

# Letter of Transmittal

**S&ME, Inc.**  
 9751 Southern Pine Boulevard  
 Charlotte, North Carolina 28273  
 704.523.4726  
 Fax: 704.525.3953

To: Shirley Liggins, Admin. Asst.

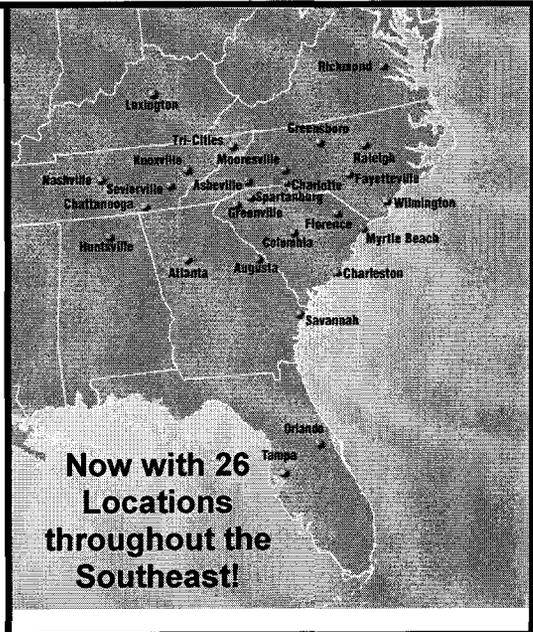
Firm: NCDENR, DWM, Brownfields Program

Location: 1646 Mail Service Center  
 Raleigh, NC 27699-1646

From: Al Quarles

Date: 1/28/13

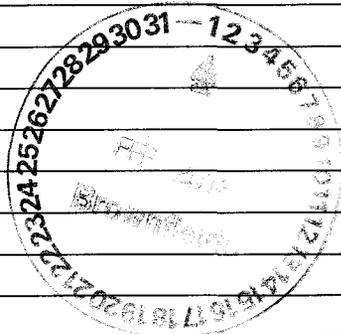
Project: Reeves Site  
 Brownfield Agreement # 08022-04-06



WE ARE SENDING YOU:  Attached  Under a Separate cover via: \_\_\_\_\_ the Following Items:

<input type="checkbox"/> Maps	<input type="checkbox"/> Prints	<input type="checkbox"/> Plans	<input type="checkbox"/> Samples	<input type="checkbox"/> Invoice
<input type="checkbox"/> Copy of Letter	<input checked="" type="checkbox"/> Copy of Report	<input type="checkbox"/> Proposal	<input type="checkbox"/>	<input type="checkbox"/>

COPIES	DATE	DESCRIPTION
1	1/24/2013	Annual Monitoring Report for 2013 Sampling
1		Land Use Restrictions ("LUR") Update



THESE ARE TRANSMITTED AS CHECKED BELOW:

<input type="checkbox"/> For Your Approval	<input type="checkbox"/> For Review and Comment
<input checked="" type="checkbox"/> For Your Use	<input type="checkbox"/> For Bids Due:
<input type="checkbox"/> As Requested	

Comments: **See attached Annual Monitoring Report and Land Use Restrictions Update**

**For the referenced project.**

Copies to: **Dennis Hayford, Polymers Center of Excellence; Carolyn Minnich (email)**

S&ME Project #:	<b>1354-11-006B</b>	Signed:
S&ME Proposal #:	<b>1354-26075-13</b>	



**IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE.**  
 This Letter of Transmittal and the documents accompanying this Letter of Transmittal contain information from S&ME, Inc., which is confidential and legally privileged. The information is intended only for use of the individual or entity named on this Letter of Transmittal. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on these documents is strictly prohibited.

**Brownfields Project #: 08022-04-60**

**Brownfields Property: Reeves Site, 8900 Research Drive**

**Property Owner (In whole or part): Polymers Center of Excellence, Inc.**

**LAND USE RESTRICTIONS ("LUR") UPDATE – JANUARY 2013**

LUR 1: No use may be made of the Brownfields Property other than for commercial and office space.

- a. Commercial use is herein defined as an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
- b. Office use is herein defined as use for the conduct or rendering of business or professional services.

