

File Room Document Transmittal Sheet

Your Name: Shirley Liggins
Project ID: 1200508060
Facility Name: Swift Adhesives - PT&S Holdings
Document Group: Land Use Restriction Updates (LURU)
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Author of Doc: Petrus Van Dongen

File Room Use Only

Date Recieved by File Room:

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Month	Day	Year
8	10	12

1200508060

Scanner's Initials: *sal*

Brownfields Project #: 12005-08-60

Brownfields Property: Swift Adhesives, 9724 Industrial Drive

Property Owner (In whole or part): PT&S Holdings, LLC



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for industrial, warehousing (including outside storage) and distribution purposes, with associated office space, as well as for other commercial purposes if the Department of Environment and Natural Resources ("DENR") issues prior written approval. For purposes of this restriction, "industrial" refers to the assembly, fabrication or processing of goods or materials, "office" refers to the provision of business or professional services, and "commercial" refers to an enterprise carried on for profit by the owner, lessee or licensee.

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 DENR.

In compliance Out of compliance

Remarks: _____

LUR 3: Soil in the area designated "Area of Known Soil Contamination" on the plat component of the Notice of Brownfields Property ("Notice") may not be disturbed unless any sampling DENR requires has been conducted, and any actions DENR requires based on the sampling results have been taken, to ensure the Brownfields Property is and remains suitable for the uses specified in LUR 1 above and public health and the environment are fully protected. Actions required may include the capping or treatment of soil *in situ* and/or disposal off-site. Notwithstanding the above, soil disturbance in the

subject "Area of Known Soil Contamination" in connection with *de minimis* soil removals to depths not exceeding 18 inches, mowing and pruning of above-ground vegetation, and emergency repair of underground infrastructure are exempt from this land use restriction; provided, however, that DENR shall be given written notice (if only by email) of any emergency repair of underground infrastructure no later than the next business day and that any related assessment and remedial measures required by DENR shall be taken.

In compliance Out of compliance

Remarks: _____

LUR 4: With the exception of buildings that are not enclosed (for example, an open parking garage), no building may be constructed on the Brownfields Property until DENR has been consulted regarding the proximity of the planned building to the Brownfields Property's groundwater contamination as reflected in the most recent sampling results reasonably available to DENR and/or new sampling that DENR requires. If DENR determines that the proximity of the proposed building to said contamination would be such that the building's users, public health and the environment might not be protected from risk from contaminated soil vapor, the building may not be constructed absent:

- a. a prior written DENR determination that an assessment by the building's proponent of the risk posed by the contamination demonstrates that no vapor mitigation measures are required; or
- b. implementation, to the satisfaction of a North Carolina-licensed professional engineer as reflected by documentation sealed by said engineer, of a plan for vapor mitigation measures based on the sampling results referenced above that is approved in writing by DENR in advance and includes a proposed performance assessment prior to the building's use for demonstration of the measures' protection of the building's users, public health and the environment from risk from the contamination.

In compliance Out of compliance

Remarks: _____

LUR 5: No basements may be constructed on the Brownfields Property without DENR's advance written approval on such conditions as DENR imposes, which shall in any event include the condition that they be, as determined in writing by DENR, vented in conformance with applicable building codes.

In compliance Out of compliance

Remarks: _____

LUR 6: 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, may be used or stored at the Brownfields Property without the prior written approval of DENR, except in *de minimis* amounts for cleaning, other routine housekeeping, and vehicle maintenance and service in compliance with applicable law (though vehicle parts and tools may not be washed in solvents containing any contaminants known to be present in the environmental media at the Brownfields Property); and except as fuel or other fluids customarily used in vehicles, landscaping equipment and emergency generators.

In compliance Out of compliance

Remarks: _____

LUR 7: 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 8: 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 Director of Mecklenburg County’s Land Use and 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.

- c. whether any soil vapor mitigation measures installed pursuant to LUR 4 above are performing the function for which they were installed, and whether the uses of the ground floors of any buildings containing such measures have changed, and, if so, how.

In compliance Out of compliance _____

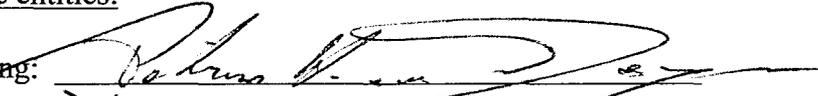
Remarks: _____

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: Petrus H. van Dongen
Title: CEO

In the case of all owners:

Date: 12-14-2011

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

[use for corporations]

~~Petrus~~ PT&S Holdings, LLC
[Insert Name of Corporation]

By: Petrus H. van Dongen
Name typed or printed: Petrus H. van Dongen
Title typed or printed: CEO

ATTEST: Petrus H. van Dongen

Petrus H. van Dongen
Name typed or printed:
Secretary, PT&S Holdings, LLC (corporation name)

NORTH CAROLINA
UNION COUNTY

I, JAI PATEL, a Notary Public of the county and state aforesaid, certify that PETRUS H. VAN DONGEN personally came before me this day and acknowledged that he/she is the Secretary of PT & S HOLDINGS, LLC (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 CEO and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 14 day of DECEMBER, 2011.

Jai Patel
Name: JAI PATEL
Notary Public

My Commission expires: MARCH 16, 2013

[Stamp/Seal]

[use for LLCs]

[Insert Name of LLC]

PT & S Holdings, LLC

By:

Petrus H. van Dongen

Name typed or printed:

Petrus H. van Dongen

Member/Manager

NORTH CAROLINA

UNION COUNTY

I, JAI PATEL, a Notary Public of the county and state aforesaid, certify that PETRUS H. VAN DONGEN personally came before me this day and acknowledged that he/she is a Member of PT & S HOLDINGS, 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 14 day of DECEMBER, 2011.

Jai Patel
Name typed or printed: JAI PATEL
Notary Public

My Commission expires: MARCH 16, 2013

[Stamp/Seal]