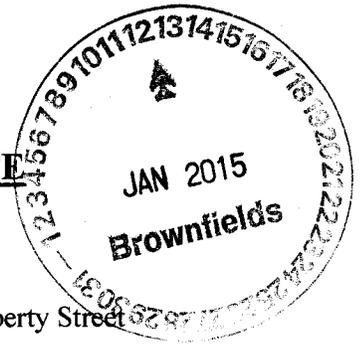


**NC BROWNFIELDS**  
**LAND USE RESTRICTIONS ("LUR") UPDATE**



**Certification Year: 2014**

**Name:** Southern States Cooperative  
**Project #:** 16029-12-098

**Address:** 3800 North Liberty Street  
**County:** Wilson

**Property Owner (In part or whole):** Sidius Metal Recycling, INC, Hanylae CHO

Read the following LURs and mark each restriction accordingly. Additional remarks may be added for compliance status clarification. Attach any required or supplemental documentation, sign, notarize and submit to the following address:

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

LUR 1: No use may be made of the Property other than for a small to medium-sized recycling center for the collection of ferrous scrap materials, nonferrous scrap materials, white goods, cars and certain waste vehicular fluids, automotive lead acid batteries, electric and electronic scrap materials, paper goods including cardboard, potentially plastic and glass, and/or with prior written Department of Environment and Natural Resources ("DENR") approval, other nonhazardous scrap materials; and for sales and minor maintenance of farm equipment. For purposes of this restriction, the following definitions apply:

- a. "Recycling" refers to the derivation of useable materials, or materials suitable for reuse from the collection, sorting, or processing of used or waste materials.
- b. "Ferrous scrap materials" are defined as those that contain magnetic metals that are predominantly composed of iron, including steel and stainless steel;
- c. "Nonferrous scrap materials" are defined as those that do not contain iron, but contain other metals such as aluminum, brass, copper, and lead;
- d. "White goods" are defined as obsolete major appliances such as refrigerators, water heaters and stoves;
- e. "Waste vehicular fluids" are defined as gasoline, diesel, and used motor oil;
- f. "Electric and electronic scrap materials" are those derived from consumer electric products such as mercury switches, insulated wires, electric motors, and consumer electronic products such as audio and video recording equipment, digital cameras, computers, copiers, printers and cellular phones;
- g. "Paper goods" are defined as scrap or waste paper, including stationery, photocopy paper, computer paper, newspaper, magazines, and paper board products;
- h. "Glass" refers to primarily glass bottles; and
- i. "Plastic" refers to plastic goods with plastic recycling codes No. 1 and No. 2.

- j. "Farm equipment" refers to tractors, loaders, backhoes, tillers, mowers, and tractor parts and accessories.

In compliance                       Out of compliance

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

LUR 2: Recycling operations that include the draining and collection of waste vehicular fluids, or the storage of scrap materials shall be performed only over asphalt or concrete cap materials and in a manner that prohibits the release of fluids to the ground.

In compliance                       Out of compliance

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

LUR 3: Groundwater at the Property may not be used for any purpose without the prior written approval of DENR;

In compliance                       Out of compliance

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

LUR 4: Exposure to surface soil shall be minimized by maintaining a protective cover or cap over the surface of the Property where recycling operations are conducted. The cap shall consist of building foundations, asphalt paving or concrete surface material, or other impervious hardscape material. Landscaped areas may be incorporated into the cover design, but shall be constructed with a minimum of one foot of compacted clean fill or topsoil over native soil, unless sampling demonstrates that the exposed soil is safe for the intended reuse.

In compliance                       Out of compliance

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

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LUR 5: The owner(s) of any portions of the Property containing the cap approved by DENR pursuant to the preceding LUR shall be responsible for inspecting on a periodic basis and maintaining such surfaces in good repair so that they retain their integrity and that the infiltration of surface water beneath the cap is minimized, whether or not another party has made a commitment to perform any part of said maintenance.

