

Risk-Based Remediation
Pursuant to Part 8 of Article 9 of Chapter 130A of the General Statutes

Property Owner Consent

A form(s) following these instructions should be used by the remediating party to document consent of owners of “source site” property, and currently and/or potentially contaminated “off-site property,” as defined in G.S. 130A-310.65, to allow remediation to site-specific remediation standards on their property.

Use one of the following forms depending on (1) whether existing NC DEQ-approved land-use restrictions are already recorded on the property and (2) the type of property ownership: individual or corporate.

1. Individual Property Owner Consent to Risk-Based Remediation
2. Corporate Property Owner Consent to Risk-Based Remediation
3. Individual Property Owner Consent to Risk-Based Remediation on Property with Existing NC DEQ-Approved Land-Use Restrictions
4. Corporate Property Owner Consent to Risk-Based Remediation on Property with Existing NC DEQ-Approved Land-Use Restrictions

Property owners should be informed about potential future restrictions on the use of their property. As a condition of recordation, the property owner must agree to the actual content of all final land-use control instruments. Recordation of these instruments cannot occur without final approval by the property owner.

The owners of “off-site property” must be provided a copy of N.C.G.S. 130A, Article 9, Part 8 “Risk-based Environmental Remediation of Sites” and NC DEQ’s publication entitled “Contaminated Property: Issues and Liability.” Owners consenting to site-specific remediation standards will sign the attached consent form affirming that they have read the publication and agree to the use of site-specific remediation standards with an institutional control(s). Note that off-site property also includes any affected publicly owned property, including rights-of-way for public streets, roads and sidewalks.

**Individual Property Owner Consent to Risk-Based Remediation
Pursuant to Part 8 of Article 9 of Chapter 130A of the General Statutes**

I, _____, as Owner of the property identified by Parcel/Tax ID # _____,
located at _____, _____, _____, North Carolina, affirm the following:

Street City County

1. That I am authorized to provide the consent requested herein;
2. If applicable, that I have been provided a copy of (1) Part 8 of Article 9 of Chapter 130A of the North Carolina General Statutes and (2) a document entitled "Contaminated Property: Issues and Liability" prepared by the N.C. Department of Environmental Quality in consultation with the N.C. Real Estate Commission and the N.C. Department of Justice's Consumer Protection Division, and have read said documents;
3. That I hereby consent to remediation of the above-identified property to site-specific remediation standards pursuant to Part 8 of Article 9 of Chapter 130A of the North Carolina General Statutes provided that the site-specific remediation standards shall not allow concentrations of contaminants on the above-identified property to increase above the levels present on the date of this written consent;
4. I understand that land-use controls, in the form of a legal land-use restriction document and/or a survey plat recorded in the chain of title on the above-identified property, will be used in lieu of remediation to unrestricted use standards; and
5. I understand that the recordation of the final content and actual language of any land-use restriction and/or survey plat on the above-identified property is conditioned upon my agreement with the content and language of those documents.

IN WITNESS WHEREOF, I execute these presents on this ____ day of _____, 20__.

Owner's name typed or printed: _____

Signatory's name typed or printed: _____

Signatory's title typed or printed: _____

Signature: _____

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public, do hereby certify that _____ personally appeared before me this day, produced proper identification in the form of _____, and signed this Property Owner Consent to Risk-Based Remediation.

WITNESS my hand and official seal this ____ day of _____, 20____.

Notary Public

My Commission expires:

[SEAL]

Corporate Property Owner Consent to Risk-Based Remediation
Pursuant to Part 8 of Article 9 of Chapter 130A of the General Statutes

I, _____, as Representative of _____ (corporation)
which owns of the property identified by Parcel/Tax ID # _____, located at
_____, _____, _____, North Carolina, affirm the following:

1. That I am authorized to provide the consent requested herein;
2. If applicable, that I have been provided a copy of (1) Part 8 of Article 9 of Chapter 130A of the North Carolina General Statutes and (2) a document entitled "Contaminated Property: Issues and Liability" prepared by the N.C. Department of Environmental Quality in consultation with the N.C. Real Estate Commission and the N.C. Department of Justice's Consumer Protection Division, and have read said documents;
3. That I hereby consent to remediation of the above-identified property to site-specific remediation standards pursuant to Part 8 of Article 9 of Chapter 130A of the North Carolina General Statutes provided that the site-specific remediation standards shall not allow concentrations of contaminants on the above-identified property to increase above the levels present on the date of this written consent;
4. I understand that land-use controls, in the form of a legal land-use restriction document and/or a survey plat recorded in the chain of title on the above-identified property, will be used in lieu of remediation to unrestricted use standards; and
5. I understand that the recordation of the final content and actual language of any land-use restriction and/or survey plat on the above-identified property is conditioned upon my agreement with the content and language of those documents.

IN WITNESS WHEREOF, I execute these presents on this ____ day of _____, 20__.

Owner's name typed or printed: _____

Signatory's name typed or printed: _____

Signatory's title typed or printed: _____

Signature: _____

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public, do hereby certify that
_____ personally appeared before me this day, produced
proper identification in the form of _____, and signed this Property Owner Consent
to Risk-Based Remediation.

WITNESS my hand and official seal this ____ day of _____, 20__.

Notary Public

My Commission expires: _____

[SEAL]

**Individual Property Owner Consent to Risk-Based Remediation
on Property with Existing NC DEQ-Approved Land-Use Restrictions
Pursuant to Part 8 of Article 9 of Chapter 130A of the General Statutes**

I, _____, as Owner of the property identified by Parcel/Tax ID # _____,
located at _____, _____, _____, North Carolina, affirm the following:

Street City County

1. That I am authorized to provide the consent requested herein;
2. If applicable, that I have been provided a copy of (1) Part 8 of Article 9 of Chapter 130A of the North Carolina General Statutes and (2) a document entitled "Contaminated Property: Issues and Liability" prepared by the N.C. Department of Environmental Quality in consultation with the N.C. Real Estate Commission and the N.C. Department of Justice's Consumer Protection Division, and have read said documents;
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4. I understand that land-use controls, in the form of a legal land-use restriction document and/or a survey plat recorded in the chain of title on the above-identified property, will be used in lieu of remediation to unrestricted use standards; and
5. I understand that the existing land-use controls approved by the N.C. Department of Environmental Quality and recorded in the chain of title on the above-identified property will be relied upon provided that they are sufficient to address all unacceptable risk posed by the site.

IN WITNESS WHEREOF, I execute these presents on this ____ day of _____, 20____.

Owner's name typed or printed: _____

Signatory's name typed or printed: _____

Signatory's title typed or printed: _____

Signature: _____

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public, do hereby certify that _____ personally appeared before me this day, produced proper identification in the form of _____, and signed this Property Owner Consent to Risk-Based Remediation.

WITNESS my hand and official seal this ____ day of _____, 20____.

Notary Public

My Commission expires: _____

[SEAL]

**Corporate Property Owner Consent to Risk-Based Remediation
on Property with Existing NC DEQ-Approved Land-Use Restrictions
Pursuant to Part 8 of Article 9 of Chapter 130A of the General Statutes**

I, _____, as Representative of _____ (corporation)
which owns of the property identified by Parcel/Tax ID # _____, located at
_____, _____, _____, North Carolina, affirm the following:
Street City County

1. That I am authorized to provide the consent requested herein;
2. If applicable, that I have been provided a copy of (1) Part 8 of Article 9 of Chapter 130A of the North Carolina General Statutes and (2) a document entitled "Contaminated Property: Issues and Liability" prepared by the N.C. Department of Environmental Quality in consultation with the N.C. Real Estate Commission and the N.C. Department of Justice's Consumer Protection Division, and have read said documents;
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Signatory's name typed or printed: _____

Signatory's title typed or printed: _____

Signature: _____

STATE OF NORTH CAROLINA

COUNTY OF _____

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_____ personally appeared before me this day, produced
proper identification in the form of _____, and signed this Property Owner Consent
to Risk-Based Remediation.

WITNESS my hand and official seal this ____ day of _____, 20__.

Notary Public

My Commission expires: _____

[SEAL]