



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

September 13, 2006

CERTIFIED MAIL

Mr. Mark Wagenbrenner
Royal Tallow Holdings, Ltd.
and
Harrison Park Development, Ltd.
1289 Grandview Avenue
Columbus, OH 43212

Mr. Gary Guglielmi
City of Columbus
Department of Development
109 North Front Street
Columbus, OH 43215

RECEIVED
SEP 14 2006
OHIO EPA/CDO

**RE: Issuance of Covenant Not To Sue for the
Harrison West / Former A.C. Humko Property (06NFA231)**

Dear Messrs. Wagenbrenner and Guglielmi:

I am happy to inform you that on September 13, 2006, the Director of the Ohio Environmental Protection Agency ("Director") issued a Covenant Not To Sue ("Covenant") to Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and the City of Columbus for the Harrison West / Former A.C. Humko Property located at 525 West First Avenue, Columbus, Franklin County, Ohio. The Covenant was issued as Final Findings and Orders pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300.

Based on the No Further Action Letter and subject to the conditions outlined in the Covenant, the Ohio Environmental Protection Agency hereby covenants not to sue and releases, Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and the City of Columbus and their respective 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 and addressed in the Phase I Property Assessment or Phase II Property Assessment conducted in compliance with ORC Chapter 3746 and 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 from

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

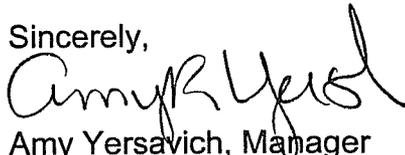
Ohio EPA to guide the recording of the documents in the county's deed records.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 3745.04. 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 of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

Many persons within the agency, Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd., the City of Columbus and Pandey Environmental, LLC., among others, 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 by at (614) 644-2285 or amy.yersavich@epa.state.oh.us.

Sincerely,



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

Enclosure

cc: Atul Pandey, P.E., Certified Professional, Pandey Environmental, LLC.
Joseph M. Reidy, Esquire, Schottenstein, Zox & Dunn
Raymond R. Moreno, CDO - DERR
Deborah Strayton, CDO - DERR
Ann Fischbein, Legal Office
CO DERR-VAP Files

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

AFFIDAVIT

RECEIVED

SEP 14 2006

STATE OF OHIO)
)
COUNTY OF FRANKLIN)

SS: OHIO EPA/CDO

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared 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 September 13, 2006 regarding the property known as the Harrison West / Former A.C. Humko Property, located at 525 West First Avenue in Columbus, Franklin County, Ohio, and further described in Exhibit 1 of the attached Covenant Not to Sue.


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 13th day of September, 2006.


Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

This instrument prepared by:
Ann M. Fischbein, Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049



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

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Royal Tallow Holdings, Ltd.
1289 Grandview Avenue
Columbus, OH 43212

Harrison Park Development, Ltd.
1289 Grandview Avenue
Columbus, OH 43212

City of Columbus
109 N. Front Street
Columbus, OH 43215

Regarding property known as:

Harrison West / Former A. C. Humko Property
525 West First Avenue
Columbus, OH 43215

Covenant Not to Sue

Director's Final Findings
and Orders

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OHIO EPA/CDO

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

FINDINGS

1. A No Further Action Letter, No. 06NFA231 (the "NFA Letter"), was submitted on March 9, 2006 to the Director under the Voluntary Action Program on behalf of Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and the City of Columbus (collectively, the "Volunteer"), by Atul Pandey, P.E., a certified professional, No. CP 224, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8) (the "Certified Professional").
2. The Certified Professional submitted to the Director addenda to the NFA Letter, dated March 24, 2006, May 31, 2006 and July 11, 2006 (received by Ohio EPA on

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

[Signature] 9-13-06

March 30, 2006, June 6, 2006 and July 13, 2006, respectively). For the purposes of these Findings and Orders, the term "NFA Letter" includes the addenda.

