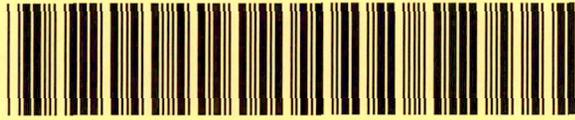


755IHSSF3431



DocumentID NONCD0002878

Site Name ROBERTS ST HATCHERY

DocumentType Correspondence (C)

RptSegment

DocDate 10/30/2009

DocRcvd 10/30/2009

Box SF3431

AccessLevel PUBLIC

Division WASTE MANAGEMENT

Section SUPERFUND

Program IHS (IHS)

DocCat FACILITY



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman., Secretary

October 30, 2009

CERTIFIED MAIL 7005 1160 0004 7952 0247
RETURN RECEIPT REQUESTED

Whit Rylee
Urvana, LLC
Asheville, NC 28801

Re: **SECOND NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT AND CLEANUP**-Roberts Street Hatchery, 144 Roberts Road, Asheville, NC, 28801, Buncombe County, IHSB Inventory No. NONCD0002878

Dear Mr. Rylee:

We are in receipt of a memorandum, dated December 8, 2008, which serves as a project referral of the above referenced site to the Winston-Salem Regional Office (WSRO). This memorandum, as sent to our office from the Division of Waste Management Underground Storage Tank Section, concerns the issue of chlorinated hydrocarbon contaminants in groundwater under the subject site. Since these hydrocarbons are of a non-petroleum nature, and are believed to have not originated from an underground storage tank (UST) source, they will not be addressed under any of the current UST programs. We have reviewed the reports that have accompanied the memorandum from the UST Section and note that your site has been contaminated by substances that have affected soil and/or groundwater quality in excess of state regulatory standards.

More specifically, the groundwater samples collected during the previous site investigations, detected elevated levels of tetrachloroethene and trichloroethene in excess of the maximum allowable concentrations established by North Carolina Administrative Code Title 15A 2L .0202. Consequently, you are required to assess and cleanup the contamination under one or more cleanup authorities. Regulatory oversight for the assessment and cleanup under all applicable authorities will be provided by the Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch ("Branch").

Based on information provided to date, the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310, et seq., applies to your site. In addition, initial immediate actions may be required under 15A NCAC 2L, Groundwater Classifications and Standards.

I. ACTIONS REQUIRED AT THIS TIME:

Complete the Site Cleanup Questionnaire.

To comply with the requirements of State law, a Site Cleanup Questionnaire, available on the website noted at the end of this letter, must be completed and returned to the WSRO. The information you provide will be reviewed along with other information to prioritize the site, so please make certain that the information you provide is complete and accurate. Please note that your failure to inform the Branch of any nearby potable wells or other high-risk conditions may adversely affect the Branch's ability to identify this site as a higher-risk site.

Take Initial Abatement Actions Required Under 15A NCAC 2L.

If you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. 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 IHSRA.

II. FUTURE ASSESSMENT AND CLEANUP ACTIVITIES:

All correspondence regarding this site should be sent to the Branch. Future assessment and cleanup activities (activities conducted after the initial abatement steps required in 15A NCAC 2L) may be conducted through the Voluntary Cleanup Program (discussed below) or pursuant to an Order issued under N.C. Gen. Stat. § 130A-310.3. In addition, if you choose not to conduct a cleanup through the Voluntary Cleanup Program, 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").

III. VOLUNTARY CLEANUP PROGRAM:

Under the IHSRA, persons who move forward to assess and remediate contamination, without being compelled to do so through formal legal action filed against them, are called "volunteers." To participate in the Voluntary Cleanup Program, you will be required to enter into an administrative agreement with the Branch. The voluntary cleanup will proceed through the Registered Environmental Consultant Program or under direct oversight by the Branch Staff, as discussed below:

Agreement to Conduct Assessment and Remediation Through the Registered Environmental Consultant Program.

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. Please note that 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 hires an environmental consulting firm, which the State has approved as having met 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>. If you have any questions specific to the REC Program, including how to participate, please contact the REC Program Manager, Kim Caulk, at (919) 508-8451.

Agreement to Conduct Assessment and Remediation Under State Oversight.

If the Branch determines that the site should be assessed and remediated pursuant to direct State oversight, it will not be eligible for a REC-directed cleanup. Rather, the remedial action will receive direct oversight by Branch staff.

