Brownfields Project #: 07028-03-60
Brownfields Property: Charlotte Tank Trucks, 220 Border Drive
Property Owner (In whole or part): W. R. Deal Holdings, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for commercial purposes, i.e., enterprises carried on for profit by the owner, lessee or licensee, as limited by the other land use restrictions below, and including, for example, storage, warehousing, distribution (including propane distribution), wholesale and convenience stores, retail stores, defined as stores that sell goods, products or merchandise directly to the consumer, and industrial use, defined as a use that involves the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create smoke, fumes, odors, glare, or health or safety hazards outside of the building or property where such assembly, fabrication or processing takes place.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 2: Surface water and underground water at the Brownfields Property may not be used for any purpose without the prior written approval of the Department of Environment and Natural Resources ("DENR").

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 3: No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools, or construction or excavation activities that encounter or expose groundwater) may occur on the Brownfields Property without prior sampling and analysis of groundwater to the written satisfaction of DENR in any areas proposed for such activities, and submittal of the analytical results to DENR. If such results disclose to DENR contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the prior written approval of DENR on such conditions as DENR imposes, including at a minimum compliance with plans and procedures, approved pursuant to

applicable law, to protect public health and the environment during the proposed activities.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 4: No building constructed on the Brownfields Property may be used or occupied unless and until it is mechanically ventilated. Within thirty (30) days after installation of a mechanical ventilation system in a particular building, a professional engineer registered in North Carolina shall certify to DENR under seal that the system was installed as designed and that it complies with the Mechanical Ventilation section of the Ventilation chapter of the North Carolina State Building Code.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 5: No building may be constructed on the Brownfields Property until DENR has been consulted in writing regarding the proximity of the planned building to the Brownfields Property's volatile contaminant plume. Thereafter DENR shall determine in writing whether the footprint of the building would fall within one hundred (100) feet of said plume, in which case the building may not be constructed without a vapor barrier system and/or mechanical or passive vapor barrier mitigation system, at DENR's discretion, installed in accordance with a plan approved in writing in advance by DENR. Unperforated sheeting at least six (6) mils thick, a spray membrane liner system consisting of a material resistant to the contaminants listed in the groundwater contaminant table at (2) above, or another vapor barrier system may be proposed. No vapor barrier shall be approved that is not to be installed under the entire slab-on-grade foundation of the building, and sealed around any vertical pilings and other support structures underneath the slab, overlapped, and taped, glued or otherwise stabilized, so as to minimize air migration pathways. Within thirty (30) days after installation of the vapor barrier system and/or vapor mitigation system, a professional engineer registered in North Carolina shall provide DENR certification under seal of proper installation, as well as photographs illustrating the installation and a brief narrative describing it.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 6: No mining may be conducted on or under the Brownfields Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 7: No basements may be constructed on the Brownfields Property unless they are, as determined in writing by DENR, vented in conformance with applicable building codes.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 8: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in the groundwater contaminant table (2) in the Notice of Brownfields Property, may be used or stored at the Brownfields Property without the prior written approval of DENR, except in de minimis amounts for cleaning and other routine housekeeping activities.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 9: The Brownfields Property may not be used as a park or for sports of any kind, including, but not limited to, golf, football, soccer and baseball, without the

prior written approval of DENR.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 10: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 11: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 12: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 13: No party conducting environmental assessment or remediation at the Brownfields Property at the direction of, or pursuant to a permit or order issued by, DENR may be denied access to the Brownfields Property for purposes of conducting

such assessment or remediation.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 14: During January of each year after the year in which this Notice is recorded, the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance ✓ Out of compliance ____

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that this Notice remains recorded at the MECKLENBURG County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by WILLIAM R DEAL, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: WILLIAM R DEAL

In the case of owners that are entities:

Signature of individual signing: [signature]
Name typed or printed: WILLIAM R DEAL
Title: MEMBER/MANAGER

In the case of all owners:

Date: JAN. 15, 2013

W. R. Deal Holdings, LLC

By: _____
William R. Deal
Member/Manager

NORTH CAROLINA
MECKLENBURG COUNTY

I, Vicky A. Hughes, a Notary Public of the county and state aforesaid, certify that William R. Deal personally came before me this day and acknowledged that he is a Member of W. R. Deal Holdings, LLC, a North Carolina limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Brownfields Property was signed in its name by him.

WITNESS my hand and official seal, this 15th day of January, 2013.

_____
Vicky A. Hughes
Notary Public

My Commission Expires: September 10, 2013

VICKY A HUGHES
NOTARY
PUBLIC
MECKLENBURG COUNTY, N.C.