3. The NFA Letter describes the investigational and remedial activities undertaken at the approximately 11.185 - acre Property, currently known as the Harrison West / Former A.C. Humko Property and also formerly known as A.C. Humko, Capital City Products and Columbus Forge and Iron, located at 525 West First Avenue, Columbus, Franklin County, Ohio (the "Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A property location map is attached hereto as Exhibit 2. Based on information in the NFA Letter, the current owners of the Property are Royal Tallow Holdings, Ltd and Harrison Park Development, Ltd.
4. The Certified Professional prepared pursuant to OAC 3745-300-13(I) an Executive Summary of the NFA Letter, which is attached hereto as Exhibit 3.
5. The Volunteer performed the voluntary action in conjunction with the Clean Ohio Council's award of Round 2 grant funding for the Property approved on January 12, 2004 under the Clean Ohio Fund, ORC 122.65 to 122.659.
6. Based upon the information contained in the NFA Letter, the Volunteer undertook or completed the following investigational and remedial activities regarding the Property:
 - a. a Phase I Property Assessment, in accordance with OAC 3745-300-06, to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred 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 identified areas and affected media, to assess environmental conditions related to releases of hazardous substances and petroleum;
 - c. identification, in the Phase I Property Assessment or Phase II Property Assessment, of one or more releases of hazardous substances or petroleum with chemicals of concern that include, but are not limited to, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) (including polynuclear aromatic hydrocarbons [PAHs]), metals, and total petroleum hydrocarbons (TPH), for which the Volunteer determined the applicable standards;
 - d. remedial activities, in accordance with OAC 3745-300-15, including: (i) removal by modified soil vapor extraction of methane and hydrogen sulfide

gases believed to be formed from the release of acid and caustic liquids and fuel oil, followed by the (ii) removal by excavation of approximately 87, 229 tons of PAH and TPH-impacted soil from the former acid plant, triangular and truck garage UST areas, (iii) removal of approximately 800 gallons of free phase petroleum product from the former acid plant area excavation, (iv) removal by excavation of approximately 2316 tons of PAH and metals-contaminated soil from the former railroad spur area, (v) removal of approximately 1632 gallons of free phase petroleum product and ground water from recovery wells equipped with belt skimmers in the southeastern portion of the Property, and (vi) removal of asbestos in property buildings prior to their demolition; and

- e. a demonstration that the Property complies with applicable standards following completion of remedial activities for the identified chemicals of concern in the identified areas and affected media at the Property through a comparison to background levels, in accordance with OAC 3745-300-07, the use of generic numerical standards, in accordance with OAC 3745-300-08, and the use of a property-specific risk assessment, in accordance with OAC 3745-300-09.
7. The Certified Professional has verified by affidavit that the investigational and remedial 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.
 8. At the time that analyses were performed, EA Group, Blackhand Laboratory, Merit Laboratories, Inc. and Environmental Science Corporation were certified laboratories, No(s). CL0015, CL0064, CL002 and CL0069, respectively, as defined in ORC 3746.01(D) and OAC 3745-300-01(A)(7), whose services were used in support of the NFA Letter (the "Certified Laboratories").
 9. The Certified Laboratories have declared in affidavits contained in the NFA Letter that they each performed analyses for which they were certified and qualified, pursuant to ORC Chapter 3746 and OAC 3745-300-04, that formed the basis for the issuance of the NFA Letter by the Certified Professional.

Applicable Standards

10. 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 unrestricted (residential) land

use and unrestricted potable ground water use. The applicable standards, the methods of achieving compliance with the standards, and the associated points of compliance for the standards for each complete exposure pathway, are identified in the NFA Letter, which contains text and tables in the Phase II Property Assessment report, excavation report, railroad spur remediation report, ground water remediation report, preliminary risk evaluation report and post-remedial risk evaluation report; the post-remedial sampling report and revised post-remedial risk evaluation report in the May 31, 2006 NFA Letter addendum; and the revised rail spur remediation report, confirmatory sampling report - southeast corner and revised post-remedial risk evaluation report in the July 11, 2006 NFA Letter addendum. The applicable standards include, but are not limited to:

- a. residential land use standards for direct contact to chemicals of concern related to hazardous substances in soil. The standards consist of generic numerical standards from Tables II and V of OAC 3745-300-08, standards derived through property-specific risk assessment procedures in accordance with OAC 3745-300-09(D) and standards based on background concentrations in soil determined in accordance with OAC 3745-300-07(H), and apply at a point of compliance from the ground surface to a depth of 10 feet;
- b. residential land use standards for direct contact to chemicals of concern related to petroleum in soil. The standards consist of generic numerical standards in accordance with OAC 3745-300-08(B)(3)(a)(i), and apply at a point of compliance from the ground surface to a depth of 10 feet;
- c. standards for direct contact by construction or excavation workers to chemicals of concern in soil. The standards consist of generic numerical standards from Table IV of OAC 3745-300-08 and standards based on background concentrations in soil determined in accordance with OAC 3745-300-07(H) apply to all points underlying the Property;
- d. unrestricted potable use ground water standards for the chemicals of concern in ground water. The standards consist of generic numerical standards from Tables VI and VII of OAC 3745-300-08 and generic numerical standards for petroleum in accordance with ORC 3746.04(B)(1), in the upper saturated zone, at all points underlying the Property; and
- e. unrestricted potable use standards for chemicals of concern in ground water in the upper saturated zone, including an evaluation in accordance with OAC 3745-300-07(D)(4)(a) to satisfy the requirements in OAC 3745-300-10(E) ensuring the protection of the ground water zone. The standards consist of generic numerical standards from Tables VI and VII of OAC 3745-300-08

