

Debbies.



State of Ohio Environmental Protection Agency

STREET ADDRESS:

1800 WaterMark Drive
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

RECEIVED
JAN 16 2002
OHIO EPA/CDO

October 10, 2000

CERTIFIED MAIL

Mr. Garry McAnally
LANGAR Enterprises, Inc.
35 South Park Place, Suite 300
Newark, OH 43055

RE: Issuance of Covenant Not To Sue for the Property located at 650 Hopewell Drive, Heath, Licking County, Ohio. 00NFA087

Dear Mr. McAnally:

I am happy to inform you that on October 10, 2000, the Director of the Ohio Environmental Protection Agency ("Director") issued a Covenant Not To Sue ("Covenant") to LANGAR Enterprises, Inc. for the property located at 650 Hopewell Drive, Heath, Licking County, Ohio. The Covenant was issued as Final Findings and Orders pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300. You will find the certified copy of the Covenant enclosed.

Upon the issuance of these Findings and Orders, and subject to the conditions outlined in the Covenant, Ohio EPA covenants not to sue and releases LANGAR Enterprises, Inc. and its agents, employees, shareholders, officers, directors, successors and assigns, and successors and assigns of the property, from all civil liability to the State of Ohio to perform additional investigational and remedial activities at the property for the releases of hazardous substances or petroleum identified in the Phase I and Phase II Property Assessments completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.

The issuance of the Covenant is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the action. (See ORC 3745.04 and 3745.07.) A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 236 East Town Street, Room 300, Columbus, Ohio 43215.

George V. Voinovich, Governor
Nancy P. Hollister, Lt. Governor
Donald R. Schregardus, Director

LANGAR Enterprises, Inc..
Vacant Land Property, 650 Hopewell Drive, Heath, Ohio
Page 2

Many parties within the agency, LANGAR Enterprises, Inc.. and Smalley & Associates, Inc.. worked hard to remove the environmental barriers associated with redeveloping this property. Congratulations on the issuance of this Covenant. If you have any questions or concerns, please feel free to contact me at (614) 644-2285.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Yersavich", with a long horizontal flourish extending to the right.

Amy Yersavich, Acting Manager
Division of Emergency and Remedial Response
Voluntary Action Program

Enclosure

cc: Atul Pandey, CP, Smalley & Associates, Inc.
Frank Robertson, VAP, DERR, CO
Sue Kroeger, Legal Office
CO DERR-VAP Files

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

LANGAR Enterprises, Inc.
33 South Park Place, Suite 300
Newark, Ohio 43055

Covenant Not to Sue

**Director's Final Findings
and Orders**

Regarding property known as:

Vacant Land
650 Hopewell Drive
Heath, Ohio 43065

OHIO E.P.A.
OCT 10 2000
ENTERED DIRECTOR'S JOURNAL

Pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, the Director of the Ohio Environmental Protection Agency ("Director") hereby makes the following Findings and issues the following Orders ("Findings and Orders").

FINDINGS

1. An original No Further Action Letter, No. 00NFA087 (the "NFA Letter"), was issued on February 15, 2000 and submitted on March 7, 2000 to Ohio Environmental Protection Agency ("Ohio EPA"), Division of Emergency and Remedial Response, Voluntary Action Program ("VAP") on behalf of LANGAR Enterprises, Inc. (the "Volunteer" or "LANGAR"), by Atul Pandey, a certified professional, No. CP224, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8) (the "Certified Professional").
2. The NFA Letter describes investigational and remedial activities undertaken at the approximately 18 acre property, currently known as Vacant Land, located at 650 Hopewell Drive, Heath, Licking County, Ohio (the "Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A site location map is attached hereto as Exhibit 2. The NFA Letter includes an Executive Summary, which is attached hereto as Exhibit 3.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency

By: Al J. Jupp Date 10-10-00

4. Based upon the information contained in the NFA Letter, the following investigational activities were undertaken and completed regarding the Property:
 - a. a Phase I Property Assessment, in accordance with OAC 3745-300-06, to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred at or emanated from the Property;
 - b. a Phase II Property Assessment, in accordance with OAC 3745-300-07, including but not limited to investigations of all identified areas of concern and affected media, to assess environmental conditions related to any release of hazardous substances and petroleum; and
 - c. a demonstration that compliance with applicable standards has been achieved through the use of generic numerical standards in accordance with OAC 3745-300-08.
5. The Certified Professional has verified by affidavit that the investigational activities undertaken at the Property comply with the applicable standards established in ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible to receive a Covenant Not to Sue under the VAP, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.
6. At the time that analyses were performed, Blackhand Laboratory was a certified laboratory, No. CL0064, as defined in ORC 3746.01(D) and OAC 3745-300-01(A)(7), whose services were used in support of the NFA Letter for the Property (the "Certified Laboratory") .
7. According to information provided by the Certified Laboratory in an affidavit contained in the NFA Letter, the Certified Laboratory performed analyses for which it was certified and qualified, pursuant to ORC Chapter 3746 and OAC Chapter 3745-300, that formed the basis for the issuance of the NFA Letter by the Certified Professional.
8. Based on the information contained in the NFA Letter, the Property meets the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for residential land use and unrestricted potable ground water use, including but not limited to:

- a. Residential land use category direct contact soil standards for hazardous substances in accordance with Tables II, V and VI of OAC 3745-300-08 for generic numerical standards, at a point of compliance from the surface to a depth of 10 feet;
 - b. Residential land use category direct contact soil standards for petroleum in accordance with OAC 3745-300-08(B)(3)(a)(i) for generic numerical standards, at a point of compliance from the surface to a depth of 10 feet;
 - c. Unrestricted potable use ground water standards in accordance with Table VII of OAC 3745-300-08, at all points underlying the Property;
9. Based on the information contained in the NFA Letter and subject to all other conditions set forth in these Findings and Orders, the Property is eligible to receive a covenant not to sue in accordance with ORC 3746.12(A), and the voluntary action for the Property is protective of public health and safety and the environment.

ORDERS

Covenant

1. Upon the issuance of these Findings and Orders, and subject to the conditions set forth herein, Ohio EPA hereby covenants not to sue and releases LANGAR Enterprises, Inc., and its agents, employees, shareholders, officers, directors, successors and assigns, and successors and assigns of the Property, from all civil liability to the State of Ohio (the "State") to perform additional investigational and remedial activities at the Property for the releases of hazardous substances or petroleum identified in the Phase I and Phase II Property Assessments completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.

Conditions and Limitations

2. The Covenant provided in Order No. 1 shall only apply to the approximately 18 acre Property described in these Findings and Orders, the NFA Letter and the Exhibits attached hereto, upon which the investigational activities specified in the NFA Letter were conducted.

3. Pursuant to ORC 3746.12(B), the Covenant shall remain in effect for as long as the Property continues to comply with the applicable standards upon which the Covenant is based, as referenced in these Findings and Orders.
4. Pursuant to ORC 3746.21, authorized representatives of the Director shall be granted access to the Property for inspection or investigation purposes.
5. The Covenant shall not apply to releases of hazardous substances or petroleum:
 - a. that occur after the issuance of the NFA Letter to the Volunteer;
 - b. on or emanating from the Property, that are not described in the NFA Letter; or
 - c. for which investigational or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
6. The Covenant shall not apply:
 - a. to claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended;
 - b. to claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency; or
 - c. as otherwise specifically provided in ORC Chapter 3746.
7. Nothing in ORC Chapter 3746 limits the authority of the Director to act under ORC 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from the Property, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.

8. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

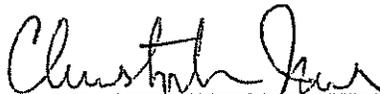
Recordation in Deed Record

9. A copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Site Map), and 3 (Executive Summary), shall be recorded in the Licking County Recorder's Office, in the same manner as a deed to the Property, within sixty (60) days after the issuance of these Findings and Orders.

Transfer

10. Pursuant to ORC 3746.14 and OAC 3745-300-13(K), the NFA Letter and the Covenant Not to Sue/Findings and Orders may be transferred to any person by assignment or in conjunction with the acquisition of title to the Property.

IT IS SO ORDERED:

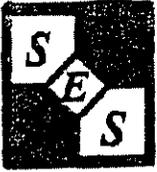


Christopher Jones, Director
Ohio Environmental Protection Agency

OCT 10 2000
Date

Vacant Land, 650 Hopewell Drive, Heath, Ohio 43056
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 1
Legal Description



SMART ENGINEERING & SURVEYING, INC.