IV. FAILURE TO RESPOND:

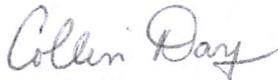
If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site without your input. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction 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.

V. ADDITIONAL INFORMATION REGARDING THE IHSRA AND THE BRANCH:

People are often confused by the name of the Inactive Hazardous Sites Response Act and the Branch. By definition, "Inactive Hazardous Sites" 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" simply refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment. Additional information about the Branch may be found at <http://www.wastenotnc.org/sfhome/ihsbrnch.htm>.

You were previously sent correspondence advising that the subject site was being added to the Branch inventory. The previous correspondence, dated January 26, 2009, outlined the steps referenced in our letter here. As we did not receive a previous response, we are requesting that you submit the questionnaire within thirty (30) days from the receipt date of our letter. Submit this completed questionnaire to our attention at the letterhead address. If you have additional questions about the requirements that apply to your site, please contact us at (336) 771-5281.

Sincerely,



Collin Day
Hydrogeologist

cc: Lauren Tucker Sicarelli, ECS Carolinas, LLP
200 Ridgefield Ct # 222
Asheville, NC 28806

WSRO Files

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:

Urvana, LLC
 Attn: Whit Rylee
 40 Roberts Street
 Asheville, NC 28801

COMPLETE THIS SECTION ON DELIVERY

A. Signature



-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

1/29/09

- 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

7005 1160 0004 7952 0919 ✓

1/27

2/2/09

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

NC DENR - CD
DWM - SUPERFUND - IHSB
585 WAUGHTOWN STREET
WINSTON-SALEM, NC 27107-2241

U.S. Postal Service™

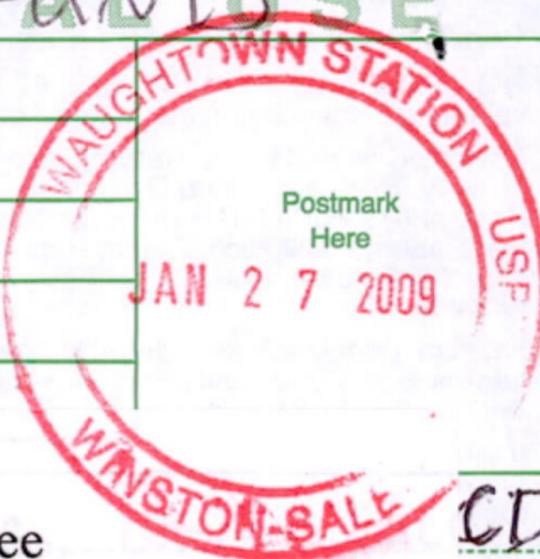
CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE
SUPER FUND

Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



Sent To
Street, A
or PO Box
City, State

Urvana, LLC
Attn: Whit Rylee
40 Roberts Street
Asheville, NC 28801

CD
1/27

7005 1160 0004 7952 0919

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman., Secretary

January 26, 2009

CERTIFIED MAIL 7005 1160 0004 7952 0919
RETURN RECEIPT REQUESTED

Whit Rylee
Urvana, LLC
Asheville, NC 28801

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT AND CLEANUP**-Roberts Street Hatchery, 144 Roberts Road, Asheville, NC, 28801, Buncombe County

Dear Mr. Rylee:

We are in receipt of a memorandum, dated December 8, 2008, that serves as a project referral of the above referenced site to the Winston-Salem Regional Office (WSRO). This memorandum, as sent to our office from the Division of Waste Management Underground Storage Tank Section, concerns the issue of chlorinated hydrocarbon contaminants in groundwater under the subject site. Since these hydrocarbons are of a non-petroleum nature and are believed to have not originated from an underground storage tank (UST) source, they will not be addressed under any of the current UST programs. We have reviewed the reports that have accompanied the memorandum from the UST Section and note that your site has been contaminated by substances that have affected soil and/or groundwater quality in excess of state regulatory standards.

More specifically, the groundwater samples collected during the previous site investigations, detected elevated levels of tetrachloroethene and trichloroethene in excess of the maximum allowable concentrations established by North Carolina Administrative Code Title 15A 2L .0202. Consequently, you are required to assess and cleanup the contamination under one or more cleanup authorities. Regulatory oversight for the assessment and cleanup under all applicable authorities will be provided by the Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch ("Branch").

