



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

CERTIFIED MAIL 7007 0220 0000 8225 1646

November 10, 2008

Mr. Trent Burroughs
ABCD Enterprises, LLC
209 N. Lewis St.
Tabor City, NC 28463

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT
AND CLEANUP**
Planters Warehouse
1003 Pireway Rd.
Tabor City, Columbus Co.
NONCD0002819

Dear Mr. Burroughs:

Thank you for submitting the Ground Water Sampling Report for the above subject site (Site). Review of the report revealed that the ammonia levels in groundwater to the north of the former tobacco warehouse are approximately three orders of magnitude higher than those reported in the background monitoring wells. Based on this data it appears that a release of ammonia, a hazardous substance, has occurred at this Site. 15A NCAC 2L .0202 (b) (3) states, where naturally occurring substances exceed the established standard, the standard shall be the naturally occurring concentration as determined by the Director. 15A NCAC 2L .0202 (c) then states that substances which are not naturally occurring and for which no standard is specified shall not be permitted in detectable concentrations in Class GA or Class GSA groundwaters. Therefore additional investigation and, if necessary, cleanup of the ammonia contamination is required.

The Inactive Hazardous Sites Branch (Branch) is responsible for administering the North Carolina Inactive Hazardous Sites Response Act (Act) of 1987 (N.C.G.S. 130A-310 et seq), which is applicable to all sites which are contaminated with hazardous substances. As part of this authority, the Branch has determined that the Site can be cleaned up through the REC ("Registered Environmental Consultant") Program without direct oversight by Branch Staff.

Note that, if you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L, Groundwater Classifications and Standards. 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, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions,

all assessment and remediation will be done through the Inactive Hazardous Sites Response Act (“IHSRA”), codified under N.C. Gen. Stat. § 130A-310.

Under the IHSRA, to receive approval of the assessment and clean up at the Site, you must enter into an administrative agreement with the Branch. Since the Branch has determined that the Site can be cleaned up through the REC Program, execution of an REC-Administrative Agreement (AA) would be required. The procedures for entering into an REC-AA are attached. If you have any questions regarding these procedures or the REC Program, please contact the REC Program Manager, Kim Caulk, at (919)508-8451 or visit the REC Program website at <http://www.wastenotnc.org/SFHOME/recprog.htm>.

If we do not receive a response from you within the next 60 days indicating your willingness to enter an REC-AA, the Branch will take further action to prioritize the Site. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to § 130A-310.3 to compel assessment and cleanup. In addition, if you choose not to conduct a cleanup voluntarily, the site may be referred to the United States Environmental Protection Agency (“EPA”). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act (“CERCLA”).

If you have additional questions about the requirements that apply to your site, please contact me at (910) 796-7215.

Sincerely,



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

Cc: IHSB-WiRO file
Nicole Long, Geological Resources, Inc., 2301 Crown Point Executive Dr., Ste. F, Charlotte, NC 28227

Procedures for Obtaining a REC Administrative Agreement

To obtain a Registered Environmental Consultant (REC)-Administrative Agreement (AA), remediating parties (RPs) and RECs should use the following procedures:

1. Contact Kim Caulk, preferably by e-mail at Kim.Caulk@NCMail.net, and provide the following information for the site:
 - Site name, street address/location, city, and county;
 - Exact name of remediator;
 - Name, title, telephone number, e-mail address, & mailing address of the highest ranking official of the remediating party having day-to-day responsibility for the performance of the remedial response action;
 - Name, title, telephone number, e-mail address, & mailing address of any other contact person(s) and the proposed REC (if known) for the remedial response action;
 - Current property owner of the site.
2. Using the information above, a draft REC-AA will be prepared by the Branch and forwarded, preferably by e-mail, to the RP and any other specified representatives for review. The draft electronic version of the AA will be maintained by the Branch.
3. After the RP and/or REC confirms the information is satisfactory, the AA will be finalized by the Branch and an original, hardcopy of the final document will be mailed to the RP for signature. The RP should then mail the signed **original**, final AA to the REC for signature. The document should then be returned by mail to the Branch for execution. The Branch will forward a photocopy of the AA to the RP and REC following execution.
4. Before the AA can be executed, the following requirements must be completed:
 - A 30-day public notice for the proposed AA must be performed by the Branch in accordance with 130A-310.9(b). Note that this includes sites already undergoing groundwater remediation and previously under the oversight of the Division of Water Quality. To complete the required 30-day public notice, the proposed REC and/or the Remediating Party will need to submit, preferably by e-mail, a site location map (typically a tax map or parcel map) and the mailing addresses for each of the adjacent surrounding property owners. The reference/source of the submitted information should be included;
 - Pursuant to 15A NCAC 13C .0307(c), to participate in the REC Program, payment of a financial assurance fee must be received by the Branch. The fee for entry of the site into the REC Program is \$2500. Checks should be made payable to NC Division of Waste Management and referenced to the REC Trust Fund. There will be a similar fee each year until remediation at the site is complete. The annual administration fee, which is to help offset the costs of the Division's audits of remedial actions, is based on the number of sites in the REC Program and in recent years has varied from approx. \$1800 to \$2500.

The required public notice can begin while the AA is reviewed/finalized and the fees are processed.

Questions regarding these procedures and the REC Program should be directed to Kim Caulk at (919)508-8451 or Kim.Caulk@NCMail.net.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Trent Burroughs
 ABCD Enterprises LLC
 209 North Lewis Street
 Tabor City, NC 28463

2. Article Number
 (Transfer from service label)

7007 0220 0000 8225 1646

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 Hank Prince 11-13-08

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

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**U.S. Postal Service™
 CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

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Postage	\$ 4.2
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



Sent To
 Mr. Trent Burroughs ABCD Enterprises LLC
 Street, Apt. No. or PO Box No. 209 North Lewis Street
 City, State, ZIP+4/ Tabor City, NC 28463

PS Form 3800, August 2006

See Reverse for Instructions