210 NORTHTOWNE COURT * NEWARK, OHIO 43055 * PHONE: (740) 345-4700 * FAX: (740) 522-4706

LEGAL DESCRIPTION OF A 18.000 ACRE PARCEL KIKI ANDROUTSOS

November 16, 1999

Page 1 of 2

Situated in the State of Ohio, County of Licking, City of Heath and being described as follows:

Being a part of Lot 5 in the Fourth Quarter of Township 2, Range 12, United States Military Lands and being a part of Parcel No. 28 conveyed to Gramatiki Kiki Androutsos as recorded in Official Record 49, Page 643 (page 656) of the Licking County Recorder's Office and being more particularly bounded and described as follows:

Beginning for reference at an iron pin set at the southwesterly corner of Lot 23 of the Patmar Addition as recorded in Plat Book 6, Page 160, said point being in the northerly line of said Androutsos property, thence along the southerly line of said Patmar Addition and the northerly line of said Androutsos property, South 83 degrees 14 minutes 1 seconds East, 37.23 feet to a concrete monument found (disturbed), said point being the northeasterly corner of said Androutsos property and the northwesterly corner of the property conveyed to The Newark Telephone Company in Deed Book 770, Page 947;

Thence along the line between said Androutsos property and said Newark Telephone Company property, South 00 degrees 45 minutes 45 seconds West, 893.26 feet to an iron pin set at the True Point of Beginning of the parcel herein described, passing a concrete monument found at 724.60 feet;

Thence continuing along the line between said Androutsos property and said Newark Telephone Company property, South 06 degrees 45 minutes 45 seconds West, 640.32 feet to a concrete monument found at the southeasterly corner of said Androutsos property and the southwesterly corner of said Newark Telephone Company property, said point being on the northerly right-of-way line of Hopewell Drive, passing a concrete monument found at 280.69 feet;

Thence along the northerly right-of-way line of Hopewell Drive, South 66 degrees 52 minutes 15 seconds West, 31.10 feet to an iron pin set at a point of curvature of a curve to the right;

Thence continuing along the northerly right-of-way line of Hopewell Drive and along said curve having a radius of 1834.86 feet, an arc length of 192.15 feet, a delta of 06 degrees 00 minutes 00 seconds, a tangent length of 96.16 feet, and a chord which bears South 69 degrees 52 minutes 15 seconds West, 192.06 feet to an iron pin set at a point of compound curvature;

Thence continuing along the northerly right-of-way line of Hopewell Drive and along said compound curve having a radius of 1357.39 feet, an arc length of 791.00 feet, a delta of 33 degrees 23 minutes 17 seconds, a tangent length of 407.08 feet, and a chord which bears South 89 degrees 33 minutes 54 seconds West, 779.85 feet to a 1/2" rebar found at the southwesterly corner of said Androutsos property, said point being the southeasterly corner of the property conveyed to The Parkersburg Steel Company by Deed Book 786, Page 7, said point also being on the westerly line of said Lot 5;

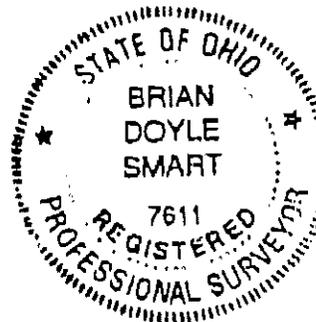
Thence along the line between said Androutsos property and said Parkersburg Steel Company property, North 04 degrees 04 minutes 42 seconds East, 840.46 feet to an iron pin set;

**LEGAL DESCRIPTION
OF A 18.000 ACRE PARCEL
KIKI ANDROUTSOS
November 16, 1999
Page 2 of 2**

Thence crossing said Androustos property, South 83 degrees 14 minutes 15 seconds East, 981.99 feet to the True Point of Beginning, containing 18.000 Acres, more or less. Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations. This description was prepared by Smart Engineering & Surveying, Inc. in November 1999, and is based upon actual field measurements. Bearings shown hereon are based upon the northerly right-of-way line of Hopewell Drive being South 66 degrees 52 minutes 15 seconds West, as shown on highway plans on file at the City of Heath.

There is an undefined easement 20.00 feet in width to be granted across this new parcel to provide access to the remainder of the Androustos property.