Based on information provided to date, the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310, *et seq.*, applies to your site. In addition, initial immediate actions may be required under 15A NCAC 2L, Groundwater Classifications and Standards.

I. ACTIONS REQUIRED AT THIS TIME:

Complete the Site Cleanup Questionnaire.

To comply with the requirements of State law, a Site Cleanup Questionnaire, available on the website noted at the end of this letter, must be completed and returned to the WSRO. The information you provide will be reviewed along with other information to prioritize the site, so please make certain that the information you provide is complete and accurate. Please note that your failure to inform the Branch of any nearby potable wells or other high-risk conditions may adversely affect the Branch's ability to identify this site as a higher-risk site.

Take Initial Abatement Actions Required Under 15A NCAC 2L.

If you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. 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 IHSRA.

II. FUTURE ASSESSMENT AND CLEANUP ACTIVITIES:

All correspondence regarding this site should be sent to the Branch. Future assessment and cleanup activities (activities conducted after the initial abatement steps required in 15A NCAC 2L) may be conducted through the Voluntary Cleanup Program (discussed below) or pursuant to an Order issued under N.C. Gen. Stat. § 130A-310.3. In addition, if you choose not to conduct a cleanup through the Voluntary Cleanup Program, 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").

III. VOLUNTARY CLEANUP PROGRAM:

Under the IHSRA, persons who move forward to assess and remediate contamination, without being compelled to do so through formal legal action filed against them, are called "volunteers." To participate in the voluntary cleanup program, you will be required to enter into an administrative agreement with the Branch. The voluntary cleanup will proceed through the Registered Environmental Consultant Program or under direct oversight by the Branch Staff, as discussed below:

Agreement to Conduct Assessment and Remediation Through the Registered Environmental Consultant Program.

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. Please note that 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 hires an environmental consulting firm, which the State has approved as having met 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>. If you have any questions specific to the REC Program, including how to participate, please contact the REC Program Manager, Kim Caulk, at (919) 508-8451.

Agreement to Conduct Assessment and Remediation Under State Oversight.

If the Branch determines that the site should be assessed and remediated pursuant to direct State oversight, it will not be eligible for a REC-directed cleanup. Rather, the remedial action will receive direct oversight by Branch staff.

IV. FAILURE TO RESPOND:

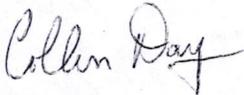
If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site without your input. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction 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.

V. ADDITIONAL INFORMATION REGARDING THE IHSRA AND THE BRANCH:

People are often confused by the name of the Inactive Hazardous Sites Response Act and the Branch. By definition, "Inactive Hazardous Sites" 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" simply refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment. Additional information about the Branch may be found at <http://www.wastenotnc.org/sfhome/ihsbrnch.htm>.

Submit completed the completed questionnaire to our attention at the letterhead address. If you have additional questions about the requirements that apply to your site, please contact us at (336) 771-5281.

Sincerely,



Collin Day
Hydrogeologist

cc: Lauren Tucker Sicarelli, ECS Carolinas, LLP
200 Ridgefield Ct # 222
Asheville, NC 28806

WSRO Files

Memorandum

To: Charlotte Jesneck
From: Collin Day 
Date: 1/26/2009
Re: New Site-Roberts Street Hatchery, Buncombe County, NC

Charlotte:

I am attaching, with this memorandum, the completed copy of the IHSB SITETRACK NEW site form, for the above referenced site. The site is a former chicken hatchery and was located adjacent to a feed mill. A heating oil UST was formerly located on the site and was the focus of oversight by the UST Section. Because there are no receptors of concern and municipal water serves the area as a potable water supply, the site was closed under UST risk based rules. Because the site is located in a heavily urban industrial area, it appears that it will be difficult to identify a responsible party as there are likely multiple sources in the area.

A new site letter was sent to the property owner on January 26, 2009.

Inactive Hazardous Sites Tracking Data Entry

Always enter ID# and site name. Otherwise, only enter new information/changes.

