



State of Ohio Environmental Protection Agency

10/2/02

STREET ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, OH 43215-1099

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

MAILING ADDRESS:

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

JUN 12 2002

CERTIFIED MAIL

Mr. Doug Brout  
Summit Properties, Inc.  
309 East Morehead Street, Suite 200  
Charlotte, NC 28202-2307

RECEIVED

JUN 13 2002

OHIO EPA/CDO

RE: Issuance of Covenant Not To Sue for the New Albany Apartments  
Property 02NFA129

Dear Mr. Brout:

I am pleased to inform you that on JUN 12 2002, the Director of the Ohio Environmental Protection Agency ("Director") issued a Covenant Not To Sue ("Covenant") to Summit Properties, Inc. for the New Albany Apartments Property located at 4701 Rexwood Drive, Columbus, 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. When filing the Covenant and its exhibits at the Franklin County Recorder's Office, please use the enclosed Affidavit to guide the recording of the documents in the County's deed records.

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 Summit Properties, 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 February 2002 Phase I Property Assessment and addressed in the February 2002 Phase II Property Assessment conducted in compliance 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

Bob Taft, Governor  
Maureen O'Connor, Lieutenant Governor  
Christopher Jones, Director

Summit Properties, Inc.  
New Albany Apartments Property  
Page 2

43215.

Many parties within Summit Properties, Inc., Hull & Associates, Inc. and the agency 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', written over a faint, larger version of the same signature.

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

Enclosure

cc: Eric Cherry, CP, Hull & Associates, Inc.  
Dan Tjoelker, DERR, CDO  
Martha Cooper, Legal Office  
CO DERR-VAP Files



- 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 on, underlying or is emanating 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 Property-specific risk assessment, in accordance with OAC 3745-300-09, to evaluate sediments in a drainage swale at the Property.
4. 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 Voluntary Action Program, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.
5. At the time that analyses were performed, STL- North Canton, was a certified laboratory, No. CL0024, 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").
6. According to information provided by the Certified Laboratory in affidavits 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.
7. Based on the information contained in the NFA Letter and all conditions set forth in these Findings and Orders, 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, and VI of OAC 3745-300-08 for generic numerical standards, and background concentrations in soils

- determined in accordance with OAC 3745-300-07(I)(1), at a point of compliance from the surface to a depth of 10 feet;
- b. unrestricted potable use ground water standards, in accordance with Table VII of OAC 3745-300-08 at all points underlying the Property;
  - c. soil standards, derived through Property-specific risk assessment procedures in accordance with OAC 3745-300-09(D), and background concentrations in soils determined in accordance with OAC 3745-300-07(I)(1), to satisfy the requirements in OAC 3745-300-10(E) to ensure the protection of ground water meeting unrestricted potable use standards in the upper ground water zone at all points underlying the Property, at a point of compliance of 5-20 feet below the surface in soils for the prevention of leaching to ground water;
  - d. sediment standards for human receptor exposures, determined in accordance with OAC 3745-300-09(F)(2)(a), at the point of compliance of six inches; and
  - e. sediment standards for exposures to ecological receptors, determined in accordance with OAC 3745-300-09(F)(2)(b), (F)(2)(c), (F)(3) or (F)(4)(a) at the point of compliance of six inches.
8. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, a covenant not to sue may be issued for the Property 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 Summit Properties, 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 Property Assessment and addressed in the Phase II Property Assessment conducted in compliance 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 35.686 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 identified in the Phase I Property Assessment or not addressed in the Phase II Property Assessment of the NFA Letter; or
  - c. for which investigational 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.

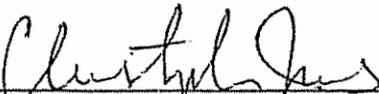
#### Recordation in Deed Record

9. Pursuant to ORC 3746.14(A), a copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Property Location Map) and 3 (Executive Summary), shall be recorded in the Franklin 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

6-12-02  
\_\_\_\_\_  
Date

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 Zona L. Clements or Tonya R. Jackson, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer 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 June 12, 2002 regarding the property known as the New Albany Apartments Property, located at 4701 Rexwood Drive, Columbus, Franklin County, Ohio, and further described in Exhibit 1 of the attached Covenant Not to Sue.

Zona L. Clements  
Zona L. Clements or Tonya R. Jackson  
Records Management Officer  
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 12<sup>th</sup> day of June, 2002.

Donald L. Vanterpool  
Notary Public  
State of Ohio DONALD L. VANTERPOOL, Attorney-At-Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Permanent Commission Section 147.03 R. C.  
No expiration, R.C. 147.03

This instrument prepared by:  
Martha Cooper, Attorney  
Ohio EPA Legal Office  
P.O. Box 1049  
Columbus, Ohio 43216-1049



New Albany Apartments  
Director's Final Findings and Orders / Covenant Not to Sue

**Exhibit 1**  
**Legal Description**

33608116

187543

GENERAL WARRANTY DEED

THE NEW ALBANY COMPANY LIMITED PARTNERSHIP, a Delaware limited partnership, (the "Grantor"), with its principal office located in Franklin County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to Summit Properties Partnership, L.P., a Delaware limited partnership, whose tax mailing address is: c/o Summit Properties Inc., 212 S. Tryon St., Charlotte, NC 28281,

the following described real property (the "Premises"):

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 35.686 acres, more or less, a being more particularly bounded and described on attached "EXHIBIT A".

(Reference Auditor's Parcel Numbers: 545-147941 and 545-147940)

Prior Instrument Reference: Official Record \_\_\_\_\_, Franklin County, Ohio records.

TO HAVE AND TO HOLD SAID PREMISES, with all the privileges and appurtenances thereunto belonging to the said Grantee, its successors and assigns forever. And the said Grantor, for itself and its successors and assigns, does hereby covenant with the said Grantee, its successors and assigns, that it is lawfully seized of the premises aforesaid; that the said premises are free and clear from all incumbrances whatsoever except conditions, restrictions and easements of record, and taxes and assessments due and payable after the date of execution hereof.

SUBJECT, HOWEVER TO RESTRICTIONS ATTACHED HERETO AS EXHIBIT B.

IN WITNESS WHEREOF, Grantor has caused the execution and delivery hereof by William W. Vaughan III, Counsel of The New Albany Company Limited Partnership, a Delaware limited partnership, Grantor, this \_\_\_\_ day of June, 1996.

Signed and acknowledged in the presence of:

GRANTOR: THE NEW ALBANY COMPANY LIMITED PARTNERSHIP, a Delaware limited partnership

David J. Martin  
Name: David J. Martin  
George A. Feather  
Name: George A. Feather

William W. Vaughan III  
By William W. Vaughan, III, Counsel 3:36 PM  
RECORDER FRANKLIN CO, OHIO

NOV 15 1996

RICHARD B. WEICHAFF RECORDER  
RECORDER'S FEE 2.00

STATE OF OHIO  
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this 15 day of Nov., 1996, by William W. Vaughan III, Pres. of The New Albany Company Limited Partnership, a Delaware limited partnership, Grantor, on behalf of said partner.



GEORGE A. FEATHER  
Notary Public, State of Ohio  
My Commission Expires 7-28-97  
George A. Feather  
Notary Public

This instrument prepared under the direction of:  
The New Albany Company Limited Partnership  
5906 East Dublin-Granville Road  
New Albany, Ohio 43054

TRANSFERRED  
NOV 15 1996  
JOSEPH W. TESTA

240.96  
CONVEYANCE TAX  
\$ 3,709.20  
JOSEPH W. TESTA  
FRANKLIN COUNTY AUDITOR

TransOhio Title Box  
41925-201 @ DM

33608H17

EXHIBIT A

35.686 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township, 4, Township 2, Range 17, United States Military Lands and being all out of a 50.086 acre tract as conveyed to Morsham Land Corporation of record in Official Record 11024A15 (all dated references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at Franklin County Monument F.C.G.S. 8816 in the centerline of Hamilton Road;

thence South  $3^{\circ} 23' 04''$  West, with the centerline of said Hamilton Road, a distance of 698.79 feet to a railroad spike found at the northeasterly corner of said 50.086 acre tract, the southeasterly corner of a 1.695 acre tract as conveyed to The Ohio Fuel Gas Company of record in Deed Book 3176, Page 194;

thence North  $87^{\circ} 15' 47''$  West, with the southerly line of said 1.695 acre tract, a distance of 40.00 feet to an iron pin set in the westerly right-of-way line of said Hamilton Road at the True Point of Beginning for this description;

thence with said westerly right-of-way line, the following courses:

South  $3^{\circ} 23' 04''$  West, a distance of 639.93 feet to an iron pin set;

South  $3^{\circ} 12' 44''$  West, a distance of 575.00 feet to an iron pin set;

thence with a new division line across said 50.086 acre tract, the following courses:

North  $86^{\circ} 47' 16''$  West, a distance of 310.27 feet to an iron pin set;

South  $3^{\circ} 07' 54''$  West, a distance of 870.00 feet to an iron pin set;

North  $86^{\circ} 52' 06''$  West, a distance of 127.61 feet to an iron pin set at a point of curvature;

With a curve to the left having a central angle of  $80^{\circ} 38' 55''$ , a radius of 415.00 feet, whose chord bears South  $52^{\circ} 48' 27''$  West, a chord distance of 537.10 feet to an iron pin set in the northerly line of an original 81.278 acre tract as conveyed to Black Sheep Farms, Inc., of record in Official Record 10916F01;

thence North  $86^{\circ} 58' 26''$  West, with said northerly line, a distance of 13.92 feet to a concrete monument found at the southeasterly corner of a 16.25 acre tract as conveyed to the Board of Park Commissioners of record in Deed Book 2546, Page 186;

Continued.....

32608H18

35.688 ACRES  
- Page 2 -

thence North 3° 19' 29" East, with the easterly line of said 16.25 acre tract, a distance of 1416.12 feet to a concrete monument found at the southeasterly corner of a 10.693 acre tract as conveyed to the Board of Park Commissioners of record in Dead Book 2697, Page 343;

thence North 3° 18' 43" East, with the easterly line of said 10.693 acre tract, a distance of 1010.06 feet to a concrete monument found in the southerly line of said 1.695 acre tract;

thence South 87° 15' 47" East, with said southerly line, a distance of 856.99 feet to the True Point of Beginning and containing 35.688 acres of land, more or less, being 12.583<sup>4</sup> part of Parcel #545-147940 & 23.103A out of Parcel #545-147941.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

The Basis of Bearing in this description was transferred from a GPS Survey of Franklin County Monument F.C.G.S. 8815 and F.C.G.S. 8816 performed by the Franklin County Engineer's Office and is based on the NAD83 Ohio State Plane Coordinate System, South Zone, and determines a portion of the centerline of Hamilton Road as being North 3° 23' 04" East.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



*Jeffrey A. Miller* 5-9-96  
Jeffrey A. Miller  
Professional Surveyor No. 7211

JAN/ml

S-A  
A-C OF  
147941  
(545)  
E  
A-C OF 22.746 AC.  
ON SOUTH FRONT  
147941  
(545)



0-4  
A-C OF  
147940  
(545)  
22.746 AC.  
ON OF  
147941  
(545)

