

COPY

DIVISION OF WASTE MANAGEMENT
September 16, 1999



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eckerd Corporation-Charlotte Distribution Center
1776 Statesville Avenue
Charlotte, North Carolina 28206
Attention: Rick Lento

RE: Notice of No Further Action
15A NCAC 2L .0115(h)
RISK-BASED ASSESSMENT AND
CORRECTIVE ACTION FOR
PETROLEUM UNDERGROUND
STORAGE TANKS

Eckerd Charlotte Distribution Center
1776 Statesville Avenue
Mecklenburg County, N.C.
Pollution Incident # Pending **20520**
Low Risk Classification

Dear Mr. Lento:

On February 24, 1999, the Division of Waste Management (DWM) Mooresville Regional Office received a Phase I Limited Site Assessment Report with Site Closure Request for the above-referenced site. A review of the report shows that soil contamination does not exceed the industrial/commercial maximum soil contaminant concentrations established in 15A NCAC 2L .0115(m). A review of the Phase I Limited Site Assessment Report with Site Closure Request also shows that contaminated groundwater does not exceed the gross contamination levels established in 15A NCAC 2L .0115(g).

Based on information provided to date, the DWM has determined that no further action is required for this incident. This determination is conditional pending completion of the public notice specified below. Once proper public notice has been provided, this determination will apply unless the DWM later determines that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment.

This no further action determination applies only to the underground storage

JAMES B. HUNT JR.
GOVERNOR

WILLIAM E. HOLMAN
SECRETARY

tank (UST) discharge or release. You are required to address the other incidents as required by the applicable rules and in accordance with any previously issued notices.

Please be advised that because contaminated groundwater has not been restored to the level of the standards or interim standards established in 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where contamination is expected to migrate, is not suitable for use as a water supply.

Pursuant to 15A NCAC 2L .0115(e), you have a continuing obligation to notify the DWM of any changes that you know of, or should know of, that might affect the level of risk assigned to the discharge or release. Such changes include, but are not limited to, changes in zoning of real property, use of real property or the use of groundwater that has been contaminated or is expected to be contaminated by the discharge or release, if such change could cause the DWM to reclassify the risk. Please note that this responsibility not only pertains to changes involving the property on which the release occurred, but to changes involving the surrounding properties as well.

Please be advised that you must comply with the public notice requirements of 15A NCAC 2L .0115(k) as specified below. **If public notice is not provided as required, this no further action determination will be deemed invalid.** Within 30 days of receipt of this no further action notice, you must provide a copy of this notice to the following persons:

- local health director;
- chief administrative officer (i.e., Mayor, Chairman of the County Commissioners, County Manager, City Manager or other official of equal or similar position) of each political jurisdiction in which the contamination occurs;
- all property owners and occupants within or contiguous to the area containing contamination; and
- all property owners and occupants within or contiguous to the area where the contamination is expected to migrate.

Copies of this no further action notice must be sent to the persons listed above by certified mail. If it is impractical to provide notice by certified mail to the occupants of apartment buildings, condominiums, office buildings, etc., you may post a copy of this notice in a prominent place where the occupants are most likely to see it.

Within 60 days of receiving this no further action notice, you must provide the DWM Mooresville Regional Office with proof of receipt of the copy of the notice or of refusal by the addressee to accept delivery of the copy of the notice. If a copy of the notice is posted, you must provide the DWM with a description of the manner in which the notice was posted.

Interested parties may examine the Phase I Limited Site Assessment Report with Site Closure Request along with other site information in the DWM Mooresville Regional Office. In addition, comments on the Phase I Limited Site Assessment Report with Site Closure Request may be submitted to me at the letterhead address.

Please be advised that you should close any monitoring wells used to investigate or remediate this incident in accordance with 15A NCAC 2C .0113.

Should you have any questions concerning this notice, please contact me at (704) 663-1699, ext. 268.

Sincerely,

A handwritten signature in black ink that reads "Brad C. Newton". The signature is written in a cursive style with a large, prominent "B" and "N".

Brad C. Newton, P.G.
Hydrogeologist

Attachments: 15A NCAC 2C .0113
Well Abandonment Form

cc: Fay Sweat - Incident Management Files

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