

IHSB INSTRUCTIONS FOR PREPARING A NOTICE PLAT FOR RECORDATION

The following is a list of instructions to assist in the preparation and recordation of a survey plat that serves as a notice of contamination or restricted use, and institutional control (Notice Plat). Plat nomenclature has been updated according to Session Law 2021-158 (SB 389) effective 9/16/21.

Notice Plat Nomenclature

Notice Plat Title to Identify Contaminated Properties	Notice Plat Title associated with Remedial Action Plans
Notice of Environmental Contamination	Notice of Restricted Use OR Notice of Residual Contamination

1. The Notice Plat of the subject property must be prepared and certified by a professional land surveyor registered in North Carolina. Every plat should be based on a new or existing survey of the entire property unless the property is extremely large or otherwise problematic to resurvey. The modification of an existing survey prepared by another surveyor is allowed if approved by the appropriate remediation program.
2. The Notice Plat must meet the requirements of N.C.G.S. 47-30 for maps and plats (some, but not all are specified below) and any requirements of the Register of Deeds in the county where the site is located. The plat may be submitted in the form of black line on white paper instead of transparent and archival and include:
 - A. A title block located at one of the plat perimeters with the appropriate title from the above table. **The statute reference is not needed on the Plat.** The title block should also include the following:
 - i. the name of the site and its DEQ identification number (precede with the phrase "A portion of the Site:" if the property is but one part of the overall contaminated site).
 - ii. the names of the current owner(s) exactly as they appear on the existing property deed.
 - iii. the property township, county and state, the date(s) of the survey, a scale, and name and address of surveyor or firm preparing the plat.
 - B. property lines with bearings and distances, a north arrow (specifying whether true or magnetic), datum used (NAD 83 or NAD 27) or references to previously recorded deed or plat bearings (if based on magnetic north or referenced to previously recorded deed or plat bearings, must include the date and source the index was originally determined).

C. a vicinity map.

D. a notes section including the following information:

- i. a list of regulated contaminants known to be present in each environmental medium (soil, groundwater, surface water, and sediment).
- ii. the quantity of each contaminant disposed on the property (if known).
- iii. the following language: "The contaminant information identified on this Notice Plat is based on the best available information at the time of filing."
- iv. for all sites performing remedial actions under the Inactive Hazardous Sites Branch, the following language: "This Notice supersedes any previous Notice recorded for this parcel pursuant to N.C.G.S. 130A-310.8."
- v. the following instructional language (shown in the box below):

When this property or any part of it is sold, leased, conveyed or transferred, North Carolina law requires that the following language be placed in the description section of the deed or other instrument of transfer in no smaller type than that used in the body of the deed:

This property has been used as a hazardous substance or waste disposal site. A Notice Plat is recorded at the <fill in> County Register of Deed's office in Map Book <fill in>, Page <fill in>.

- vi. if the Notice Plat is being recorded in conjunction with the recordation of a Land Use Restrictions document, the following language: "A Land Use Restrictions document entitled "**<enter the appropriate title, e.g., Declaration of Perpetual Land-Use Restrictions>**", limiting the uses of this property, is being recorded concurrently with this Notice Plat."

Or

- vii. If no Land Use Restriction document is being recorded concurrently with the Notice Plat, the property's groundwater is currently contaminated above 15A NCAC .02L standards, and the Department allows reliance on other State or local land-use controls, the notes section should include the following:
 - a. the language shown in the box below:

Pursuant to 15A North Carolina Administrative Code 02C .0107 (b)(1), the source of water for any water supply well shall not be from a water bearing zone or aquifer that is contaminated. Therefore, state law prohibits construction of a water supply well on this property after groundwater contamination is known to exist on the property. After the date of recordation of this Notice, pre-existing wells should not be used without contaminant testing and appropriate treatment. Further, pursuant to North Carolina General Statute 87-88(c) and 15A North Carolina Administrative Code 02C .0112(a), no well may be constructed or maintained in a manner whereby it could be a source or channel of contamination of the groundwater supply or any aquifer.

- b. reference to any local ordinances relating to groundwater use (water line connection requirements, well-installation prohibitions or groundwater-use restrictions, for example).