33608H19

EXHIBIT B

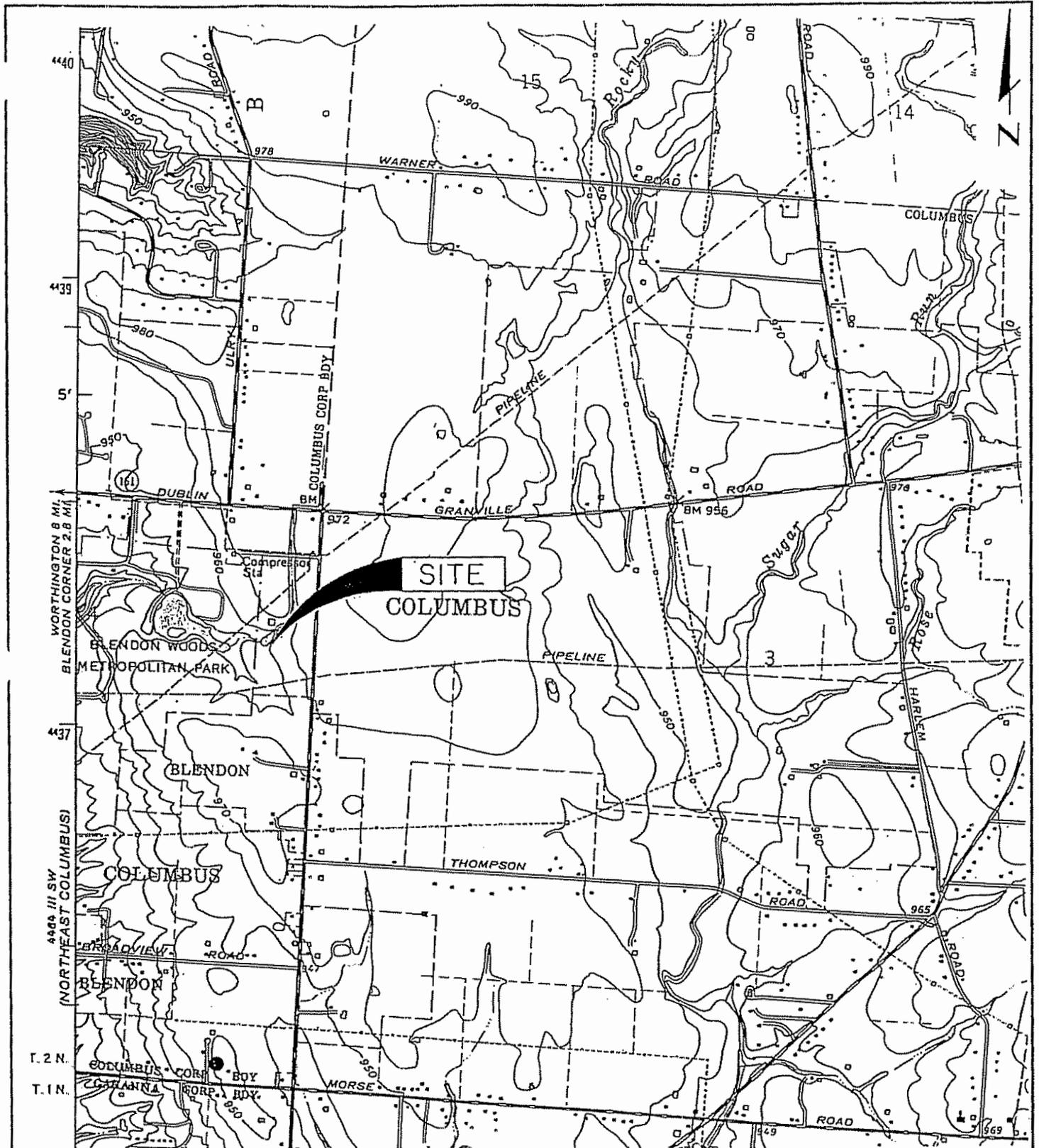
Except as set forth below, no Improvements (as hereinafter defined) shall be placed, erected or installed on the Premises, no construction (which term shall include within its definition staking, clearing, excavation, grading and other site work), no exterior alteration or modification of existing Improvements and no plantings or removal of plants, trees or shrubs shall be permitted without, until and unless the Grantee first obtains the written approval thereof from the Grantor. Any excavation, construction, reconstruction, or the refinishing or alteration of any part of the exterior of any Improvements on the Premises is absolutely prohibited until and unless the Grantee first obtains approval thereof from the Grantor. Prior to commencing any Improvements, Grantee shall submit to Grantor for approval a set of plans and specifications, including color renderings where appropriate, for any Improvements. All Improvements shall be constructed only in accordance with approved plans, the approval of which plans shall be deemed to constitute approval of the Improvements in accordance therewith. Grantor shall notify Grantee of Grantor's approval or disapproval of such plans within ten (10) business days after Grantor's receipt thereof. Grantor's failure to so notify Grantee of Grantor's approval or disapproval of such plans shall constitute Grantor's approval of such plans. Once construction of the Improvements is commenced, it shall be diligently pursued to completion subject only to causes beyond Grantee's reasonable control. Any disapproval by Grantor of any such plans or Improvements shall include suggestions for the modifications thereof. Grantor's approvals under these restrictions shall not in any event be unreasonably withheld or conditioned.

"Improvements" shall mean any and all buildings and structures, parking areas, loading areas, fences, walls, hedges, plantings, ponds, lakes, recreational facilities, exterior signs, material changes in any exterior color or shape, excavation and any and all other site work including, without limitation, grading, road construction, utility improvements, removal of trees or plantings, and any new exterior construction or exterior improvement which may not be included in the foregoing. "Improvements" does not include turf, shrub or tree repair or replacement or any other repair or replacement of a magnitude which does not change exterior colors or exterior appearances in any material respect. "Improvements" does include both original Improvements and all later changes and Improvements.

The restrictions set forth above shall run with the land for the benefit of Grantor and Grantor's successors and assigns.

New Albany Apartments  
Director's Final Findings and Orders / Covenant Not to Sue

**Exhibit 2**  
**Property Location Map**



WORTHINGTON 8 MI.  
 BLENDON CORNER 2.8 MI.  
 444  
 439  
 5'  
 437  
 448 1/3 SW  
 (NORTHEAST COLUMBUS)  
 T. 2 N.  
 T. 1 N.



QUADRANGLE LOCATION

SCALE: 1" = 2,000'  
 SOURCE: USGS 7.5 MIN QUADRANGLE  
 NEW ALBANY, OHIO 1966  
 PHOTOREVISED 1982

FIGURE 1

|   |        |
|---|--------|
| Hull & Associates, Inc.<br>DUBLIN, OHIO   |        |
| NFA EXECUTIVE SUMMARY<br>SUMMIT-NEW ALBANY PROPERTY                                     |        |
| <b>SITE LOCATION MAP</b><br>4701 REXWOOD AVENUE<br>CITY OF COLUMBUS, FRANKLIN CO., OHIO |        |
| DATE:   | STP001 |
| FEBRUARY 2002   |        |

New Albany Apartments  
Director's Final Findings and Orders / Covenant Not to Sue

**Exhibit 3**  
**Executive Summary**

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## 1.0 INTRODUCTION

This document has been prepared to meet the requirements of the Ohio EPA Voluntary Action Program (VAP) for submitting a summary of the No Further Action Letter (NFA) to the County Recorder's Office, as cited in the Ohio Administrative Code (OAC) 3745-300-13(H). The NFA letter was submitted to the Ohio Environmental Protection Agency (Ohio EPA), Division of Emergency and Remedial Response (DERR) Voluntary Action Program as authorized by the Volunteer, Summit Properties, Inc., on March 5, 2002, by Mr. Eric M. Cherry, CP, Hull & Associates Inc., CP 142. A copy of the full NFA letter with attachments is available at the offices of Summit Properties, Inc. located at 309 East Morehead St., Suite 200, Charlotte, NC 28202, through contacting Mr. Michael Zahn at (704) 623-3183, or at the Ohio EPA Central Office located at the Lazarus Government Center, 122 South Front Street, Columbus, Ohio, in accordance with the filing requirements of OAC 3745-300-13(J).

This NFA letter involves the 35.686-acre Property known as the New Albany Apartments complex located at 4701 Rexwood Avenue in the City of Columbus, Franklin County, Ohio (Property). The Property is designated for residential use, in accordance with Ohio EPA VAP definitions cited in the Ohio Administrative Code (OAC) 3745-300-08(B)(2)(c)(i). The Property has parcel number Parcel ID 545-237172-00, as listed with the Franklin County Auditor's Office. A copy of the legal description is provided in Appendix A of this NFA Executive Summary. The Property location is shown on Figure 1, with the current property layout shown on Figure 2.

The NFA letter was prepared after completion of a Phase I Property Assessment, and Phase II Property Assessment, including a Property-Specific Risk Assessment. The NFA letter consists of four volumes; Volume I - the NFA Letter and Checklist, Volume II - Phase I Property Assessment, Volume III - Phase I Property Assessment: Appendices with Supporting Documents, Volume IV - Phase II Property Assessment. Affidavits are provided in Appendix B of this document and resumes of project personnel are provided in Appendix C.

## 2.0 SUMMARY OF NO FURTHER ACTION LETTER

The Certified Professional, Eric M. Cherry of Hull & Associates, Inc. (HAI), issued an NFA letter for the Property based upon the results of the Phase I and Phase II Property Assessments. The current and future land use for the Property is for residential purposes. A summary of the Phase I and Phase II Property Assessments is provided below. In addition to the VAP documents cited in Section 1.0, the findings and conclusions of this NFA are based on a variety of other documents including Ohio EPA reports and correspondence, and previous environmental assessment reports. These documents are discussed in the Phase I Property Assessment and provided in Volume III of the NFA.

### 2.1 Phase I Property Assessment

The purposes of the Phase I Property Assessment were to determine if it was reasonable to suspect that releases had occurred on the Property, to determine relevant identified areas, and to select potential chemicals of concern (COCs). The preliminary Phase I Property Assessment was conducted during the summer of 2001. A final Phase I Property Assessment report was completed during December 2001 through February 2002. The Phase I Property Assessment is provided in Volumes II and III of the NFA Document.

The assessment was conducted to meet the requirements of a Phase I Property Assessment in accordance with OAC 3745-300-06. The assessment included the following:

1. a determination of eligibility for entry into the VAP;
2. a review of historic and current uses of the Property and surrounding properties;
3. an environmental history review;
4. a review of the history of hazardous substances or petroleum releases;
5. interviews with key personnel knowledgeable in the past operations and environmental conditions;
6. a Property inspection; and
7. determination of "identified areas" as defined in OAC 3745-300-06(F).

A summary of the Phase I Property Assessment is as follows:

1. The Property was had an agricultural land use, or was fallow, prior to being developed as a residential apartment complex during the 1998 and 1999.
2. Information or documentation was not identified that would indicate that hazardous substances or petroleum had been used, manufactured, stored or disposed of on the Property for commercial or industrial purposes.
3. Small quantities of lawn and garden chemicals and other domestic maintenance supplies (cleaning, painting, etc.) are currently stored on the Property for the purpose of servicing landscaping equipment and maintaining the apartments. However, good housekeeping practices were observed and there is no reason to believe that any improper releases have occurred as a result of normal operations at the apartment complex.
4. Current conditions observed on the Property and determined on the basis of interviews indicate that the Property is in good condition, and that potential on-Property sources (underground or above ground storage tanks, waste disposal areas, chemical storage areas, etc.) of hazardous substances or petroleum were not identified.
5. Local land use is currently residential, commercial, recreational (Blendon Woods Metro Park adjacent to the west of the Property), and agricultural. An industrial circuit board manufacturing facility (Harrison Enterprises, Inc.) was previously located to the southeast of the Property and two gas stations were located to the north of the Property (though not immediately adjacent).
6. A release was documented to have occurred from the Harrison Enterprises facility during 1984. The release affected areas on the Harrison site, as well as a drainage swale that flows across the southwestern portion of the Property. Concentrations of copper and lead were identified in samples of soil and sediment within the swale by other consultants. The contaminated areas were remediated by soil/sediment removal during 1995/96, from areas that were both on and off of the Property.

7. Previous non-VAP Phase I and Phase II assessments were conducted on the Property. Concerns included potential metals contamination in soils, and metals or volatile organic compounds (VOCs) in sediments.
8. The southwestern portion of the Property was determined to be an Identified Area where there was reason to believe that hazardous substances (metals and/or VOCs) could be present as a result of the historic release from the Harrison Property. No other identified areas were selected on the basis of the findings of the Phase I Property Assessment.
9. On the basis of the findings of the VAP Phase I Property Assessment completed by Hull, it was recommended that additional Phase II Property Assessment tasks were warranted for the Property in order to comply with the VAP requirements for preparing a No Further Action Letter.

The Property meets the eligibility requirements for the VAP as codified in OAC 3745-300-02. Mr. Eric Cherry, the Certified Professional for the project, conducted the preliminary Property reconnaissance on June 8, 2001, with subsequent follow-up visits during Phase II operations and on February 9, 2002, prior to finalization of the NFA letter.

## **2.2 Phase II Property Assessment**

A Phase II Property Assessment was conducted with field operations during the period May summer of 2001. The purpose of the Phase II Assessment was to characterize existing conditions at the Property, and to determine if the VAP applicable standards have been exceeded in the single identified area as determined in the Phase I Assessment.

The Phase II Assessment included field investigations, an assessment of groundwater classification and provision of the protection of groundwater meeting unrestricted potable use standards (POGWMPUS), a Property-specific risk assessment, and determination of compliance with applicable standards. The complete Phase II Property Assessment report is contained in Volumes IV of the NFA letter on file with the Ohio EPA. A summary of the Phase II findings is provided below.