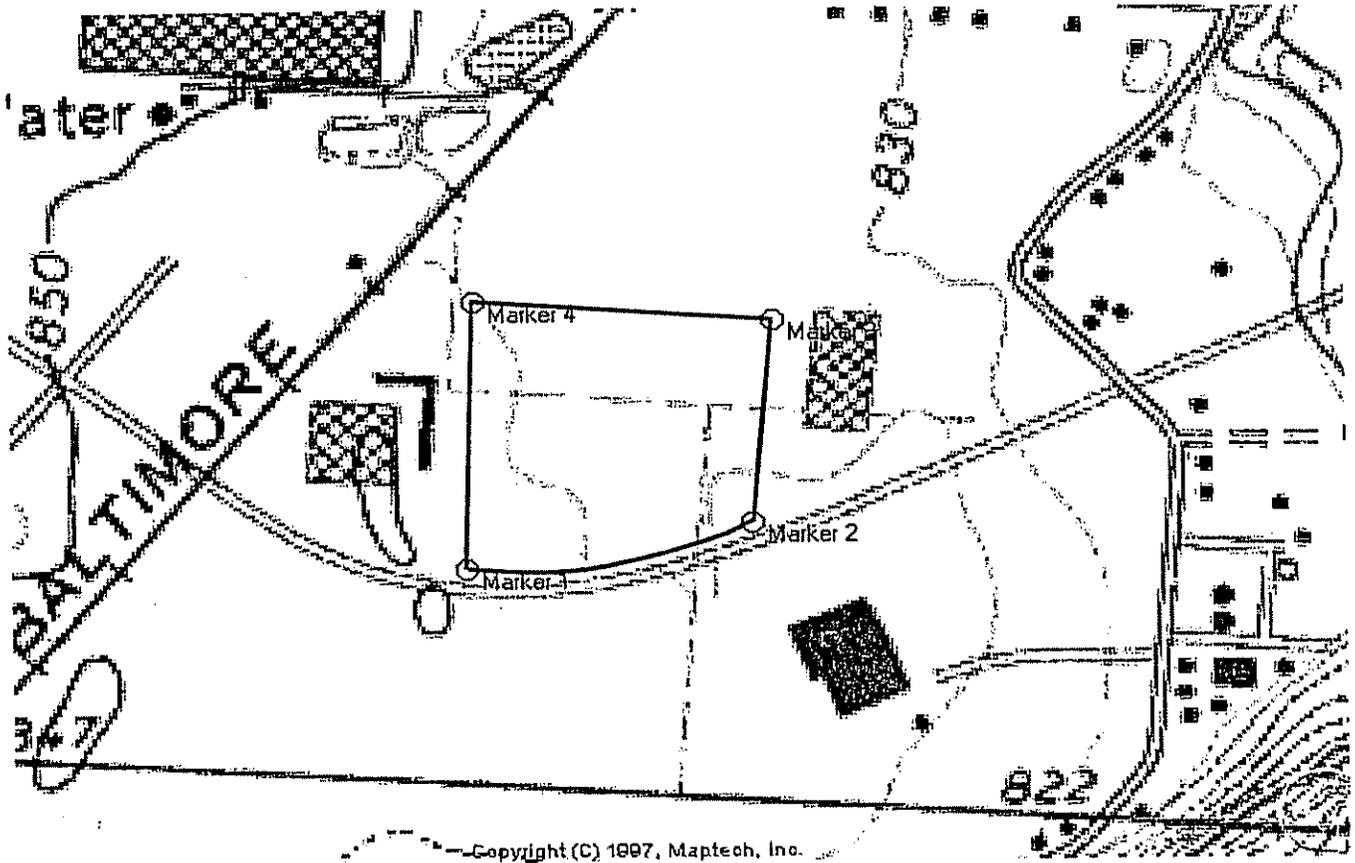

BRIAN D. SMART
REG. SURVEYOR NO. 7611



Vacant Land, 650 Hopewell Drive, Heath, Ohio 43056
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 2
Site Map

SITE LOCATION



MARKER	LATITUDE COORDINATE			LONGITUDE COORDINATE		
1	40°	2'	6.44"	82°	25'	20.81"
2	40°	7'	7.93"	82°	25'	9.86"
3	40°	2'	14.50"	82°	25'	9.05"
4	40°	2'	15.12"	82°	25'	20.48"

The above map and coordinates were obtained from a computer program (MapTech TopoScout version 2.01) which uses digitized images of USGS 7.5 minute quads. The above map is of the 1982 Newark, Ohio quadrangle. Smalley & Associates makes no warranty as to the accuracy of this program nor to the precision of the markers that Smalley & Associates placed on this map.

PLAT OF SURVEY FOR MCANALLY COMPANIES

LOCATED IN THE STATE OF OHIO, COUNTY OF LICKING,
CITY OF HEATH
P.L. 11-5, FOURTH QUARTER
TOWNSHIP 2, RANGE 12, U.S.M.L.

GRAPHIC SCALE



RD DATA

Q.R. 49-643 DEED TO KRI ANDROUTSOS
D.B. 770-947 DEED TO THE NEWARK TELEPHONE COMPANY
D.B. 705-7 DEED TO THE PARKERSBURG STEEL COMPANY
P.B. & P.C. 160 PLAT OF FATMAR ADDITION
RIGHT-OF-WAY PLANS FOR C.R. 311 (NOW HOPEWELL DRIVE)

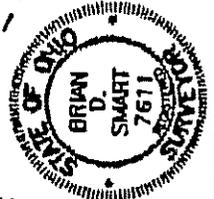
REBAR SET WITH
BY CAP MARKED
BY SURVEY
MENT FOUND
DIED

- (M) MEASURED
- (R) RECORD
- (C) CALCULATED

NOTATION

THIS WAS PREPARED BY SMART ENGINEERING & SURVEYING, INC.
TRUE AND ACCURATE REPRESENTATION, TO THE BEST OF MY
KNOWLEDGE AND BELIEF, OF A SURVEY MADE BY SAME IN NOV. 1989.

