



Pat McCrory
Governor

Anthony J. Tata
Secretary of Transportation

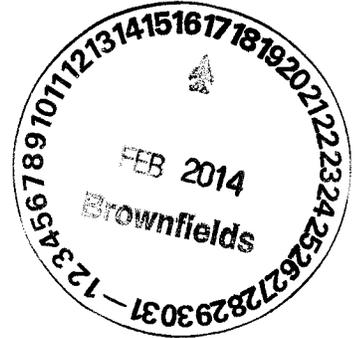
STATE OF NORTH CAROLINA
Global TransPark Authority

Sherman R. Lupton
Executive Director

February 10, 2014

Mr. David Peacock
NC Brownfields Program
NC Division of Waste Management
Mail Service Center 1646
Raleigh, North Carolina 27699-1646

Re: Annual Land Use Restrictions Update
West Pharmaceutical
2525 Rouse Road Extension
Kinston, Lenoir County
Brownfields Project Number: 11048-07-54



Dear Mr. Peacock:

Attached is the original completed and notarized Land Use Restrictions (LUR) form for the subject site.

Please note in your records that Ms. Darlene Waddell has retired and that Mr. Allen Pope will now be the point of contact for the Global TransPark. He can be reached at 910-251-5679 (office) or by e-mail at hapope@ncdot.gov.

Should you have any questions, please do not hesitate to contact Mr. Pope.

Sincerely,

Handwritten signature of Allen Pope.

H. Allen Pope
Chief Engineer
NCDOT Statewide Logistics

Enclosure as stated

Cc – Bruce Nicholson, NCDENR
Joey Huff, Director, Lenoir County Health Department
Daniel Hirschman, Special Deputy Attorney General
Lori Fuller, NCDOT Deputy General Counsel for Logistics
Ron Ferrell, Senior Scientist, Atkins

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Brownfields Project #: 11048-07-54
Brownfields Property: West Pharmaceutical, 2525 Rouse Road Ext.
Property Owner (In whole or part): North Carolina Global TransPark Authority

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for commercial/industrial park development. For purposes of this restriction:

- a. "Commercial/industrial park development" refers to development characterized by unified site design for commercial and industrial uses, including warehousing and office uses, open space, buffers and a mix of building types.
- b. "Warehousing" refers to storage of tangible materials.
- c. "Office" refers to the rendering of business or professional services.
- d. "Commercial" refers to an enterprise carried on for profit by the owner, lessee or licensee.
- e. "Industrial" refers to the assembly, fabrication or processing of goods or materials.

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: Soil, landscaping and contours at the Brownfields Property 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 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: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance Out of compliance

Remarks: _____

LUR 6: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance Out of compliance

Remarks: _____

LUR 7: 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 8: 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 9: 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 Lenoir County, certifying that, as of said January 1st, the Notice remains recorded at the Lenoir 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.

_____ N/A _____

- 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.

N/A

In compliance Out of compliance

Remarks:

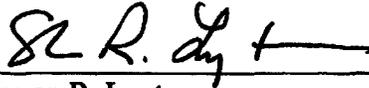
Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Lenoir County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by NC Global TransPark Authority, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Sherman R. Lupton

In the case of owners that are entities:

Signature of individual signing:



Name typed or printed:

Sherman R. Lupton

Title:

Executive Director

In the case of all owners:

Date: 6 FEBRUARY 2014

NC Global TransPark Authority

By: S.R. Lupton
Sherman R. Lupton
Executive Director

ATTEST:

Alanna King
Alanna King
Assistant Secretary, North Carolina Global TransPark

NORTH CAROLINA
LENOIR COUNTY

I, CHERYL H. PARRISH, a Notary Public of the county and state aforesaid, certify that Alanna King personally came before me this day and acknowledged that he/she is the Secretary of NC Global TransPark (corporation name), a North Carolina (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 Ex. Director and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 10th day of February, 2014.

Cheryl H. Parrish
Name:
Notary Public

My Commission expires: March 17, 2017