### **2.2.1 Soil Investigation and Findings**

The Phase II Property Assessment included the installation of 11 soil borings, collection of 12

surface soil samples for a background determination, and collection of 3 sediment samples from the swale. The COCs for the soil samples collected from the soil borings include arsenic, lead, copper, tin, nickel, cobalt, antimony, barium, silver, and zinc. The sediment samples were analyzed for volatile organics, arsenic, lead, copper, tin, nickel, cobalt, antimony, barium, and zinc. Selection of COCs was based on chemicals that would have been used in the electroplating industry, which was identified as the potential off-Property source of the COCs.

A sampling and analysis plan was developed based on the Phase I Property Assessment and results of previous environmental investigations. Soil sampling was performed in accordance with the sampling procedures specified in OAC 3745-300-07(F). Sampling was biased to areas of most likely contamination from both the lateral and stratigraphic (vertical) perspective. Soils were selected for laboratory analysis on the basis of visual classification and stratigraphic position, in order to provide appropriate coverage to evaluate the 10-foot point of compliance for residential land use.

As discussed in the Phase II Investigation Report (Volume IV), one principal soil unit was identified on the Property. This unconsolidated unit consists of 4 to 12 feet of silty clay glacial till. A silty sand was noted to be present at the till-bedrock interface in several borings.

Soil analytical data is provided in Table 1 for the Property and Table 2 for the background determination. These tables also provide summary statistics including the mean, standard deviation, coefficient of variation, geometric mean, minimum and maximum concentrations. The 95% Upper Confidence Limit of the mean (95% UCL) was calculated for normally distributed data sets and for ln-transformed data for arsenic. Table 2 provides summary statistics for background soil samples and the Property-Specific Background Standard (PSBS), as calculated in accordance with OAC 3745-300-07(I).

### **2.2.2 Groundwater Investigation and Findings**

Groundwater monitoring wells were not installed as part of the Phase II Property Assessment and detailed groundwater assessment was not conducted. Groundwater was assumed to meet the unrestricted potable use standards. Therefore, the POGWMPUS provision applies to the Property. The assumption that groundwater meets the unrestricted potable use standard is also supported by analytical results for groundwater sampling of the uppermost saturated zone completed by previous consultants. Although that data is not "relied upon" to determine make a

specific determination, it qualitatively supports the assumption that the groundwater currently meets the standard.

### **2.2.3 Surface Water and Sediment Investigations and Findings**

Surface water and sediment are located on the Property. The surface water includes two ponds constructed as part of the residential development, and a drainage swale that extends for approximately 400 feet across the identified area, which a small pond measuring approximately 50 by 75 feet within the course of the swale. Surface water within the identified area was not evaluated for this NFA because of the small transient nature of the flow with respect to the total upland drainage area. Therefore, the retention time of surface water on the Property would be at least a few hours and at most a few days due to interception in the small pond.

Three sediment samples were collected from the drainage swale. Sampling locations included the point where the swale entered the identified area, a mid course location and the point where the swale leaves the identified area. Table 3 provides a summary of analytical results for three sediment samples collected from the swale in the identified area. This table also includes summary statistics (of questionable value given that there are only 3 samples) and a citation of three sediment benchmarks cited in the VAP rules. In addition, the table provides the ratio of sediment concentrations or benchmark concentrations to the Property-specific background standard for soils, which are discussed more fully below.

### **2.2.4 Exposure Pathway Assessment**

Potential receptors include residents and visitors to the Property, and off-Property individuals. Potential exposure pathways are consistent with those used to develop the generic risk-based standards as promulgated in OAC 3745-300-08. Other potential exposure pathways for human contact were not identified (e.g. soil or groundwater to indoor air). Important ecological resources, as defined in OAC 3745-300-01(A)(22), were not identified on the Property.

## **2.3 Determination of All Applicable Standards**

Applicable soil standards for the Property include a combination of direct contact soils standards for residential land use, as cited in OAC 3845-300-08, and property-specific background standards determined in accordance with OAC 3745-300-07(l). Applicable standards for sediment are the Ohio EPA sediment benchmarks. Groundwater standards are the unrestricted potable use standards cited in OAC 3745-300-08.

## **2.4 Determination of Compliance with Applicable Standards**

In order to prepare a No Further Action Letter, it must be determined that the Property, and any identified area, is in compliance with applicable standards. The following sections provide a summary of these demonstrations.

### **2.4.1 Methods for Demonstrating Compliance**

Methods for demonstrating compliance with applicable standards for soils include the use of the 95% UCL, as calculated in accordance with OAC 3745-300-07(D)(5)(c)(I). These values were compared with Property-specific background standards and the residential direct contact soil standards. Sediments were compared to both the Ohio EPA benchmarks and to the Property-specific background standard. In addition, a weight of evidence argument was used to support the evaluation of sediment data with respect to a previous release from an off-Property source.

Concentrations for VOCs detected in sediment samples were compared to the Ohio EPA Derived Leach-Based Values. Modeling was not used in the Phase II Property Assessment.

### **2.4.2 Compliance with Direct Contact Standards for Soil**

Table 1 indicates that the 95% UCL calculated for all metals determined on the Property meet the direct contact soil standards for residential land use, with the exception of arsenic. However, when concentrations of arsenic or other metals in the identified area are compared to the Property-specific background standard, it is demonstrated that these soils are consistent with background conditions. In accordance with the Property-Specific Risk Assessment rule, cited in OAC 3745-300-09(D)(3)(a), hazardous substances or petroleum that comply the background standard are not considered to be chemicals of concern for the purposes of risk assessment calculations. Therefore, it is demonstrated that the soils comply with applicable standards that are either based on background determinations or comparison with risk-based standards for residential land use.

### **2.4.3 Compliance with Sediment Standards**

Issues related to concentrations of metals in sediments are discussed in the following risk assessment section.

#### 2.4.4 Risk Assessment Findings

Based on provisions in OAC 3745-300-09(B)(2), a Property-Specific Risk Assessment was conducted to evaluate sediments in the drainage swale. It was determined that a Property-specific risk assessment was not required for metal in soils because the detected concentrations from the identified area meet the Property-specific background standards. Therefore, these metals can be removed from the list of COCs in accordance with OAC 3745-300-08(D)(3)(a).

Sediment concentrations for metals were identified that exceeded the Ohio EPA sediment benchmark values. However, the metals concentrations in sediments are within the range established for the Property-specific background standard. Therefore, it would be anticipated that the metals concentrations in sediments would be similar to conditions within the watershed, as estimated by the background samples. Furthermore, it has been determined during the Phase I Property Assessment that potential sources of metals contamination are not present on the Property, and that the most likely source of metals contamination would be the former Harrison Enterprises facility located upstream of the Property. Therefore, further action is not warranted for the sediments, as per these reasons and the provisions of OAC 3745-300-09 (F)(4)(a), which states applicable standards are met if it is demonstrated that sources on the Property are not contributing to the failure to meet applicable standards set forth in OAC 3745-300-09 (F)(3) (i.e. sediment benchmarks).

#### 2.4.4 Determination of Whether Remedial Activities are Required

The findings of the Phase II Property Assessment indicated that remedial activities are not warranted for the Property in order to comply with applicable standards for the residential land use designated for the Property without restriction. An operation and maintenance plan is not required for the Property because this Property does not need to implement engineering or institutional controls in order to meet applicable standards.

### 3.0 CONCLUSION

The foregoing is a summary of the NFA letter submitted for Summit Properties, Inc. of Charlotte, North Carolina, by Eric M. Cherry, CP of Hull & Associates Inc., as Certified Professional (CP 142), pursuant to OAC Rule 3745-300-05. The information provided in this document demonstrates that the Property is in compliance with applicable standards, and is protective of human health and the environment. The point of compliance for this Property is 10 feet below ground surface.

Mr. Cherry is the contact at Hull & Associates Inc. regarding questions of the NFA letter. Mr. Cherry can be contacted at (614) 793-8777.

A complete copy of the NFA letter is on file with the Ohio EPA, Department of Emergency and Remedial Response, Voluntary Action Program. The NFA letter will be made available by the Ohio EPA upon request. The telephone number for the Ohio EPA/DERR/VAP is (614) 644-2924.

Table 1. Summary of Soil Data and Representative Statistics  
Albany Apartments Property, New Albany, Ohio

| Location                                      | Top (ft) | Bottom (ft) | Center of Sample (ft) | Arsenic (mg/kg) | Cobalt (mg/kg) | Lead (mg/kg) | Aluminum (mg/kg) | Barium (mg/kg) | Copper (mg/kg) | Nickel (mg/kg) | Tin (mg/kg) | Zinc (mg/kg) |
|---|----------|-------------|-----------------------|-----------------|----------------|--------------|------------------|----------------|----------------|----------------|-------------|--------------|
| SB-01   | 0.0      | 1.0         | 0.5                   | 11.7            | 5.2            | 14.4         | <1.3             | 171.0          | 26.7           | 27.8           | <13.2       | 110.0        |
| SB-01   | 1.0      | 3.0         | 2.0                   | 11.7            | 3.5            | 9.7          | <1.3             | 75.6           | 16.2           | 18.9           | <12.6       | 73.2         |
| SB-02   | 0.0      | 1.0         | 0.5                   | 18.3            | 17.8           | 17.4         | <1.3             | 263.0          | 20.7           | 28.0           | <13.2       | 79.1         |
| SB-02   | 1.0      | 3.0         | 2.0                   | 23.8            | 9.7            | 11.3         | <1.2             | 389.0          | 23.5           | 44.0           | <12.4       | 113.0        |
| SB-02   | 8.0      | 9.5         | 8.8                   | 11.8            | 10.8           | 10.8         | <1.2             | 78.3           | 28.0           | 38.3           | <12.2       | 108.0        |
| SB-03   | 0.0      | 1.0         | 0.5                   | 18.4            | 11.3           | 14.9         | <1.2             | 118.0          | 25.7           | 34.8           | <11.7       | 92.6         |
| SB-03   | 1.0      | 2.0         | 1.5                   | 15.3            | 12.4           | 16.7         | <1.3             | 292.0          | 16.6           | 29.1           | <13.0       | 69.3         |
| SB-04   | 0.0      | 1.0         | 0.5                   | 13.7            | 8.4            | 31.6         | <1.3             | 125.0          | 60.9           | 21.5           | 10.6        | 83.6         |
| SB-04   | 1.0      | 3.0         | 2.0                   | 16.4            | 9.3            | 19.5         | <1.3             | 145.0          | 16.7           | 23.5           | <13.3       | 79.5         |
| SB-05   | 0.0      | 1.0         | 0.5                   | 14.9            | 14.1           | 24.4         | <1.2             | 139.0          | 15.8           | 20.2           | <12.1       | 73.3         |
| SB-05   | 1.0      | 3.0         | 2.0                   | 17.7            | 28.4           | 24.0         | <1.3             | 127.0          | 23.7           | 23.7           | <12.7       | 79.7         |
| SB-06   | 6.0      | 7.3         | 6.7                   | 15.2            | 11.2           | 10.4         | <1.2             | 108.0          | 27.1           | 39.9           | <11.5       | 111.0        |
| SB-06   | 0.0      | 1.0         | 0.5                   | 104.0           | 10.3           | 16.6         | <1.3             | 263.0          | 18.7           | 24.9           | <12.9       | 85.6         |
| SB-06   | 1.0      | 3.0         | 2.0                   | 59.1            | 12.9           | 14.4         | <1.2             | 143.0          | 28.3           | 41.0           | <12.1       | 110.0        |
| SB-07   | 0.0      | 1.0         | 0.5                   | 27.2            | 4.3            | 15.1         | <1.3             | 258.0          | 19.6           | 17.0           | <13.2       | 79.0         |
| SB-07   | 1.0      | 3.0         | 2.0                   | 31.1            | 6.5            | 12.9         | <1.3             | 251.0          | 17.4           | 19.2           | <13.0       | 74.2         |
| SB-08   | 0.0      | 1.0         | 0.5                   | 13.0            | 6.4            | 18.2         | <1.4             | 182.0          | 23.0           | 22.3           | <13.9       | 90.5         |
| SB-08   | 1.0      | 3.0         | 2.0                   | 19.1            | 5.8            | 15.3         | <1.3             | 173.0          | 23.3           | 24.0           | <12.8       | 96.4         |
| SB-09   | 0.0      | 1.0         | 0.5                   | 27.3            | 44.5           | 28.6         | <1.2             | 120.0          | 19.2           | 27.3           | <12.5       | 86.5         |
| SB-09   | 1.0      | 3.0         | 2.0                   | 27.0            | 30.5           | 21.9         | <1.2             | 169.0          | 38.8           | 62.0           | <11.6       | 135.0        |
| SB-10   | 0.0      | 1.0         | 0.5                   | 93.8            | 10.4           | 21.1         | <1.3             | 385.0          | 30.6           | 27.5           | <13.2       | 87.8         |
| SB-10   | 1.0      | 3.0         | 2.0                   | 15.5            | 10.2           | 23.6         | <1.4             | 260.0          | 25.9           | 19.9           | <13.7       | 75.3         |
| SB-10   | 8.0      | 9.5         | 8.8                   | 12.0            | 7.6            | 9.1          | <1.2             | 35.0           | 24.2           | 28.1           | <11.7       | 72.3         |
| SB-11   | 8.0      | 9.0         | 8.5                   | 14.8            | 15.5           | 3.7          | <1.2             | 53.5           | 10.2           | 26.2           | <11.6       | 34.2         |
| SB-11   | 0.0      | 1.0         | 0.5                   | 20.1            | 12.0           | 17.4         | <1.2             | 92.9           | 30.1           | 37.1           | <11.8       | 105.0        |
| SB-11   | 1.0      | 3.0         | 2.0                   | 26.3            | 11.2           | 26.9         | <1.2             | 98.0           | 27.0           | 33.5           | <11.9       | 94.6         |
| Count   |          |             |                       | 26              | 26             | 26           | 26               | 26             | 26             | 26             | 26          | 26           |
| Percent Detections above Reporting Limit      |          |             |                       | 100.0%          | 100.0%         | 100.0%       | 3.8%             | 100.0%         | 100.0%         | 100.0%         | 3.8%        | 100.0%       |
| Mean Concentration                            |          |             |                       | 26.1            | 12.6           | 17.3         | ND               | 174.4          | 24.5           | 30.0           | ND          | 88.4         |
| Geometric Mean Concentration                  |          |             |                       | 21.0            | 10.6           | 15.9         | ND               | 149.6          | 23.1           | 28.2           | ND          | 86.0         |
| Standard Deviation                            |          |             |                       | 23.6            | 8.9            | 6.6          | ND               | 95.5           | 9.5            | 13.0           | ND          | 19.8         |
| Coefficient of Variation                      |          |             |                       | 0.902           | 0.705          | 0.381        | ND               | 0.548          | 0.389          | 0.432          | ND          | 0.224        |
| Minimum Concentration                         |          |             |                       | 11.7            | 3.5            | 3.7          | ND               | 35.0           | 10.2           | 17.0           | ND          | 34.2         |
| Maximum Concentration                         |          |             |                       | 104.0           | 44.5           | 31.6         | 0.72             | 369            | 60.9           | 82             | 10.6        | 135          |
| t-statistic                                   |          |             |                       | 1.708           | 1.708          | 1.708        | 1.708            | 1.708          | 1.708          | 1.708          | 1.708       | 1.708        |
| 95%UCL from Normal Distribution               |          |             |                       | 34.0            | 15.6           | 19.5         | ND               | 206.4          | 27.7           | 34.3           | ND          | 95.0         |
| 95%UCL from Ln-normal Distribution            |          |             |                       | 31.8            | NC             | NC           | NC               | NC             | NC             | NC             | NC          | NC           |
| VAP Direct Contact Soil Standard (DCSS)       |          |             |                       | 6.9             | 13000          | 400          | 18               | 5000           | NC             | NC             | NC          | 19000        |
| Property-Specific Background Standard (PSBS)  |          |             |                       | 36.4            | 37.2           | 47.2         | 1.46             | 148.5          | 42.4           | 58.4           | ND          | 137.4        |
| Project-Specific Standard Used                |          |             |                       | PSBS            | DCSS           | DCSS         | DCSS             | DCSS           | DCSS           | DCSS           | DCSS        | DCSS         |
| Ratio of 95% UCL to Project-Specific Standard |          |             |                       | 0.935           | 0.001          | 0.049        | ND               | 0.041          | NA             | 0.076          | NA          | 0.005        |
| Ratio of 95% UCL to PSBS                      |          |             |                       | 0.935           | 0.420          | 0.413        | ND               | 1.390          | 0.654          | 0.588          | ND          | 0.692        |

