

Brownfields Project #: 10051-06-66

Brownfields Property: Proctor Property, 4084 NC Hwy 186

Property Owner (In whole or part): Randy Edwards



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for agricultural, agribusiness, and light and heavy industrial uses. For purposes of this restriction, the following definitions apply:

- a. "Heavy Industrial" refers to the assembly, fabrication, processing or storage of goods and materials using processes that have impacts that, while legally compliant, are greater than average on the environment, and may be significant for the use and enjoyment of adjacent property because of noise, smoke, fumes, vibration, dust, odors, glare, or health and safety hazards.
- b. "Agricultural" refers to the cultivation of soil, production of crops and raising of livestock and, in varying degrees, the preparation and marketing of the resulting products.
- c. "Agribusiness" refers to the manufacturing and distribution of farm equipment and supplies, and processing, storage, and distribution of farm commodities. The term includes stockyards, livestock markets, dairies, hatcheries, fish farms and forestry services.

In compliance Out of compliance

Remarks: _____

LUR 2: Within 90 days after the effective date of the Brownfields Agreement, Prospective Developer shall declare in writing to the Department of Environment and Natural Resources ("DENR") which, if any, of the Brownfields Property's above-ground storage tanks will not be used and shall clean and remove the others from the Brownfields Property in accordance with all applicable law.

In compliance Out of compliance

Remarks: _____

LUR 3: 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 4: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Tables A and B of the Notice of Brownfields Property ("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: _____

LUR 5: 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, which is to be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property.

In compliance Out of compliance

Remarks: _____

LUR 6: 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 January 1st of that year shall submit a notarized Land Use Restrictions Update ("LURU") to DENR, and to the chief public health and environmental officials of Northhampton County, certifying that, as of said January 1st, the Notice remains recorded at the Northhampton 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.

- 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.

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 Northhampton 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: _____

In the case of owners that are entities:

Signature of individual signing: *Randy Edwards*
Name typed or printed: Randy Edwards
Title: Managing Member

In the case of all owners:

Date: 1/28/13

[use for LLCs]

North Carolina BioFuels, LLC
[Insert Name of LLC]

By: Randy Edwards
Name typed or printed:
Member/Manager

NORTH CAROLINA
Halifax COUNTY

I, Maranda Norwood, a Notary Public of the county and state aforesaid, certify that Randy Edwards personally came before me this day and acknowledged that he/she is a Member of North Carolina BioFuels, 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 28 day of January, 2013

Maranda Norwood
Name typed or printed: Maranda Norwood
Notary Public

My Commission expires: 09/06/2017

[Stamp/Seal]