three "positive" target areas, one confirmatory sample and four additional peripheral samples be procured, to be analyzed for type and percentage of the asbestos mineral; thus, a total of fifteen samples are proposed. This scope of work will be performed by an accredited asbestos inspector.

3) *Superfund Concerns*

February 11, 2003 Response to Phase II Report, Division of Waste Management, Inactive Hazardous Sites Branch:

*The letter from Mr. John Powers notes that additional soil sampling should be performed in various areas identified on the site map as debris and discarded material piles.* It should be noted that these features consist of apparently inert materials and that some of these areas have already been sampled. Nonetheless, those areas of the agency's concern will be

reviewed and samples taken, to be analyzed for the presence of suspect contaminants. A total of up to eight samples are believed necessary to address the stated concerns.

*Mr. Powers further notes that additional information be compiled to better evaluate the source of the detected arsenic at monitoring well MW3. CES recommends that, initially, MW3 should be re-sampled (filtered in the field), and that those findings should be evaluated prior to taking additional steps.*

If the analyses again yield a "positive" result (above groundwater standards), three additional monitoring wells would be installed, surveyed and sampled to characterize the horizontal extent of the arsenic groundwater contamination in that area of the site. If the findings are "negative", additional background inquiries will be attempted through the prior owner, regarding the composition of the various materials which were used and bagged at the site, and these substances will be further evaluated to elicit viable explanation for the arsenic's presence.

It is also believed possible that historical mosquito control activities (or other vector control applications) conducted in the area could be responsible for the trace level of arsenic. That possibility will also be evaluated.

4) *Groundwater Section Comments*

January 9, 2003 Response to Environmental Assessment Report, Division of Water Quality:  
*The letter from Dr. Charles Stehman notes the presence of metals and asbestos in soils and suggests that other regulatory agencies may wish to comment on those issues; Dr. Stehman's remarks suggest that his agency is not concerned with these trace levels given the sites historical usage.* He further notes that the trace arsenic contamination is not "atypical" for an agricultural site (i.e., one which manufactures fertilizer) and that the level does not require or warrant additional inquiry. He does recommend that an institutional control be utilized to prevent possible exposure to the affected groundwater. This might involve restricting or precluding the future installation of any water supply wells (utilized for drinking water, swimming or irrigation, etc.) at the property.

Mr. Sonny Wall  
April 17, 2003  
Page Four

CES recommends that the work be performed in a step-wise fashion and that findings be reviewed as they become available prior to proceeding with expanded scopes. Estimated costs for the anticipated tasks are provided on the attached pages. As findings are made available, appropriate brief reports will transmit the findings to each respective agency. The estimated expense maximum is \$            to address all presently known issues. Should the arsenic concerns of the Inactive Hazardous Sites Branch prove validated, an additional expense of approximately \$            might be anticipated. At present, the potential significance of the asbestos concern is not known, but asbestos can be dealt with using appropriate safeguards during redevelopment to prevent airborne exposure, and it is not a concern with respect to groundwater.

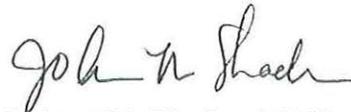
The goal of this work is to promote outright closure within each Division, addressing their respective concerns. In the best case scenario, this will be possible within the range of the lowest projected cost. In a less than ideal outcome, the recording of institutional controls might be used as a catalyst for closure. If this is ultimately deemed impractical, a North Carolina Brownfields Agreement (which would most likely include institutional controls as an integral feature) may be the most useful tool in the reconveyance and redevelopment of this property. The information generated within the presently proposed scope of work, combined with that of previous studies, will be appropriate to support such outcomes. Depending upon the ultimate disposition, some expenses beyond these anticipated herein should be expected in the generation of situation-specific documents.

CES is prepared to expedite the work upon receipt of your approval. If you have any questions or require further information, please do not hesitate to call.

Sincerely,



R. Paul Clark, P.G.  
President



JoAnne M. Shadrouti, P.G.  
Project Supervisor

Enclosure: Cost summary

cc: Mr. John T. Rybak, Environmental Risk Manager, Commercial Real Estate, Branch Banking & Trust Company, w/enclosure

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

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Director



June 3, 2003

Mr. Sonny Wall, Regional Credit Officer  
Branch Banking and Trust Company  
115 North Third Street  
Wilmington, NC 28402

RE: Wetsig Yacht Site  
4022 Market Street  
Wilmington, New Hanover County, North Carolina

Dear Mr. Wall:

On February 11, 2003, the Inactive Hazardous Sites Branch (Branch) sent a letter to you regarding the hazardous substance contamination identified at the above-referenced site. This letter advised that additional sampling should be performed to determine if contamination was present in several untested locations of the property and to determine the source of arsenic in monitoring well MW3 that exceeded the State's Groundwater Standard. The Branch has not received any documentation that this work has been performed.

I have attached a "Notification of an Inactive Hazardous Substance or Waste Disposal Site" form to be completed for the site. By **July 3, 2003**, please submit this completed form as well as all site reports prepared prior to the December 2002 *Phase II Environmental Site Assessment* report to the following address:

John Powers  
NC DENR  
Division of Waste Management  
Superfund Section  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605

This site will be added later this month to the Inactive Hazardous Sites Priority List unless documentation can be provided that indicates that all areas of concern on the property have been investigated and contaminant levels do not exceed the Branch's remediation goals.

If you have any questions, please contact me at (919) 733-2801, ext. 329.

Sincerely,

John Powers  
Inactive Hazardous Sites Branch  
Superfund Section

cc: John Thomas Rybeck, Branch Banking and Trust  
✓ Paul Clark, Clark Environmental Services

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-4996 \ FAX: 919-715-3605 \ Internet: [www.enr.state.nc.us](http://www.enr.state.nc.us)

**Paul Clark**

WETS 6

Item F

**From:** "Paul Clark" <paulatclark@bizec.rr.com>  
**To:** "Charlotte Jesneck" <charlotte.jesneck@ncmail.net>  
**Cc:** "Charles Stehman" <CHARLES.STEHMAN@ncmail.net>; "Sonny Wall" <rwall@bbandt.com>; "John Rybak" <jrybak@bbandt.com>  
**Sent:** Friday, November 14, 2003 12:01 PM  
**Subject:** Wetsig Yacht Facility, New Hanover County

Dear Charlotte,

Thank you for discussing the environmental concerns of subject property with me on Wednesday, November 12. Following our conversation, I spoke with Charlie Stehman with respect to your offer that the jurisdictional authority of this facility could be maintained with the Groundwater Section of the Division of Water Quality, rather than the site being added to the Inactive Hazardous Sites Inventory. Dr. Stehman indicated that the Groundwater Section would actively regulate this incident. Mr. John Rybak, who is employed by BB&T as Commercial Real Estate Environmental Risk Manager, has indicated that BB&T, as a holder of a security interest in this property, will engage in assessment and corrective action activities.

