

USPS - David Pearson
WCDENR

Original

1/21/14

RTCLW

Brownfields Project #: 10048-06-76

Brownfields Property: Conitron, 3761 Old Glenola Road

Property Owner (In whole or part): United Furniture Industries NC, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: Except as provided in Land Use Restriction 2 below, no use may be made of the Brownfields Property other than for furniture manufacturing, associated administrative, sales, marketing, warehousing and shipping operations, other industrial uses and, with prior written Department of Environment and Natural Resources ("DENR") approval, other commercial uses. For purposes of this land use restriction, the following definitions apply:

- a. "Manufacturing" refers to the assembly, fabrication or processing of goods or materials.
- b. "Industrial" refers to the production, manufacturing, processing, cleaning, servicing, testing, repair, storage and/or distribution of materials or products.
- c. "Commercial" refers to the carrying on of an enterprise for profit by the owner, lessee or licensee.

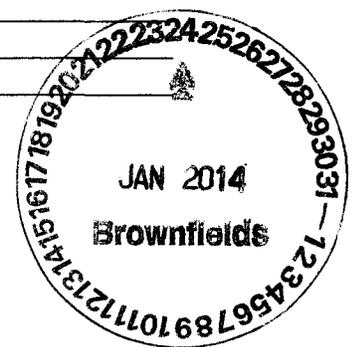
In compliance Out of compliance

Remarks: _____

LUR 2: The Brownfields Property may not be used residentially (except that the structure denominated "Cabin" on the plat component of the Notice of Brownfields Property ["Notice"] may be used to house business travelers), nor for schools, daycare centers, nursing homes, playgrounds, parks or recreation areas without the prior written approval of DENR.

In compliance Out of compliance

Remarks: _____



LUR 3: Surface 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 4: 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 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 5: Soil within the area denominated "Area of Possible Soil Contamination" on the plat component of the Notice may not be exposed without a minimum of seven (7) business days' advance written notice to DENR, unless DENR states otherwise in writing in advance. 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 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 above in Land Use Restriction 1 while fully protecting public health and the environment shall be taken. If soil contamination is discovered that DENR determines would not likely contaminate groundwater if capped, or likely pose an imminent threat to public health or the environment if exposed, as much soil as DENR reasonably requires shall be removed and disposed of in accordance with applicable law or capped to the written satisfaction of DENR.

In compliance Out of compliance

Remarks: _____

LUR 6: In the portion of the Brownfields Property denominated "Area of Possible Soil Contamination" on the plat component of the Notice, soil, landscaping and contours may not be disturbed without the prior written approval of DENR, except for mowing and pruning of above-ground vegetation.

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 in writing by DENR, 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 the groundwater contaminants listed in Table A of the Notice, may be used or stored at the Brownfields Property without the prior written approval of DENR, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance Out of compliance

Remarks: Deminimus use of Trichloroethylene
in Electric motor cleaner for sewing
Machine Parts PATTW 1/20/14

LUR 10: 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 11: No building may be constructed on the Brownfields Property until DENR has been consulted regarding the proximity of the planned building to groundwater contamination at the Brownfields Property, except within the area denominated "Proposed New Building Area" on the plat component of the Notice. If DENR determines that the footprint of a building proposed to be constructed on the Brownfields Property would fall within 100 feet of such contamination, it may not be constructed without a vapor barrier system and/or mechanical or passive vapor barrier mitigation system, or other effective vapor mitigation system approved by DENR, unless DENR excuses same pursuant to the last sentence of this land use restriction. Within thirty 30 days following installation of the vapor barrier system and/or mechanical or passive vapor barrier mitigation system, 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. With DENR's prior written approval, additional investigation activities including, without limitation, soil gas sampling and analysis, performed to DENR's written satisfaction, may be conducted, and installation of a vapor barrier and/or mitigation system possibly excused as a result, so long as the proponent makes an advance written commitment to install a vapor barrier and/or mitigation system if DENR reasonably requires same based on review of a report DENR deems adequate of the investigation activities.

In compliance Out of compliance

Remarks: DENR waived construction of a
~~vapor barrier or mitigation system~~ after
~~additional studies and testing~~ RPA 1/20/14

LUR 12: During January of each year after the year in which the Notice is recorded, the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update ("LURU") to DENR certifying that the Notice remains recorded at the Randolph County Register of Deeds office and that the land use restrictions are being complied with, and stating:

- 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. Insert required information here, if applicable:

- 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. Insert required information here, if applicable:

- c. whether any vapor barrier and/or mitigation systems installed pursuant to land use restriction 11 above remain intact and in the condition they were in when installed, 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. Insert required information here, if applicable:

No mitigation system required by
DENR RPA 1/20/14

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 Randolph County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Robert T. Cottam III
~~owner~~ of at least part of the Brownfields Property.

Agent for United Furniture Industries NC, LLC
Name typed or printed of party making certification: Robert T. Cottam III

In the case of owners that are entities:

Signature of individual signing:

Robert T. Cottam III

Name typed or printed:

Robert T. Cottam III

Title:

VP operations Piedmont Risk Management

In the case of all owners:

Date: 1/20/14

[use for LLCs]

United Furniture Ind
NC, LLC

[Name of LLC]

By: [Signature]

Name typed or printed:

Member/Manager

Agend For UFI- NC LLC

NORTH CAROLINA
Guilford COUNTY

I, Brandon W Hicks, a Notary Public of the county and state aforesaid, certify that Robert Thomas Cotton III personally came before me this day and acknowledged that he/she is a Member of United Furniture Ind, NC LLC, a NC (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 20th day of January, 20 14.

[Signature]

Name typed or printed:

Notary Public

My Commission expires: 03/02/2016

[Stamp/Seal]