In compliance                       Out of compliance

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

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LUR 6: No activity that disturbs soil on the Property may occur unless and until DENR states in writing, in advance of the proposed activity, that said activity may occur if carried out along with any measures DENR deems necessary to ensure the Property will be suitable for the uses specified in LUR 1 above while fully protecting public health and the environment, except: in connection with *de minimis* soil removals to depths not exceeding 18 inches, mowing and pruning above-ground vegetation; and, for emergency repair of underground infrastructure, provided that DENR shall be given written notice (if only by email) of any such emergency repair 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: \_\_\_\_\_

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LUR 7: None of the contaminants known to be present in the environmental media at the Property, including those in paragraph 7 of the Brownfields Agreement (aka: Exhibit A), may be used or stored at the Property without the prior written approval of DENR, except in *de minimis* amounts for cleaning and other routine housekeeping activities, in small quantities properly stored in above ground containers with sufficient secondary containment to prevent release of fluids to the ground and are stored in areas that are separate and distinct from known contaminated areas at the site, and as constituents of automotive fluids present in vehicles in use

or temporarily stored at the facility in a manner that prohibits the release of contaminants to the ground.

In compliance                       Out of compliance

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

LUR 8: The Property may not be used as a park or for contact sports of any kind without the prior written approval of DENR.

In compliance                       Out of compliance

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

LUR 9: The Property may not be used for agriculture or grazing of animals.

In compliance                       Out of compliance

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

LUR 10: The Property may not be used as a playground, or for child care centers or schools.

In compliance                       Out of compliance

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

LUR 11: The Property may not be used for kennels, private animal pens, or horse-riding.

In compliance                       Out of compliance

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

LUR 12: The owner of any portion of the Property where any existing, or subsequently 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, unless compliance with this Land Use Restriction is waived in writing by DENR in advance.

In compliance                       Out of compliance

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

LUR 13: Neither DENR, nor any party conducting environmental assessment or remediation at the 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 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 Property.

In compliance                       Out of compliance

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

LUR 14: During January of each year after the year in which the Notice of Brownfields Property referenced in paragraph 19 of the Exhibit A is recorded, the owner of any part of the Property as of January 1<sup>st</sup> of that year shall submit a notarized Land Use Restrictions Update ("LURU") to DENR, and to the chief public health and environmental officials of Wilson County, certifying that, as of said January 1<sup>st</sup> the Notice of Brownfields Property containing these land use restrictions remains recorded at the Wilson 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 email address of the owner submitting the LURU if said owner acquired any part of the 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 Property during the previous calendar year.

\_\_\_\_\_  
\_\_\_\_\_

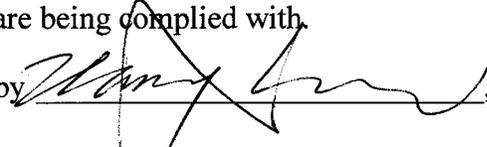
- c. providing copies of records pertaining to the design, construction, inspection, and/or maintenance of the site cap specified in LUR 4 and 5 above during the reporting period.

\_\_\_\_\_  
\_\_\_\_\_

In compliance       Out of compliance

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

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice of Brownfields Property remains recorded at the Wilson 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: Hanglae Cho

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: Sirius Metal Recycling INC  
Name typed or printed: Hang lae cho  
Title typed or printed: president

ATTEST:

IN SUK CHO  
Name typed or printed:

Secretary, [Signature] (corporation name)  
Sirius Metal Recycling INC

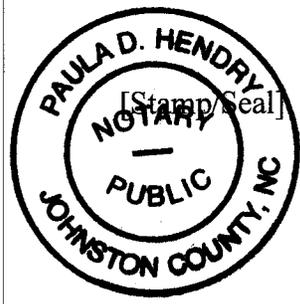
NORTH CAROLINA  
Wilson COUNTY

I, Paula D. Hendry, a Notary Public of the county and state aforesaid, certify that IN-SUK CHO personally came before me this day and acknowledged that he/she is the Secretary of Sirius Metal Recycling 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 president and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 7<sup>th</sup> day of January, 2015.

Paula D. Hendry  
Name:  
Notary Public

My Commission expires: March 19, 2018



[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]