NA - indicates standard not available as promulgated or secondary standard by Ohio EPA

ND - indicates statistic not calculated because only one positive detection available for sample set

NC - indicates statistic not calculated because distribution clearly fits normal distribution on the basis of Cv test

95% UCL - indicates 95% Upper Confidence Limit of the Mean, calculated according to Gilbert, 1987 for normally distributed data set

Table 2. Soil Background Data and Representative Statistics  
Albany Apartments Property, New Albany, Ohio

| Location                                 | Top (ft) | Bottom (ft) | Center (ft) | Silver (mg/kg) | Arsenic (mg/kg) | Cobalt (mg/kg) | Lead (mg/kg) | Antimony (mg/kg) | Barium (mg/kg) | Copper (mg/kg) | Nickel (mg/kg) | Tin (mg/kg) | Zinc (mg/kg) |
|--|----------|-------------|-------------|----------------|-----------------|----------------|--------------|------------------|----------------|----------------|----------------|-------------|--------------|
| BG-01                                    | 0.0      | 1.0         | 0.5         | <0.60          | 16.3            | 9.3            | 15.1         | <1.20            | 90.3           | 22.4           | 28.2           | <12.1       | 75.6         |
| BG-03                                    | 0.0      | 1.0         | 0.5         | <0.60          | 13.0            | 8.7            | 14.1         | <1.20            | 48.5           | 12.0           | 14.4           | <12.0       | 51.2         |
| BG-04                                    | 0.0      | 1.0         | 0.5         | <0.65          | 17.3            | 30.5           | 35.3         | <1.30            | 98.8           | 23.5           | 33.1           | <13.0       | 69.1         |
| BG-05                                    | 0.0      | 1.0         | 0.5         | <0.67          | 13.3            | 13.4           | 19.8         | <1.30            | 74.2           | 12.2           | 15.4           | <13.4       | 58.7         |
| BG-06                                    | 0.0      | 1.0         | 0.5         | <0.61          | 14.2            | 12.3           | 16.6         | <1.20            | 62.5           | 13.1           | 15.6           | <12.2       | 55.8         |
| BG-09                                    | 0.0      | 1.0         | 0.5         | <0.62          | 18.0            | 11.3           | 22.2         | 0.83             | 84.5           | 15.2           | 17.6           | <12.4       | 66.1         |
| BG-11                                    | 0.0      | 1.0         | 0.5         | <0.62          | 33.7            | 9.8            | 56.8         | 1.7              | 68.2           | 15.1           | 19.1           | <12.5       | 82.9         |
| BG-12                                    | 0.0      | 1.0         | 0.5         | <0.61          | 15.5            | 5.9            | 16.4         | <1.20            | 40.1           | 15.0           | 18.6           | <12.2       | 65.5         |
| BG-02                                    | 1.0      | 3.0         | 2.0         | <0.58          | 20.7            | 20.2           | 14.8         | 0.64             | 131.0          | 30.2           | 55.8           | <11.7       | 105.0        |
| BG-07                                    | 1.0      | 3.0         | 2.0         | <0.62          | 38.9            | 12.6           | 24.5         | 0.93             | 44.2           | 46.0           | 37.6           | <12.4       | 137.0        |
| BG-08                                    | 1.0      | 3.0         | 2.0         | <0.62          | 22.5            | 42.8           | 18.9         | 0.69             | 114.0          | 33.8           | 56.6           | <12.4       | 124.0        |
| BG-10                                    | 1.0      | 3.0         | 2.0         | <0.64          | 14.6            | 6.8            | 13.1         | 0.67             | 138.0          | 17.0           | 28.2           | <12.8       | 94.6         |
| Count                                    |          |             |             | 12             | 12              | 12             | 12           | 12               | 12             | 12             | 12             | 12          | 12           |
| Percent Detections above Reporting Limit |          |             |             | 0.0%           | 100.0%          | 100.0%         | 100.0%       | 50.0%            | 100.0%         | 100.0%         | 100.0%         | 0.0%        | 100.0%       |
| Mean Concentration                       |          |             |             | ND             | 19.83           | 15.30          | 22.30        | 0.58             | 82.86          | 21.29          | 28.35          | ND          | 82.13        |
| Standard Deviation                       |          |             |             | ND             | 8.27            | 10.94          | 12.47        | 0.44             | 32.82          | 10.54          | 15.02          | ND          | 27.61        |
| Coefficient of Variation                 |          |             |             | ND             | 0.417           | 0.715          | 0.559        | 0.761            | 0.396          | 0.495          | 0.530          | ND          | 0.336        |
| Property-Specific Background             |          |             |             | ND             | 36.38           | 37.19          | 47.23        | 1.46             | 148.50         | 42.37          | 58.39          | ND          | 137.35       |

Note: Statistics calculated for antimony assume that the estimated concentration for "<" values are 0.5 times reporting limit specified  
Property-specific background standard is calculated by the mean + 2 SD, as per VAP rules  
ND - indicates statistics not calculated because of insufficient number of positive detections

Table 3. Sediment Data and Representative Statistics  
 Albany Apartments Property, New Albany, Ohio

| Location  | Silver (mg/kg) | Arsenic (mg/kg) | Cobalt (mg/kg) | Lead (mg/kg) | Antimony (mg/kg) | Barium (mg/kg) | Copper (mg/kg) | Nickel (mg/kg) | Tin (mg/kg) | Zinc (mg/kg) | Methylene Chloride (ug/kg) | Acetone (ug/kg) | Toluene (ug/kg) |
|---|----------------|-----------------|----------------|--------------|------------------|----------------|----------------|----------------|-------------|--------------|----------------------------|-----------------|-----------------|
| SED1  | <0.7           | 8.7             | 5.7            | 18           | <1.5             | 53.8           | 28.5           | 19.8           | <14.7       | 131.0        | 2.6 J                      | <29             | 80              |
| SED2  | <0.8           | 9.3             | 7.8            | 12.6         | <1.6             | 48.8           | 30.7           | 22.2           | <15.9       | 73.7         | <8.0                       | 4.1 J           | <8.0            |
| SED3  | <0.7           | 23.2            | 13.0           | 17.4         | <1.3             | 212.0          | 56.6           | 38.5           | 4.1         | 86.9         | <6.5                       | <26             | <6.5            |
| Count   | 3              | 3               | 3              | 3            | 3                | 3              | 3              | 3              | 3           | 3            | 3                          | 3               | 3               |
| Percent Detections above Reporting Limit              | 0.0%           | 100.0%          | 100.0%         | 100.0%       | 0.0%             | 100.0%         | 100.0%         | 100.0%         | 33.3%       | 100.0%       | 33.3%                      | 33.3%           | 33.3%           |
| Mean Concentration                                    | ND             | 13.7            | 8.8            | 16.0         | ND               | 104.8          | 37.9           | 26.8           | ND          | 97.9         | ND                         | ND              | ND              |
| Geometric Mean Concentration                          | ND             | 12.3            | 8.3            | 15.8         | ND               | 82.1           | 35.8           | 25.7           | ND          | 95.0         | ND                         | ND              | ND              |
| Standard Deviation                                    | ND             | 8.2             | 3.8            | 3.0          | ND               | 92.9           | 16.3           | 10.2           | ND          | 28.7         | ND                         | ND              | ND              |
| Coefficient of Variation                              | ND             | 0.587           | 0.425          | 0.185        | ND               | 0.885          | 0.430          | 0.379          | ND          | 0.303        | ND                         | ND              | ND              |
| Minimum Concentration                                 | ND             | 8.7             | 5.7            | 12.6         | ND               | 48.6           | 26.5           | 19.8           | ND          | 73.7         | ND                         | ND              | ND              |
| Maximum Concentration                                 | ND             | 23.2            | 13.0           | 18.0         | ND               | 212.0          | 56.6           | 38.5           | ND          | 131.0        | ND                         | ND              | ND              |
| Ontario   | NA             | 6               | NA             | 31           | NA               | NA             | 16             | 16             | NA          | 120          | NA                         | NA              | NA              |
| NY  | 1              | 6               | NA             | 31           | 2                | NA             | 16             | 16             | NA          | 120          | NA                         | NA              | NA              |
| Ecolox  | NA             | 8.2             | NA             | 37           | NA               | NA             | 34             | 21             | NA          | NA           | NA                         | NA              | NA              |
| VAP Direct Contact Soil Standard (DCSS)               | 360            | 6.9             | 13000          | 400          | 18               | 5000           | NA             | 450            | NA          | 19000        | 220,000                    | 4,500,000       | 520,000         |
| Property-Specific Background                          | ND             | 36.38           | 37.19          | 47.23        | 1.46             | 148.50         | 42.37          | 58.39          | ND          | 137.35       | ND                         | ND              | ND              |
| Ratio Mean Concentration/Property-Specific Background | ND             | 0.377           | 0.238          | 0.339        | ND               | 0.706          | 0.895          | 0.460          | ND          | 0.713        | ND                         | ND              | ND              |
| Ratio Max Concentration/Property-Specific Background  | ND             | 0.638           | 0.350          | 0.381        | ND               | 1.428          | 1.336          | 0.659          | ND          | 0.954        | ND                         | ND              | ND              |
| Ratio Ecolox/Property-Specific Background             | NA             | 4.437           | NA             | 1.276        | NA               | NA             | 1.246          | 2.780          | NA          | NA           | ND                         | ND              | ND              |
| Ratio NY/Property-Specific Background                 | ND             | 6.084           | NA             | 1.524        | 0.729            | NA             | 2.648          | 3.649          | NA          | 1.145        | ND                         | ND              | ND              |