and generic numerical standards for petroleum in accordance with ORC 3746.04(B)(1), at all points underlying the Property. The upper saturated zone will maintain continued compliance with unrestricted potable use standards based on a leach-based demonstration completed in accordance with OAC 3745-300-07(D)(4)(a)(i).

11. 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. Based on the NFA Letter and subject to the conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases, Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and the City of Columbus and their respective 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 and addressed in the Phase I Property Assessment or Phase II Property Assessment conducted in compliance with ORC Chapter 3746 and OAC Chapter 3745-300.

Conditions and Limitations

Requirement to Record These Findings and Orders / Covenant Not to Sue

2. Within thirty (30) days after the issuance of these Findings and Orders, the Volunteer shall:
 - a. file with the Franklin County Recorder's Office, for recording in the same manner as a deed to the Property pursuant to ORC 3746.14, a copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Property Location Map), and 3 (Executive Summary); and
 - b. submit to Ohio EPA a copy of the Findings and Orders that shows the filing date stamp of the Franklin County Recorder's Office or other reliable information that verifies the recording of the Findings and Orders in accordance with this Order. The submission shall include a cover letter that

identifies "*Recorded - Covenant Not to Sue for NFA Letter No. 06NFA231*". The submission shall be addressed and delivered by regular U.S. mail or by other reliable means to: Ohio EPA, 122 S. Front Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer, and Ohio EPA Central District Office, P.O. Box 1049, Columbus, Ohio, 43216, Attention: DERR Site Coordinator for Harrison West / Former A.C. Humko Property.

Scope of Covenant

3. The Covenant provided in Order No. 1 shall only apply to the approximately 11.185 - acre Property described in the NFA Letter, these Findings and Orders, and the exhibits attached hereto, upon which the investigational and remedial activities specified in the NFA Letter were conducted.
4. 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.
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 and addressed in the Phase I Property Assessment or in the Phase II Property Assessment of the NFA Letter; or
 - c. for which investigational or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
6. The Covenant shall not apply:
 - a. to claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended;
 - b. to claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency; or
 - c. as otherwise specifically provided in ORC Chapter 3746, including but not

limited to obligations arising under other applicable laws.

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.

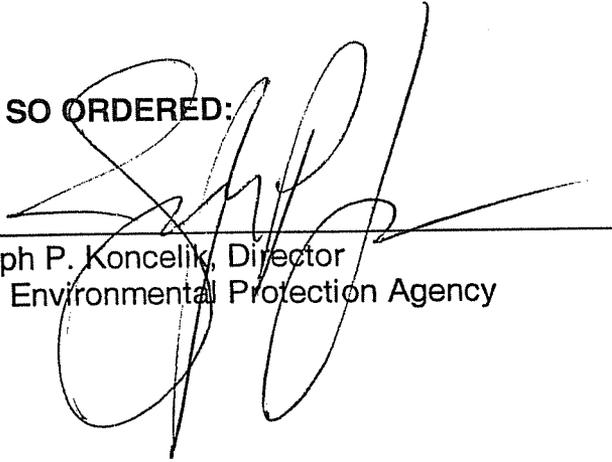
Ohio EPA Access to Property

9. Pursuant to ORC 3746.21, authorized representatives of the Director shall be granted access to the Property for inspection or investigation purposes.

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:



Joseph P. Koncelik, Director
Ohio Environmental Protection Agency

SEP 13 2006
Date

Exhibit 1
Legal Description

May 13, 2003

DESCRIPTION OF 10.526 ACRE TRACT AT PERRY ST. &
W. FIRST AVE., COLUMBUS, OHIO, FOR
ROYAL TALLOW HOLDINGS LTD.

