

DECLARATION OF PERPETUAL LAND USE RESTRICTIONS

For Property Owned By: The Estate of Martha W. Melts.

ABC One Hour Cleaners Superfund Site, Onslow County, North Carolina

The real property which is the subject of this Declaration of Perpetual Land Use Restrictions ("Declaration") is contaminated with hazardous substances, pollutants, or contaminants as defined by the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA" or "Superfund"), 42 U.S.C. § 9601 et. seq., and is a Federal Superfund Site and an INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE (hereinafter, "the Site") as defined by North Carolina's Inactive Hazardous Sites Response Act of 1987, which consists of Section 130A-310 through Section 130A-310.19 of the North Carolina General Statutes ("N.C.G.S."). The Site is the subject of a Superfund Interim Record of Decision ("IROD") for Operable Unit 3 issued by the United States Environmental Protection Agency ("EPA") on September 26, 2018. This Declaration is part of the remedy selected for the Site in the IROD (the "Remedy") that was approved by EPA on September 26, 2018, and that received concurrence from the Secretary of the North Carolina Department of Environmental Quality, Division of Waste Management, Superfund Section (or its successor in function), or his/her delegate, as authorized by N.C.G.S. Sections 130A-310.3(f) and 143B-279.9. The North Carolina Department of Environmental Quality shall hereafter be referred to in this Declaration as "DEQ," and shall mean DEQ and any successor in function. Hereafter, the DEQ Division of Waste Management, Superfund Section shall be referred to as "Superfund Section," and shall mean, for the purposes of this Declaration, the Superfund Section and any successor in function. The term EPA shall mean, for the purposes of this Declaration, EPA and any successor in function.

This Declaration is made this 31 day of Mar, 2025, by and between Victoria Florence Stephens, as Executrix of the Estate of Martha W. Melts ("the Estate" or "Grantor"), having an address of 10236 Mariners Cove Ct, Belville, NC, 28451-7444, and DEQ (or "Grantee"), having an address of: NC DEQ, Division of Waste Management, 217 West Jones Street, 1646 Mail Service Center, Raleigh, NC 27699-1646.

The Estate of Martha W. Melts is the owner in fee simple of a parcel of land, encompassing approximately 0.29 acres, located at 2127 Lejeune Blvd., Jacksonville, Onslow County, North Carolina, which is the real property legally described in Deed Book 1637, Page 73 in the Office of the Register of Deeds for Onslow County (the "Site"), more particularly described on Exhibit B (Legal Description of Site), which is attached to this Declaration and made a part of this Declaration. The Site is identified on the map attached hereto at Exhibit A (Map of the Site). The Site is also shown on a Notice of Inactive Hazardous Substance or Waste Disposal Site in the form of a survey plat ("Survey Plat"), which has been recorded prior to the recordation of this Declaration in Map Book 88 Page 130 in the Office of the Register of Deeds for Onslow County, North Carolina. A copy of the Survey Plat is included at Appendix A.

For the purpose of protecting public health and the environment, the Estate hereby declares that all of the Site shall be held, sold and conveyed subject to the following perpetual land use restrictions, which shall run with the land; shall be binding on all parties having any right, title or interest in the Site or any part thereof, its heirs, successors and assigns; and shall, as provided in N.C.G.S. Section 130A-310.3(f), be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. These restrictions shall continue in perpetuity and cannot be amended or canceled unless and until the Onslow County Register of Deeds receives and records the written concurrence of the Secretary of DEQ (or its successor in function), or his/her delegate. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.



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 Onslow County, NC
 Omega K. Jarman Reg. of Deeds
 BK **6336** PG **272-279**

PERPETUAL LAND USE RESTRICTIONS

Victoria Stephens, as Executrix, on behalf the Estate of Martha W. Melts, its heirs, successors, successors-in-title, and assigns, does hereby covenant and declare as follows: The Site shall be held, sold and conveyed subject to the covenants, conditions, and perpetual land use restrictions set forth below, which shall run with the land, and does give, grant, and convey to DEQ the right to enforce said use restrictions. The following covenants, conditions, and restrictions shall apply to the Site:

1. The Site shall be used only for commercial or industrial purposes but shall not be used for or contain childcare facilities, schools, parks, recreational areas or athletic fields. The Site shall not be used for residential purposes, including but not limited to apartments, mixed use developments, condominiums, townhomes, single living homes, senior care homes, or hotels.
2. Groundwater underlying the Site shall not be used for any purpose other than investigation, remediation and monitoring of groundwater quality without prior written approval, not to be unreasonably withheld, by both DEQ and EPA. Groundwater wells or other devices for access to groundwater shall not be installed for any purpose at the Site other than the investigation, remediation, and monitoring of groundwater quality, without the prior written approval, not to be unreasonably withheld, of both DEQ and EPA.
3. Vapor Intrusion Exposure Pathway Evaluation and Mitigation. Prior to any building construction, the vapor intrusion exposure pathway must be evaluated. A report of the vapor intrusion exposure pathway must be submitted to DEQ and EPA for review and comment at least thirty (30) days prior to applying for a building permit. The report must be prepared by a North Carolina-licensed professional engineer who has experience in the responsible charge of the investigation and remediation of releases of regulated substances. If warranted, a vapor intrusion mitigation system will be designed and installed in the proposed building. All comments from DEQ and EPA should be addressed to DEQ's and EPA's satisfaction.
4. Prior to any activity at the Site which will disturb or alter the remedial measures and engineering controls selected by EPA in the IROD or implemented at the Site, written notification should be provided to both DEQ and EPA. These remedial measures and engineering controls include, but are not limited, the subslab depressurization system shed (as depicted on plat) and surrounding fencing. Additionally, DEQ and EPA should be notified if any surface or subsurface soil will be excavated and removed from the Site.
5. No person conducting environmental assessment or remediation at the Site or involved in determining compliance with applicable land use restrictions, at the direction of DEQ or EPA, or their respective successors in function, may be denied access to the Site for the purpose of conducting such activities. These activities include, but are not limited to:
 - a. Verifying any data or information submitted to DEQ and EPA;
 - b. Conducting investigations relating to contamination at or near the Site;
 - c. Obtaining samples;
 - d. Conducting operation and maintenance of the remedial action, and assessing the need for, planning or implementing additional response actions at or near the Site;

- e. Conducting periodic reviews of response actions at the Site required by applicable statutes and/or regulations, including but not limited to the five-year review requirements arising under CERCLA Section 121(c), and 40 CFR Part 300.430(f)(4);
 - f. Verifying that activities and conditions at the Site remain in compliance with the land use restrictions herein; and
- 6. The owner of any portion of the Site shall cause the instrument of any sale, lease, grant, or other transfer of any interest in such property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Declaration. The failure to include such provision shall not affect the validity or applicability of any land use restriction in this Declaration.
- 7. Each person who owns any portion of the Site shall submit a letter report, containing the notarized signature of the owner, in January of each year on or before January 31st, to the EPA and the Superfund Section, confirming the following:
 - a. This Declaration is still recorded in the Office of the Onslow County Register of Deeds.
 - b. Activities and conditions at the Site remain in compliance with the land use restrictions herein.
 - c. Whether any portion of the Site has been sold, leased, conveyed, or transferred since the last letter report submitted to the EPA and the Superfund Section.

OTHER PROVISIONS

- 8. Cancellation of Restrictions: At the request of the Estate of Martha W. Melts its heirs(s) or subsequent land owner(s) at the Site, this Declaration may be cancelled by DEQ after the contamination has been eliminated or remediated to unrestricted use standards as required by N.C. Gen. Stat. § 143B-279.10(f). Unrestricted use standards, defined by N. C. Gen. Stat. § 143B-279.9(d)(1), include at this Federal Superfund Site, among other things, achieving levels that allow for unlimited use and unrestricted exposure” as determined by EPA in compliance with “Applicable or Relevant and Appropriate Requirements” (ARARs) and pursuant to the requirements of the IROD. In combination with other unrestricted use standards, “unlimited use and unrestricted exposure” levels have been established to allow for possible unrestricted use of the Site in a manner that does not pose a danger or risk to public health or the environment from the contamination addressed by this Declaration. DEQ requires, among other things, concurrence from EPA that the contamination at the Site has been eliminated or remediated to these levels that allow for “unlimited use and unrestricted exposure” prior to cancellation of this Declaration.
- 9. Reserved Right of the Estate of Martha W. Melts: The Estate of Martha W. Melts hereby reserves, unto itself, its heirs, successors, and assigns, all rights and privileges in and to the use of the Site which are not incompatible with the restrictions, rights and covenants granted herein.

10. Reserved Rights of State: Nothing in this Declaration shall limit or otherwise affect the DEQ's or its agents' rights of entry and access provided by law or regulation.
11. Reserved Rights of the United States: Nothing in this Declaration shall limit or otherwise affect the United States' or its agents' rights of entry and access, or the United States' authority to take response actions under CERCLA, the National Contingency Plan (*see* 40 C.F.R. Part 300), or other laws or regulations.
12. No Public Access and Use: This Declaration does not convey a right of access or use by the general public to any portion of the Site.
13. Administrative Jurisdiction: DEQ is the state agency having administrative jurisdiction over the interests acquired by the State of North Carolina through this Declaration. The Secretary of DEQ or his or her delegate shall exercise the discretion and authority granted to the State herein.
14. Representations and Warranties: Victoria Stephens, as Executrix of the Estate of Martha W. Melts has provided to DEQ and EPA the names of all other persons that hold an encumbrance on the Site and has notified such persons of the Estate of Martha W. Melts' intention to enter into this Declaration;
 - a. To the extent any other interest in or encumbrance on the Site conflicts with the restrictions and requirements set forth in this Declaration, the persons who own such interests or hold such encumbrances have agreed to subordinate such interests or encumbrances to this Declaration and the subordination agreement[s] is [are] attached hereto as Exhibit E (Subordination Agreements); and
 - b. This Declaration will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which the Estate of Martha W. Melts is a party or by which the Estate of Martha W. Melts may be bound or affected.