In compliance  X  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

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

In compliance  X  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 satisfaction of DENR or its successor in function in any areas proposed for such activities, and submittal of the analytical results to DENR or its successor in function. If such results disclose to DENR or its successor in function contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DENR or its successor in function on such conditions as DENR or its successor in function 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  X  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

**Brownfields Project #:** 08022-04-60  
**Brownfields Property:** Reeves Site, 8900 Research Drive  
**Property Owner (In whole or part):** Polymers Center of Excellence, Inc.

**LAND USE RESTRICTIONS (“LUR”) UPDATE – JANUARY 2013**

LUR 4: 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 5: No basements may be constructed on the Brownfields Property unless they are, as determined by DENR or its successor in function, vented in conformance with applicable building codes.

In compliance  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

LUR 6: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 11 of the Brownfields Agreement (“Agreement”), may be used or stored at the Brownfields Property without the prior approval of DENR or its successor in function, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

LUR 7: 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 approval of DENR or its successor in function.

In compliance  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

**Brownfields Project #: 08022-04-60**

**Brownfields Property: Reeves Site, 8900 Research Drive**

**Property Owner (In whole or part): Polymers Center of Excellence, Inc.**

**LAND USE RESTRICTIONS ("LUR") UPDATE – JANUARY 2013**

LUR 8: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  X  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

LUR 9: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  X  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

LUR 10: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance  X  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

LUR 11: Beginning in January following the year in which the Notice of Brownfields Property ("Notice") is recorded, and in every other January unless and until DENR determines in writing, after a minimum of five (5) sampling events, that protection of public health and the environment no longer requires such sampling, the owner(s) of the Brownfields Property shall effect sampling of monitoring wells MW-5B, Mw-5C, MW-6, and MW-7 and sampling of the adjacent stream in accordance with the most current version of the Guidelines of the Inactive Hazardous Sites Branch of DENR's Superfund Section. The groundwater and stream samples collected shall be analyzed by EPA Method 8260 or by another method approved in advance, in writing, by DENR or its successor in function.

In compliance  X  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

**Brownfields Project #: 08022-04-60**

**Brownfields Property: Reeves Site, 8900 Research Drive**

**Property Owner (In whole or part): Polymers Center of Excellence, Inc.**

**LAND USE RESTRICTIONS ("LUR") UPDATE – JANUARY 2013**

LUR 12: During January of each year after the Notice is recorded, the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR or its successor in function certifying that the Notice remains recorded at the Mecklenburg County Register of Deeds office, and that the land use restrictions are being complied with. In years when sampling is required by the preceding land use restriction, a report setting forth the procedures and results of the sampling shall accompany the Land Use Restrictions Update.

In compliance   X   Out of compliance       

Remarks: \_\_\_\_\_  
\_\_\_\_\_

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

**Brownfields Project #:** 08022-04-60

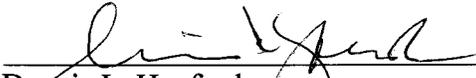
**Brownfields Property:** Reeves Site, 8900 Research Drive

**Property Owner (In whole or part):** Polymers Center of Excellence, Inc.

**LAND USE RESTRICTIONS ("LUR") UPDATE – JANUARY 2013**

This Land Use Restrictions Update is certified by Polymers Center of Excellence, Inc., owner of at least part of the Brownfields Property.

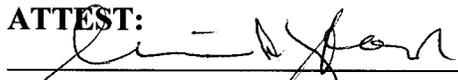
Name typed or printed of party making certification: Polymers Center of Excellence, Inc.

Signature of individual signing:   
Name typed or printed: Dennis L. Hayford  
Title: Executive Director

Date: January 23, 2013

Polymers Center of Excellence, Inc.

By: Polymers Center of Excellence, Inc.  
Name typed or printed: Dennis L. Hayford  
Title typed or printed: Executive Director

**ATTEST:**  
  
Name typed or printed: Dennis L. Hayford  
Executive Director, Polymers Center of Excellence, Inc.

NORTH CAROLINA  
Mecklenburg COUNTY

I, Maria Morel, a Notary Public of the county and state aforesaid, certify that Dennis L. Hayford personally came before me this day and acknowledged that he/she is the Executive Director of Polymers Center of Excellence, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restrictions Update was signed in its name by its Executive Director and attested by him/her as its Executive Director.

WITNESS my hand and official stamp or seal, this 23<sup>rd</sup> day of January, 2013.

  
Name: Maria Morel  
Notary Public

My Commission expires: May 12, 2016 [Stamp/Seal]