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section Six (6) and in Section Seven (7), Township 5 North, Range 22 West, Refugee Lands, and being a portion of a 13.385 acre tract of land conveyed to Royal Tallow Holdings Ltd by deed of record in Instrument 2003_____, all references being to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a drill hole set in a concrete walk at the intersection of the south line of West Second Avenue (60 feet wide) with the west line of Perry Street (60 feet wide), at a northeast corner of said 13.385 acre tract, and at the northeast corner of Lot No. 56 in Wyoming Place Addition as shown of record in Plat Book 4, Page 368;

thence S 2° 43' 27" W along the west line of Perry Street, along an east line of said 13.385 acre tract, along the east line of said Lot No. 56, along the east end of the alley (16 feet wide) south of West Second Avenue vacated by City Ordinance No. 19498 passed March 10, 1902, along the east line of Lot No. 83 in said Wyoming Place Addition, along the east end of Perry Street (50 feet wide) vacated by said City Ordinance No. 19498, along the east line of Lot No. 84 in said Wyoming Place Addition, along the east end of the alley (16 feet wide) south of said vacated Perry Street vacated by City Ordinance No. 15832 passed October 9, 1899, and along the east line of Reserve H in said Wyoming Place Addition, a distance of 611.50 feet to a point on a railroad rail at the intersection of the west line of Perry Street with the south line of West First Avenue (70 feet wide) and at a corner of said 13.385 acre tract;

thence S 86° 44' 51" E along the south line of West First Avenue and along the north line of the Reserve in R.E. Neil's Factory Addition; as shown of record in Plat Book 4, Page 440, a distance of 239.10 feet to a ¾-inch I.D. iron pipe found at the intersection of the south line of West First Avenue with the west line of the alley (30 feet wide) west of Ingleside Avenue, at a northeast corner of said 13.385 acre tract and at the northeast corner of said Reserve;

thence S 2° 45' 27" W along the west line of said alley, along an east line of said 13.385 acre tract, and along a portion of the east line of said Reserve a distance of 240.00 feet to a railroad spike found at the northwest corner of the portion of said alley vacated by City Ordinance No. 21967 passed September 12, 1904, and at a corner of said 13.385 acre tract;

thence S 86° 44' 51" E along the north end of the vacated portion of said alley and along a north line of said 13.385 acre tract a distance of 30.00 feet to a ¾-inch I.D. iron pipe found at the northeast corner of the vacated portion of said alley, at a corner of said 13.385 acre tract, at the northwest corner of Lot No. 9 in said R.E. Neil's Factory Addition and at the southwest corner of Lot No. 8 in said R.E. Neil's Factory Addition;

thence N 2° 45' 27" E along the east line of said alley, along a line of said 13.385 acre tract and along the west line of said Lot No. 8 a distance of 30.00 feet to a ¾-inch I.D. iron pipe set at a corner of said 13.385 acre tract, at the northwest corner of said Lot No. 8 and at the southwest corner of Lot No. 7 in said R.E. Neil's Factory Addition;

thence S 86° 44' 51" E along a north line of said 13.385 acre tract, along the north line of said Lot No. 8 and along the south line of said Lot No. 7 a distance of 110.00 feet to a ¾-inch I.D. iron pipe found in the west line of Ingleside Avenue (30 feet wide), at a northeast corner of said 13.385 acre tract, at the northeast corner of said Lot No. 8 and at the southeast corner of said Lot No. 7;

thence S 2° 45' 27" W along the west line of Ingleside Avenue, along an east line of said 13.385 acre tract and along the east lines of Lots Nos. 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in said R.E. Neil's Factory Addition a distance of 297.50 feet to a ¾-inch I.D. iron pipe found at the intersection of the west line of Ingleside Avenue with the north line of Quality Place (30 feet wide), at the southeast corner of said 13.385 acre tract and at the southeast corner of said Lot No. 17;

thence N 86° 44' 51" W along the north line of Quality Place, along a south line of said 13.385 acre tract, along the south line of said Lot No. 17, along the south end of the vacated portion of said alley and along the south line of said Reserve a distance of 228.50 feet to a P.K. Nail set at the northwest end of Quality Place, at a corner of said 13.385 acre tract and at the southwest corner of said Reserve;

thence southeasterly along the curved west end of Quality Place, along a portion of a curved line of said 13.385 acre tract and with a curve to the left, data of which is: radius = 900.00 feet and delta = 2° 32' 44", a chord distance of 39.98 feet bearing S 38° 07' 37" E to a ¾-inch I.D. iron pipe set at the southwest end of Quality Place, at a corner of said 13.385 acre tract and at the northeast corner of a 7.027 acre tract of land conveyed as Tract One to 871 Michigan Avenue Co., L.L.C. by deed of record in Instrument 199807300190493;

