

**Brownfields Project #:** 08033-04-64  
**Brownfields Property:** Fontaine Fifth Wheel, 3883 South Church Street  
**Property Owner (In whole or part):** New Standard Corporation



**LAND USE RESTRICTIONS (“LUR”) UPDATE**

LUR 1: No use other than industrial, in the form of light manufacturing, or commercial or may be made of the Brownfields Property. The following definitions apply in connection with the foregoing uses:

- a. Light Manufacturing: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or any health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within a building, or where the area occupied by the outdoor storage of goods and material used in such processes does not exceed 25 percent of the floor area of all the buildings on the property.
- b. Commercial: An occupation, employment, or enterprise carried on for profit by the owner, lessee or licensee.

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 approval of the Department of Environment and Natural Resources (“DENR”) or its successor in function.

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 reasonable 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 reasonably 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: Soil underlying buildings and paved, and other impervious, surfaces as identified on the plat component of the Notice of Brownfields Property ("Notice"), in the portion of the Brownfields Property denominated "CONTAMINATED AREA" on said plat, may not be exposed without a minimum of five (5) business days advance written notice to DENR, unless DENR states otherwise in writing. At the time such soil is exposed, DENR may inspect and sample, or require sampling of, the exposed soil for contaminants. If soil contamination is discovered that DENR determines would likely contaminate groundwater even if capped, or that may pose an imminent threat to public health or the environment if the contaminated soil remains exposed, as much soil as DENR reasonably requires shall be removed and disposed of in accordance with applicable law, and any other actions that DENR reasonably requires to make the Brownfields Property suitable for the uses specified in Land Use Restriction 1 above while fully protecting public health and the environment shall be taken. If soil contamination is discovered that DENR determines would not contaminate groundwater if capped or likely pose an imminent threat to public health or the environment if exposed, but would make the Brownfields Property unsuitable for the uses specified in Land Use Restriction 1 above, as much soil as DENR reasonably requires shall be removed and disposed of in accordance with applicable law or capped to the reasonable satisfaction of DENR.

In compliance  Out of compliance

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

---

---

---

LUR 5: Landscaping and contours at the Brownfields Property, in the portion of the Brownfields Property denominated "CONTAMINATED AREA" on the plat component of the Notice, may not be disturbed without the approval of DENR or its successor in function, except for mowing and pruning of above-ground vegetation.

In compliance  Out of compliance

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

---

---

---

LUR 6: Unless compliance with this land use restriction is waived in writing by DENR in advance in regard to particular buildings, no indoor space on the Brownfields Property may be occupied until mechanical ventilation with outdoor air is provided in compliance with the most current version of the Mechanical Ventilation section of the Ventilation chapter of the North Carolina State Building Code ("Code") or another standard approved in writing in advance by DENR. If the choice is made to comply with the Code, then i. or ii. below, as applicable, also applies.

- a. This subparagraph applies to buildings on the Brownfields Property that already possess mechanical ventilation systems.
  - i. A professional engineer registered in North Carolina shall inspect the mechanical ventilation system and shall document any measures required to bring the system into compliance with the Code.
  - ii. A heating, ventilation and air-conditioning contractor shall implement any measures documented by the professional engineer.
  - iii. A party other than the heating, ventilation and air-conditioning contractor, who is certified by the American Association of Balancing Contractors or the National Environmental Balancing Bureau, shall perform testing, adjusting and balancing of the system when any work by the contractor is complete. Within seven (7) days after its issuance, a copy of the Certified Test and Balance Report shall be submitted to DENR.

iv. The professional engineer shall provide DENR certification under seal that all reasonably detectable possible entrances for vapors, including without limitation foundation cracks, holes in concrete floors, gaps around pipes and utility lines, major cracks in walls, sumps and floor drains, have been sealed, and that the ventilation system complies with the Code. An alternate certification may be provided if it is approved in writing by DENR.

b. As to new buildings constructed on the Brownfields Property and any existing buildings lacking mechanical ventilation but required by Code to have it, within thirty (30) days following installation of mechanical ventilation, that fact shall be confirmed in writing to DENR.

In compliance  Out of compliance

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

LUR 7: 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 8: 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 9: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 8 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 10: 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 11: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

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

LUR 12: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

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

---

---

---

LUR 13: To the extent DENR determines that entry to the Property is necessary for a party to conduct environmental assessment or remediation at the direction of DENR, or pursuant to the Agreement or a permit or order issued by DENR, that party may not be denied access to the Property for purposes of conducting such assessment or remediation. DENR shall make reasonable efforts to ensure that the scheduling of any such assessment or remediation causes minimal interference with other legal operations at the Property.

In compliance  Out of compliance

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

LUR 14: 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 of Brownfields Property containing these land use restrictions remains recorded at the Nash County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance  Out of compliance

Remarks: Submission of this report/update  
\_\_\_\_\_  
\_\_\_\_\_

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

This Land Use Restrictions Update is certified by New Standard Corporation, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: New Standard Corporation / Mark A. Wheeler

In the case of owners that are entities:

Signature of individual signing: W/A Wheeler  
Name typed or printed: Mark A. Wheeler  
Title: Chief Financial Officer

In the case of all owners:

Date: 1/8/14

[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]  
[use for corporations]

[Insert Name of Corporation]

By: M.A. Wheel - New Standard Corporation  
Name typed or printed: Mark A. Wheeler  
Title typed or printed: Chief financial officer

ATTEST:

Name typed or printed:  
Secretary, New Standard Corporation (corporation name)

NORTH CAROLINA  
Nash COUNTY

I, Rebecca E Storm, a Notary Public of the county and state aforesaid, certify that Mark A. Wheeler personally came before me this day and acknowledged that he/she is the Secretary of New Standard Corporation (corporation name), a Pennsylvania (state) corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its CFO and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 8th day of January, 2014.

Rebecca E Storm  
Name:  
Notary Public

My Commission expires: \_\_\_\_\_

[Stamp/Seal]

