

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

MICHAEL SCOTT
Director



NORTH CAROLINA
Environmental Quality

April 10, 2024

Mr. Joey Kapherr
175 North B Harrison Lane
Henderson, NC 27537

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

Joey Kapherr Property UST
801 Lake Road, Creedmoor
Granville County
Incident Number: 49466
Risk Classification: Low
Ranking: 75D

Dear Mr. Kapherr:

Information received by the UST Section, Division of Waste Management, Raleigh Regional Office on April 10, 2024, and the Notice of Residual Petroleum (NRP) received on April 10, 2024, have been reviewed. The review indicates that soil and groundwater contamination meet the cleanup requirements for a low-risk noncommercial site under Title 15A NCAC 2L .0202 and .0400, but contamination exceeds the limits allowed for unrestricted closure of a site.

The UST Section determines the subject incident to be eligible conditionally for no further action status. However, final approval of no further action status is contingent on the filing of the approved NRP with the Register of Deeds in the county in which the release is located, verified by the receipt of a certified copy of the filed NRP by this office; and on receipt of confirmation that public notice requirements have been completed, as described in the following paragraphs.

Be advised that, as contamination may exceed the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area where contamination is present or is expected to migrate is not suitable for use as a water supply. Be advised that as soil contamination may exceed the residential MSCCs, the property containing the soil contamination is suitable only for restricted residential use ("residential" being inclusive of, but not limited to, private houses, apartment complexes, schools, nursing homes, parks, recreation areas and day care centers), as stipulated in the Notice of Residual Petroleum.

As groundwater contamination may exceed the groundwater quality standards established in Title 15A NCAC 2L .0202, and soil contamination may exceed the residential MSCCs, pursuant to NCGS 143B-279.9 and 143B-279.11, you must file the approved Notice of Residual Petroleum with the Register of Deeds in the county in which the release is located and submit a certified copy to the UST Section within 30 days of receipt of this letter.



North Carolina Department of Environmental Quality | Division of Waste Management
Raleigh Regional Office | 1628 Mail Service Center | Raleigh, NC 27699-1628 | (919) 791-4200

As groundwater contamination may exceed the groundwater quality standards established in Title 15A NCAC 2L .0202, and soil contamination may exceed the lower of the residential or soil-to-groundwater MSCCs, public notice in accordance with 15A NCAC 2L .0409(b) also is required. Thus, within 30 days of receipt of this letter, a copy of the letter must be provided by certified mail, or by posting in a prominent place, if certified mail is impractical, to the local health director, the chief administrative officer of each political jurisdiction in which the contamination occurs, all property owners and occupants within or contiguous to the area containing contamination, and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. Within 60 days of receiving this letter, this office must be provided with proof of receipt of the copy of the letter or of refusal by the addressee to accept delivery of the copy of the letter or with a description of the manner in which the letter was posted. Interested parties may examine the incident file by contacting Sean K. Patrick at (919) 791-4223 and may submit comments on the site to the regional office at the address or telephone number listed below.

This conditional No Further Action determination will not become valid until the UST Section receives a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds and until public notice requirements are completed.

Sincerely,



Mark R. Powers
Regional Supervisor
Raleigh Regional Office
UST Section, Division of Waste Management, NCDEQ

cc: Granville County Health Department
Cedar Rock Environmental, P.C.- 107 Pioneer Trail, Graham, NC 27253