thence N 86° 44' 51" W along a south line of said 13.385 acre tract, and along a portion of the north line of said 7.027 acre tract a distance of 214.31 feet to a ¾-inch I.D. iron pipe set at a southwest corner of said 13.385 acre tract;

thence N 3° 15' 09" E along a west line of said 13.385 acre tract a distance of 115.43 feet to a ¾-inch I.D. iron pipe set at a corner of said 13.385 acre tract;

thence northwesterly along a curved line of said 13.385 acre tract and with a curve to the right, data of which is: radius = 328.31 feet and delta = 28° 24' 04", a chord distance of 161.08 feet bearing N 47° 17' 57" W to a P.K. Nail set at a corner of said 13.385 acre tract and in the north line of an original 1.820 acre tract of land conveyed to Hi-State Beverage Company by deed of record in Official Record 3667, Page D 14;

thence S 80° 23' 25" W along a portion of a south line of said 13.385 acre tract and along a portion of the north line of said original 1.820 acre tract a distance of 41.27 feet to a ¾-inch I.D. iron pipe set;

thence N 2° 45' 27" E a distance of 72.51 feet to a ¾-inch I.D. iron pipe set;

thence N 87° 14' 33" W a distance of 8.00 feet to a ¾-inch I.D. iron pipe set at a point of curvature;

thence northwesterly with a curve to the right, data of which is: radius = 52.00 feet and delta = 90° 00' 00", a chord distance of 73.54 feet bearing N 42° 14' 33" W to a ¾-inch I.D. iron pipe set at the point of tangency;

thence N 2° 45' 27" E a distance of 364.18 feet to a ¾-inch I.D. iron pipe set;

thence N 87° 14' 33" W a distance of 83.70 feet to a ¾-inch I.D. iron pipe set;

thence N 2° 45' 27" E a distance of 292.41 feet to a P.K. Nail set at a corner of said 13.385 acre tract and at the southeast corner of a tract of land conveyed to Donald J. and Anna B. Compton, Trustees, by deed of record in Instrument 199906080145394;

thence N 1° 50' 00" E along a west line of said 13.385 acre tract, along an east line of said Compton tract and along an east face of a 1-story stucco building a distance of 42.41 feet to a point at a corner of said 13.385 acre tract and at a corner of said Compton tract;

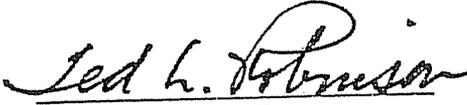
thence S 86° 41' 37" E along a north line of said 13.385 acre tract, along a line of said Compton tract and along a south face of said 1-story stucco building a distance of 1.09 feet to a point at a corner of said 13.385 acre tract and at a corner of said Compton tract;

thence N 3° 18' 23" E along a west line of said 13.385 acre tract, along on east line of said Compton tract and along an east face of said 1-story stucco building a distance of 119.06 feet to a drill hole set in a red brick retaining wall in the south line of West Second Avenue, in the north line of Lot No. 67 in said Wyoming Place Addition, at a northwest corner of said 13.385 acre tract and at the northeast corner of said Compton tract;

thence S 86° 35' 35" E along the south line of West Second Avenue along a portion of the north line of said Lot No. 67, along the north lines of Lots Nos. 66, 65, 64, 63, 62, 61, 60, 59, 58, 57 and 56 in said Wyoming Place Addition and along a north line of said 13.385 acre tract a distance of 342.18 feet to the place of beginning;

containing 10.526 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Ted L. Robinson, Ohio Surveyor No. 5361, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from actual field surveys performed under his supervision in December, 2000, and in May 2003. Basis of bearings is the west line of Ingleside Avenue, being S 2° 45' 27" W, as shown of record in Official Record 27597, Page 17.