Please also be advised that the work plan will address potential source media, including soils, as part of the investigation of groundwater contamination. We are currently assembling a package of historical and recent site information for Dr. Stehman's review. Please let me know if you want to receive copies of this and/or future site documents.

Your cooperation and assistance is much appreciated.

Sincerely,

Paul

R. Paul Clark, P.G.  
Clark Environmental Services, P.C.  
P.O. Box 10136  
Wilmington, N.C., 28404  
910-602-3900  
910-602-3975(f)  
[paulatclark@bizec.rr.com](mailto:paulatclark@bizec.rr.com)  
[clarkenvironmental@bizec.rr.com](mailto:clarkenvironmental@bizec.rr.com)

This transmission is intended to be viewed only by the addressee(s). Any dissemination of this transmission by someone other than the intended recipient(s) is prohibited. If you receive this message in error, please delete all copies and notify me at 910-602-3900, or respond to [clarkenvironmental@bizec.rr.com](mailto:clarkenvironmental@bizec.rr.com). Thank you.

11/14/03



Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

January 14, 2004

Item G

Branch Bank and Trust (BB&T)  
Mr. John Rybak  
Environmental Risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

Subject: Wetsig Yacht Site  
Wilmington, New Hanover County

Dear Mr. Rybak:

On December 5, 2003, the Groundwater Section received a report documenting soil and groundwater sampling results performed at the subject site, submitted by Clark Environmental Services, P.C. on your behalf. This report indicated Arsenic contamination in groundwater at reported levels of up to 173 ug/L. These reported levels are above the state groundwater quality standard of 10 ug/L for Arsenic. We offer the following recommendations and comments in regards to the regulatory status and requirements for the site:

1. Arsenic contamination appears to have resulted from various historical activities at the site, however the responsible party is unknown at this time. In addition, the current owner of the property is likely deemed an "innocent landowner" as defined by NCAC 2L .0101. However, any future purchaser of the property that has prior knowledge of the existing contamination will assume regulatory responsibility for any assessment and cleanup of known contamination.
2. Due to the high levels of Arsenic present in the samples from the site monitoring wells, further assessment appears necessary to define the extent of the problem and, if deemed necessary source removal and cleanup to restore the natural groundwater resources.
3. The Division recommends additional soil assessment to look for a potential source, possibly in proximity to the building adjacent to site monitoring wells MW-6 and MW-7. In addition, further groundwater assessment is recommended to confirm if the contamination is limited in scope or has migrated off the site boundaries.

If you have questions regarding this letter, please call Geoff Kegley at the Groundwater Section of the Division of Water Quality at (910) 395-3900 ext. 240.

Yours very truly,

Charles F. Stehman Ph.D., P.G.  
Environmental Regional Supervisor

CFS/GGK

cc: WiRO-GWS

BB&T, Mr. Sonny Wall, 115 N. 3<sup>rd</sup> Street, Wilmington, NC 28402  
Clark Environmental Services, P.C., Joanne Shadrout

S:\GWS\Geoff\Letters\ Wetsig Yacht Facility Jan04



FILE

Item A



## North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

October 1, 2004

Mr. Sonny Wall, Regional Credit Officer  
Branch Banking & Trust Co.  
115 N. Third Street  
Wilmington, NC 28402

Re: Inactive Hazardous Waste Sites Priority List  
Wetsig Yachts  
Wilmington, New Hanover County

Dear Mr. Wall:

The site listed above has been included on the October 2004 Inactive Hazardous Waste Sites Priority List (Priority List) in accordance with North Carolina General Statutes Section 130A-310.2. The Priority List is a list of sites where uncontrolled disposal, spills, or releases of hazardous substances have been identified. A special priority system (North Carolina Administrative Code Title 15A Subchapter 13C Section 0.200) is used to rank the sites on this list in decreasing order of danger to public health and the environment.

This letter is being sent to you to fulfill our statutory duty to notify those who own and those who at present are known to be responsible for each site on the Priority List. A copy of the Priority List with each site's rank appearing in the right-hand column is attached. Please note this letter is simply a notice of the site's inclusion on the priority list and is not an order to conduct any work.

If a responsible party or owner wishes to voluntarily perform site cleanup, that party must enter into an agreement with the Branch to ensure Branch approval. You should not proceed with remedial actions independently. Each voluntary remedial action will be overseen by Branch staff or, at the discretion of the Branch, by approved environmental consultants.

Those who are interested in reviewing the Superfund Section's files on any of these sites may contact Scott Ross at (919) 733-2801, ext. 328, to schedule an appointment. If you are interested in conducting a voluntary cleanup of your site, or if you have any questions, you may contact me at (919) 733-2801, ext. 284.

Sincerely,

Charlotte V. Jesneck, Head  
Inactive Hazardous Site Branch  
Superfund Section

CVJ/slb(SPLMERGE2004LTR.WPD)