ND - indicates statistics not calculated because of insufficient number of positive detections  
 NA - indicates values are not available from the cited source  
 J - indicates the value is an estimated concentration, which is less than the reporting limit and greater than the method detection limit





SCALE IN FEET

LEGEND

- ⑤ SAN MANHOLE
- STIL MANHOLE
- POWER POLE
- ⊕ LIGHT POLE
- ⊙ WELL
- ⊙ WATER VALVE
- STIL DRAINAGE FLOW
- (R) RECORD MEASUREMENT
- (F) FIELD MEASUREMENT

IDENTIFIED AREA 1



MONUMENT LEGEND

- ⊙ Right of Way (R.O.W.)
- ⊙ P.L. No. (Pat.)
- ⊙ P.L. No. (Pat.)
- ⊙ Corner (C.S.)
- ⊙ Corner (C.S.)
- ⊙ Corner (C.S.)
- ⊙ 5/8" Pin, 30' long with "P.L. No. (Pat.) & Assoc."
- ⊙ Monument (M. P.)

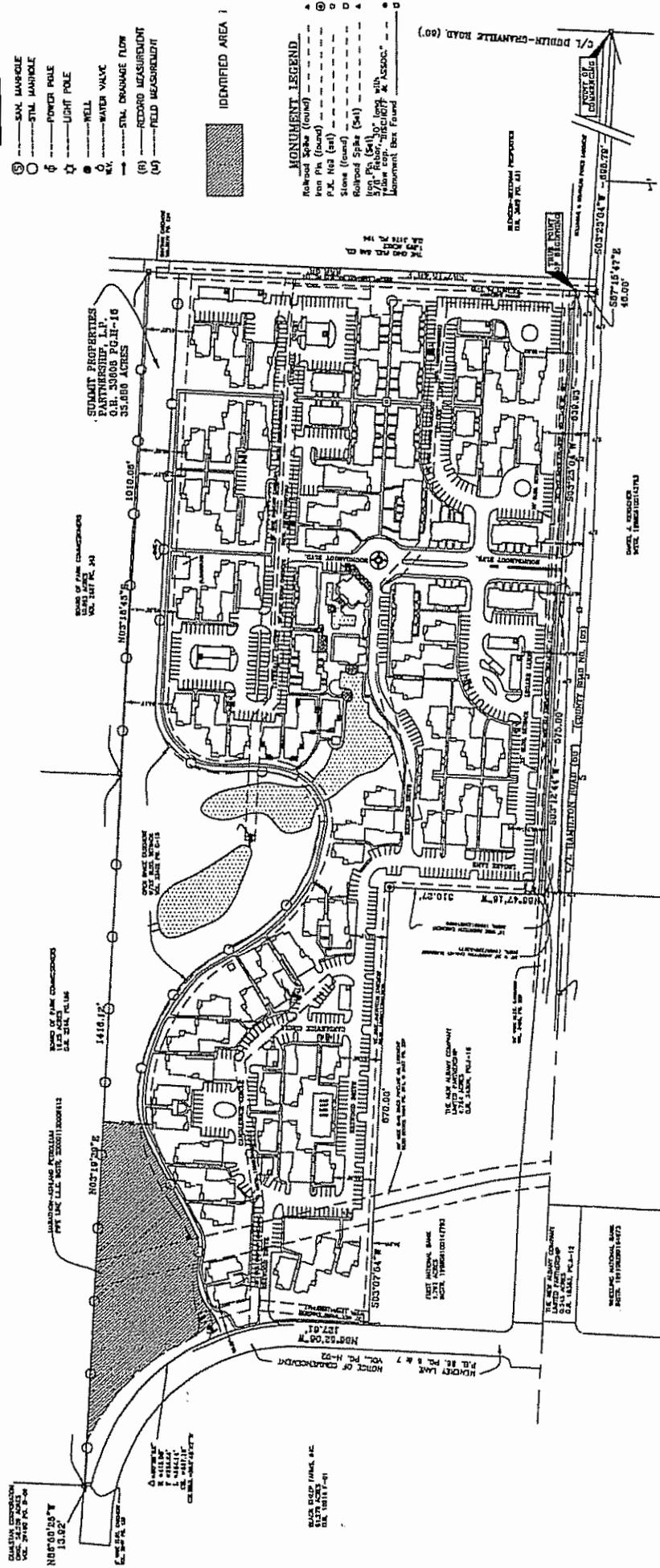


FIGURE 2

Hull & Associates, Inc.  
COLUMBUS, OHIO

NFA EXECUTIVE SUMMARY  
SUMMIT--NEW ALDANY PROPERTY

SITE PLAN

701 BEXFORD AVENUE  
CITY OF COLUMBUS, OHIO

DATE: FEBRUARY 2002

STP001



SCALE IN FEET

**LEGEND**

HSB-8 SOIL BORING

HSB-8 SOIL BORING  
(EXCEEDING SOIL BACKGROUND  
CONCENTRATION FOR ARSENIC)

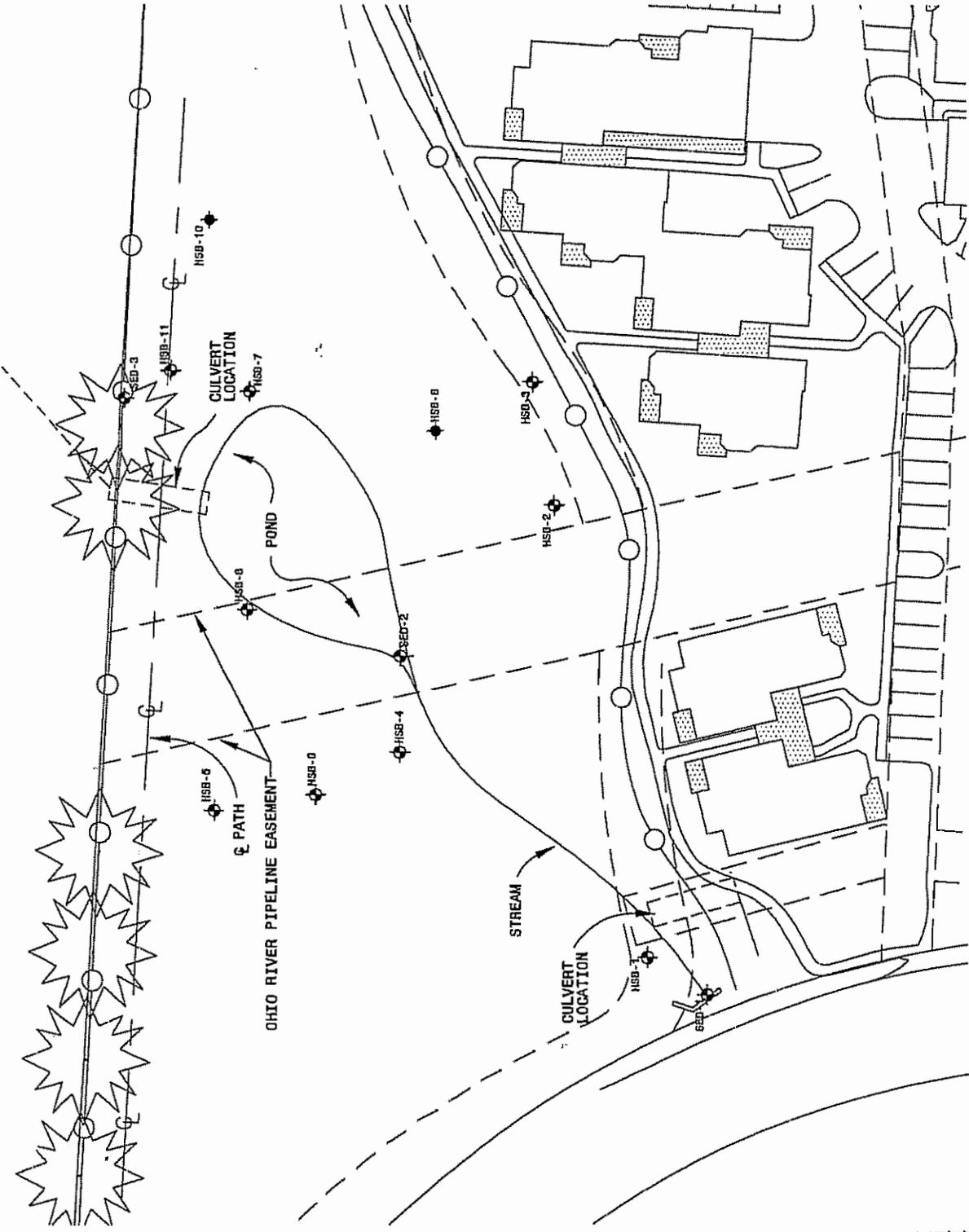


FIGURE 3

Hull & Associates, Inc.

DEBAY, OHIO

NFA EXECUTIVE SUMMARY

SUMMIT-NEW ADARANT PROPERTY

SAMPLING

LOCATIONS

430 W. MAIN ST.

CITY OF COLUMBUS, FRANKLIN CO., OHIO

DATE

FEBRUARY 2002

STP001

STP001.DWG - LHM  
02/20/02 DAW

**APPENDIX A**

Legal Description

33608116

187533

GENERAL WARRANTY DEED

THE NEW ALBANY COMPANY LIMITED PARTNERSHIP, a Delaware limited partnership, (the "Grantor"), with its principal office located in Franklin County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to Summit Properties Partnership, L.P., a Delaware limited partnership, whose tax mailing address is: c/o Summit Properties Inc., 712 S. Tryon St., Charlotte, NC 28281,

the following described real property (the "Premises"):

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 35.686 acres, more or less, a being more particularly bounded and described on attached "EXHIBIT A".

(Reference Auditor's Parcel Numbers: 545-147941 and 545-147940)

Prior Instrument Reference: Official Record \_\_\_\_\_ Franklin County, Ohio records.

TO HAVE AND TO HOLD SAID PREMISES, with all the privileges and appurtenances thereunto belonging to the said Grantee, its successors and assigns forever. And the said Grantor, for itself and its successors and assigns, does hereby covenant with the said Grantee, its successors and assigns, that it is lawfully seized of the premises aforesaid; that the said premises are free and clear from all incumbrances whatsoever except conditions, restrictions and easements of record, and taxes and assessments due and payable after the date of execution hereof,

SUBJECT, HOWEVER TO RESTRICTIONS ATTACHED HERETO AS EXHIBIT B.

IN WITNESS WHEREOF, Grantor has caused the execution and delivery hereof by William W. Vaughan III, Counsel of The New Albany Company Limited Partnership, a Delaware limited partnership, Grantor, this \_\_\_\_\_ day of June, 1996.

Signed and acknowledged in the presence of:

GRANTOR: THE NEW ALBANY COMPANY LIMITED PARTNERSHIP, a Delaware limited partnership

[Signature]  
Name: David J. Martin

[Signature]  
By William W. Vaughan, III, Counsel 3:36 PM

[Signature]  
Name: Georgene A. Feather

RECORDER FRANKLIN CO, OHIO

NOV 15 1996

RICHARD B. METCALF, RECORDER  
RECORDER'S FEE 2.00

STATE OF OHIO  
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this 15 day of Nov., 1996, by William W. Vaughan III, Pres. of The New Albany Company Limited Partnership, a Delaware limited partnership, Grantor, on behalf of said partner.