Ted L. Robinson, P.S.
Ohio Surveyor #5361



May 13, 2003

DESCRIPTION OF 0.659 ACRE TRACT AT PERRY ST. &
W. FIRST AVE., COLUMBUS, OHIO, FOR
ROYAL TALLOW HOLDINGS LTD

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section Six (6), Township 5 North, Range 22 West, Refugee Lands, and being all of a 0.659 acre tract of land conveyed to Royal Tallow Holdings by deed of record in Instrument 2003 _____, all references being to the Recorder's Office, Franklin County, Ohio, bounded and described as follows:

Beginning at a ¾-inch I.D. iron pipe set in the east line of Perry Street (60 feet wide), at the northwest corner of Lot No. 17 and at the southwest corner of Lot No. 16 in Benj. Monett Jr's. Oregon Place Addition, as shown of record in Plat Book 4, Page 198;

thence S 86° 40' 02" E along the north line of said Lot No. 17 and along the south line of said Lot No. 16 a distance of 120.00 feet to a ¾-inch I.D. iron pipe found in the west line of an alley (20 feet wide), at the northeast corner of said Lot No. 17 and at the southeast corner of said Lot No. 16;

thence S 2° 43' 27" W along the west line of said 20-foot wide alley, along the east lines of Lots Nos. 17, 18, 19 and 20 in said Benj. Monett Jr's. Oregon Place Addition, along the east end of a former 16-foot wide alley sold by City Ordinance No. 512-90, passed February 28, 1990 and along the east line of Lot No. 45 in said Benj. Monett Jr's. Oregon Place Addition a distance of 270.48 feet to a ¾-inch I.D. iron pipe found at the intersection of the west line of said 20-foot wide alley with the north line of West First Avenue (70 feet wide) and at the southeast corner of said Lot No. 45;

thence N 86° 47' 57" W along the north line of West First Avenue and along the south lines of Lots Nos. 45, 46 and 47 in said Benj. Monett Jr's. Oregon Place Addition a distance of 90.00 feet to a ¾-inch I.D. iron pipe found at the southwest corner of said Lot No. 47 and at the southeast corner of Lot No. 48 in said Benj. Monett Jr's. Oregon Place Addition;

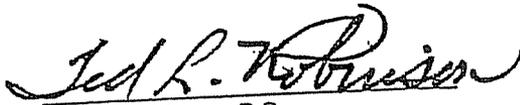
thence N 2° 43' 27" E along the west line of said Lot No. 47 and along the east line of said Lot No. 48 a distance of 124.91 feet to a ¾-inch I.D. iron pipe found in the south line of said former 16-foot wide alley, at the northwest corner of said Lot No. 47 and at the northeast corner of said Lot No. 48;

thence N 86° 42' 43" W along the south line of said former 16-foot wide alley and along the north line of said Lot No. 48 a distance of 30.00 feet to a ¾-inch I.D. iron pipe found at the intersection of the south line of said former 16-foot wide alley with the east line of Perry Street and at the northwest corner of said Lot No. 48;

thence N 2° 43' 27" E along the east line of Perry Street, along the west end of said former 16-foot wide alley and along the west lines of said Lots Nos. 20, 19, 18 and 17 a distance of 145.80 feet to the place of beginning;

containing 0.659 acre of land more or less and being subject to all easements and restrictions of record.

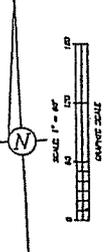
The above description was prepared by Ted L. Robinson, Ohio Surveyor No. 5361, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from actual field surveys performed under his supervision in December, 2000, and in May, 2003. Basis of bearings is the west line of Ingleside Avenue, being S 2° 45' 27" W, as shown of record in Official Record 27597, Page 1 17.



Ted L. Robinson, P.S.
Ohio Surveyor #5361



Exhibit 2
Property Location Map



The State of Ohio is the owner of the land depicted herein. The State of Ohio is the owner of the land depicted herein. The State of Ohio is the owner of the land depicted herein.

PROPERTY OF THE STATE OF OHIO
 DEPARTMENT OF REVENUE
 COLUMBUS, OHIO

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 DEPARTMENT OF REVENUE
 COLUMBUS, OHIO

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Exhibit 3
Executive Summary

**VOLUNTARY ACTION PROGRAM
EXECUTIVE SUMMARY OF NO FURTHER ACTION
LETTER**

SITE LOCATION:

Harrison West/Former A.C. Humko Property
525 West 1st Avenue
Columbus, Ohio 43215

RECEIVED

JUL 13 2006

OHIO EPA/CDO

VOLUNTEERS:

Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd.
1289 Grandview Avenue
Columbus, Ohio 43212

&

City of Columbus
109 North Front Street
Columbus, Ohio 43215

CERTIFIED PROFESSIONAL:

Atul Pandey, P.E.
Certified Professional #224
PANDEY Environmental, LLC
673 Mohawk Street, Suite 300
Columbus, OH 43206
Phone: 614-444-8078
Fax: 614-444-8079
Email: info@pandeyenvironmental.com
www.pandeyenvironmental.com