Enclosure

Site Name	ID #	Address	City	County	Score	Rank
VC CHEMICAL-ALMONT	NCD002178580	US 421 NORTH	WILMINGTON	NEW HANOVER	41.47	155
VINEGAR HILL LEAD SITE	NCSFN0406952	HWY 701 N	TABOR CITY	COLUMBUS	30.3	355
VOICE OF AMERICA REL	NCD093132207	COUNTY ROAD 1212	GREENVILLE	PITT	34.21	292
WALKER DRUM DISPOSAL	NONCD0000048	WYATTS CHURCH GROV	GOLD HILL	ROWAN	23.8	402
WARLICK PAINT COMPA	NCD003236841	945 MONROE ST	STATESVILLE	IREDELL	21.47	416
WATHA FIRING RANGE	NCN000407564	3311 SHILOH RD	WATHA	PENDER	37.54	242
WATTS REGULATOR-DAV	NONCD0000022	OLD BALL PARK ROAD	SPINDALE	RUTHERFORD	59.73	1
WATTS REGULATOR-GE	NONCD0000060	WITHROW ROAD	FOREST CITY	RUTHERFORD	44.49	101
WATTS, LEVI PROPERTY	NONCD0000057	103 FAIRBLUFF ROAD	TABOR CITY	COLUMBUS	37.09	247
WEST MOREHEAD ST P	NONCD0001091	147 W MOREHEAD ST	CHARLOTTE	MECKLENBURG	37.62	239
WESTINGHOUSE ELEC M	NCD003195963	US 1 N	RALEIGH	WAKE	30.57	349
WESTINGHOUSE TURBIN	NONCD0001006	WESTINGHOUSE ROAD	CHARLOTTE	MECKLENBURG	31.94	328
WEYSIG YACHTS	NONCD0001105	4022 MARKET STREET	WILMINGTON	NEW HANOVER	42.6	134
WEYERHAEUSER CO/LE	NCD052553641	HWY 308 W	LEWISTON	BERTIE	38.38	223
WEYERHAEUSER COMO	NCD071567259	STATE ROAD 1916	MONCURE	CHATHAM	16.04	437
WHITE FURNITURE CO.	NCD003220969	201 EAST CORNER ST	MEBANE	ALAMANCE	49.76	26
WHITE'S GRAVEL PIT	NONCD0000012	1515 HWY 49 SOUTH	CONCORD	CABARRUS	39.83	191
WILLARD SMELTING CO.	NCD003151651	101 NEWBERN ST	CHARLOTTE	MECKLENBURG	27.86	378
WILMINGTON BRANCH/B	NCD001704980	NAVASSA ROAD	NAVASSA	BRUNSWICK	40.81	169
WILSON SEPTIC PITS	NCD986166759	SR 1131	HICKORY	CATAWBA	36.9	250
WINSTON CONTAINER C	NCD024477556	4732 MORRIS FIELD RD	CHARLOTTE	MECKLENBURG	47.89	52
WINTERVILLE MACHINE	NCD003183571	209 S MILL ST	WINTERVILLE	PITT	46.9	67
WOOD ROAD DRUM BURI	NCD986170678	WOOD ROAD/CR 2641	GASTONIA	GASTON	29.44	366
WOODY WILSON BATTER	NC0001279710	HWY 211	ASHLEY HEIGHTS	HOKE	49.02	32
WOODY'S TIRE FIRE	NCD986166288	HIGHWAY 321	GASTONIA	GASTON	26.35	358



Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

November 30, 2004

Item I

Branch Bank and Trust (BB&T)  
Mr. John Rybak, Environmental Risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

Subject: Comprehensive Site Assessment Report  
Wetsig Yacht Site  
Wilmington, New Hanover County

Dear Mr. Rybak:

On November 16, 2004, the Division of Water Quality (the Division) received a Comprehensive Site Assessment Report for the Wetsig Yacht property in Wilmington, North Carolina, which was prepared for BB&T by Clark Environmental Services, PC. Thank you very much for providing us with this report. This report is a follow-up to preliminary groundwater sampling results performed at the site which indicated arsenic contamination in groundwater.

The assessment included the construction and sampling of seven new monitoring wells, which provide a complete delineation of the vertical and horizontal extent of the arsenic contamination in groundwater. The results of this work did not find any additional arsenic contamination in groundwater beyond that found in the initial study submitted to this office approximately a year ago. The assessment information indicates that the arsenic contamination is very localized and restricted to the tracks area immediately adjacent to the former warehouse referred to as "Building A."

The report also provides a summary of soil analyses for the site which indicate residual arsenic slightly in excess of standards established by the Division of Waste Management at two locations and residual chromium in soils slightly in excess of standards established by the Division of Water Quality at one location.

At this time there is no party who can be held responsible for the conditions described above, which are not serious or threatening, but still would require performance of some corrective action by a responsible party should that party be identified. Thus, as I have stated in previous correspondence, any future purchaser of the property with prior knowledge of the existing contamination at the property will assume responsibility for regulatory requirements related to that known contamination.

Presumably, your interest in this property involves a real estate transaction. With the complete delineations of soil and groundwater contamination, the appropriate continuation activity that would minimize the liability of any future purchaser would be design and implementation of the Corrective Action plan which is referenced in your consultants November 16, 2004 correspondence.

Please advise this office of your decision to proceed with a corrective action. Should you have questions regarding this letter, please call me at the Wilmington office of the Division of Water Quality at (910) 395-3900 ext. 242.

Yours very truly,



Charles F. Stehman Ph.D., P.G.  
Environmental Regional Supervisor

CFS/

cc: WiRO-GWS  
BB&T, Mr. Sonny Wall  
Ms. Joanne Shadroui, Clark Environmental Services, P.C.  
Ms. Charlotte Jesnick, Inactive Hazardous Sites Branch

S:\GWS\cfs\ Wetsig Yacht Facility.Nov04

02106



Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

October 26, 2005

FILE  
Item J

Branch Bank and Trust (BB&T)  
Mr. John Rybak, Environmental risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

RE: **Final Approval - Corrective Action Plan (CAP)**  
Wetsig Yacht Facility  
Wilmington, New Hanover County  
Incident No. 86881

Dear Mr. Rybak:

On March 31, 2005 the Aquifer Protection Section of the Wilmington Regional Office received your proposed Corrective Action Plan (CAP) for the above-referenced site. As described in Title 15A North Carolina Administrative Code (NCAC), subchapter 2L (Classifications and Water Quality Standards Applicable to the Groundwaters of North Carolina), the Division's final approval of a CAP is contingent upon consideration of public input received following notification in accordance with 15A NCAC 2L .0114. Certified mail receipts have been provided, showing proof of notification to property owners and occupants potentially affected by the approval of the proposed CAP submitted pursuant to 15A NCAC 2L .0106 (1) using natural attenuation processes.

The Regional Office has considered any public comments received, and based on the staff's review and recommendations, I am hereby granting BB&T final approval to implement the CAP. All monitoring results shall be reported to the Wilmington Regional Office on a quarterly basis. Any requested changes to the monitoring schedule must be made in writing to the Wilmington Regional Office. The Division's decision is based on the information submitted in the proposed CAP and supporting documents.

Upon receiving additional information, you may be required to perform additional monitoring, conduct additional site assessment activities, assess the performance of the ongoing corrective action, and/or evaluate the technological and economical feasibility of implementing a new technology at the subject site.

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Mr. John Rybak  
October 24, 2005  
Page 2 of 2

You are required by 15A NCAC 2L .0114(c) to notify all interested parties, as specified in paragraph (b) of that rule, that approval of the CAP was granted by the Director. Notification is required by certified mail and must be made within 30 days of receipt of the Director's decision.

If you have any questions, please feel free to contact Sam Watson at the Wilmington Regional Office at (910) 395-3900.

Sincerely,



Alan W. Klimek, P.E.