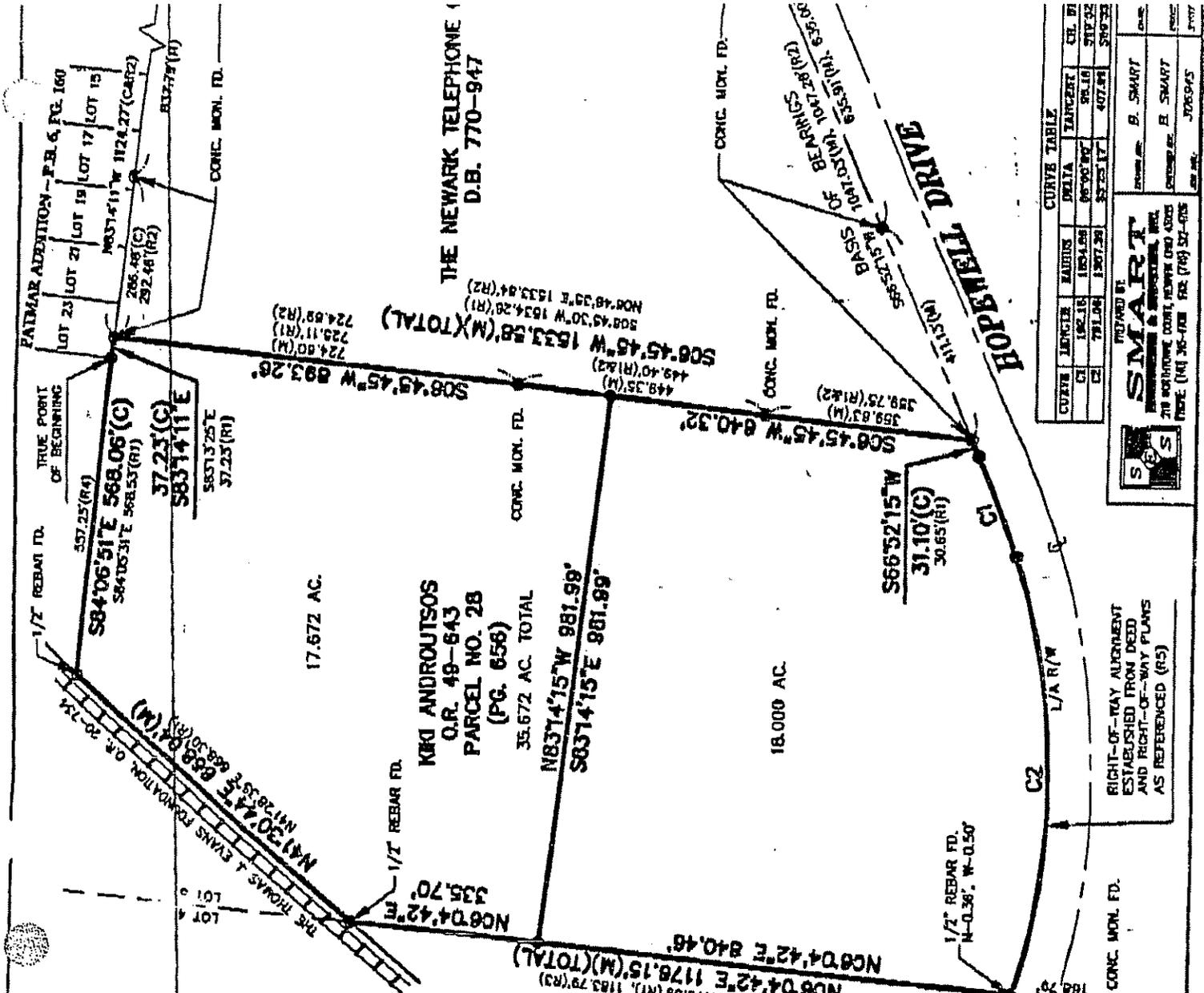
THIS WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE
EXAMINATION. ALL OWNERSHIP SHOWN IS BASED UPON RECORD DATA
AT THE TIME OF SURVEY. NO GUARANTEE IS PLACED
ON THE SURVEY OR ANY PROPERTY. EASEMENTS MAY
SUBJECT PROPERTY THAT A THOROUGH TITLE
EXAMINATION WOULD REVEAL.