PANDEY

ENVIRONMENTAL, LLC

EXECUTIVE SUMMARY OF NO FURTHER ACTION LETTER HARRISON WEST / FORMER A.C. HUMKO PROPERTY, COLUMBUS, OHIO

1.0 Introduction

A No Further Action (NFA) Letter under the auspices of the Ohio EPA's Voluntary Action Program (VAP) was issued on behalf of Royal Tallow Holdings Ltd., Harrison Park Development Ltd., and the City of Columbus on March 9, 2006, by Atul Pandey, P.E. of PANDEY Environmental, LLC., CP #224. The NFA letter is dated March 9, 2006. This NFA letter was later modified through addendums dated March 24, 2006; May 31, 2006; and July 11, 2006.

The NFA describes the Phase I Property Assessment and Phase II Property Assessment for the approximate 11.185 acres of land located at 525 West 1st Avenue in Columbus, Franklin County, Ohio 43215, known as the Harrison West / Former AC Humko Property. A legal description of the property is attached to this Executive Summary.

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

The legal description of the 11.185 acres of land is provided in Exhibit A to this executive summary.

2.0 Summary of No Further Action Letter

The Certified Professional (Atul Pandey, P.E.) issued an NFA letter based upon Phase I and Phase II property assessments, Remedy Implementation, and subsequent Risk Assessment for the subject property. The intended land use is residential.

A summary of the assessments is provided below. Complete copies of the VAP Phase I Property Assessment dated May, 2003, and August, 2005, Limited Phase I and Phase II Property Assessment Report Sewer Trench Excavation Area, VAP Phase II Property Assessment, Preliminary Risk Evaluation Report, Remedial Action Plan, Gas Extraction Report, Soil Excavation Report, Railroad Spur Remediation Report, Groundwater Remediation Report, Asbestos Remediation Report, Soil Stockpile Sampling Report, Well Abandonment Report, Drum Disposal Report, Background Arsenic Soil Sampling Report, Petroleum Contaminated Soils Reports Concrete Vaults # 1 through 7, Post-Remedial Risk Assessment Report, March 24, 2006 addendum, May 31, 2006 addendum, and July 11, 2006 addendum are contained in the NFA Letter.

2.1 Phase I Property Assessment

A Phase I Property Assessment was conducted in May, 2003. A Phase I Assessment Report update was completed in August, 2005, and a final Phase I Assessment Report was completed in February, 2006. The Phase I assessment was conducted to determine identified areas at the subject property pursuant to VAP requirements.

The Phase I Assessment included a determination of eligibility for entry into the Ohio VAP, a review of historic and current uses of the property and surrounding properties, and an

environmental history review, a review of the history of hazardous substances or petroleum releases, a property inspection and identification of identified areas as defined in OAC 3745-300-06(F). The eligibility determination indicated that the entire property is eligible for participation in the Voluntary Action Program. A summary of the Phase I Property Assessment is as follows.

The information used to establish a continuous history of the subject property and its surroundings included deed and tax records, city directories, topographic maps, aerial photographs, and interviews. The subject property was historically used for vegetable oil refining, soft drink manufacturing, Columbus Forge and Iron, saw manufacturing, and bulk petroleum storage.

A review of the environmental history of the site showed that the subject property was impacted by the presence of methane and hydrogen sulfide gas in the subsurface, in addition to the presence of free product in the groundwater, and identified 13 areas as possible sources of contamination for additional investigation.

The subject property consists of approximately 11.185 acres of historically industrialized land. The majority of the property is vacant land with no buildings, asphalt or concrete paving present. In addition, a portion of the property lies east of Perry Street. This portion of the property was formerly used as an employee parking area.

The Phase I Property Assessment concluded that a Phase II Property Assessment should be conducted to determine the potential adverse impacts to soil/groundwater from historical industrial operations.

2.2 Phase II Property Assessment

A Phase II Property Assessment was conducted during May, 2003. The Phase II Property Assessment was issued on May 15, 2003. The purpose of the Phase II Property Assessment was to determine if soil and/or groundwater underneath the subject property was impacted in the identified areas.

The Phase II Assessment included sampling and analysis of soil, groundwater, and soil gas sampling at the subject property. In addition, a pathway completeness determination, determination of applicable standards, and an assessment of the risk from direct contact to the soils at the property was evaluated in the Preliminary Risk Evaluation Report. The complete Phase II Property Assessment Report is contained in the NFA on file with the Ohio EPA. A summary of the Phase II findings is provided below.