AWK/wiro

cc: Ted Bush  
WiRO -APS Files  
Mr. Sonny Wall, BB&T  
Ms. JoAnne Shadroui, Clark Environmental Services, P.C.  
Ms. Charlotte Jesnick, Inactive Hazardous Sites Branch

02100



## North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

Division of Waste Management

William G. Ross Jr., Secretary

January 20, 2006

Item K

Mr. Sonny Wall, Regional Credit Officer  
Branch Banking & Trust Co.  
115 N. Third Street  
Wilmington, NC 28402

Re: Inactive Hazardous Waste Sites Priority List  
Wetsig Yachts  
Wilmington, New Hanover County

Dear Mr. Wall:

The site listed above has been included on the October 2005 Inactive Hazardous Waste Sites Priority List (Priority List) in accordance with North Carolina General Statutes Section 130A-310.2. The Priority List is a list of sites where uncontrolled disposal, spills, or releases of hazardous substances have been identified. A special priority system (North Carolina Administrative Code Title 15A Subchapter 13C Section 0.200) is used to rank the sites on this list in decreasing order of danger to public health and the environment.

This letter is being sent to you to fulfill our statutory duty to notify those who own and those who at present are known to be responsible for each site on the Priority List. A copy of the Priority List with each site's rank appearing in the right-hand column is attached. Please note this letter is simply a notice of the site's inclusion on the priority list and is not an order to conduct any work.

If a responsible party or owner wishes to voluntarily perform site cleanup, that party must enter into an agreement with the Branch to ensure Branch approval. Each voluntary remedial action will be overseen by Branch staff or, at the discretion of the Branch, by approved environmental consultants.

Those who are interested in reviewing the Superfund Section's files on any of these sites may contact Scott Ross at (919) 508-8475, to schedule an appointment. If you are interested in conducting a voluntary cleanup of your site, or if you have any questions, you may contact me at (919) 508-8460.

Sincerely,

Charlotte V. Jesneck, Head  
Inactive Hazardous Site Branch  
Superfund Section

CVJ/slb(SPLMERGE\_10-2005\_LTR.WPD)

Enclosure

Inactive Hazardous Waste Sites Priority List - 2005

NCD981864614	ULAH BATTERY/BATTERY PILES	SR 1219/DINAH RD	ASHEBORO	RANDOLPH	55.64	5
NCD003183480	UNION CAMP CORPORATION	524 BROGDEN RD	SMITHFIELD	JOHNSTON	35.01	290
NCD980844336	UNION CARBIDE BATTERY	5400 HOVIS ROAD	CHARLOTTE	MECKLENBURG	46.3	77
NCD003184249	UNION CARBIDE CORP/EVEREADY BATTERY	264 BYPASS-EVANS ST EXTN	GREENVILLE	PITT	46.52	74
NCD003216462	UNION CARBIDE CORP/EVEREADY BATTERY	800 ALBEMARLE RD	ASHEBORO	RANDOLPH	45.97	81
NCD00609974	UNION OIL CO. SE TERM	6801 W MARKET ST	GREENSBORO	GUILFORD	24.94	417
NCD003164464	UNIROYAL INC/UNIROYAL CHEMICAL	214 W RUBY AVE	GASTONIA	GASTON	43.79	109
NCD061795696	UNITEX CHEMICALS	520 BROOME RD	GREENSBORO	GUILFORD	34.91	293
NCD980557623	UNIVERSITY OF NC/ARPT WASTE DISP	AIRPORT RD	CHAPEL HILL	ORANGE	38.47	226
NCD980557615	UNIVERSITY OF NC/OLD SANITARY LDPL	AIRPORT ROAD	CHAPEL HILL	ORANGE	38.25	233
NCN000407188	US 1-15/501 ABERDEEN	US 1 - US 15/501	ABERDEEN	MOORE	46.88	66
NCD981472624	US 70 DRUM DUMP	US 70	MORGANTON	BURKE	32.41	336
NC5210022906	USA RESERVE XVIII AIRBORNE CORPS	405 FISHER ST	MOREHEAD CITY	CARTERET	46.51	75
NCD000828616	USS AGRI-CHEMICALS FARM SERVICE	HWY 701	WHITEVILLE	COLUMBUS	28.45	393
NONCD00000003	VAN WATERS & ROGERS	ATANDO INDUSTRIAL PARK	CHARLOTTE	MECKLENBURG	38.05	238
NCD093783876	VANIER GRAPHICS CORPORATION	655 MEADOW RD	EDEN	ROCKINGHAM	32.86	332
NCD003464765	VAUGHAN-BASSETT FURNITURE CO.	ROUTE 268 EAST	ELKIN	SURRY	25.93	410
NCSFN0406924	VC CHEMICAL	STANBACK FERRY RD	WADESBORO	ANSON	31.34	358
NC0002178580	VC CHEMICAL-ALMONT WORKS	2400 US 42J NORTH	WILMINGTON	NEW HANOVER	41.47	161
NCSFN0406962	VINEGAR HILL LEAD SITE	HWY 701 N	TABOR CITY	COLUMBUS	30.3	374
NCD093132207	VOICE OF AMERICA RELAY STATION	COUNTY ROAD 1212	GREENVILLE	PITT	34.21	306
NONCD00000048	WALKER DRUM DISPOSAL	WYATTS CHURCH GROVE ROAD	GOLD HILL	ROWAN	23.8	421
NCD003236841	WARLICK PAINT COMPANY	945 MONROE ST	STATESVILLE	IREDELL	21.47	435
NCN000407564	WATHA FIRING RANGE	3311 SHILOH RD	WATHA	PENDER	37.54	252
NONCD00000060	WATTS REGULATOR-GENERAL AIDES SITE	WITHROW ROAD	FOREST CITY	RUTHERFORD	44.49	99
NONCD00000057	WATTS, LEVI PROPERTY	103 FAIRBLUFF ROAD	TABOR CITY	COLUMBUS	37.09	257
NONCD0001091	WEST MOREHEAD ST PESTICIDE	147 W MOREHEAD ST	CHARLOTTE	MECKLENBURG	37.62	248
NCD003195963	WESTINGHOUSE ELEC METER & LIGHT	US 1 N	RALEIGH	WAKE	30.57	368
NONCD0001006	WESTINGHOUSE TURBINE	WESTINGHOUSE ROAD	CHARLOTTE	MECKLENBURG	31.94	346
NONCD0001105	WETSIG YACHTS	4022 MARKET STREET	WILMINGTON	NEW HANOVER	42.6	136
NCD052553641	WEYERHAEUSER CO/LEWISTON	HWY 308 W	LEWISTON	BERTIE	38.38	231
NCD071567259	WEYERHAEUSER CO/MONCURE	STATE ROAD 1916	MONCURE	CHATHAM	16.04	456
NCD003220969	WHITE FURNITURE CO.	201 E CENTER ST	MEBANE	ALAMANCE	49.76	27
NONCD00000012	WHITE'S GRAVEL PIT	1515 HWY 49 SOUTH	CONCORD	CABARRUS	39.83	199
NCD003151651	WILLARD SMELTING CO.	101 NEWBERN ST	CHARLOTTE	MECKLENBURG	27.86	397
NCD001704980	WILMINGTON BRANCH/BORDEN/SMITH DOUGL	NAVASSA ROAD	NAVASSA	BRUNSWICK	40.81	176
NCD986166759	WILSON SEPTIC PITS	SR 1131	HICKORY	CATAWBA	36.9	260
NCD024477556	WINSTON CONTAINER COMPANY	4732 MORRIS FIELD RD	CHARLOTTE	MECKLENBURG	47.89	51