SMART
REG. SURVEYOR NO. 7611

THE PARKERSBURG
STEEL CO.
D.B. 786-7

RIGHT-OF-WAY ALIGNMENT
ESTABLISHED FROM DEED
AND RIGHT-OF-WAY PLANS
AS REFERENCED (R5)



CURVE	LENGTH	BEARING	DELTA	TANGENT	CH. PT.
C1	182.16	1854.58	98.16	917.32	917.32
C2	781.04	1307.39	52.23	407.88	519.28

PREPARED BY
SMART ENGINEERING & SURVEYING, INC.
710 WASHINGTON, COLUMBUS, OHIO 43260
PHONE: (614) 365-1000 FAX: (614) 321-6108

DATE	BY
11/15/89	B. SMART
11/15/89	B. SMART
11/15/89	J. JOHNSON

THE NEWARK TELEPHONE CO.
D.B. 770-947

HOPEWELL DRIVE
1115' (M)

CONC. MON. FD.

TRUE POINT
OF BEGINNING

FATMAR ADDITION - P.B. & P.C. 160
LOT 23 LOT 21 LOT 19 LOT 17 LOT 15

S84°06'51"E 568.06'(C)
S84°05'31"E 568.53'(R1)

37.23'(C)
S83°14'11"E

S83°13'25"E
37.23'(R1)

S08°45'45"W 893.26'
449.35'(M)
449.40'(R1&2)

S08°45'45"W 1531.58'(M)(TOTAL)
724.80'(M)
724.80'(R1)
724.80'(R2)
S08°45'30"W 1534.28'(R1)
S08°48'35"E 1533.84'(R2)

KRI ANDROUTSOS
Q.R. 49-643
PARCEL NO. 28
(PG. 656)
35.672 AC. TOTAL

N83°14'15"W 981.99'
S83°14'15"E 981.99'

S08°45'45"W 840.32'
359.83'(M)
359.75'(R1&2)

S66°52'15"W
31.10'(C)
30.65'(R1)

18.000 AC.

17.672 AC.

1/2" REBAR FD.

N08°04'42"E
335.70'

N08°04'42"E 1178.15'(M)(TOTAL)
N08°07'20"E 1178.09'(R1), 1183.79'(R2)

1/2" REBAR FD.
N-0.36", W-0.50"

CONC. MON. FD.

188.78'

N08°04'42"E

Vacant Land, 650 Hopewell Drive, Heath, Ohio 43056
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 3
Executive Summary

Vacant Land
650 Hopewell Drive
Heath, Ohio 43056

VOLUNTEER:
LANGAR Enterprises, Inc.
35 South Park Place
Suite 300
Newark, Ohio 43055

OWNER(S):
LANGAR Enterprises, Inc.
35 South Park Place
Suite 300
Newark, Ohio 43055

CERTIFIED PROFESSIONAL ISSUING NFA:

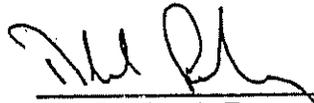
Atul Pandey, P.E.
CP# 224
Smalley & Associates, Inc.
Phone: (740) 654-0112
Fax: (740) 681-1926

State of — Ohio)
County of — Fairfield)

Atul Pandey, being first duly sworn according to law, and deposes and states that, to the best of my knowledge, information and belief:

1. I am an adult over the age of eighteen (18) years old and competent to testify herein.
2. I am a Certified Professional, CP No. 224, in good standing under Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.
3. I have prepared a No Further Action Letter for LANGAR Enterprises, Inc., for property located at 650 Hopewell Drive, Heath, OH 43056, (the "Property").
4. I have reviewed Paragraph (F) of OAC rule 3745-300-05, and have met all standards of conduct contained in that Paragraph while rendering professional services to LANGAR Enterprises, Inc. regarding the Property.
5. The Property is eligible for the Voluntary Action Program, pursuant to ORC Section 3746.02 and OAC rule 3745-300-02.
6. The voluntary action has been conducted and the No Further Action Letter has been issued in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.
7. The voluntary action conducted at the Property was conducted in compliance with all applicable federal, state and local laws and regulations.
8. The No Further Action Letter and NFA Review Form for the Property, and any other information, data, documents, and reports submitted with the No Further Action Letter and NFA Review Form are true, accurate, and complete.
9. The No Further Action Letter, and all supporting information, data, documents, and reports, are a true, accurate and complete characterization of conditions at the Property, including the presence or absence of hazardous substances and petroleum.

Further affiant sayeth naught.

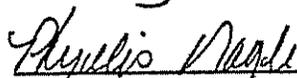


Atul Pandey, P.E.

