

Hazardous Waste Section
File Room Document Transmittal Sheet

17

Your Name: Kathleen Z Lawson
EPA ID: NCD086871282
Facility Name: Caldwell Sys Inc
Document Group: Corrective Action (CA)
Document Type: Correspondence (C)
Description: Annual Notification of LUR still in place
Date of Doc: 7/12/2007
Author of Doc:

File Room Use Only

NCD086871282

Date Recieved by File Room:

Month	Day	Year

Scanner's Initials:

Date Scanned:

Commissioners

Faye R. Higgins, Chairman
Ron Beane, Vice Chairman
Don Barrier
Herbert H. Greene
Dr. John W. Thuss



County of Caldwell
PO Box 2200
Lenoir, NC 28645
Phone (828) 757-1300
Fax (828) 757-1295
www.co.caldwell.nc.us

July 12, 2007



Ms. Elizabeth S. Werner, Hydrogeologist
Facility Management Branch
Hazardous Waste Section
NC Department of Environment and Natural Resources
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

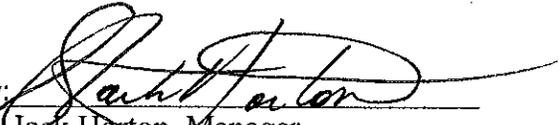
Re: Former Caldwell Systems, Inc. Facility, Caldwell County, North Carolina

Dear Ms. Cannon

Per paragraph 4 of the enclosed Declaration of Perpetual Land Use Restrictions recorded October 12, 2004 in Deed Book 1524, Page 338, Caldwell County Registry, Caldwell County does certify to NCDENR that the said Declaration is still recorded in the Office of the Caldwell County Register of Deeds. As well, Caldwell County certifies that activities and conditions at the property described in the said Declaration remain in compliance with the land use restrictions therein, except that the two wells located on the property have not been abandoned in compliance with all applicable State regulations in that they have not been filled in. However, all pumps and piping which would enable any person to access water from these two wells have been removed, and both wells have been capped and locked. These two wells have been maintained in this condition to use for monitoring purposes with NCDENR's knowledge and consent.

These certifications have been true and accurate at all times since the recording of the Declaration on October 12, 2004. Please accept this as the County's annual certification for 2007.

Caldwell County

By: 
Jack Horton, Manager

/ktm

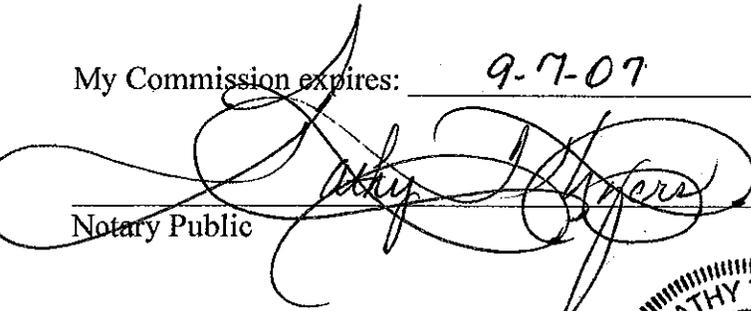
Enclosure

Administration
Jack Horton, County Manager

**NORTH CAROLINA
CALDWELL COUNTY**

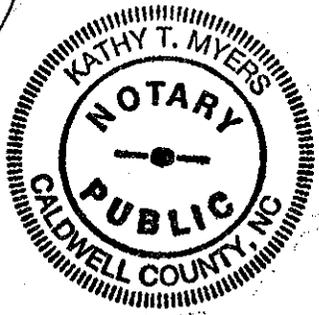
I, A Notary Public of the County and State aforesaid, certify that Jack Horton personally came before me this day and acknowledged that he is Manager of Caldwell County, and that by authority duly given and as the act of Caldwell County, the foregoing instrument was signed in its name by the County Manager. Witness my hand and official stamp, this the 12 day of July, 2007.

