

Brownfields Project #: 09038-05-41
Brownfields Property: R. W. McCollum, 107 West Meadowview Road
Property Owner (In whole or part): _____



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than as a tanker trailer cleaning and repair facility, a trucking dispatch terminal, as office space, and for truck wash and diesel repair facilities or other commercial endeavors approved in writing in advance by the Department of Environment and Natural Resources ("DENR"). For purposes of this restriction, "commercial" refers to 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 prior written 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 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: Soil

- a. underlying buildings and paved surfaces,
- b. in the area denominated "Area of Potential Soil Contamination" on the plat component of the Notice of Brownfields Property ("Notice"), and
- c. at a depth greater than four (4) feet throughout the rest of the Brownfields Property,

may not be exposed without a minimum of ten (10) business days advance written notice to DENR, which may choose to inspect, and may require screening or sampling for contamination in, the exposed soil. If screening or sampling discloses contamination that DENR determines would make the Brownfields Property unsuitable for the uses specified in LUR 1 above even if the soil is capped, the soil may not remain exposed without the approval of DENR on such conditions as it imposes, compliance with which shall be determined by DENR, to make the Brownfields Property suitable for the uses specified in said LUR 1. Such conditions shall include, at a minimum, preparation of and compliance with plans to protect public health and the environment while the soil is exposed, and may include without limitation a requirement that soil be removed and disposed of in accordance with applicable law. Alternatively, if DENR determines that such soil contamination would not make the Brownfields Property unsuitable for the uses specified in said LUR 1 if the soil is capped, DENR may offer the option of capping the soil and perpetually maintaining the cap to DENR's written satisfaction, or removing and disposing of the soil in accordance with applicable law to the written satisfaction of DENR.

In compliance Out of compliance

Remarks: _____

LUR 5: 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 6: No building may be constructed on the Brownfields Property until DENR has been consulted regarding the proximity of the planned building to the Brownfields Property's volatile contaminant plume. If DENR determines that the footprint of the building would fall within one hundred (100) feet of said plume, it 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 ten (10) mils thick, a spray membrane liner system consisting of a material resistant to the contaminants listed in Table A of the Notice, 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 following installation of the vapor barrier system and/or vapor mitigation system, DENR shall be provided certification of proper installation under the seal of a professional engineer registered in North Carolina, as well as photographs illustrating the installation and a brief narrative describing it.

In compliance Out of compliance

Remarks: _____

LUR 7: No basements may be constructed on the Brownfields Property unless and until DENR has been consulted regarding the proximity of the planned basement to the Brownfields Property's volatile contaminant plume. If DENR determines that the footprint of the basement would fall within one hundred (100) feet of said plume, the basement it may be constructed only in compliance with such conditions as DENR may impose, which may include without limitation vapor barriers, vapor mitigation systems and mechanical ventilation.

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 Table A of the Notice, may be used or stored at the Brownfields Property without the prior approval of DENR, except (i) in *de minimis* amounts for cleaning and other routine housekeeping activities; (ii) as constituents of fuel for vehicles and landscaping equipment; and (iii) as constituents of products for sale in grocery stores, drug stores, photo processing operations, paint and wallpaper stores or other commercial endeavors approved by DENR for the Brownfields Property, so long as such products are stored, used and disposed of in compliance with all applicable laws and regulations.

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 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 January of each year after the year in which the Notice was recorded, the then current owner of any part of the Brownfields Property shall submit a notarized LURU to DENR certifying that the Notice remains recorded at the Guilford County Register of Deeds office, and that the LURs 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 Guilford County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by RWHOLDING, LLC BY DAVID A. COOKE owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: DAVID A. COOKE

In the case of owners that are entities:

Signature of individual signing: _____

Name typed or printed: _____

Title: _____

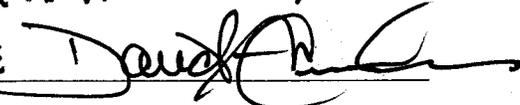
David A. Cooke
DAVID A. COOKE
MEMBER, MANAGER

In the case of all owners:

Date: 1-2-2013

[use for LLCs]

[Name of LLC] RW HOLDING, LLC

By: DAVID A. COOKE 

Name typed or printed:

Member/Manager

NORTH CAROLINA

Guilford COUNTY

I, Helen Wilson, a Notary Public of the county and state aforesaid, certify that David A. Cooke personally came before me this day and acknowledged that he/she is a Member of RW Holding, LLC, a N. 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 2nd day of January, 2003

Helen Wilson

Name typed or printed:

Notary Public

My Commission expires: 12-8-17