pclark@clarkgroup.us

Read Message - Sent

Next ⇨

**From :** pclark <pclark@clarkgroup.us>  
**To :** Charles Stehman <CHARLES.STEHMAN@ncmail.net>  
**Cc :** Sonny Wall <rwall@bbandt.com>  
**Sent :** Jan 31 '06 15:00  
**Subject :** Wetsig Yachts

**Attachments :** Cjesneck ltr 012006.jpg (358.52 KB)

Reply	Reply All	Forward	Forward as Attachment	✕ Delete	Print View	⇨ Show Headers	Put in Folder
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Charlie,  
Please help.

Thank you,  
Paul

R. Paul Clark, P.G.  
President

The Clark Group  
 Post Office Box 10136  
 Wilmington, NC 28404-0136  
 Phone: (910) 602-3900  
 Facsimile: (910) 602-3975  
<http://mbox.clarkgroup.us/compose.php?to=pclark@clarkgroup.us>  
[www.clarkgroup.us](http://www.clarkgroup.us)

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 Thank you.

02100

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# BB&T

## SONNY WALL

115 North 3rd Street

Wilmington, NC 28401

office 910-815-<sup>2715</sup>~~2700~~ fax 910-815-2755

TO: PAUL CLARK

COMPANY: \_\_\_\_\_

PHONE #: \_\_\_\_\_

FAX #: 602-3975

DATE: 1/27/06

MESSAGE:

This is a 3 page document (including cover sheet)

**NOTE:**

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fax message fax message fax message

**Paul Clark**

**From:** Paul Clark  
**To:** Charles Stehman  
**Cc:**  
**Subject:** RE: [Fwd: Re: Wetsig Yatch Property]  
**Attachments:**

**Sent:** Wed 2/15/2006 10:28 AM

Item L

Dear Dr. Stehman,  
 Thank you for all your help. Paul is out of the office today due to a family emergency, but I will pass this on to him.

Carol Maiolo  
 Administrative Assistant to

R. Paul Clark, P.G.  
 President  
 The Clark Group  
 Post Office Box 10136  
 Wilmington, NC 28404-0136  
 Phone: (910) 602-3900  
 Facsimile: (910) 602-3975

[pclark@clarkgroup.us](mailto:pclark@clarkgroup.us)  
[www.clarkgroup.us](http://www.clarkgroup.us)

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 Thank you.

---

**From:** Charles Stehman [mailto:Charles.Stehman@ncmail.net]  
**Sent:** Wed 2/15/2006 10:15 AM  
**To:** Paul Clark  
**Subject:** [Fwd: Re: Wetsig Yatch Property]

Charlotte's response to my e-mail of yesterday. :-) Paul, please let me know if you are getting my e-mails.

cfs

----- Original Message -----

**Subject:** Re: Wetsig Yatch Property  
**Date:** Wed, 15 Feb 2006 10:09:19 -0500  
**From:** Charlotte Jesneck <charlotte.jesneck@ncmail.net>  
**To:** Charles Stehman <Charles.Stehman@ncmail.net>  
**References:** <43F24567.9010402@ncmail.net>

We will flag the site as a DWQ lead and it will not appear on our list on the web. Next web update is scheduled for 4/1.

Charles Stehman wrote:

> Charlotte,  
>  
> The Division of Water Quality assumed jurisdiction over the Wetsig  
> property in December of 2003. Since that time we have used our rules  
> and enforcement process to obtain a thorough delineation of metals  
> contamination by arsenic at the site. At the time we assumed  
> jurisdiction we ask you to keep this site listed because there was a  
> lack of cooperation, however, this problem has been overcome. As I  
> have stated before, our Director has approved the Corrective Action  
> Plan for the Wetsig Yacht property in New Hanover County on October  
> 31, 2005. It is a very simple corrective action plan that deals with  
> a very limited amount of groundwater contamination by Arsenic. The  
> contamination, which was discovered years ago, is not mobile and  
> remains in only in an area about 1/10th of an acre. This would be a  
> perfect site for application of a risk based program (which we do not  
> have in Water Quality). The Corrective Action Plan has been approved  
> under 15A NCAC 2L.0106(l): (natural attenuation).  
>  
> The current property owner purchased the property without knowledge of  
> the contamination and is therefore an innocent landowner as defined by  
> 15 A NCAC 2L.0101(b). Innocent land owner status also applies to the  
> bank who holds the mortgage on this bankrupt property. However,  
> because the contamination at the property is now well defined, any new  
> purchaser of the property will buy with knowledge and will become a  
> responsible party. The property is an attractive piece of real estate  
> in the middle of Wilmington and if it is de-listed it will be  
> purchased. Thus, if it is de-listed, there will always be a party,  
> under DWQ jurisdiction, that is responsible for fulfilling the  
> requirements of 15A NCAC 2L. With this assurance, there is no further  
> need to maintain the mechanisms of State Superfund for this site.  
> Alternatively, if the site is not de-listed, it may never sell and the  
> 15A NCAC 2L activity which has been voluntarily conducted, without any  
> responsible party, may cease and the DWQ jurisdiction will be weakened.  
>  
> Charlie Stehman





Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

ITEM M

February 27, 2006

FILE

Branch Bank and Trust (BB&T)  
Mr. John Rybak, Environmental Risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

RE: **Natural Attenuation Quarterly Monitoring Report**  
Wetsig Yacht Facility  
Wilmington, New Hanover County  
Incident No. 86881

Dear Mr. Rybak:

On February 22, 2006, the Division of Water Quality (DWQ) received the referenced report submitted on your behalf by The Clark Group. The DWQ thanks you very much for this report.

