



sent 7/5/18  
ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

MICHAEL SCOTT  
Director

July 5, 2018

Attn.: Ms. Diane B. Davis, Registered Agent  
J. M. Davis Industries, Inc.  
201 Arendell Street  
Morehead City, NC 28557

Re: Notice of No Further Action  
15A NCAC 2L .0407(d)  
Risk-based Assessment and Corrective Action  
for Petroleum Underground Storage Tanks

Former Harkers Island Tackle Shop  
989 Island Drive  
Harkers Island, Carteret County  
Incident Number: 43090  
Risk Classification: Low  
Ranking: L57R

Dear Ms. Davis:

The Limited Site Assessment Report received by the UST Section, Division of Waste Management, Regional Office on April 25, 2018 has been reviewed. The review indicates that groundwater contamination meets the cleanup requirements for a low-risk site but exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202.

The UST Section determines that no further action is warranted for this incident. All required actions have been completed. On May 30, 2018, the UST Section received a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds. On June 27, 2018, the UST Section was provided with proof of receipt of the conditional Notice of No Further Action letter or of refusal by the addressee to accept delivery of the letter or with a description of the manner in which the letter was posted.

This determination shall apply unless the UST Section later finds that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment. Pursuant to Title 15A NCAC 2L .0407(a) you have a continuing obligation to notify the Department of Environmental Quality of any changes that might affect the risk or land use classifications that have been assigned.

Be advised that as groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where groundwater contamination is expected to migrate is not suitable for use as a water supply.

Interested parties may examine the Limited Site Assessment Report by contacting this regional office and may submit comments on the site to the regional office at the address or telephone number listed below.

This No Further Action determination applies only to the subject incident; for any other incidents at the subject site, the responsible party must continue to address contamination as required.

If you have any questions regarding this notice, please contact Bruce Reed or myself at the address or telephone number listed below.

Sincerely,



Wayne Randolph  
Regional Supervisor  
Wilmington Regional Office  
UST Section, Division of Waste Management, NCDEQ

Attachment: Notice of Residual Petroleum

cc: Tollan Wade  
David Jenkins, Carteret County Health Department  
Henry Nemargut Engineering Services, electronic copy only

Wilmington Regional Office | 127 Cardinal Drive Extension | Wilmington, NC 28405 | (910) 796-7215



FILE # 1609356

FOR REGISTRATION REGISTER OF DEEDS  
Karen S. Hardesty  
Carteret County, NC  
May 30, 2018 12:27:36 PM  
BWC NOTICE 3 P  
FEE \$26.00  
FILE # 1609356

✓ Henry Nemargut

**NOTICE OF RESIDUAL PETROLEUM**

Former Harkers Island Tackle Shop 989 Island Drive Harkers Island, NC Incident #43090

Current Property Owners Deed Book # 1587 Page # 207

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall herein after be referred to as "DENR".

NOTICE

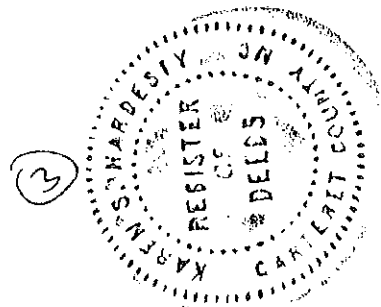
Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Carteret County Register of Deeds' office Book \_\_\_\_\_, Page \_\_\_\_\_.

Tollan I. Wade is the owner in fee simple of all or a portion of the Site, which is located in the County of Carteret, State of North Carolina, and is known and legally described as:

*On Harkers Island: BEGINNING at a set iron pipe that is 36.25' N46°59'10"E of a point at the intersection of S.R. 1336 and 1335; thence 82.26' N13°30'00"E to a set iron pipe; thence 108.08' S75°02'56"E to an existing iron pipe; thence 82.40' S15°28'08"W, to an existing iron pipe, thence 32.85' N72°14'03"W to a set iron pipe; thence 82.46' N76°03'18"W to the point of beginning.*

*The property hereinabove described was transferred in the following instruments recorded in Carteret County: Book 1264, Page 115; Book 870, Page 668; Book 868, Page 432; Book 435, Page 12.*

For protection of public health and the environment, the following land use restrictions required by N.C.G.S. Section 143B-279.9(b) shall apply to all of the above described real property. These restrictions shall continue in effect as long as residual petroleum remains on the site in excess of unrestricted use standards and cannot be amended or cancelled unless and until the Carteret County Register of Deeds receives and records the written concurrence of the Secretary (or his/her delegate) of DEQ (or its successor in function).



**NORTH CAROLINA, CARTERET COUNTY**  
Karen S. Hardesty, Register of Deeds of above said  
County and State, does hereby certify that the foregoing is  
a true and exact copy as taken from and compared with  
the records of this office, in Book 1609, Page 256.  
Witness my hand and official seal, this 30 day  
of May, 2018.

Karen S. Hardesty  
Register of Deeds

By Barbara Chas  
Assistant, Deputy

**PERPETUAL LAND USE RESTRICTIONS**  
*[Restrictions apply to activities on, over, or under the land.]*

Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.

**ENFORCEMENT**

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above Land Use restriction(s) may also be enforced by DENR through any of the remedies provided by law or means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) 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 restriction(s) 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.

IN WITNESS WHEREOF, J.M. Davis Industries, Inc. has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 17 day of May, 2018.

By: [Signature]  
(signature of responsible party, attorney or other agent if there is one)

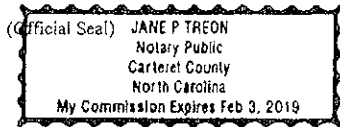
(Title of agent for responsible party if there is one)

Signatory's name typed or printed: James M. Davis III

STATE OF North Carolina  
~~GEORGIA~~  
Carteret COUNTY  
(Name of county in which notice was executed)

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: James M. Davis III

Date: 5/17/18



[Signature]  
(signature of Notary Public)


Jane P. Treon  
(printed or typed name of Notary Public)

Notary Public

My commission expires 2/3, 2019.



Approved for the purposes of N.C.G.S. 143B-279.11.

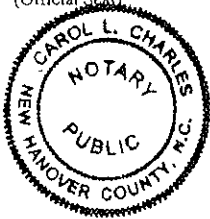
  
 \_\_\_\_\_  
 Wayne Randolph, Regional Supervisor  
 Wilmington Regional Office  
 UST Section  
 Division of Waste Management  
 Department of Environmental Quality

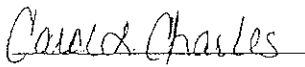
NORTH CAROLINA  
NEW HANOVER COUNTY  
 (Name of county in which acknowledgment was taken)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: WAYNE RANDOLPH (full printed name of Regional Supervisor)

Date: May 29, 2018

(Official Seal)



  
 \_\_\_\_\_  
 (signature of Notary Public)  
CAROL L. CHARLES  
 \_\_\_\_\_  
 (printed or typed name of Notary Public)

Notary Public

My commission expires Jan. 31, 2023



