

Brownfields Program
File Room Document Transmittal Sheet

Your Name: Shirley Liggins
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Facility Name: BASF Facility
Document Group: Land Use Restriction Updates (LURU)
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Author of Doc: David Peacock

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North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

December 9, 2011

Ms. Leigh Guin
3F Chimica Americas, Inc.
10930 Darracott Road
Aberdeen, MS 39730

Subject: Annual Land Use Restrictions Update
BASF Facility
4350 Chesapeake Drive
Charlotte, Mecklenburg County
Brownfields Project Number: 11032-07-60

Dear Ms. Guin:

Attached is the Land Use Restrictions Update {LURU} form that is used to comply with the Notice of Brownfields Property for the subject Brownfields site. Please review and mark the appropriate compliance status under each Land Use Restriction {LUR}. Additionally, a space is provided under each LUR for comments that may add clarification on compliance. After signing, notarizing and attaching any supplemental or required documentation, a legible scanned copy of the LURU can be e-mailed to the address below or mailed to the following address:

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

Please continue to use the provided form for future annual LURU submittals. An electronic copy of the form will be provided upon request. Don't hesitate to contact me at (910) 796-7401 or David.Peacock@ncdenr.gov with any questions or concerns.

Sincerely,

David Peacock

David Peacock
Brownfields Compliance Coordinator

W/Enclosures

Cc: Central Files
Ec: Bruce Nicholson, NCDENR
Rob Gelblum, Special Deputy Attorney General

Brownfields Project #: 11032-07-60
Brownfields Property: BASF Facility, 4350 Chesapeake Drive
Property Owner (In whole or part): _____

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: _____

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 1st 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 1st, 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;

- 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 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.

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 Mecklenburg 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: _____

Name typed or printed: _____

Title: _____

In the case of all owners:

Date: _____

[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: _____
Name typed or printed:
Title typed or printed:

ATTEST:

Name typed or printed:
Secretary, _____ (corporation name)

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is the Secretary of _____ (corporation name), a _____ (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 ____ day of _____, 20__.

Name:
Notary Public

My Commission expires: _____

[Stamp/Seal]

[use for LLCs]

[Insert Name of LLC]

By: _____
Name typed or printed:
Member/Manager

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a Member of _____, LLC, a _____ (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 _____ day of _____, 20__.

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]

[use for Partnerships]

[Insert Name of Owner]

By: _____
Name typed or printed:
General Partner

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a General Partner of _____, a _____ (state) partnership, and that by authority duly given and as the act of the partnership, the foregoing Land Use Restriction Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this _____ day of _____, 20__.

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]

[use for individuals]

[Insert Name of Owner]

By: _____
Name typed or printed:

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day, demonstrated her/his identity, and signed the foregoing Land Use Restriction Update.

WITNESS my hand and official stamp or seal, this _____ day of _____, 20__.

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]

Back of Cash Receipts Journal Voucher with Summary

<p>U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>For delivery information visit our website at www.usps.com</p> <p>OFFICIAL USE</p>		<p>NO CHECK PAYOR/VENDOR NAME AMO</p>
<p>Postage \$</p> <p>Certified Fee</p> <p>Return Receipt Fee (Endorsement Required)</p> <p>Restricted Delivery Fee (Endorsement Required)</p>	<p>Postmark Here</p>	
<p>Total Pos</p> <p>Sent To</p> <p>Street, Apt. or PO Box City, State,</p>	<p>Ms. Leigh Guin 3F Chimica Americas, Inc. 10930 Darracott Road Aberdeen, MS 39730</p>	<p>DETAIL CHECK LIST</p>

2E9D 5824 T000 0050 8002

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<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Carla Miller</i></p> <p>C. Date of Delivery <i>DEC 15 2011</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Ms. Leigh Guin 3F Chimica Americas, Inc. 10930 Darracott Road Aberdeen, MS 39730</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>7008 0500 0001 4785 0632</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

DETAIL TOTAL CREDITS

USE PINK PAPER