Review of the data presented in the report indicates that arsenic concentrations at the site are generally stable. The data also indicate a decreasing trend in arsenic concentration over time in monitoring well MW-7. Arsenic was also not detected in any of the downgradient sentinel wells.

In addition, the report indicates that the groundwater standard for arsenic is 10 micrograms per liter (ug/l). Although modifications to the groundwater standards have been considered to include reducing the standard for arsenic to 10 ug/l, these modifications have not been approved. The current groundwater standard for remains 50 ug/l. As such, only groundwater sampled from monitoring well MW-7 contains arsenic at concentrations exceeding the groundwater standard.

Please continue monitoring in accordance with Corrective Action Plan requirements. If you have any questions, please feel free to contact Sam Watson at the Wilmington Regional Office at (910) 796-7270.

Sincerely,

  
Charles F. Stehman, Ph.D., P.G.  
Environmental Regional Supervisor II

CFS/SPW

cc: WiRO -APS Files

Mr. Sonny Wall, BB&T-Wilmington

Ms. JoAnne Shadrui, The Clark Group

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Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

May 26, 2006

Item N

Branch Bank and Trust (BB&T)  
Mr. John Rybak, Environmental Risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

RE: **Natural Attenuation Quarterly Monitoring Report (Second Quarter 2006)**  
Wetsig Yacht Facility  
Wilmington, New Hanover County  
Incident No. 86881

Dear Mr. Rybak:

On May 15, 2006, the Division of Water Quality (DWQ) received the referenced report submitted on your behalf by The Clark Group. The DWQ thanks you very much for this report.

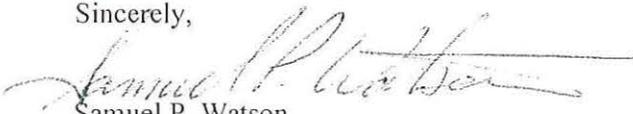
Review of the data indicates increases in arsenic concentrations in monitoring wells MW-3, MW-7, and MW-13. The most substantial increase was observed in monitoring well MW-7, where the arsenic concentration increased from 62 micrograms per liter ( $\mu\text{g/L}$ ) to 197  $\mu\text{g/L}$ . The DWQ, however, is more concerned at this time with the increase at MW-13 from non-detect in January 2006 to 20.8  $\mu\text{g/L}$  in April 2006. Monitoring well MW-13 represents the most downgradient well at the site. If future sampling events confirm the presence of arsenic at MW-13 at current levels, then the contaminant plume is no longer defined.

Additional data through continued monitoring is needed to ascertain whether the increases discussed above represent increasing trends in arsenic concentrations, or if they reflect natural fluctuations at the site. It should be noted, that should the current arsenic concentration detected at MW-13 be confirmed during subsequent sampling events, then additional assessment and delineation would be required. If subsequent sampling indicates continued increases in arsenic concentrations across the site, then additional remedial efforts will be required.

It should also be noted that the DWQ does not accept the analytical results from field-filtered samples. All discussion and figures in subsequent monitoring reports should reflect the analyses of the unfiltered samples only.

Please continue monitoring in accordance with Corrective Action Plan requirements. If you have any questions, please feel free to contact me at the Wilmington Regional Office at (910) 796-7215.

Sincerely,

  
Samuel P. Watson  
Hydrogeologist I

cc: WiRO -APS Files  
Mr. Sonny Wall, BB&T-Wilmington  
Ms. JoAnne Shadrui, The Clark Group

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Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

July 7, 2006

Item 0

Branch Bank and Trust (BB&T)  
Mr. John Rybak  
Environmental Risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

RE: **Response to Comments Letter issued by NC DENR dated May 26, 2006**  
Wetsig Yacht Facility  
Wilmington, New Hanover County  
Incident No. 86881

Dear Mr. Rybak:

On June 16, 2006, the Division of Water Quality (DWQ) received the referenced correspondence, submitted on your behalf by The Clark Group (Clark). The letter indicates several concerns BB&T has about comments made by DWQ in response to the second quarter monitoring report for the Wetsig Yacht site in Wilmington, North Carolina. The purpose of this letter is to clarify DWQ's position concerning the Wetsig site.

It appears from the letter that many of the concerns originate from the DWQ comments concerning the filtered sample data. The groundwater rules state, in 15A NCAC 2L 0.0202 (g), that "...the standard refers to the total concentration in milligrams per liter of any constituent in a dissolved, colloidal or particulate form which is mobile in groundwater." Since filtering removes the colloidal and particulate fractions of a sample, whether field-filtered or lab-filtered, it is not appropriate, for regulatory purposes, to compare analytical results from filtered samples to the groundwater standards. For that reason, all regulatory decisions will be made on the basis of unfiltered sample results.

Given the discussion above, it should also be understood that for some scientific studies, it is appropriate, desirable, and at times, required to collect and evaluate filtered sample results. For this particular site, evaluation of the filtered versus unfiltered results strongly suggests that the monitoring wells at the site have been constructed correctly and have maintained their integrity. In addition, the data strongly suggests that your consultant's sampling technique is very good. This is evidence by the fact that, for most of the data, the unfiltered results are not significantly different from the filtered results. In fact, there are several instances where the filtered results are slightly higher than the unfiltered results.

As regulatory decisions are based on the results of unfiltered samples, the most current data indicates increases in arsenic concentrations at monitoring wells MW-3, MW-7, and MW-13, compared to the preceding sampling event. The increase at MW-3 is minor and is likely due to natural fluctuations at the site. The increase at MW-7 is more significant. Arsenic concentrations at MW-7 increased from 62 micrograms per liter (ug/l) to 197 ug/l, the highest level detected at the site to date, but similar in magnitude to historic levels. This increase may be due to natural fluctuation. More data is needed to verify whether the increase is due to natural fluctuation or to a consistently increasing trend. The DWQ is aware that natural fluctuations, sometimes significant fluctuations, occur at sites. For this reason, the

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DWQ will typically require sufficient data to clearly indicate an increasing trend over time before requiring more aggressive remediation efforts at a site.

The increase in arsenic concentration at monitoring well MW-13, the most downgradient monitoring point, from non-detect to 20.8 ug/l suggests that the plume is no longer defined in the downgradient direction. Additional data is required to confirm that this increase is real, and if so, whether the arsenic concentration at this well remains stable or continues to increase. The DWQ will require sufficient data that clearly indicates an increasing trend, which would indicate downgradient migration, before requiring additional delineation efforts.