My Commission expires: 9-7-07



Notary Public

cc: Mr. George House
Mr. Brent Burch



Workflow No. 635688

Doc ID: 006140510005 Type: CRP
 Recorded: 10/12/2004 at 09:41:38 PM
 Fee Amt: \$28.00 Page 1 of 5
 Workflow# 635688
 Caldwell County, NC
 WAYNE L. RASH Register of Deeds
 BK 1524 PG 338-342

Prepared by: George W. House, Attorney at Law

Return to: Wilson, Lackey & Rohr, P.C. ✓

DECLARATION OF PERPETUAL LAND USE RESTRICTIONS

Former Caldwell Systems, Inc. Facility, Caldwell County, North Carolina

This Declaration concerns property comprising a site that was subject to regulation by the North Carolina Department of Environment and Natural Resources ("DENR") and its predecessors as an interim status hazardous waste treatment, storage and disposal facility under the authority of NCGS §§ 130A-290, et seq., and the federal Resource Conservation and Recovery Act, 42 USC §6901 et seq. This Declaration is part of a site closure plan, which has been approved by the Secretary of the DENR, or his/her delegate, to reduce or eliminate the danger to public health posed by the presence of organic compounds in the groundwater at the site.

Caldwell County is the owner in fee simple of the property which is the subject of this Declaration. Said property is located in the County of Caldwell, State of North Carolina, and is known and legally described as:

BEGINNING on a new 1/2 inch iron pipe, a new corner of the county property, said BEGINNING POINT being located North 01 degrees 34 minutes 08 seconds West 1,162.24 feet from N.C.G.S. Station "Herman", and said BEGINNING POINT having the North Carolina Grid Coordinates of North 784,632.06 feet; East 1,269,841.50 feet; thence from the POINT OF BEGINNING and with 27 new lines for the county; North 21 degrees 17 minutes 12 seconds East 67.70 feet to an existing 1/2 inch iron pipe; North 05 degrees 40 minutes 39 seconds West 39.96 feet to an existing 1/2 inch iron pipe; North 83 degrees 17 minutes 46 seconds East 59.74 feet to a railroad spike; South 05 degrees 55 minutes 27 seconds East 40.02 feet to an existing 1/2 inch

26.00
5

374

iron pipe; North 83 degrees 20 minutes 07 seconds East 32.06 feet to an existing 1/2 inch iron pipe; South 20 degrees 47 minutes 05 seconds East 203.91 feet to an existing 1/2 inch iron pipe; South 56 degrees 36 minutes 40 seconds West 39.06 feet to an existing 1/2 inch iron pipe; South 04 degrees 30 minutes 02 seconds East 66.53 feet to an existing 1/2 inch iron pipe; South 07 degrees 09 minutes 17 seconds West 60.17 feet to an existing 1/2 inch iron pipe; South 18 degrees 36 minutes 25 seconds West 38.30 feet to an existing 1/2 inch iron pipe; South 29 degrees 37 minutes 16 seconds West 108.79 feet to an existing 1/2 inch iron pipe; South 14 degrees 46 minutes 47 seconds West 118.71 feet to an existing 1/2 inch iron pipe; North 89 degrees 13 minutes 53 seconds West 45.22 feet to an existing 1/2 inch iron pipe; South 58 degrees 28 minutes 41 seconds West 117.25 feet to a new 1/2 inch iron pipe; North 83 degrees 31 minutes 06 seconds West 55.00 feet to a new 1/2 inch iron pipe; North 06 degrees 31 minutes 58 seconds East 70.00 feet to a new 1/2 inch iron pipe; South 83 degrees 31 minutes 06 seconds East 57.78 feet to a new 1/2 inch iron pipe; North 58 degrees 28 minutes 41 seconds East 98.16 feet to a new 1/2 inch iron pipe; North 05 degrees 20 minutes 28 seconds West 79.57 feet to an existing 1/2 inch iron pipe; North 05 degrees 04 minutes 02 seconds East 28.86 feet to a new 1/2 inch iron pipe; North 83 degrees 31 minutes 06 seconds West 126.04 feet to a new 1/2 inch iron pipe; North 06 degrees 28 minutes 54 seconds East 161.40 feet to a new 1/2 inch iron pipe; North 43 degrees 12 minutes 15 seconds West 51.06 feet to a new 1/2 inch iron pipe; North 59 degrees 27 minutes 18 seconds East 51.72 feet to a new 1/2 inch iron pipe; North 06 degrees 28 minutes 54 seconds East 49.08 feet to a new 1/2 inch iron pipe; North 82 degrees 59 minutes 09 seconds East 72.80 feet to a P.K. Nail set in a rock; North 21 degrees 17 minutes 12 seconds East 49.91 feet to the POINT OF BEGINNING containing 2.736 acres by coordinates..

