

File Room Document Transmittal Sheet

Your Name: Shirley Liggins  
Project ID: 0903705014  
Facility Name: Buss Coating - SALT Investments  
Document Group: Land Use Restriction Updates (LURU)  
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Author of Doc: David Hamby

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0903705014

Scanner's Initials: *SAE*

Salt Investments, LLC  
Mr. David H. Hamby  
511 Creekway Drive NW  
Lenoir, NC 28645



Tuesday, January 17, 2012

Tracy L. Wahl  
Brownfields Project Manager  
NC DENR - DWM  
Mail Service Center 1646  
Raleigh, NC 27699-1646

Hi Miss Wahl:

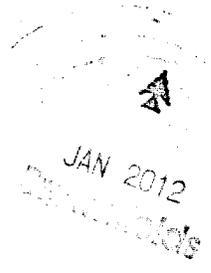
I am sending a copy of the Buss property Land Use Restriction update form for your file.

Attached is the Buss property Land Use Restriction Update form for the property at 511 Creekway Drive NW, Lenoir, N.C. Brownfields Project # 09037-05-14, owned by Salt Investment, LLC.

Thank you

David Hamby  
Owner  
Salt Investments LLC

**Brownfields Project #: 09037-05-14**  
**Brownfields Property: Buss Coating, 511 Creekway Drive Northwest**  
**Property Owner (In whole or part): SALT Investments, LLC**



**LAND USE RESTRICTIONS ("LUR") UPDATE**

LUR 1: No use may be made of the Brownfields Property other than for manufacturing, office, warehousing and, with prior written Department of Environment and Natural Resources ("DENR") approval, other commercial purposes. For purposes of this restriction, the following definitions apply:

- a. "Manufacturing" refers to the assembly, fabrication or processing of goods and materials using processes that may have greater than average (though legal) impacts on the environment, and may have significant (though legal) impacts on the use and enjoyment of adjacent property that relate to noise, smoke, fumes, odors, glare, or health and safety hazards; or any assembly, fabrication or processing of goods and materials where the area occupied by outdoor storage of goods and material used in the assembly, fabrication or processing exceeds 25 percent of the floor area of all buildings on the property.
- b. "Office" refers to a place where business or professional services are conducted or rendered.
- c. "Commercial" refers to an enterprise carried on for profit by the owner, lessee or licensee.
- d. "Warehousing" refers to the storage of goods for a business or other enterprise.

In compliance   X   Out of compliance       

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

LUR 2: No activities that encounter, expose, remove or use groundwater or surface water (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 3: No building may be constructed on the Brownfields Property unless and until DENR has been consulted regarding the proximity of the planned building to the area denominated "Tetrachloroethene Area" on the plat component of the Notice of Brownfields Property ("Notice"). If DENR determines that the footprint of a building proposed to be constructed on the Brownfields Property would fall within 200 feet of said portion and DENR does not waive compliance with this Land Use Restriction in advance in writing regarding that building, it may not be constructed without a vapor barrier system and/or mechanical or passive vapor mitigation system (collectively "Vapor System(s)") approved in writing in advance by DENR. Within 30 days following installation of the Vapor System(s), DENR shall be provided certification of proper installation under seal of a professional engineer licensed in North Carolina, as well as photographs illustrating the installation and a brief narrative describing it.

In compliance  Out of compliance

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

LUR 4: Within 30 days after recordation of the Notice, the then owner(s) of portions of the Brownfields Property where sampling is required by a DENR-approved Groundwater Monitoring Plan for the Brownfields Property dated February 4, 2008 shall conduct the first sampling under the plan. Thereafter, compliance shall be the responsibility of the owner(s) of affected portions on each occasion when the plan requires activity. (Requirements to sample in a particular month shall be the responsibility of the owner of the affected portion as of the first of that month.) The plan requires:

- a. sampling and analysis of the monitoring wells designated "MW-04R," "MW-15," "MW-16" and "MW-17" on the plat component of the Notice;

- b. sampling of all wells designated by the plan for volatile organic compounds (“VOCs”) during the same month each year;
- c. analyses of all VOC samples collected at the Brownfields Property by the most current version of EPA Method 8260;
- d. written reporting of the sampling analyses to DENR within thirty (30) days after sampling; and
- e. provisions for replacing the monitoring wells if requested by DENR due to redevelopment activities.