GEORGENE A. FEATHER  
Notary Public, State of Ohio  
My Commission Expires 7-21-97

[Signature]  
Notary Public

This instrument prepared under the direction of:  
The New Albany Company Limited Partnership  
5906 East Dublin-Granville Road  
New Albany, Ohio 43054

TRANSFERRED  
NOV 15 1996

24036  
CONVEYANCE TAX  
\$ 3,409.20  
JOSEPH W. TESTA  
COUNTY AUDITOR

TransOhio Title Box  
91925-201 @ DM

33608H17

EXHIBIT A

35.686 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township, 4, Township 2, Range 17, United States Military Lands and being all out of a 50.086 acre tract as conveyed to Morsham Land Corporation of record in Official Record 11024A15 (all deed references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at Franklin County Monument F.C.G.S. 8816 in the centerline of Hamilton Road;

thence South  $3^{\circ} 23' 04''$  West, with the centerline of said Hamilton Road, a distance of 696.79 feet to a railroad spike found at the northeasterly corner of said 50.086 acre tract, the southeasterly corner of a 1.695 acre tract as conveyed to The Ohio Fuel Gas Company of record in Deed Book 3176, Page 194;

thence North  $87^{\circ} 15' 47''$  West, with the southerly line of said 1.695 acre tract, a distance of 40.00 feet to an iron pin set in the westerly right-of-way line of said Hamilton Road at the True Point of Beginning for this description;

thence with said westerly right-of-way line, the following courses:

South  $3^{\circ} 23' 04''$  West, a distance of 639.93 feet to an iron pin set;

South  $3^{\circ} 12' 44''$  West, a distance of 575.00 feet to an iron pin set;

thence with a new division line across said 50.088 acre tract, the following courses:

North  $86^{\circ} 47' 16''$  West, a distance of 310.27 feet to an iron pin set;

South  $3^{\circ} 07' 54''$  West, a distance of 870.00 feet to an iron pin set;

North  $86^{\circ} 52' 06''$  West, a distance of 127.61 feet to an iron pin set at a point of curvature;

With a curve to the left having a central angle of  $80^{\circ} 38' 55''$ , a radius of 415.00 feet, whose chord bears South  $52^{\circ} 48' 27''$  West, a chord distance of 537.10 feet to an iron pin set in the northerly line of an original 81.278 acre tract as conveyed to Black Sheep Farms, Inc., of record in Official Record 10916F01;

thence North  $86^{\circ} 58' 26''$  West, with said northerly line, a distance of 13.92 feet to a concrete monument found at the southeasterly corner of a 16.25 acre tract as conveyed to the Board of Park Commissioners of record in Deed Book 2546, Page 186;

Continued...

32608H18

35.688 ACRES  
- Page 2 -

thence North 3° 19' 29" East, with the easterly line of said 16.25 acre tract, a distance of 1416.12 feet to a concrete monument found at the southeasterly corner of a 10.693 acre tract as conveyed to the Board of Park Commissioners of record in Deed Book 2697, Page 343;

thence North 3° 18' 43" East, with the easterly line of said 10.693 acre tract, a distance of 1010.06 feet to a concrete monument found in the southerly line of said 1.695 acre tract;

thence South 87° 15' 47" East, with said southerly line, a distance of 856.99 feet to the True Point of Beginning and containing 35.688 acres of land, more or less, being 12.5834 part of Parcel #545-147940 & 23.103A out of Parcel #545-147941.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

The Basis of Bearing in this description was transferred from a GPS Survey of Franklin County Monument F.C.G.S. 8815 and F.C.G.S. 8816 performed by the Franklin County Engineer's Office and is based on the NAD83 Ohio State Plane Coordinate System, South Zone, and determines a portion of the centerline of Hamilton Road as being North 3° 23' 04" East.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



*Jeffrey A. Miller* 5-9-96  
Jeffrey A. Miller  
Professional Surveyor No. 7211

JAM/ml

2.4  
A.C.O.F  
147941  
(545)



0.4  
A.C.O.F  
147940  
(545)

A.C. OF 22.746 A.C.S.  
ON SOUTH FRONT  
147941  
(545)

22.746 A.C.S.  
OUT OF  
147941  
(545)

33608H19

EXHIBIT B

Except as set forth below, no Improvements (as hereinafter defined) shall be placed, erected or installed on the Premises, no construction (which term shall include within its definition staking, clearing, excavation, grading and other site work), no exterior alteration or modification of existing Improvements and no plantings or removal of plants, trees or shrubs shall be permitted without, until and unless the Grantee first obtains the written approval thereof from the Grantor. Any excavation, construction, reconstruction, or the refinishing or alteration of any part of the exterior of any Improvements on the Premises is absolutely prohibited until and unless the Grantee first obtains approval thereof from the Grantor. Prior to commencing any Improvements, Grantee shall submit to Grantor for approval a set of plans and specifications, including color renderings where appropriate, for any Improvements. All Improvements shall be constructed only in accordance with approved plans, the approval of which plans shall be deemed to constitute approval of the Improvements in accordance therewith. Grantor shall notify Grantee of Grantor's approval or disapproval of such plans within ten (10) business days after Grantor's receipt thereof. Grantor's failure to so notify Grantee of Grantor's approval or disapproval of such plans shall constitute Grantor's approval of such plans. Once construction of the Improvements is commenced, it shall be diligently pursued to completion subject only to causes beyond Grantee's reasonable control. Any disapproval by Grantor of any such plans or Improvements shall include suggestions for the modifications thereof. Grantor's approvals under these restrictions shall not in any event be unreasonably withheld or conditioned.

"Improvements" shall mean any and all buildings and structures, parking areas, loading areas, fences, walls, hedges, plantings, ponds, lakes, recreational facilities, exterior signs, material changes in any exterior color or shape, excavation and any and all other site work including, without limitation, grading, road construction, utility improvements, removal of trees or plantings, and any new exterior construction or exterior improvement which may not be included in the foregoing. "Improvements" does not include turf, shrub or tree repair or replacement or any other repair or replacement of a magnitude which does not change exterior colors or exterior appearances in any material respect. "Improvements" does include both original improvements and all later changes and improvements.

The restrictions set forth above shall run with the land for the benefit of Grantor and Grantor's successors and assigns.

## **APPENDIX B**

Affidavits



*STL North Canton  
4101 Shuffel Drive  
North Canton, Ohio 44720*

Affidavit  
Certified Laboratory

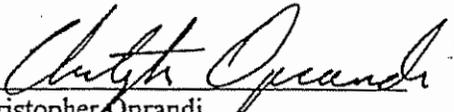
State of Ohio            )  
                                  )SS:  
County of Stark         )

Christopher Oprandi, being first duly sworn according to law 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 employed by STL North Canton as Laboratory Director, and I am authorized to submit this Affidavit on behalf of STL North Canton.
3. STL North Canton performed analyses for Hull & Associates concerning a voluntary action for property located at Menerey Ln. & Rexwood, Ohio.
4. STL North Canton was a Certified Laboratory pursuant to Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300 when it performed the analyses for the purposes of conducting or completing the voluntary action.
5. All of the analyses performed by STL North Canton for the purposes of conducting or completing the voluntary action complied with the applicable requirements of ORC Chapter 3746 and rules adopted under OAC Chapter 3745-300.
6. Only those analyses performed by STL North Canton that are identified in the Attachments of this Affidavit are subject to this Affidavit. Any analyses performed that are not identified in the Attachments of this Affidavit are not subject to this Affidavit.
7. The information, data, documents, and reports provided for the purpose of conducting or completing the voluntary action are identified in Attachment 1 hereto.
8. All information, data, documents, and reports submitted by STL North Canton, identified in Attachment 1 of this Affidavit and submitted for the purposes of conducting or completing the voluntary action, are true, accurate and complete.

9. STL North Canton has no conflict of interest, as set forth in OAC rules 3745-300-04 (I)(5) and 3745-300-05 (F)(3), in performing the analyses for Hull & Associates for the property located at Menerey Ln. & Rexwood, Ohio.

Further Affiant sayeth naught.

  
Christopher Oprandi

Sworn to before me this 22 day of February, 2002.

  
Jeffrey C. Smith  
Notary Public

JEFFREY C. SMITH, Notary Public  
State of Ohio  
My Commission Expires Feb. 12, ~~2002~~  
2007

Affidavit  
Certified Laboratory  
Attachment 1

|    | <u>Lab Report Number</u> | <u>Sample Receipt Date</u> | <u>Report Date</u> |
|----|--------------------------|----------------------------|--------------------|
| 1) | A1H030189                | August 3, 2001             | August 17, 2001    |

# OhioEPA

Ohio Environmental Protection Agency  
Division of Emergency and Remedial Response  
Voluntary Action Program

Under the authority of Ohio Revised Code Section 3746.04(B)(6) and Ohio Administrative Code Rule 3745-300-04

OHIO E.P.A.  
JUN 13 2001  
ENTERED DIRECTOR'S JOURNAL

Certifies  
**STL North Canton**  
4101 Shuffel Drive, NW  
North Canton, OH 44720

as a  
**Certified Laboratory**

(Number CL0024)

for the following analytes, parameter groups, and methods:

|                 |                      |                                 |                        |  |
|-----------------|----------------------|---------------------------------|------------------------|--|
| Aluminum/6010B  | Cobalt/6010B         | Silver/6010B                    | Total Phenolics/420.1* | Organochlorine Pesticides/8081A                                      |
| Antimony/6010B  | Copper/6010B         | Sodium/6010B                    | Chloride/9251* 300.0   | Poly-nuclear Aromatic Hydrocarbons/610* 8310                         |
| Arsenic/6010B   | Cyanide/335.2(CLP-M) | Thallium/6010B 7841             | Phosphate/365.2* 300.0 | Semi-Volatile Organic Compounds/8270C                                |
| Barium/6010B    | Iron/6010B           | Vanadium/6010B                  | Fluoride/300.0         | Volatile Organic Compounds/602* 8260A, 8260B, 8021B                  |
| Beryllium/6010B | Lead/6010B           | Zinc/6010B                      | Sulfate/300.0          | N-Hexane/8260A-Modified** 8260B-Modified**                           |
| Cadmium/6010B   | Manganese/6010B      | Selenium/6010B                  | Nitrate/300.0          | Total Petroleum Hydrocarbons, Diesel Range Organics/418.1            |
| Calcium/6010B   | Mercury/7470A* 7471A | Potassium/6010B                 | Bromide/300.0          | Total Petroleum Hydrocarbons Only, Diesel Range Organics/8015B       |
| Chromium/6010B  | Nickel/6010B         | Poly-chlorinated Biphenyls/8082 | Phosphorus/365.2*      | Total Petroleum Hydrocarbons, Gasoline Range Organics/8015A-Modified |

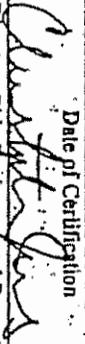
\*Water Only  
\*\*In accordance with all documentation submitted pursuant to OAC Rule 3745-300-04(O) and approved by the VAP.