For the purpose of protecting public health and the environment, Caldwell County hereby declares that all of the real property described above shall be held, sold and conveyed subject to the following perpetual land use restrictions, which shall run with the land; shall be binding on all parties having any right, title or interest in the above-described property or any part thereof, their heirs, successors and assigns; and shall, as provided in NCGS § 143B-279.9, be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. These restrictions shall continue in perpetuity and cannot be amended or canceled unless and until the Caldwell County Register of Deeds receives and records the written concurrence of the Secretary of DENR (or its successor in function), or his/her delegate.

PERPETUAL LAND USE RESTRICTIONS

1. Any use of groundwater located at or under the property is prohibited. This includes the use of groundwater for drinking, bathing, irrigation, watering livestock, or for any other purpose which would cause groundwater to come into contact, either directly or indirectly, with people.

340

2. No water supply well may be installed or maintained on the property. The drilling of new water supply wells is prohibited, except upon written permission of DENR (or its successor in function). Any and all existing water supply wells must be abandoned, and must be abandoned in compliance with all applicable State regulations.

3. The property is restricted to industrial use only.

4. The owner shall submit a letter report containing the notarized signature of the owner, annually on or before the anniversary date of the recordation of this Declaration, to DENR, or its successor in function, confirming that this Declaration is still recorded in the Office of the Caldwell County Register of Deeds and that activities and conditions at the property remain in compliance with the land use restrictions herein.

ENFORCEMENT

The above land use restrictions shall be enforced by any owner, operator, or other party responsible for the property. The above land use restrictions may also be enforced by DENR through the remedies provided by any provision of law that is implemented or enforced by DENR (or its successor in function) or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the property. Any attempt to cancel this Declaration without the approval of DENR or its successor in function shall constitute noncompliance with the remedial action plan approved by DENR for the property, and shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

NOTICE OF CONTAMINATED SITE

In compliance with NCGS § 143B-279.10, Caldwell County has filed with the Caldwell County Register of Deeds, a Notice of Contaminated Site, approved by DENR. The Notice of Contaminated Site is recorded in Book 1302, Page 1501. When any portion of the property is sold, leased, conveyed or transferred, the deed or other instrument of transfer shall contain a reference to this Declaration, and, in accordance with the requirements of NCGS § 143B-279.10, a reference by book and page to the Notice of Contaminated Site.

341

OWNER SIGNATURE

IN WITNESS WHEREOF, I execute these presents on this 21 day of June, 2004.

CALDWELL COUNTY, NORTH CAROLINA



By: Herbert Greene

Signature name typed or printed: Herbert Greene

Title: Chair, Board of Commissioners

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

I, Kathy T. Myers, a Notary Public, do hereby certify that Herbert Greene personally appeared before me this day and acknowledged that he is chair of the Caldwell County Board of Commissioners, and that by the authority duly given, and as the act of Caldwell County, signed this Declaration.

WITNESS my hand and official seal this 21 day of June, 2004.



My Commission Expires: 9-7-07

Kathy T. Myers
Notary Public

North Carolina
Caldwell County

THE CERTIFICATE OF:
Kathy T. Myers a N/P
IS CERTIFIED TO BE CORRECT.

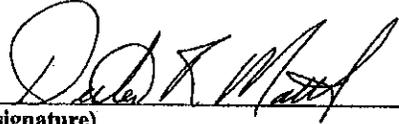
Wayne L. Rash,
REGISTER OF DEEDS
BY: Julie Wilson

342

APPROVAL AND CERTIFICATION OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The foregoing Declaration of Perpetual Land Use Restrictions is hereby approved and certified.

North Carolina Department of Environment and Natural Resources

By: 
(signature)

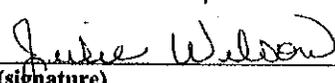
Dexter R. Matthews
(printed name)

Title: Director

REGISTER OF DEEDS CERTIFICATION

The foregoing Declaration of Perpetual Land Use Restrictions is certified to be duly recorded at the date and time, and the Book and Page, shown on the first page hereof.

Wayne L. Raab
Register of Deeds of Caldwell County

By: 
(signature)

(type or print name and title)