Or

- viii. in cases where a Notice of Residual Petroleum is already recorded on the deed and the restrictions specified therein are not in conflict with the intended property use, the notes section should include the language shown in the box below:

The land-use restrictions specified in the Notice of Residual Petroleum, previously recorded pursuant to N.C. Gen. Stat. § 143B-279.9(b) and N.C. Gen. Stat. § 143B-279.11(g) in the _____ County Register of Deeds, Book _____, Page _____ on <date>, remain in full force and effect, and are incorporated herein.

Or

- ix. in cases where a Notice Plat is needed on a nearby, non-source property because (1) the property could become contaminated above 15A NCAC .02L standards if a water supply well(s) is/are installed on the property in the future, (2) the owner agrees to alternate cleanup levels at the source property, and (3) the Department allows reliance on other State or local land-use controls, the notes section should include the following:
- a. vii(a) above;
 - b. vii(b) above; and
 - c. A statement that the property is currently not affected by the identified source-property contamination, but based on the information collected to date, a threat of contamination may exist. if a water supply well(s) is/are installed on the property.
- E. with respect to a surveyed corner of the affected property, the location and dimensions of areas of the property where hazardous substances are known to have been disposed (only areas with distinct boundaries such as landfills, trenches, and open impoundments or pits; not spills or indistinct releases).
- F. with respect to a surveyed corner of the affected property, the location of on-site wells (potable, production, monitoring and any other type) where hazardous substances have been detected in groundwater, unless each hazardous substance detected has an associated 15A NCAC 2L groundwater standard and the concentration is below such standard.
- G. the surveyor's certification and seal (using a permanent ink stamp) which includes, but is not limited to, specification of the source of information for the plat, the ratio of precision, and the type of survey pursuant to GS 47-30 (f)(11).

H. the following language positioned in the upper left corner of the plat:

Approved for the purposes of <fill in the appropriate statutory reference from the table>.

<Enter the appropriate representative, e.g., Jim Bateson, LG
Chief, Superfund Section
Division of Waste Management>

**NORTH CAROLINA
WAKE COUNTY**

I, _____, a Notary Public of said County and State,
do hereby certify that _____ did personally
appear and sign before me this the _____ day of _____, _____.

Notary Public (signature)

My commission expires _____, _____. (official seal)

I. owner acknowledgement consisting of the printed name(s), title(s) and properly notarized [using a permanent ink stamp] signature(s) [signature(s) made in indelible ink] of individual(s) with authority to legally bind the property owner(s), with the following language:

This certifies that the undersigned is (are) the owner(s) of the property shown on this map.

<Owner or Owner's Representative signature>

Owner or Owner's Representative Name>

Owner or Owner's Representative Title and Organization>

**<STATE>
<COUNTY>**

I, _____, a Notary Public of said County and State,
do hereby certify that _____ did personally
appear and sign before me this the _____ day of _____, _____.

Notary Public (signature)

My commission expires _____, _____. (official seal)

3. The draft Notice Plat must be delivered directly to your Division contact for review. After receiving approval from your Division contact, the final Notice Plat must be delivered to your Division contact at one of the addresses below (Do Not Fold Document):

Via Overnight Courier or Hand Delivery

NC Division of Waste Management <or other address, as appropriate>
DEQ Office Building
217 W. Jones Street
Raleigh, NC 27699

Or

Via US Mail

NC Division of Waste Management <or other address, as appropriate>
<enter relevant DWM Section>
1646 Mail Service Center
Raleigh, NC 27699-1646

4. After the Department approves and certifies the Notice Plat, you must, within fifteen (15) days of receiving said approval:
 - A. file a certified copy of the Notice Plat in the site's county Register of Deeds' office.
 - B. send to the State contact person, (1) an electronic version of the Notice Plat affixed with the seal of the Register of Deeds and reflecting the book and page number where recorded, and (2) an electronic copy of the page in the grantor index where the Notice Plat is referenced.

Important: If the Notice Plat is being recorded concurrently with a Declaration of Perpetual Land Use Restrictions document, these documents must be recorded as follows: The Notice Plat must be recorded first and assigned book and page numbers. The book and page numbers where the Notice Plat is recorded must be hand-written in the designated blanks on the DPLUR document prior to the DPLUR document being recorded.