



## North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor  
Dee Freeman, Secretary

June 22, 2011

### ***Certified Mail***

**Return Receipt Requested    7008 0150 0000 3068 4312**

Mr. Don Russell  
Hoke County Solid Waste Director  
P.O. Box 179  
Raeford, NC 28376

Re:    Imposition of Land Use Restrictions on properties adjacent to the closed Hoke County Landfill located on CC Steele Road (Permit #47-01)

Dear Mr. Russell:

In order to protect the public from exposure to contaminated groundwater and potential landfill gas migration, it is necessary for Hoke County to impose land use restrictions in accordance with N.C.G.S. §§ 143B-279.9(a) and 279.10 upon the two parcels of property purchased to be used as buffer by Hoke County. These properties are adjacent to the southern and western boundaries of the landfill property. The closed Hoke County Landfill consists of approximately 80 acres, and ceased waste disposal operations in 1993. The land use restrictions are designed to prevent any use or development of the landfill and adjacent properties acquired as buffer for residential, commercial, industrial, or institutional purposes.

Within ninety (90) days of receipt of this letter, please submit to the Division of Waste Management a survey plat which meets the requirements of N.C.G.S. § 143B-279.10. The plat, to be entitled "Notice of Contaminated Site," shall meet the requirements of N.C.G.S. § 47-30 for maps and plats. The following shall be depicted on the plat:

- 1)        Surveyed boundaries of the parcels purchased to mitigate groundwater contamination, the parcel containing permitted solid waste disposal areas, the permitted solid waste disposal areas, and permitted facility boundaries;
- 2)        The name of the property owner of record, acreage, references to recorded deeds and plats, and parcel identification numbers. Name of property owner, property lines, north arrow, scale, and bearings and distance taken from the deed;
- 3)        A notice that the plat is not for subdivision purposes, and is recorded to give notice of a restricted buffer zone; and,
- 4)        Certification and seal by a registered land surveyor.

The plat shall be recorded in the Hoke County Deed Registry. Development and perpetual land use restrictions must also be recorded, indicating the location of the plat by reference (a form for this purpose is enclosed). The purpose of recording the Notice and Declaration of Perpetual Land Use Restrictions is to provide actual and constructive notice to subsequent purchasers of the property

described herein and to reduce any risk to public health, safety or the environment from development in proximity to waste. A copy of the plat and a certified copy of the Notice and Perpetual Land Use Restrictions shall be mailed to:

Ervin Lane  
NC DENR -Division of Waste Management, Solid Waste Section  
1646 Mail Service Center  
Raleigh, NC 27699-1646

When the plat ("Notice of Contaminated Site") submitted by Hoke County has been reviewed and approved by the Division, the Division shall add the land use restrictions to the plat. The Division will provide a notarized copy of the approved Notice, which Hoke County shall file within fifteen days in the county register of deeds office, pursuant to N.C.G.S. § 143B-279.10(b). The Division shall also prepare a ("Declaration of Perpetual Land Use Restrictions") Notice of Land Use Restrictions which references the book and page number where the "Notice of Contaminated Site" is recorded in the map and plat book. Hoke County shall file the Declaration of Perpetual Land Use Restrictions for recording in the county deed registry. A draft copy is attached for your review.

If you have any questions about the requirements for imposition of land use restrictions or preparation of the survey plat entitled "Notice of Contaminated Site," please feel free to contact me at 919-508-8516 or by email at [Ervin.lane@ncdenr.gov](mailto:Ervin.lane@ncdenr.gov). Thank you in advance for your anticipated cooperation in this matter.

Sincerely,



Ervin Lane  
Compliance Hydrogeologist  
Division of Waste Management, Solid Waste Section