The plan shall be available from DENR and may be amended with DENR’s prior written approval. Permission to cease required monitoring may be requested of DENR if sampling pursuant to the plan shows the concentrations of any and all VOCs detected declining for a minimum of three (3) consecutive years.

In compliance  Out of compliance

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

LUR 5: 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 6: None of the contaminants known as of the date of the Brownfields Agreement (“Agreement”) to be present in the environmental media at the Brownfields Property at levels exceeding unrestricted use standards, including those listed in the Groundwater Table of the Agreement, may be used or stored at the Brownfields Property without the prior written approval of DENR, except:

- a. in *de minimis* amounts for cleaning and other routine housekeeping activities;

- b. as constituents of fuels and oils customarily used in machinery, vehicles and landscaping equipment;
- c. with respect to any portions of the Brownfields Property used for office or commercial purposes, as constituents of products customarily used and stored in office and commercial environments (for example, fluids in copying machines and office supplies), so long as such products are stored, used and disposed of in compliance with all applicable laws and regulations;
- d. with respect to any portions of the Brownfields Property used for manufacturing, as constituents of products or base materials used in the assembly, fabrication or processing of goods and materials so long as such products are stored, used and disposed of in compliance with all applicable laws and regulations; or
- e. as constituents of products or base materials used in any spray paint booth installed at the Brownfields Property, the location of which must be approved in writing by DENR.

In compliance  Out of compliance

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

LUR 7: The Brownfields Property may not be used as a park or for organized 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 8: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

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

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LUR 9: 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, provided that DENR attempts to provide written notice of the access (which may be via e-mail) and a summary of the activities to be conducted on the Brownfields Property to at least one owner of the Brownfields Property, and that a reasonable attempt is made to minimize any disturbance caused by the activities.

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

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

LUR 10: During January of each year after the year in which the Notice is recorded, the owner of any part of the Brownfields Property as of the prior December 1st shall submit a notarized Land Use Restrictions Update ("LURU") to DENR certifying that the Notice remains recorded at the Caldwell County Register of Deeds office, and that as of the date of the LURU, there are no violations of said restrictions on the portion of the Brownfields Property to which the LURU pertains.

- a. the name, mailing address, telephone and facsimile numbers, and contact person's e-mail address of the owner submitting the LURU if said owner acquired any part of the Brownfields Property during the previous calendar year;
- b. the transferee's name, mailing address, telephone and facsimile numbers, and contact person's e-mail address, if said owner transferred any part of the Brownfields Property during the previous calendar year; and
- c. whether any vapor barrier and/or mitigation systems installed pursuant to land use restriction 3 above are performing as designed, and whether the uses of the ground floors of any buildings containing such vapor barrier and/or mitigation systems have changed, and, if so, how.

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

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

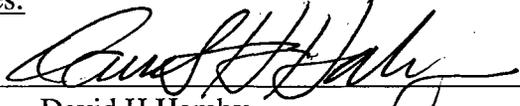
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\_\_\_\_\_  
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Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that this Notice remains recorded at the Caldwell County Register of Deeds office and that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

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

Name typed or printed of party making certification: David H Hamby.

In the case of owners that are entities:

Signature of individual signing:   
Name typed or printed: David H Hamby  
Title: Managing Partner, Salt Investments LLC.

In the case of all owners:

Date: ~~1-16~~ 1-16-2012

[use for LLCs]

[Name of LLC] Salt Investments LLC

By: David H Hamby  
Name typed or printed:  
Member/Manager

NORTH CAROLINA  
Alexander COUNTY

I, Judy R Blackburn a Notary Public of the county and state aforesaid, certify that David H Hamby personally came before me this day and acknowledged that he/she is a Member of Salt Investments, LLC, a North Carolina (state) limited liability company, 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 16 day of January, 2012.

Judy R Blackburn  
Name typed or printed:  
Notary Public Judy R Blackburn

My Commission expires: July 8, 2012

Judy R Blackburn  
Notary Public  
Alexander Co. [Stamp/Seal]