Sworn to before me this 15th day of February, 2000.



PHYLLIS NAGLE
Notary Public, State of Ohio
My Commission Expires
10.10.02



Name of Notary Public

1.0 Introduction

A No Further Action Letter was submitted to the Ohio Environmental Protection Agency (Ohio EPA), Division of Emergency and Remedial Response (DERR) Voluntary Action Program (VAP) on behalf of LANGAR Enterprises, Inc. on February 15, 2000, by Atul Pandey, P.E., Smalley & Associates, Inc., CP #224.

The NFA describes the Phase I and Phase II Property Assessments for the 18 acres of vacant land located at 650 Hopewell Drive, Heath, Ohio 43056.

This executive summary of the NFA has been prepared to meet the requirements of Ohio Revised Code (ORC Chapter 3746). A complete copy of the NFA Letter is on file and will be available by the Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program in accordance with the filing requirements of OAC 3745-300-13(J).

The legal description of the 18 acres of land is provided in Attachment A to this executive summary.

2.0 Summary of No Further Action Letter

The Certified Professional (Atul Pandey, P.E.) issued an NFA Letter based upon Phase I and Phase II property assessments for the subject property.

A summary of the Phase I and Phase II property assessments is provided below. Complete copies of the Phase I and Phase II property assessments are contained in the NFA Letter.

2.1 Phase I Property Assessment

A Phase I Property Assessment was conducted over the period of January, 2000 to February, 2000. A final Phase I Assessment Report was completed on February 7, 2000.

The Phase I Assessment included a determination of eligibility for entry into the Ohio VAP, a review of historic and current uses of the property and surrounding properties, and an environmental history review, a review of the history of hazardous substances or petroleum releases, a property inspection and identification of "identified area" as defined in OAC 3745-300-06(F). A summary of the Phase I Property Assessment is as follows.

The property inspection confirmed that the property is currently vacant agricultural land. Historical research indicates that the property has always been vacant or used to grow crops. The property encompasses 18 acres.

The property is bordered by Hopewell Drive and American Electric Power (AEP) to the south; Alltel to the east; residences to the north; railroad tracks and Meritor (formerly Rockwell) to the northwest; and Scott Lumber Yard to the west. The property has been in use as agricultural land since at least 1909 when it is shown on a topographical map of the region. At that time, the surrounding area was also farmland. The Rockwell International Plant (now called Meritor) was constructed in 1951 to the northwest of the subject property, across the railroad tracks.

The information used to establish a continuous history of the subject property and its surroundings included deed and tax records, city directories, topographic maps, aerial photographs and interviews.

A review of the environmental history of the site did not indicate that the subject property has had any environmental impacts from releases of hazardous substances and/or petroleum. However, the neighboring Meritor property was listed on several environmental databases. Additional investigation into Meritor's records indicated that there is a known groundwater contamination plume emanating from the Meritor facility. Document review conducted by SAI indicated that contamination from the Rockwell (now Meritor) facility may potentially impact the underlying groundwater at the subject property.

The previous environmental investigations conducted at or in the vicinity of the subject property lead SAI to conclude the following:

1. Vinyl Chloride and 1, 2-DCE (total) plumes in groundwater have emanated off the Meritor property.
2. The Vinyl Chloride and 1, 2-DCE (total) plumes are not suspected to be underneath the subject property.
3. There appears to be at least 400 feet of separation distance between the outer edge of the groundwater plumes and the northern edge of the subject property.

On the basis of this Phase I Property Assessment, one area was identified at the subject property as requiring further investigation. This "identified area" is the groundwater medium underneath the subject property. The Phase I Property Assessment concluded that the groundwater underneath the subject property should be investigated to determine potential adverse impacts from off-property sources that belong to Meritor.

The Certified Professional determined that the property was eligible for entry into the Ohio VAP on January 29, 2000. The subject property or any portion thereof is not described by paragraphs (C)(1) through (C)(10) of OAC 3745-300-02. The Certified Professional inspected the subject property on February 3, 2000, to verify the Phase I findings.

2.2 Phase II Property Assessment

A Phase II Property Assessment was conducted over the period of February, 2000. The Phase II Assessment Report was issued on February 9, 2000. The purpose of the Phase II Assessment was to determine if groundwater underneath the subject property was impacted by off property source of contamination, i.e., the Meritor property.

The Phase II Assessment included field investigations, a pathway completeness determination, determination of applicable standards, an assessment of current groundwater use, and a determination of the potential for the groundwater underneath the subject property to be impacted. The complete Phase II Assessment Report is contained in the NFA on file with the Ohio EPA. A summary of the Phase II findings is provided below.