The letter also indicated BB&T's concerns about the site status and implementation of the Corrective Action Plan (CAP). The DWQ considers all activities conducted at the site to date to be in compliance with the CAP. The site status (i.e., post-CAP monitoring) is not likely to change in the near future. More data is required before any additional delineation or remedial efforts will be required. This data will be provided as a result of the current sampling schedule. DWQ's concerns over the increased concentrations is not sufficient enough, at this time, to require additional sampling above and beyond the sampling schedule proposed in the CAP. The increases in contaminant concentrations and the possibility of more active remediation are typically mentioned in responses to reports for sites where increases occur to ensure that all parties involved are aware of what is happening at a site, and what may happen.

Please continue monitoring in accordance with the CAP requirements. If you have any questions, please feel free to contact me at the Wilmington Regional Office at (910) 796-7380.

Sincerely,



Samuel P. Watson  
Hydrogeologist I

cc: WiRO -APS Files  
Mr. Sonny Wall, BB&T-Wilmington  
Ms. JoAnne Shadroui, The Clark Group



Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

September 25, 2006

Item P

Branch Bank and Trust (BB&T)  
Mr. John Rybak  
Environmental Risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

RE: **Natural Attenuation Quarterly Monitoring Report (Third Quarter)**  
Wetsig Yacht Facility  
Wilmington, New Hanover County  
Incident No. 86881

Dear Mr. Rybak:

On September 22, 2006, the Division of Water Quality (DWQ) received the referenced report, submitted on your behalf by The Clark Group. The report summarizes recent monitoring activities conducted at the site in August 2006. The DWQ thanks you for this report.

Review of the data presented in the report indicates that arsenic was detected in groundwater collected from monitoring well MW-7 at concentrations exceeding the current groundwater standard. The data also indicates that the arsenic concentration at this well has decreased slightly since the previous sampling event. Arsenic was also detected in groundwater collected from monitoring wells MW-3 and MW-6. The concentrations of arsenic detected in these wells were below the current groundwater standard. Arsenic was not detected in any of the other monitoring wells sampled during this monitoring event.

Please continue monitoring in accordance with the CAP requirements. If you have any questions, please feel free to contact me at the Wilmington Regional Office at (910) 796-7380.

Sincerely,

Samuel P. Watson  
Hydrogeologist I

cc: WiRO -APS Files  
Mr. Sonny Wall, BB&T-Wilmington  
Ms. JoAnne Shadrui, The Clark Group

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Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

*Item Q*

January 5, 2007

Branch Bank and Trust (BB&T)  
Mr. John Rybak  
Environmental Risk Manager  
5130 Parkway Plaza Blvd.  
Charlotte, NC 28217

RE: **Natural Attenuation Quarterly Monitoring Report (Fourth Quarter)**  
Wetsig Yacht Facility  
Wilmington, New Hanover County  
Incident No. 86881

Dear Mr. Rybak:

On January 4, 2007, the Division of Water Quality (DWQ) received the referenced report, submitted on your behalf by The Clark Group. The report summarizes recent monitoring activities conducted at the site in August 2006. The DWQ thanks you for this report.

The DWQ has reviewed the report and is in general agreement with your consultant's conclusions and recommendations. Please continue monitoring as proposed in the report. The DWQ does not object to semi-annual sampling at this time. Unless otherwise notified, the DWQ assumes the next sampling event will be conducted in April 2007.

If you have any questions, please feel free to contact me at the Wilmington Regional Office at (910) 796-7380.

Sincerely,

Samuel P. Watson  
Hydrogeologist I

cc: WiRO -APS Files  
Mr. Sonny Wall, BB&T-Wilmington  
Ms. JoAnne Shadrui, The Clark Group

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North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

October 9, 2007

Mr. John Rybak, Environmental Risk Manager  
Branch Banking and Trust (BB&T)  
5130 Parkway Plaza Blvd.  
Charlotte, North Carolina 28217

COPY

Re: Requirements for Contaminant Assessment and Cleanup  
Wetsig Yacht Facility  
Wilmington, New Hanover County, North Carolina  
Site ID No. NONCD0001105; Former DWQ Incident No. 86881

Dear Mr. Rybak:

It is our understanding that you have recently or previously been performing contaminant assessment and/or cleanup activities at the site identified above as directed by the Division of Water Quality's Aquifer Protection Section (APS). As part of an organizational change within the Department of Environment and Natural Resources, regulatory jurisdiction for oversight of this site has been transferred to the Superfund Section's Inactive Hazardous Sites Branch (Branch) within the Division of Waste Management. The oversight of the assessment and cleanup of all historical non-permitted releases of non-petroleum contaminants has been consolidated into one agency and now resides with the Division of Waste Management's Superfund Section. Additional information regarding the reorganization, along with information on the Branch's voluntary cleanup program, may be found on the Branch's web site at <http://wastenot.enr.state.nc/sfhome/ihsbrnch.htm>.

Note that often people are confused by the name of the Inactive Hazardous Sites Response Act and the Branch. "Inactive Hazardous Sites" by definition are any areas where hazardous substances have come to be located and would include active and inactive facilities and a variety of property types. The term "inactive" refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment.

#### Actions Required At This Time

The enclosed questionnaire must be completed and returned by November 20, 2007, to continue to receive state approval for work completed. However, if the site has contaminated potable wells in the area, if potable wells are located within 1000 feet of the property boundary, or if other higher risk conditions exist, you should respond and provide the checklist immediately, but no later than the above specified date.

#### Future Assessment and Cleanup Activities

All correspondence regarding cleanup of non-petroleum contaminant releases at non-permitted sites should no longer be sent to the APS and should be forwarded to the Branch instead.

Sites with groundwater contamination have been subject to multiple cleanup authorities. Such sites are subject to the requirements contained in 15A NCAC 2L, Classifications and Water Quality Standards Applicable to the Groundwaters of North Carolina, as well as the requirements of the Inactive Hazardous Sites Response Act (IHSRA).

Groundwater cleanup levels are the same under 15A NCAC 2L and the IHSRA. The IHSRA, however, has requirements for other contaminated media as well. Implementing a groundwater corrective action plan under APS supervision has never relieved a party from obligations to address other contaminated media under the IHSRA. As with the federal Superfund/CERCLA program, IHSRA was established to address all media contaminated with hazardous substances. Cleanup under the IHSRA is recognized by the US EPA as consistent with the requirements of CERCLA, thereby removing concerns for cleanup actions being required by the US EPA.

