



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL SCOTT
Director

August 4, 2016

Rod Mosier
MOSIER INDUSTRIAL SERVICES
900 S Wiley Street, Crestline OH 44827

Re: **INFORMATION ON VOLUNTARY CLEANUP PROCEDURES AND REGULATORY REQUIREMENTS AND REQUIREMENT TO DISCLOSE CONTAMINATION**

Property: 256 N Oak Street, Spindale NC 28160

Site: Stonecutter Mills Corporation (Former)
300 Dallas Street, Spindale, Rutherford County, North Carolina
IHSB Incident No.: NONCD0002551

Dear Mr. Mosier:

The Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch (“IHSB”) has conducted a cursory review of the file in reference to Stonecutter Mills Corporation located at 300 Dallas Street, Spindale, Rutherford County, IHSB No: NONCD0002551.

Based on our review, additional assessment, delineation, and/or remediation of the soil and groundwater is needed as solvents and other hazardous substances may be found at this site (Site). First, to identify any immediate exposure risks, a Site Conditions Questionnaire, available on our website noted at the end of this letter, should be completed and returned to this office. The information you provide will be reviewed along with other information to determine if any immediate actions are necessary, so it is important that the information you provide is complete and accurate. You will also need to conduct a sensitive receptor survey to include a comprehensive 1500 feet radius water supply usage survey. Previous data and results did not fully satisfy the requirements of the IHSB Guidance. Under the Inactive Hazardous Sites Response Act of 1987, a Site is the area on which contamination has not only been released (if known) but also the area onto which the contamination has come to be located. A Site in the IHSB can encompass multiple properties.

Depending on the degree of hazards present, immediate response actions (by responsible parties or owners or by the State, when no financially-viable responsible parties exist) may be necessary to abate current exposure to contamination. At higher risk sites, the Division of Waste Management (Division) will directly oversee and approve testing and cleanup work conducted by responsible parties and owners. At sites the Division determines are not the highest risk, we have a privatized oversight program to help expedite approval of voluntary party contaminant cleanup actions. This program is called the Registered Environmental Consultant (REC) Program. The REC Program was established to remove a bottleneck for approval caused by limited state staff available for oversight of cleanup actions. The Division must apply its staff resources toward working on the highest risk sites first. The technical requirements are the same regardless of whether an REC or state staff oversee and approve the work.

Note that pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, is required to take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants including eliminating the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the IHSRA.

For voluntary cleanup actions under the REC Program, the remediating party hires an REC, a firm that has been approved by the state to implement a cleanup and certify that the work is being performed in compliance with state regulations. In other words, the REC is authorized to provide oversight of the cleanup in place of the Division. Details regarding the REC Program can be found at <https://ncdenr.s3.amazonaws.com/s3fs-public/Waste%20Management/DWM/SF/IHS/guidance/RECGuidance%202015.10-22-15.%20Final%20saved%202-9-2016.pdf>.

The advantages of participating in a voluntary assessment and/or cleanup under an agreement with the Division (with state staff or REC oversight) include: 1) removal of this site from the NC Sites Priority List of inactive hazardous sites and 2) eligibility for a cap on cleanup costs a party is obligated to pay if that party enters into an agreement with the Division. The REC Program also has the advantage of an expedited cleanup process as the REC has the authority to certify completion of work phases without having to wait for state concurrence. Because the costs to clean up contaminated materials continue to increase and because uncontrolled contamination may move and expand over time, immediate action taken at your property now could help to reduce cleanup costs and may prevent future damage to adjacent properties. Of even more concern, uncontrolled migration of groundwater contamination can lead to potential exposure by contaminating drinking water wells in the area, discharging to the surface on other properties, and vapors from the contaminated groundwater entering homes and other structures. For those sites where the degree and extent of contamination at the site is relatively minor, it is possible that only a limited amount of assessment and/or cleanup would be required in order to receive a “No Further Action” declaration from the state. Such a declaration could have a significant positive effect on the value of your property.