JUN 13 2001

NOV 21 2002

Date of Certification

Date of Expiration

  
Director, Ohio Environmental Protection Agency

  
Manager, Voluntary Action Program

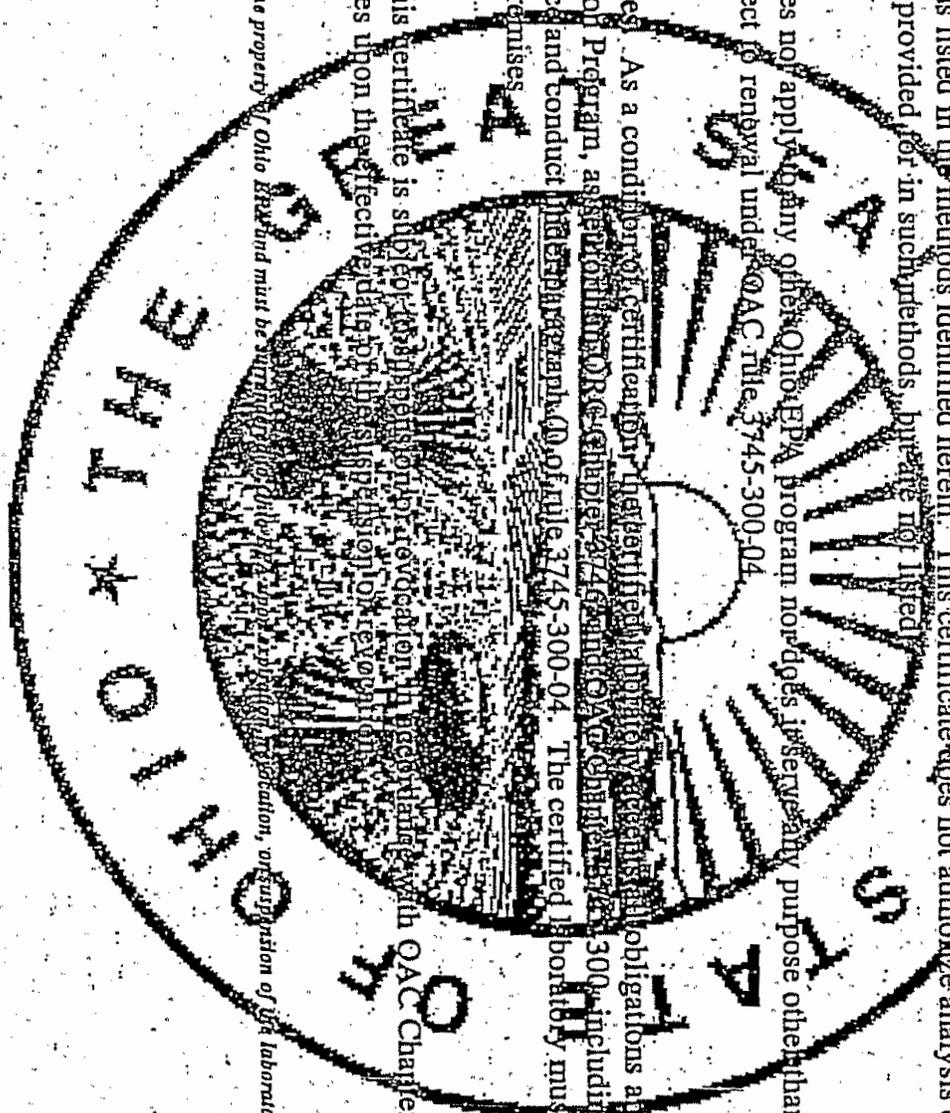
Scope. This certificate applies only to the Ohio-EPA Voluntary Action Program. The certified laboratory identified herein is authorized to perform analyses in support of no further action letters for the analytes, parameter groups and methods which are identified on the face of this certificate, so long as this certificate remains effective. The laboratory is prohibited from performing any analyses in support of a no further action letter for any analyte or parameter group, or using any method that is not identified in this certificate. This certificate hereby modifies and supersedes any other Voluntary Action Program certificate issued to the laboratory prior to the date of this certificate. For parameter groups, this certificate authorizes analysis of only those compounds listed in the methods identified herein. This certificate does not authorize analysis of compounds which may meet a general criteria or description provided for in such methods, but are not listed.

Limitation. This certificate does not apply to any other Ohio-EPA program nor does it serve any purpose other than that described in the "Scope" section. This certificate is subject to renewal under OAC rule 3745-300-04.

Obligations and Responsibilities. As a condition of certification, the certified laboratory accepts all obligations and responsibilities of a certified laboratory in the Voluntary Action Program, as set forth in OAC Chapter 3745 and OAC Chapter 3746, including but not limited to compliance with the standards of performance and conduct under paragraph (D) of rule 3745-300-04. The certified laboratory must display the original certificate in a prominent location on its premises.

Revocation or Suspension. This certificate is subject to suspension or revocation in accordance with OAC Chapter 3745-300. The authorization provided by this certificate ceases upon the effective date for the suspension or revocation.

*This certificate is the property of Ohio EPC and must be returned to the Ohio EPC upon revocation, or suspension of the laboratory's certification.*





STL North Canton  
4101 Shuffel Drive  
North Canton, Ohio 44720

Affidavit  
Certified Laboratory

State of Ohio            )  
                                  )SS:  
County of Stark         )

Christopher Oprandi, being first duly sworn according to law 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 employed by STL North Canton as Laboratory Director, and I am authorized to submit this Affidavit on behalf of STL North Canton.
3. STL North Canton performed analyses for Hull & Associates concerning a voluntary action for property identified as Summit Properties, Ohio.
4. STL North Canton was a Certified Laboratory pursuant to Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300 when it performed the analyses for the purposes of conducting or completing the voluntary action.
5. All of the analyses performed by STL North Canton for the purposes of conducting or completing the voluntary action complied with the applicable requirements of ORC Chapter 3746 and rules adopted under OAC Chapter 3745-300.
6. Only those analyses performed by STL North Canton that are identified in the Attachments of this Affidavit are subject to this Affidavit. Any analyses performed that are not identified in the Attachments of this Affidavit are not subject to this Affidavit.
7. The information, data, documents, and reports provided for the purpose of conducting or completing the voluntary action are identified in Attachment 1 hereto.
8. All information, data, documents, and reports submitted by STL North Canton, identified in Attachment 1 of this Affidavit and submitted for the purposes of conducting or completing the voluntary action, are true, accurate and complete.

9. STL North Canton has no conflict of interest, as set forth in OAC rules 3745-300-04 (I)(5) and 3745-300-05 (F)(3), in performing the analyses for Hull & Associates for the property identified as Summit Properties, Ohio.

Further Affiant sayeth naught.

  
Christopher Oprandi

Sworn to before me this 22 day of February, 2002.

  
Jeffrey C. Smith  
Notary Public

JEFFREY C. SMITH, Notary Public  
State of Ohio  
My Commission Expires Feb. 12, ~~2002~~  
2007

Affidavit  
Certified Laboratory  
Attachment 1

|    | <u>Lab Report Number</u> | <u>Sample Receipt Date</u> | <u>Report Date</u> |
|----|--------------------------|----------------------------|--------------------|
| 1) | A1G310179                | July 31, 2001              | August 14, 2001    |
| 2) | A1G300125                | July 26, 2001              | August 14, 2001    |

# OhioEPA

Ohio Environmental Protection Agency  
Division of Emergency and Remedial Response  
Voluntary Action Program

Under the authority of Ohio Revised Code Section 3746.04(B)(6) and Ohio Administrative Code Rule 3745-300-04

**STL North Canton**

4101 Shuffel Drive, NW  
North Canton, OH 44720

**Certified Laboratory**

(Number CL0024)

for the following analytes, parameter groups, and methods.

|                 |                      |                                 |                         |  |
|-----------------|----------------------|---------------------------------|-------------------------|--|
| Aluminum/6010B  | Cobalt/6010B         | Silver/6010B                    | Total Phenolics/420.1*  | Organochlorine Pesticides/8081A                                      |
| Antimony/6010B  | Copper/6010B         | Sodium/6010B                    | Chloride/9251* 300.0    | Polynuclear Aromatic Hydrocarbons/610* 8310                          |
| Arsenic/6010B   | Cyanide/335.2(CLP-M) | Thallium/6010B, 7841**          | Phosphate/355.2* 300.0* | Semi-Volatile Organic Compounds/8270C                                |
| Barium/6010B    | Iron/6010B           | Vanadium/6010B                  | Fluoride/300.0          | Volatile Organic Compounds/602* 8260A, 8260B, 8021B                  |
| Beryllium/6010B | Lead/6010B           | Zinc/6010B                      | Sulfate/300.0           | N-Hexane/8260A-Modified** 8260B-Modified**                           |
| Cadmium/6010B   | Manganese/6010B      | Selenium/6010B                  | Nitrate/300.0           | Total Petroleum Hydrocarbons, Diesel Range Organics/418.1            |
| Calcium/6010B   | Mercury/7470A* 7471A | Potassium/6010B                 | Bromide/300.0           | Total Petroleum Hydrocarbons Only, Diesel Range Organics/8015B       |
| Chromium/6010B  | Nickel/6010B         | Polychlorinated Biphenyls/8082* | Phosphorus/355.2*       | Total Petroleum Hydrocarbons, Gasoline Range Organics/8015A-Modified |

\*Water Only

\*\*In accordance with all documentation submitted, pursuant to OAC Rule 3745-300-04(O) and approved by the VAP.

JUN 13 2001

NOV 21 2002

Date of Certification

Date of Expiration

Director, Ohio Environmental Protection Agency

Manager, Voluntary Action Program

SCOPE, LIMITATION, OBLIGATIONS AND RESPON

TIES OF CERTIFICATION ON REVERSE SIDE

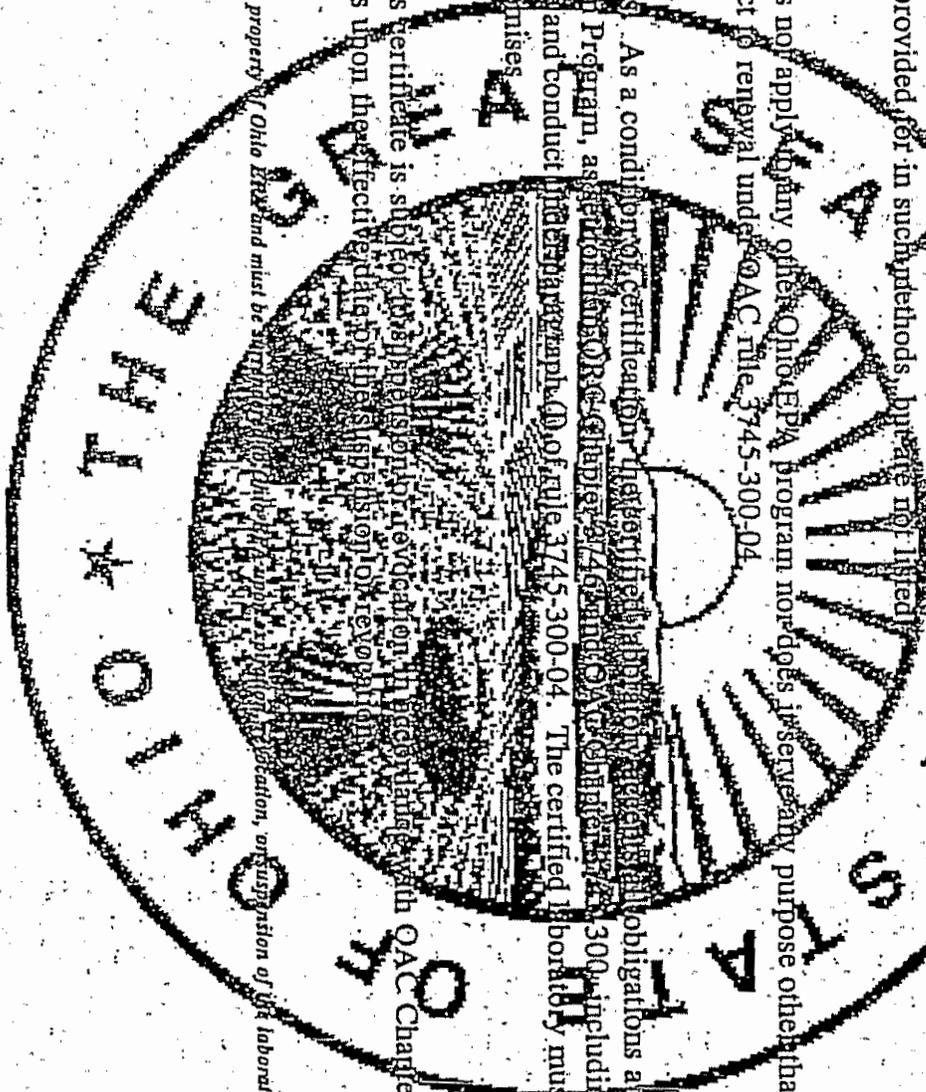
**Scope.** This certificate applies only to the Ohio EPA Voluntary Action Program. The certified laboratory identified herein is authorized to perform analyses in support of no further action letters for the analytes, parameter groups and methods which are identified on the face of this certificate, so long as this certificate remains effective. The laboratory is prohibited from performing any analyses in support of a no further action letter for any analyte or parameter group, or using any method that is not identified in this certificate. This certificate hereby modifies and supersedes any other Voluntary Action Program certificate issued to the laboratory prior to the date of this certificate. For parameter groups, this certificate authorizes analysis of only those compounds listed in the methods identified herein. This certificate does not authorize analysis of compounds which may meet a general criteria or description provided for in such methods, but are not listed.

**Limitation.** This certificate does not apply to any other Ohio EPA program nor does it serve any purpose other than that described in the "Scope" section. This certificate is subject to renewal under OAC rule 3745-300-04.

**Obligations and Responsibilities.** As a condition of certification, the certified laboratory accepts all obligations and responsibilities of a certified laboratory in the Voluntary Action Program, as set forth in OAC Chapter 3746 and OAC Chapter 3745-300, including but not limited to compliance with the standards of performance and conduct under paragraph D of rule 3745-300-04. The certified laboratory must display the original certificate in a prominent location on its premises.

**Revocation or Suspension.** This certificate is subject to suspension or revocation in accordance with OAC Chapter 3745-300. The authorization provided by this certificate ceases upon the effective date of the suspension or revocation.