ENFORCEMENT

Adherence to the above land use restrictions is necessary to protect public health and the environment. The restrictions are an integral part of the remedy for the contamination at the Site and shall be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. These land use restrictions shall be enforced by any owner, operator, or other party responsible for any part of the Site. The above land use restrictions may also be enforced by the Superfund Section through the remedies provided in N.C.G.S. Chapter 143B-279, N.C.G.S. Chapter 130A, Article 1, Part 2 or by means of a civil action. These land use restrictions may also be enforced by any unit of local government having jurisdiction over any part of the Site, by EPA as a third-party beneficiary to the extent allowed by law, as well as by any other person or entity authorized by law to enforce. It is expressly agreed that EPA is not the recipient of a real property interest under this Declaration. Any attempt to cancel this Declaration without the approval of the Superfund Section or its successor in function, shall constitute noncompliance with the Remedy or Remedial Action Plan approved by the DEQ Superfund Section for the Site, and shall be subject to enforcement by the Superfund Section to the full extent of the law. Any attempt to cancel this Declaration without the approval of EPA or its successor in function shall also constitute noncompliance with the Remedy shall be subject to enforcement by EPA to the full extent authorized by applicable law. Failure by any party required or authorized to

enforce any of the restrictions in this Declaration shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

FUTURE SALES, LEASES, CONVEYANCES, AND TRANSFERS

When any portion of the Site is sold, leased, conveyed or transferred, pursuant to N.C.G.S. Section 130A-310.8(e) the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that the real property being sold, leased, conveyed, or transferred has been used as a hazardous substance or waste disposal site and a reference by book and page to the recordation of the Notice of Inactive Hazardous Substance or Waste Disposal Site referenced in this Declaration.

IN WITNESS WHEREOF, Victoria Stephens, as Executrix of the Estate of Martha W. Melts, has caused this Declaration to be executed by this 31 day of Mar, 2025.

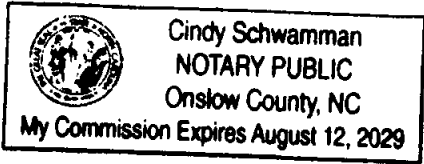
WITNESS: Joan E. Bardin JOAN E. BARDIN

By: VICTORIA STEPHENS, Executrix of the Estate of Martha W. Melts

On this 31 day of Mar 2025, before me, the undersigned, a Notary Public in and for the State of duly commissioned and sworn, personally appeared Victoria Stephens, known by me to the party so executing the foregoing agreement for and on behalf of the Estate of Martha W. Melts and she acknowledged said Declaration, by her so executed, to be her free act and deed in said capacity and the free act and deed of the Estate of Martha W. Melts.

Victoria Stephens
(signature)
Victoria Stephens

Cindy Schwamman
NOTARY PUBLIC
My Commission Expires: Aug 12, 2029



APPROVAL AND CERTIFICATION OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

The foregoing Declaration of Perpetual Land Use Restrictions is hereby approved and certified.

By: William F. Hunneke

William F. Hunneke, Chief
Superfund Section
Division of Waste Management
North Carolina Department of Environmental
Quality

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Latonya Clark, a Notary Public, do hereby certify that
William F. Hunneke personally appeared before me this day,
produced proper identification in the form of State Employee ID, and signed this
Declaration.

WITNESS my hand and official seal this 7 day of April, 2025.

Latonya Clark
Notary Public

My Commission expires: June 12, 2029

[SEAL]

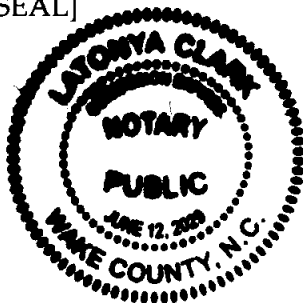


EXHIBIT A

Map of the Site (Plat)

EXHIBIT B

Legal Description of the Site

TRACT I:

ALL that certain tract or parcel of land situated in Jacksonville Township, Onslow County, State of North Carolina more particularly described as follows: Being all of Lots 1 and 2, Block J of the Subdivision of property known and designated as belonging to Tom Shugart and J.T. Morgan as shown on that certain plat recorded in Map Book 3, Page 55, Onslow County Registry. Grantor obtained title through Deed recorded in Book 333, Page 176, Onslow County Registry.