For consistency, and to address all contaminated media at the site with one approval process, all site assessment and cleanup at sites with hazardous substance releases will proceed through IHSRA authority. Consolidating all the contaminant remediation authorities serves to make cleanup approval comprehensive (so you do not have to work with multiple agencies in resolving the various contaminated media at your site).

The Branch is working to make the transition of site cleanups under 15A NCAC 2L authority to IHSRA authority as smooth as possible. We have compared the APS's last published soil to groundwater cleanup levels to IHSRA direct contact soil levels for unrestricted use. In general, if the contaminant cleanup action was in compliance with North Carolina groundwater standards and the APS's last published soil to groundwater cleanup levels, your cleanup action should have met Branch soil cleanup levels (for both protection of groundwater and direct contact for unrestricted use) under the IHSRA for the contaminants and areas investigated. If there are areas of concern, contaminated media, or suspect contaminants that were not investigated in the previous work, those items would need to be addressed.

Sites with volunteers willing to continue with assessment or cleanup will be addressed as follows:

#### Hazardous Substance Cleanup (and mixed hazardous substance and pollutants):

The Branch has a privatized oversight arm of the voluntary cleanup program known as the Registered Environmental Consultant (REC) program. Based on the responses provided on the questionnaire (degree of hazard and public interest in the site), the Branch will determine whether a staff person or an REC will perform the oversight and approval of your assessment and cleanup action. Having one or more of the conditions identified on the questionnaire does not necessarily preclude the site for qualifying for an REC-directed cleanup action.

Under the REC program, the volunteer would hire an environmental consulting firm that has been approved by the state as meeting certain qualifications to implement a cleanup and certify that the work is being performed in compliance with regulations. In other words, the REC's certifications of compliance are in place of direct oversight by the Branch. Details of the REC program can be found at <http://www.wastenotnc.org/sfhome/recprog.htm>.

#### Cleanup At Sites With Non-Hazardous Substance Contamination Only:

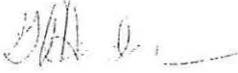
If your site contamination is non-hazardous substance pollutants only, the Branch will work with you under 15A NCAC 2L authority rather than Inactive Hazardous Sites Act authority to address the site. Branch staff will directly oversee the work.

#### Failure to Respond

If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site. At the time the site becomes a priority, if the responsible parties do not enter the Branch's voluntary cleanup program, the Branch may issue an order compelling assessment or cleanup or take other enforcement action. In addition, if you choose not to conduct a state-approved cleanup at this time, the site may be referred to the USEPA to be screened for action under the federal Superfund Program.

If you have any questions specific to the REC Program, please contact the REC Program Manager, Kim Caulk, at (919) 508-8451. For all other questions please contact me at (910) 796-7215.

Sincerely,



Genevieve M. Henderson, P.G.  
Hydrogeological Technician II  
Inactive Hazardous Sites Branch  
Superfund Section  
Division of Waste Management

Enclosure

Cc: IHSB - WiRO Files w/o enclosure  
- Sonny Wall (w/o enclosure), BB&T, 115 N. 3<sup>rd</sup> St., Wilmington, NC 28401  
JoAnne Shadrui (w/ enclosure), The Clark Group, P.O. Box 10136, Wilmington, NC 28404

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## Voluntary Cleanup Checklist

Parties interested in volunteering should prepare this form with the assistance of an environmental consultant. All cooperative parties are eligible for Branch-approved voluntary actions. Answer all questions and provide written descriptions where needed.

NCDENR Site Name, City and County \_\_\_\_\_

1. Is the site located on or immediately adjacent to residential property, schools, day-care centers or other sensitive populations?  Y  N  
If yes, please explain on a separate page.
2. What is the distance (from site property line) to the nearest residence, school or day-care center? Please attach a site location map. \_\_\_\_\_
3. Is the site completely surrounded by a locked fence?  Y  N  
If no, please explain security measures at the site on a separate page.
4. Are site surface soils known to be contaminated?  Y  N  
If yes, or unknown, describe briefly on a separate page.
5. Is site groundwater known to be contaminated?  Y  N  
If yes, or unknown, describe briefly on a separate page.
6. Is site sediment or surface water known to be contaminated?  Y  N  
If yes, or unknown, describe briefly on a separate page.
7. Has groundwater contamination affected any drinking water wells?  Y  N  
If yes, or unknown, please explain on a separate page.
8. What is the distance to the nearest downgradient drinking water well? \_\_\_\_\_
9. What is the distance to the nearest downstream surface water intake? \_\_\_\_\_
10. Are hazardous vapors, air emissions or contaminated dust migrating into occupied residential, commercial or industrial areas?  Y  N  
If yes, or unknown, please explain on a separate page.
11. Have hazardous substances known to have migrated off property at concentrations in excess of Branch unrestricted-use remediation goals?  Y  N  
If yes, or unknown, please explain on a separate page.
12. Has the local community expressed concerns about contamination at the site?  Y  N  
If yes, or unknown, please explain on a separate page.
13. Based on current information, are there any sensitive environments located on the property (sensitive environments are identified in the Remedial Investigation Work Plans section of the IHSB " Guidelines for Assessment and Cleanup "at [www.wastenotnc.org/sfhome/stateleadguidance.pdf](http://www.wastenotnc.org/sfhome/stateleadguidance.pdf))?  Y  N

If yes, or unknown, please explain on a separate page.

14. Based on current information, has contamination from the site migrated into any sensitive environments?  Y  N

If yes, or unknown, please explain on a separate page.

15. Do site contaminants include radioactive or mixed radioactive and chemical wastes?  Y  N

If yes, or unknown, please explain on a separate page.

### Remediating Party Certification Statement

I hereby certify that the responses provided above are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

\_\_\_\_\_  
(Signature of Remediating Party Representative)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name and Title of Remediating Party Representative)

\_\_\_\_\_  
(Printed Name of Company)

\_\_\_\_\_  
(State in which signature is witnessed)

\_\_\_\_\_ County

I, \_\_\_\_\_, a Notary Public of said County and State, do hereby certify that \_\_\_\_\_ did personally appear and sign before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: \_\_\_\_\_

**Environmental Consultant Certification Statement**

I hereby certify that the responses provided above are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Printed Name of Environmental Consultant)

\_\_\_\_\_  
(State in which signature is witnessed)

\_\_\_\_\_ County

I, \_\_\_\_\_, a Notary Public of said County and State, do hereby certify that \_\_\_\_\_ did personally appear and sign before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: \_\_\_\_\_