*This certificate is the property of Ohio EPA and must be stored in the laboratory, on suspension of the laboratory's certification.*



## **APPENDIX C**

Resumes of Project Personnel

**Education**

Master of Science in Geology and Mineralogy (Geophysics), Ohio State University, 1984

Bachelor of Science in Geology and Mineralogy, Ohio State University, 1982

**Professional Experience**

November 1998 - present: Sr. Project Manager, Certified Professional, Hull & Associates, Inc.

1992 - November 1998: Environmental Project Manager, Dodson-Lindblom Associates, Inc./Dodson-Stilson, Inc.

1989-1992: Project Manager and Project Geologist/Scientist, Bennett & Williams Environmental Consultants, Inc.

1987-1989: Environmental Scientist and Contract Manager, Ohio Environmental Protection Agency, DEPM and DWQPA

1985-1987: Industrial Compliance Specialist, Facility Control Design, Inc.

1986: Technical Writer, Battelle Memorial Institute, Office of Nuclear Waste Isolation, Management Information System Department

1984-1985: Institute of Polar Studies, Ohio State University

**Professional Affiliations**

Certified Professional (Ohio's Voluntary Action Program)

American Chemical Society

Association for Environmental Health of Soils

Columbus State Community College, Environmental Technologies Steering Committee

**Seminars/Papers**

Fifteen articles and abstracts in refereed journals, and four reports for agencies on topics including fate and transport modeling, development of risk-based standards, regional geology, geophysics/tectonics, environmental data base design, water quality planning and industrial safety. Public presentations at national scientific conferences and guest lectures for selected organizations. Listing does not include reports or plans and specifications prepared for consulting firms and clients.

**Selected  
Presentations  
And Papers**

Cherry, E.M., 2000. PAH Distributions in Soils: Implications for Source Characterization and Risk Assessment. AEHS West Coast Conference on Contaminated Soils and Groundwater, San Diego, California.

Cherry, E.M., Fisher, R., and Esposito, M.P., 2000. Benzidine False Positive at Manufactured Gas Plant remediation: Implications for QA/QC Evaluation, Risk Assessment and Liability. AEHS West Coast Conference on Contaminated Soils and Groundwater, San Diego, California.

Cherry, E.M. 2000. Assessing the Industrial Past for Future Redevelopment. Environmental Pollution, Civil Engineering 618. The Ohio State University.

Cherry, E.M., Turley, W.L. and Wildman, K., March 1999. Introduction to Field Environmental Sampling and Documentation: Focus on Volatile Organic Compounds in Soil and Groundwater. Ohio State Bar Association, Environmental Law Conference.

Cherry, E.M., March 5, 1999. When Well Engineered Chemicals are Found in Unfortunate Places: Perspectives on Environmental Toxicology. American Institute of Chemical Engineers, Regional Meeting, Toledo, Ohio.

Cherry, E.M. November 17, 1998. Fate and Transport Concepts. BUSTR Site Coordinator Petroleum Corrective Actions Rule. Bureau of Underground Storage Tank Regulations, Ohio Department of Commerce.

Cherry, E.M., 1997. Evaluation of Vadose Zone Geological Settings to Develop Guidance for Leach-Based Remediation Standards. AEHS West Coast Conference on Contaminated Soils and Groundwater, San Diego, California.

**Additional  
Training**

40-HR. Health and Safety Training and 8-Hour Updates, US EPA/USCG, 1989-95  
8-Hour OSHA Supervisor Training for Hazardous Waste Sites Investigations, PSARA, 1990

Monte Carlo Risk Assessment, AEHS, 1997

Environmental Law, Government Institutes, 1993

Explosive Gas System Design, University of Wisconsin, 1993

Vadose Zone Field Monitoring, University of Toledo, 1990

Wellhead Protection Area Delineation Workshop, USEPA, 1988

Ground Water Modeling for Managers, University of Cincinnati, 1988

Clean Air Act Implementation, Ohio EPA & USEPA, 1991 and 1993

Project Management and Scheduling, R.S. Means, 1988

Emergency Response Specialist Training, NFPA/FEMA 1991

## KEY PROJECTS

**Former Toledo Coke Property, Beazer East, Inc. Toledo, Ohio** –Technical Project Manager and Certified Professional for a Phase I/II Property Assessment and Risk Assessment of the former coke manufacturing facility. Significant areas of concern included tar storage areas, by-products and Benzol processing areas, material storage and transfer areas, and on-site utilities. Tasks included document reviews, soil and groundwater sampling and analysis, fate and transport modeling, risk characterization and document preparation. The property is being considered for redevelopment for industrial or commercial uses.

**RI/FS Technical Evaluation of a Former Chemical Manufacturing Facility, Confidential Client** - Technical manager for evaluating compliance with State initiated Enforcement Actions, including detailed reviews of site documentation and testimony, evaluation of RI/FS tasks completed by others, evaluation of geochemical data, evaluation of detailed QA/QC data for confirmatory samples, correspondence and meeting with regulators.

**Dry Cleaning Facility, Private Client, Cleveland, Ohio** –Technical manager for fate and transport modeling of a chlorinated solvent release from a dry cleaning facility. Performed calibration and PRG modeling of the vadose zone in support of remedial actions at the property.

**Former Petroleum Retail Facility, BP of America, Columbus, Ohio** –Litigation support evaluation of detailed geochemical and QA/QC data to determine potential source(s) of petroleum contamination on two adjacent properties.

**Foundry Confidential Client, Ohio** –Conducted risk calculations for releases of metals to a wetland in support of voluntary remedial actions. Risk assessment activities were conducted in accordance with Ohio EPA requirements for sediment standards under the Voluntary Action Program.

**Former Ohio Penitentiary, City of Columbus, Columbus, Ohio** - Certified Professional for the assessment, remediation and redevelopment of the former Ohio Penitentiary, where industrial operations had been conducted for over 150 years. Significant areas of concern and remediation included the coal gasification plant, tin shop, foundry shops, laundry facility and UST locations. Tasks included Phase I and Phase II assessments, asbestos and lead abatement, remediation of soils and ground water, and risk assessment. The site is presently being privately redeveloped for commercial and urban residential land use.

**Whittier Peninsula Riverfront Commons Corporation, Columbus, Ohio** - Certified Professional for Phase I activities of seven industrial properties in Columbus, Ohio. Industrial operations included foundries, landfills, railroad switching yards and maintenance facilities, asphalt emulsification operations, sand & gravel extraction, PCB contamination in a scrap yard, and multiple USTs.

**Arena District Private and Legal Clients** - Certified Professional for Phase I/II Assessments, removal actions and risk assessment for the redevelopment of 54 industrial, commercial, transportation and residential properties as a sports and entertainment complex. Areas of concern included lead and PAH

contaminated areas, former foundry areas, chlorinated solvent releases, a plastic manufacturing plant, coal gasification facility, and multiple UST sites.

**Former Central High School and Center of Science and Industry (COSI), City of Columbus, Columbus, Ohio** - Certified Professional for Phase I/II, Risk Assessment and No Further Action Letter under the Ohio EPA Voluntary Action Program for the Former Central High School facility in Columbus, Ohio. Environmental concerns included lead and asbestos abatement, former foundry operations, automotive training center and USTs.

**Glouster Substance Abuse Boot Camp Ohio Department of Rehabilitation and Corrections, Athens County Commissioners, and Danarc Environmental** - Certified Professional for Phase I/II, Risk Assessment and No Further Action Letter under the Ohio EPA Voluntary Action Program for a former brick manufacturing facility in Athens County, Ohio, which is to be redeveloped for a drug abuse rehabilitation facility. Environmental concerns included PAHs and potential petroleum contaminated soils.

**HTRW Site Investigation with Compliance Audit, Former Erie Army Depot Landfill, Port Clinton, Ohio, U.S. Army Corps of Engineers, Nashville District -Hazardous, Toxic and Radiological Waste (HTRW) Study of a former U.S. Army Landfill and Civilian Industrial Park** to identify sources and extent of military and industrial wastes, including: detailed site inspection and waste identification; regulatory compliance audit of industrial facility Permit to Install and Permit to Operate (PTI/PTO) with air and water pollution regulations; review of military ordinance use and disposal; coordination with USEPA Contractor, Ohio EPA and U.S. Army Corps of Engineers; identification of Potentially Responsible Parties (PRP) on the basis of audit and inspection records; recommendations for further Remedial Investigations.

**Environmental Compliance Audit, Alloy and Mineral Processor, Private Client, Marietta, Ohio** - Environmental Compliance Audit for a specialty ferro-alloy processing facility including: inspection of present industrial operations and air pollution control equipment, documentation of hazardous material storage and processing areas for SARA Title III, evaluation of waste water systems and storm water management processes; evaluation of historic RCRA hazardous waste generation and management practices; review of existing environmental (air and waste water) permits and notices of violation; preparation of compliance report.

**Environmental Compliance Audit, Steel Fabrication Facility, Private Client, Columbus, Ohio** - Environmental Compliance Audit for a steel fabrication plant including: inspection of present manufacturing practices, material storage areas and processing equipment; evaluation of historic and present solid/hazardous waste generation and management practices; review of existing environmental (air and waste water) permits; preparation of compliance report.

**Environmental Audit Support, Inorganic Chemical Facility, Private/Legal Client Eastern Ohio** - Technical support to legal counsel of an inorganic chemical manufacturer pending enforcement action, including: technical reviews of USEPA and Ohio EPA compliance reports; process specific evaluation of manufacturing operations and hazardous waste generation; compliance review of company discharge permits, SARA Title III reports and emergency response plan; preparation of preliminary findings and recommendations.

**Compliance Monitoring, Auto Glass Manufacturer, Industrial Client, Lancaster, Ohio** - Industrial air monitoring study related to OSHA compliance for volatile organic compounds (VOC) used in adhesive processes, including: development and implementation of VOC monitoring program; evaluation of VOC concentrations as related to OSHA Permissible Exposure Limits; and, preparation of VOC mitigation recommendations.

**Technical Compliance Review, City of Oregon, Oregon, Ohio** - Engineering Evaluation/Cost Assessment (EE/CA) review for removal operations at a CERCLA site with PCBs, chlorinated solvents and waste oils, including: evaluation of sampling and waste characterization; site specific hydrogeology; and feasibility analysis of site closure options.

**Technical Compliance Review, Private Client, Northern Ohio** - Technical evaluation of RCRA, TSCA and Air Discharge Permit applications for a proposed hazardous waste incinerator, including: evaluation of waste transportation, handling and storage facilities; engineering evaluation of incinerator and air discharge process equipment; and review of air emissions projections with regard to health risk assessment and terrestrial food chain models.

**Hilltop State Office Complex, Uncontrolled Disposal Area, Ohio Department of Transportation, Columbus, Ohio** - Ongoing Remedial Investigation (Tier I) of uncontrolled dump site for redevelopment with potential inclusion in Ohio EPA Voluntary Action Program (Brownfields Law), including: site-specific soil, waste and groundwater assessment; waste characterization; chemical fate and transport evaluation; preparation of draft plans and specifications; coordination with Ohio EPA, State Departments (ODOT, ODPS, State Architect), consulting engineers and construction management contractor.

**Wright Patterson Air Force Base, USAF Fuel Testing Laboratory, U.S. Army Corps of Engineers, Louisville District** - Hazardous waste investigation of a U.S. Air Force fuel testing facility to inventory and characterize hazardous wastes and petroleum contamination including: documentation of historical research activities and equipment; geophysical (electromagnetic and radar) surveys; subsurface investigation and waste characterization; preparation of plans and specifications for site demolition and environmental restoration.

**RCRA/CERCLA Closure, Industrial Bearing Distributor, Private Client w/ Legal Counsel, Cleveland, Ohio** - Hazardous Waste UST closure under RCRA/CERCLA including: conducting a RCRA Facility Investigation; coordination with State regulators and client's environmental counsel; providing technical and regulatory guidance to successfully de-list the contaminated materials for closure under CERCLA measures thereby reducing remediation costs to client.

**Remedial Investigation, Organic Chemical Facility, Industrial Client, Central Ohio** - Site assessment and release investigation for potential litigation and remedial actions at a solvent blending facility, including: review of present and historical site operations; soil and water sampling and evaluation related to the release of VOCs, chlorinated solvents and polynuclear aromatic hydrocarbons; investigation of regional hydrogeologic conditions; and completion of preliminary environmental/health risk assessment.

**Corrective Action, Printing/Manufacturing, Industrial Client, Lancaster, Ohio** - Completion of removal operation of soils and construction debris contaminated with aromatic solvents, ketones and