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west virginia department of environmental protection

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Division of Land Restoration  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
(304) 926-0455  
(304) 926-0457

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
www.dep.wv.gov

February 7, 2011

Hand-Delivered to LRS

Mr. John Meeks, PG, LRS  
Triad Engineering, Inc  
4980 Teays Valley Road  
Scott Depot, WV 25560

RE: Land Use Covenant for Strait's Cleaners & Coin Laundry/Baby Phases  
3719 MacCorkle Ave, SE, Charleston, Kanawha County, VRP # 09131

Dear Mr. Meeks:

Enclosed please find the signed and notarized Land Use Covenant for the subject parcel. The Certificate of Completion issued for the subject site and dated February 2, 2011, will become effective once the Land Use Covenant is recorded.

Please make arrangements to have the land use covenant properly recorded with the Kanawha County Clerk, and request the Clerk to return a copy of the recorded instrument to my attention:

Mr. Ken Ellison, Director  
WVDEP, Division of Land Restoration  
601 57<sup>th</sup> Street  
Charleston, WV 25304

Thank you for your attention to this matter, and please feel free to contact Assistant Director Don Martin (304-926-0499, ext. 1275) or me if you have any questions.

Sincerely,

Ken Ellison  
Director

Enclosure

C: Daniel L. Strait & Linda Strait, Applicant  
Dave Long, Project Manager  
Patty Hickman  
Don Martin  
File #09131

## LAND USE COVENANT

This is an environmental covenant executed pursuant to the Voluntary Remediation and Redevelopment Act, West Virginia Code Chapter 22, Article 22, and the Uniform Environmental Covenants Act, West Virginia Code Chapter 22, Article 22B, to restrict the activities on, and uses of, the following described property:

*The property, as noted on the attached Exhibit A, is located at 3719 MacCorkle Avenue, SE, Charleston, Kanawha County, West Virginia is located at 38° 19' 38.87" N and 81° 35' 39.65" W, and is found on District 13, Tax Map 18, Parcel 105. The property deed is recorded at the Office of the Clerk of the County Commission of Kanawha County in Deed Book 2143, Page 333.*

Activities on and uses of the above describe property that may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant are prohibited. Those activities and uses include, but are not limited to:

- 1. Uses of the property for any purpose other than nonresidential use as defined by the Voluntary Remediation Act (West Virginia Code §22-22-2, et seq).*
- 2. The extraction of groundwater for any use except groundwater monitoring and/or remediation.*

The current owners of record of the property, and their contact information, are:

*Daniel L. and Linda Strait  
207 Sheridan Circle  
Charleston, WV 25314*

Any person, including a person that owns an interest in the real property, the state or federal agency determining or approving the environmental response project pursuant to which an environmental covenant is created, or a municipality or other unit of local government may be a holder of an environmental covenant. The following are all of the holders of this covenant:

*Daniel L. and Linda Strait  
207 Sheridan Circle  
Charleston, WV 25314*

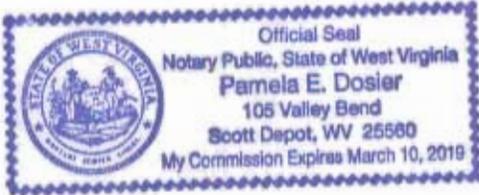
The facts regarding the remediation response project at this property are:

*As a result of previous dry cleaning operations, the dry cleaning fluid perchloroethene (sometimes referred to as perc or PCE) leaked or spilled at the property. Perchloroethene was found in soil below the floor slab and in groundwater beneath the property. Approximately 2 cubic yards of soil impacted by perchloroethene was removed from below the floor slab. Assuming that activities and use of the property are limited to nonresidential use as defined the Voluntary Remediation Act (West Virginia Code §22-22-2, et seq), and assuming that extraction of groundwater for any use except groundwater monitoring is prohibited, a risk assessment determined that the property meets the human health site specific risk based standard for both soil and groundwater. Non-residential exposure assumptions were used to comply with the site-specific remediation standard.*

The owner(s) of the property shall provide written notice to the Secretary of the Department of Environmental Protection within 10 days following transfer of a specified interest in the property subject to



Given under my hand this the 1st day of February, 2011.  
My commission expires March 10, 2019.



Pamela E Dosier  
Notary Public

Ken Ellison, Director  
Secretary, WV Department of Environmental Protection

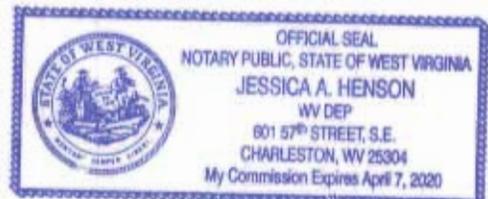
2/7/11  
Date

I, Jessica A. Henson, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Ken Ellison, whose name is signed to the writing above as the representative of the agency, has this day executed this document in my presence or this day acknowledged same to be the true act and deed of said holder.