If the Site is not identified as a current higher risk site, you may also perform remedial activities independently and request a no further action review when having met remedial action cleanup standards for unrestricted use. To provide the best opportunity for success, independent cleanups should be performed in accordance with the most recent version of the Branch’s *Guidelines for Assessment and Cleanup*. This will ensure that you are using the current assessment requirements and details on analysis and sampling procedures. Results should be compared to the current Inactive Hazardous Sites Branch Preliminary Soil Remediation Goals (PSRG) Table ([Soil Remediation Goals Table](#)) and the 15A NCAC 2L Groundwater Standards ([Groundwater Standards Table](#)). Independent cleanups do not receive oversight and approval as they proceed. Parties conducting cleanups in this manner are also not eligible for the statutory cap of remedial action expenses and alternate cleanup standards will not be applicable to these sites.

Once the steps above have been completed and you have determined that the Site qualifies for a “No Further Action Letter”, please provide a Statement of Attainment of Cleanup Levels - [Statement of Attainment of Cleanup Levels and No Further Action Required](#) with a letter requesting NFA with appropriate fee - [No Further Action Review Fee](#). These documents and links are found in the IHSB home page - <http://deq.nc.gov/about/divisions/waste-management/superfund-section/inactive-hazardous-sites-program> . Also, please submit any needed documentation to justify the NFA status.

Regardless of your interest in performing voluntary assessment and remedial action, we strongly recommend that if you know or suspect that you have groundwater contamination with volatile hazardous substances, that you conduct a structural vapor intrusion evaluation. The first step would be comparing contaminant concentrations in groundwater to screening concentrations published by the Division of Waste Management. You can find the structural vapor intrusion screening concentrations and guidance documents on our web page at <https://ncdenr.s3.amazonaws.com/s3fs-public/Waste%20Management/DWM/SF/IHSB/guidance/IHSBSupplementalVaporIntGuide031414.pdf> .

This letter also informs you of your obligation to notify any potential purchasers and parties leasing the property of contamination including chlorinated solvents detected in groundwater on the property and on adjacent properties. These notification obligations include, but are not limited to, the North Carolina Residential Property Disclosure Act (See N.C.G.S. § 47E). Also, under federal law (specifically the Comprehensive Environmental Response, Compensation, and Liability Act), you could become responsible for cleanup of contamination if you do not disclose the contamination to a purchaser of the property. Cleanup costs can run from thousands to millions of dollars at a single site. We highly recommend that you disclose for this reason. You should also avoid redevelopment of the property (construction or changing use) before a complete assessment of the contamination has been conducted.

Since the property is impacted by contamination, you or any prospective purchasers/developers may want to consider pursuing the option of a Brownfields agreement for the property to limit potential cleanup liabilities and to safeguard the property for any potential redevelopment. DWM’s Brownfields Program provides a mechanism for prospective developers to purchase and safely redevelop contaminated properties while minimizing their environmental regulatory liabilities. A seller or a potential purchaser/developer can apply for and negotiate a Brownfields agreement which defines activities needed to make the Site suitable for reuse, rather than cleaning up the Site to unrestricted use regulatory standards. If you would like additional information regarding the Brownfields Program, please contact Ms. Joselyn Harriger at

joselyn.harriger@ncdenr.gov or 704-235-2195. Additional details about the Brownfields Program can be found on their website at <http://deq.nc.gov/about/divisions/waste-management/brownfields-program>.

Please note that the Site is regulated by other Divisions or Sections within the Department for issues related to other operational activities or contaminants (petroleum) at the Site. Continued investigation or remediation related to those issues/contaminants should be conducted in accordance with their regulations and guidance documents. Investigation or remediation reports related to compounds or issues within their regulatory jurisdiction should be submitted to their attention.

Additional information regarding the Inactive Hazardous Sites Program can be found at <http://deq.nc.gov/about/divisions/waste-management/superfund-section/inactive-hazardous-sites-program>. If you have any questions, please call me at (704) 663-1699, ext. 2191. Thank you in advance for your cooperation.

Sincerely,



Miguel A. Alvalle, Hydrogeologist
Division of Waste Management – NCDEQ

Ec: Kurt Howell – Land Environmental Group, khowell@landenv.com
Jan Anderson – DEQ, UST Program – ARO, Jan.Andersen@ncdenr.gov