

*Fenice Investments, Inc.*

February 3, 2014

NC Division of Waste Management  
Brownfields Program  
Mail Service Center 1646  
Raleigh, NC 27699-1646



ATTN: David Peacock

CC: Director of Mecklenburg County's Land Use & Environmental Services Agency

Dear Mr. Peacock,

As per attachment, 3F Chimica Americas, Inc. is submitting the Land Use Restrictions Update for calendar year 2013. This submittal is for Brownfields Project #1103-07-60. Please know that the owner of the property sold the business in September of 2013 and is no longer producing anything at the site, although he still owns the site. Also, because of the sale of the business, the name of his company has changed to Fenice Investments, Inc.

Please let me know if you have any questions regarding this submittal.

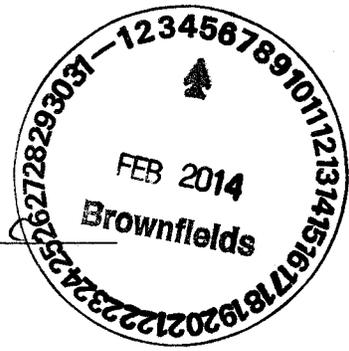
Sincerely,

Melodie McLachlan  
Manager, Fenice Investments, Inc.

**Fenice Investments, Inc.**

4330 Chesapeake Dr. Charlotte (NC) 28216 – U.S.A.  
Phone 704-391-6954 · Fax 980-321-5903 · [www.feniceinv.com](http://www.feniceinv.com)

**Brownfields Project #:** 11032-07-60  
**Brownfields Property:** BASF Facility, 4350 Chesapeake Drive  
**Property Owner (In whole or part):** 3F Chimica Americas, Inc



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

LUR 1: No use may be made of the Brownfields Property other than for industrial, laboratory and office purposes. Within the meaning of this restriction, the following definitions apply:

- a. "Industrial" refers to manufacture, storage, warehousing, transportation or processing of goods or materials, using processes that may produce greater than average (though legally compliant) impacts on the environment such as noise, smoke, fumes, vibration, dust, odors, glare, emissions or health or safety hazards outside of the building(s) where such processes occur.
- b. "Laboratory" refers to research and development and quality assurance activities.
- c. "Office" refers to the provision of business or professional services.

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 the Department of Environment and Natural Resources ("DENR").

In compliance  Out of compliance

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

LUR 3: 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 4: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Tables A, B and C of the Notice of Brownfields Property ("Notice"), 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 customarily used in vehicles and landscaping equipment;
- c. as constituents of products customarily used in the manufacture of wastewater treatment polymers and emulsions processing, so long as such products are stored, used and disposed of in compliance with all applicable laws and regulations; or
- d. in laboratory supplies and chemicals.

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

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

LUR 5: 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 6: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

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

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

In compliance  Out of compliance

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

LUR 8: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance  Out of compliance

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

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LUR 9: The owner of any portion of the Brownfields Property where any existing, or later-installed, DENR-approved monitoring well is damaged shall be responsible for repair of any such wells to DENR's written satisfaction and within a time period acceptable to DENR.

In compliance  Out of compliance

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

LUR 10: Neither DENR nor any party conducting environmental assessment or remediation at the Brownfields Property at the direction of, or pursuant to a permit, order or agreement issued or entered into 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 11: 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 1<sup>st</sup> of that year shall submit a notarized LUR Update ("LURU") to DENR, and to the Director of Mecklenburg County's Land Use & Environmental Services Agency, certifying that, as of said January 1<sup>st</sup>, the Notice remains recorded at the Mecklenburg County Register of Deeds office and that its 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;

No change during 2013

- 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

No change during 2013

- c. whether the Soil Vapor Extraction system operating on the Property as of recordation of the Notice is operational as of the LURU's submittal. If not, DENR may require the then Property owner(s) to take such actions as DENR determines are necessary to ensure the Property is suitable for the uses specified in LUR 1 above while fully protecting public health and the environment, including without limitation further vapor intrusion assessment or risk assessment.

No change during 2013

In compliance  X  Out of compliance

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

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

This Land Use Restrictions Update is certified by 3F Chimica Americas, Inc. owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Melodie McLachlan

In the case of owners that are entities:

Signature of individual signing: Melodie McLachlan  
 Name typed or printed: Melodie McLachlan  
 Title: Manager

In the case of all owners:

Date: 2-3-14

**[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]**

**[use for corporations]**

[Insert Name of Corporation]

By: Melodie McLachlan  
Name typed or printed: \_\_\_\_\_  
Title typed or printed: Melodie McLachlan

ATTEST:

Melodie McLachlan  
Name typed or printed: Melodie McLachlan  
~~Secretary~~, 3F Chimica Americas Inc. (corporation name)  
Manager

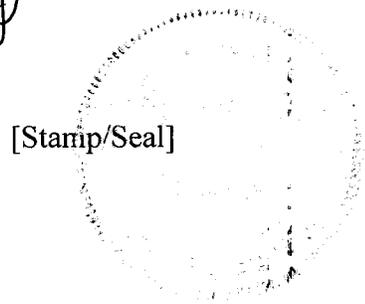
NORTH CAROLINA  
Mecklenburg COUNTY

I, Claire Dancy, a Notary Public of the county and state aforesaid, certify that Melodie McLachlan personally came before me this day and acknowledged that he/she is the Secretary of 3F Chimica Americas Inc. (corporation name), a NC (state) corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its \_\_\_\_\_ and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 3 day of February, 2014.

Claire Dancy  
Name: Claire Dancy  
Notary Public

My Commission expires: 3-23-2018



[Stamp/Seal]

[use for LLCs]

[Insert Name of LLC]

By: \_\_\_\_\_