ID#: _____ Site Name: Roberts Street Hatchery
 Site Address: 144 Roberts Street Site City: Asheville, NC 28801
 Site County: Buncombe

Process Code: Residence on Site? Yes No
 Distance to Nearest Water Source Well: > 1/4 mile No Information < 1/4 mile
 Distance to SW Intake (Drinking): > 1/4 mile No Information < 1/4 mile

Coordinates: Latitude: N 35.58612 Longitude: W 82.56613
[NAD83, Decimal-degrees-fifth order]

Geolocation Method:

- Registered Land Surveyor
- GPS Survey Grade Corrected
- GPS Survey Grade Not Corrected
- GPS Mapping Grade Corrected
- GPS Mapping Grade Not Corrected
- GPS Recreational Grade
- On Screen Placement on Georeferenced Map
- Hard Copy Map
- Geocoding (address match)
- Supplied by others (unsubstantiated)
- Unknown

Inventory Categories: *(*If "Yes," site cannot be in more than one category.)*

SPL*	<input type="checkbox"/>	SPL SCORE	<i>Select these categories only if agency addressing all site contamination.</i>	
Voluntary (AA)*	<input type="checkbox"/>	<input type="checkbox"/>	Solid Waste Lead	<input type="checkbox"/>
Evaluation Pending*	<input type="checkbox"/>	<input type="checkbox"/>	Non-NPL EPA Superfund/DOD Lead	<input type="checkbox"/>
No Further Action*	<input type="checkbox"/>	<input type="checkbox"/>	NPL	<input type="checkbox"/>
NFA - Restricted Use*	<input type="checkbox"/>	<input type="checkbox"/>	RCRA Non-TSD Lead	<input type="checkbox"/>
			TSD	<input type="checkbox"/>
Non-HS Site - Open	<input type="checkbox"/>	<input type="checkbox"/>	DRP Lead	<input type="checkbox"/>
Non-HS Site - NFA	<input type="checkbox"/>	<input type="checkbox"/>	DSCA Lead	<input type="checkbox"/>
Non-HS Site - NFA Restricted Use	<input type="checkbox"/>	<input type="checkbox"/>	UST Lead	<input type="checkbox"/>
			DWQ Lead	<input type="checkbox"/>
			Duplicate	<input type="checkbox"/>

Contaminant Data: *(Based on laboratory detection.)*

	Groundwater	Soil	Surface Water	Sediment
Organics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides/Herbicides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acids	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cyanide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inorganics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radioactive Constituents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Known/suspected Contamination *(Check only if no lab data)*

DIVISION OF WASTE MANAGEMENT

SUPERFUND SECTION

INACTIVE HAZARDOUS SITES BRANCH

MOORESVILLE REGIONAL OFFICE

December 8, 2008

TO: Collin Day, DWM-IHSB-WSRO

FROM: Bruce Parris, DWM-MRO

SUBJECT: New Site, (Fmr) Roberts Street Hatchery UST Site, Buncombe County

This is a UST site referred to IHSB by ARO-UST. PCE and TCE were found in groundwater during an LSA performed at their site.

Please complete new site data entry sheet for Charlotte, and attempt to determine RP and send a NORR.

Also, please make sure that you update Kim's spreadsheet to reflect when you send them the NORR.
Thanks!

Bruce

Bruce.Parris@ncmail.net
North Carolina Dept. of Environment & Natural Resources
Div. of Waste Mgt. - Superfund Section - IHSB -MRO
610 East Center Ave, Suite 301
Mooresville, NC 28115
MRO Phone: (704) 663-1699
Direct Phone: (704) 235-2185
Fax: (704) 663-6040

State of 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
Asheville Regional Office



UST SECTION

RECEIVED

DEC 04 2008

Letter of Transmittal

NCDENR MRO IHSB

December 1, 2008

To: Bruce Parris
Western Region IHSB
MRO

From: Jan Andersen
FAX Number: (828) 299-7043
Voice Number: (828) 296-4640

Enclosed please find the following copy for your use:

LSA for Former Roberts Street Hatchery UST Incident Number 28462. Please note the groundwater has been contaminated by two constituents, tetrachloroethene and trichloroethene, which were not present in any of the petroleum contaminated soil associated with the UST.

Lauren Tucker Sicarelli. ECS Carolinas, LLP LSicarelli@ecslimited.com (828) 665-2307 ext. 206 may contact you about the contaminated groundwater.

828-989-6911

If you have any questions, please contact me at 828-296-4640.