2.2.1 Soil Investigation and Findings

The information contained in the Phase I Assessment was used to guide the Phase II Assessment. No identified areas in the soil media were identified during the Phase I Property Assessment. This is due to the historical and current use of the subject property as farm land. There was no reason to believe that a known or suspected release of hazardous substances and/or petroleum ever occurred at the subject property.

2.2.2 Groundwater Investigation and Findings

Based on historical yield reported on ODNR well logs and the groundwater resources map of Muskingum County, the groundwater underneath the subject property was considered as a critical resource aquifer. This determination was made by assuming the groundwater to be a critical resource aquifer rather than conducting yield tests to classify the groundwater.

SAI conducted an extensive review of records at the Ohio Department of Natural Resources (ODNR) to determine that there are no known users of groundwater within one-half mile of the subject property.

The groundwater underneath the subject property was investigated by the placement of five shallow monitoring wells. Three of these wells were installed by SAI during the course of this Voluntary Action. The remaining two wells were installed by consultants to Meritor presumably in an effort to delineate the boundaries of the groundwater plumes emanating from the Meritor property. The groundwater samples were collected in the manner prescribed by Ohio VAP and analyzed for relevant chemicals of concern, i.e., Volatile Organic Compounds (VOCs). The samples were sent to a VAP certified laboratory. The results of the analysis indicate that groundwater underneath the subject property is not impacted in excess of VAP unrestricted portable use standards or U.S. EPA Maximum Contaminant Levels (MCL).

2.2.3 Exposure Pathway Assessment

An exposure pathway assessment was prepared to evaluate potentially exposed human receptors, current and future, and identify potential exposure pathways associated with the property. This assessment was developed in accordance with guidance in the Ohio VAP (OAC 3745-300-09). The preferred land use designation for the property is residential, as defined by OAC 3745-300-08(2)(C)(i). No source or source areas in the soil media were identified. The results of groundwater sampling indicate that groundwater is not impacted in excess of VAP unrestricted portable use standards. The exposure pathway assessment demonstrated that the complete pathways of exposure from groundwater under present or future land use scenarios would not pose an adverse risk to human health, safety, or the environment.

2.2.4 Determination of all Applicable Standards

As mentioned earlier, the soil media was not impacted by the releases of hazardous substances and/or petroleum. There was only one detection above laboratory detection limits in groundwater. This detection was for one chemical, namely cis-1,2-DCE. The applicable standards for this detection was determined in accordance with OAC 3745-300-08, i.e., unrestricted portable use groundwater standards.

Groundwater was assumed to be classified as a critical resource aquifer. There were no source or source area of contamination identified at the site. Groundwater underneath the property is not impacted in excess of applicable standards.

The Phase I and Phase II Property Assessments indicated that there are no on-site source areas with potential to impact groundwater. Therefore, no remedial activities or engineering controls are required at this site.

3.0 Conclusion

The foregoing is a summary of the NFA Letter submitted for LANGAR Enterprises, Inc. by Atul Pandey, P.E. of Smalley & Associates, Inc., as Certified Professional (CP#224).

Mr. Pandey is the contact at Smalley & Associates, Inc. regarding questions of this NFA Letter. Mr. Pandey can be contacted at 740-654-0122.

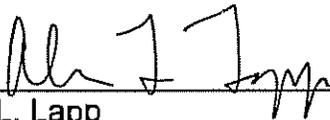
A complete copy of the NFA Letter is on file with the Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program. The NFA Letter will be made available by the Agency upon request. The number for the Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program is 614-644-2924.

TO BE RECORDED IN DEED RECORDS,
PURSUANT TO R.C. 317.08(A)

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF FRANKLIN) ss:

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Alan L. Lapp, who, being duly sworn according to law, deposes and says that: (i) he is employed as a Supervising Attorney in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue/Director's Final Findings and Orders issued by the Director and entered in the Ohio EPA Director's Journal on October 10, 2000 regarding the property known as Vacant Land, located at 650 Hopewell Drive in Health, Licking County, Ohio, and further described in Exhibit 1 of the attached Covenant Not to Sue.

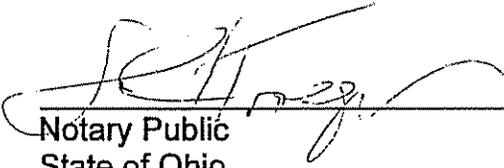


Alan L. Lapp
Supervising Attorney
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 10th day of October, 2000.



SUSAN C. KROEGER
Attorney at Law
Notary Public
State of Ohio
Lifetime Commission



Notary Public
State of Ohio

This instrument prepared by:
Susan C. Kroeger, Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049