

Brownfields Program  
File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins  
Project ID: 08034-04-071  
Facility Name: ECC - MOJO Prop  
Document Group: Land Use Restriction Updates (LURU)  
Document Type: Annual Certification (AC)  
Description: 2012 annual certification  
Date of Doc: 1/13/2012  
Author of Doc: Michael McWhorter

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Date Recieved by File Room:

Date Scanned:

Month	Day	Year
8	10	12

0700703010

Scanner's Initials: SA1

**Brownfields Project #:** 08034-04-71

**Brownfields Property:** ECC (Electronic Components Corp.), 513 Dudley Street

**Property Owner (In whole or part):** MOJO Properties, LLC

JAN 2012  
BROWNFIELD

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

LUR 1: No use may be made of the Brownfields Property other than for the manufacture of sound equipment or other music-related equipment or other industrial/light manufacturing use if it is approved in writing in advance by the Department of Environment and Natural Resources (“DENR”). For purposes of this restriction, “Industrial/Light Manufacturing” means: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or 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. No process water or wastewater may be generated at an industrial/light manufacturing facility.

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 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 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 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: Soil underlying paved and other impervious surfaces and buildings at the Brownfields Property may not be exposed without prior sampling and analysis, to DENR's written satisfaction, of soil proposed to be exposed. If screening or sampling results disclose contamination that may pose an unacceptable level of risk to human health and/or the environment as determined by DENR, the soil may not be exposed without the approval of DENR, or on such conditions as it imposes. Such conditions shall include, at a minimum, compliance with plans and procedures designed to protect public health and the environment during the activities that would expose such soil. If DENR determines the exposed soil contains contamination that may pose an unacceptable risk to human health or the environment, then as much soil as DENR requires shall be removed and disposed in accordance with applicable law, in addition to any other actions that DENR requires, to make the Brownfields Property suitable for the uses specified in Land Use Restriction 1 above. Alternatively, if DENR determines that such soil contamination would not pose an unacceptable risk to public health or the environment if capped, DENR may require the soil contamination to be capped, with perpetual maintenance of the cap, to the satisfaction of DENR.

In compliance  Out of compliance

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

LUR 5: Soil, landscaping and contours at the Brownfields Property may not be disturbed without the approval of DENR, except for mowing and pruning of above-ground vegetation.

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 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 paragraph (2) of the Notice of Brownfields Property ("Notice") and in paragraph 7 of the Brownfields Agreement ("Agreement"), may be used or stored at the Brownfields Property without the prior approval of DENR, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance  Out of compliance

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

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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 approval of DENR.

In compliance  Out of compliance

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

LUR 10: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

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

LUR 11: 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 12: During each December in each of the first six (6) years after the year in which the Notice is recorded, the groundwater monitoring wells denominated "MW19"

and "MW30" on the plat component of the Notice shall be sampled by the then current owner of those parts of the Brownfields Property on which these wells are located. Groundwater sampling activities shall be conducted in accordance with the most current version of the Guidelines of the Inactive Hazardous Sites Branch of DENR's Superfund Section. The groundwater samples collected shall be submitted to a North Carolina-certified laboratory and analyzed for volatile organic compounds by EPA Method 8260B. A Groundwater Monitoring Report detailing the procedures and results of the groundwater monitoring activities shall be submitted with the Land Use Restrictions Update required in the following Land Use Restriction 13.

In compliance  Out of compliance

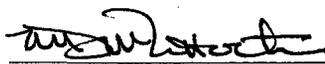
Remarks: Requirement fulfilled in 2011  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 13: During January of each year after the Agreement becomes effective, 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 remains recorded at the Pender County Register of Deeds office, and that these thirteen (13) land use restrictions are being complied with. For the first six (6) years after the Agreement becomes effective, the Groundwater Monitoring Report required above in Land Use Restriction 12 shall be submitted with the Land Use Restrictions Update by owners of affected parts of the Brownfields Property.

In compliance  Out of compliance

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

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

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

Name typed or printed of party making certification: Michael J. McShortee

In the case of owners that are entities:

[use for LLCs]

Mojo Properties LLC  
[Insert Name of LLC]

By: [Signature]  
Name typed or printed: Michael D. McWhorter  
Member/Manager

NORTH CAROLINA  
Pender COUNTY

I, Chantel L. Lane, a Notary Public of the county and state aforesaid, certify that Michael D. McWhorter personally came before me this day and acknowledged that he/she is a Member of Mojo Properties, LLC, a North Carolina (state) limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Land Use Restriction Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 13 day of January, 2012.

Chantel L. Lane  
Name typed or printed: Chantel L. Lane  
Notary Public

My Commission expires: 10/1/2014