Given under my hand this the 7th day of February, 2011.  
My commission expires April 7, 2020.

Jessica Henson  
Notary Public

The Clerk will return the recorded document to:  
Mr. Ken Ellison, Director  
WVDEP, DLR  
601 57<sup>th</sup> Street  
Charleston, West Virginia 25304



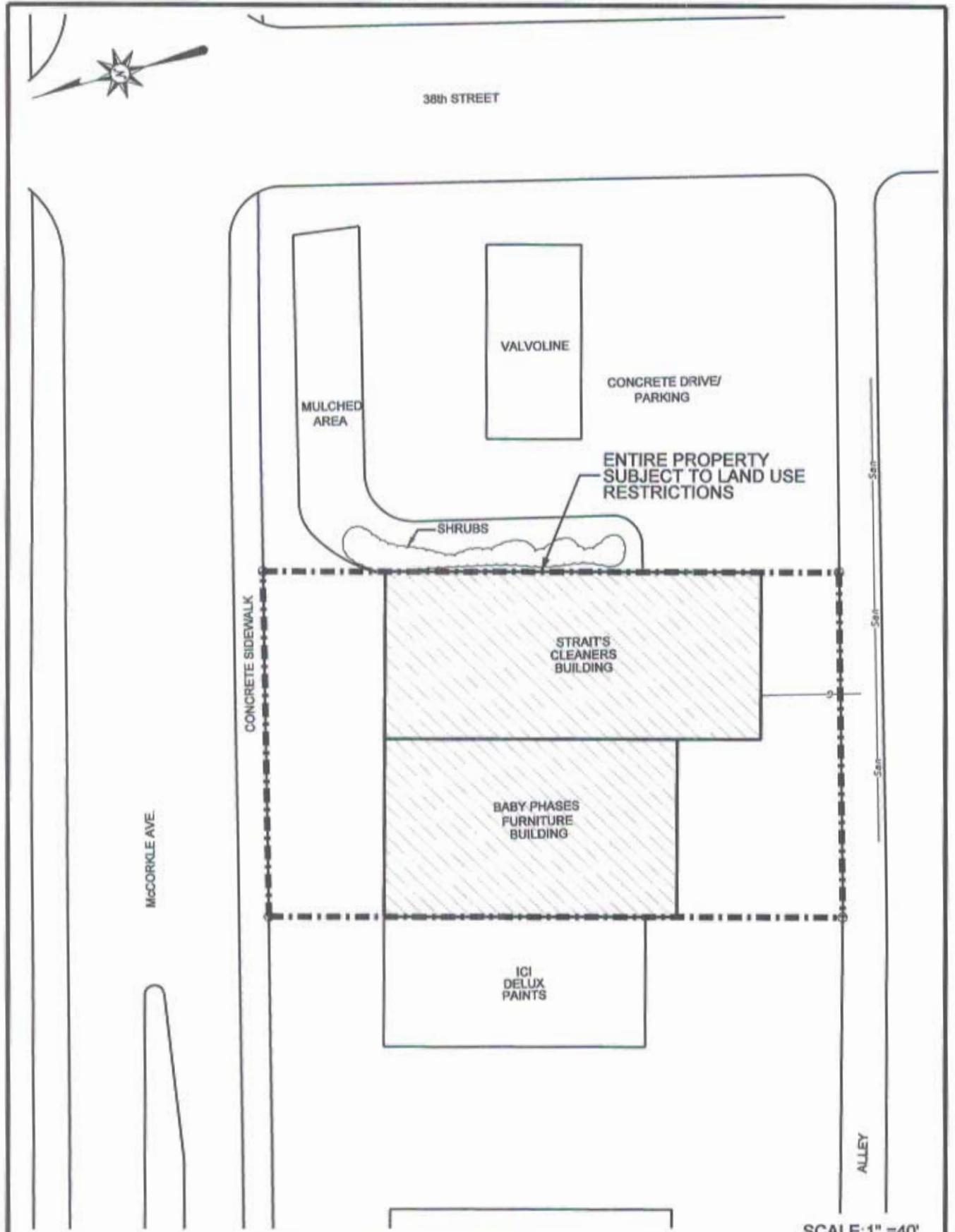


EXHIBIT A  
SITE PLAN

SCALE: 1" = 40'

FIGURE NO.

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