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January 16, 2014

VIA CERTIFIED MAIL

Randy C. Huffman
Cabinet Secretary, Department of Environmental Protection
601 – 57th Street SE
Charleston, WV 25304

Re: *Land Use Covenant, VRP No. 04506, Former Pennzoil-Quaker State Etowah Terminal 1015 Barlow Drive, Charleston, West Virginia (the "Land Use Covenant").*

Dear Mr. Huffman:

McGuireWoods LLP represents Freedom Industries, Inc. ("Freedom"). As you may be aware, Etowah River Terminal, LLC ("Etowah") was the owner of property located at 1015 Barlow Drive Charleston, West Virginia, which is encumbered by the above referenced Land Use Covenant, as recorded with the Office of the Clerk of the County Commission of Kanawha County in book 2618, page 804 on December 7, 2004 in connection with the Voluntary Remediation Agreement between the Department of Environmental Protection for the State of West Virginia and Pennzoil.

On December 31, 2013, Etowah merged with and into its affiliate, Freedom Industries, Inc. ("Freedom"), with Freedom as the surviving entity operating under the name "Freedom Industries, Inc." (the "Merger"). Pursuant to § 31D-11- 1107(a)(4) of the West Virginia Business Corporation Act, upon the effectiveness of the Merger all real property owned by Etowah located in the state passed by operation of law to Freedom. This transaction has been evidenced by a confirmatory deed, filed by Freedom in Kanawha County.

As this transaction may be construed as a transfer of an interest in the property, and out of an abundance of caution, we are providing notice of this Merger, which may be required under Section 4 of the Land Use Covenant.

Very truly yours,



David J. Hornyak