2.2.1 Soil Investigations and Findings

Soil was investigated by the placement of upwards of 40 soil bores for the presence of Volatile and Semi-Volatile Organic Compounds, as well as Total Petroleum Hydrocarbons. Various chemicals of concern were identified in the Phase II Assessment. In addition, data from previous environmental investigations was analyzed in order to assess the overall condition of the soil media at the subject property. Several detections of chemicals of concern were found to exceed residential direct contact standards.

2.2.2 Groundwater Investigation and Findings

The groundwater was investigated by PANDEY and during previous environmental investigations at the property. Groundwater samples analyzed for VOCs, SVOCs, and RCRA 8 Metals were found to have an impact to the groundwater media. Free product was discovered in the southeastern portion of the property in previous investigations and

confirmed by PANDEY in the Phase II Property Assessment. Groundwater classification was not conducted since the planned remedy would restore compliance with generic unrestricted potable use standards.

2.2.3 Hydrogen Sulfide and Methane Gases

A plume of hydrogen sulfide and methane gases existed in the area of the Acid Plant building. This area had been defined by the Soil Gas investigation conducted by CEC in 2001. PANDEY determined that no further soil gas investigation was required to be conducted as part of the VAP Phase II investigation.

Levels that are considered unsafe for protection of human health, safety, and the environment of hydrogen sulfide and methane gas existed in the vicinity of the acid plant. The production of dangerous levels of gases was the result of releases of sulfuric acid from the acid plant building combined with petroleum from the former fuel oil USTs located north of the acid plant building.

2.2.4 Exposure Pathway Assessment

An exposure pathway assessment was prepared to evaluate potentially exposed human receptors, current and future, and identify potential exposure pathways associated with the property. This assessment was developed in accordance with guidance in the Ohio VAP (OAC 3745-300-09). The preferred land use designation for the property is unrestricted or residential, as defined by OAC 3745-300-00. The following pathways were determined to be complete, and may or may not pose a risk to human health and/or the environment:

- Direct Contact Soils;
- Construction Worker Exposure Scenario;
- Groundwater: potable and non-potable use;

- Groundwater: vapor intrusion to subsurface structures, i.e., groundwater to indoor air;
- Soil: vapor intrusion to subsurface structures, i.e., soil to indoor air

2.3 Determination of Applicable Standards

The applicable standards for soil at the subject property included residential direct contact standards following the required multiple chemical adjustment exercise. In addition, concentrations of chemicals of concern in soil were compared to a property specific multiple chemical standard to evaluate the leaching pathway. The applicable standards for concentrations of chemicals of concern in groundwater are VAP generic unrestricted potable use standards. The applicable standard for arsenic in soil at the subject property is the calculated background standard for the site.

2.4 Determination of Compliance with Applicable Standards

A preliminary risk evaluation was conducted to identify the complete exposure pathways at the subject property. As a conclusion of the preliminary risk evaluation, the following list of remedial activities was established to be conducted at the subject property in order to allow residential development and obtain a residential "Covenant Not to Sue" from Ohio EPA.

- Soils, Sulfuric Acid Remediation in the Acid Plant Area
- Soils, Free Product (Fuel Oil) Remediation in the Acid Plant Area
- Remediation of Hydrogen Sulfide and Methane Gases
- Groundwater Free Product Remediation
- Remediation of Railroad Spurs
- UST Area Remediation
- Asbestos Remediation

The above remedial activities were implemented at the subject property. The end goal of the remedial activities was to return the subject property to conditions that met and qualify for VAP unrestricted or residential land use standards. Following implementation of these remedies, a Post-Remedial Risk Assessment, dated July, 2006, was completed which demonstrated compliance with applicable standards prior to the issuance of the No Further Action Letter.

2.4.1 Data Analysis

Concentrations of all chemicals of concern present at the subject property have been compared to appropriate applicable standards in accordance with VAP protocol. The Revised Post Remedial Risk Assessment Report, dated July, 2006, documents that all applicable standards have been met at the subject property following the implementation of various remedies.

2.4.2 Compliance with Generic Numerical Standards (GNS)

Generic Numerical Standards were used for the direct contact with soil pathway as well as for the groundwater potable use pathway through the application of VAP GUPUS/Federal MCLs. Cumulative adjustments for the presence of multiple chemicals were completed and are documented in the Risk Assessment Reports.

2.4.3 Property-Specific Risk Assessment Findings

The Revised Post Remedial Risk Assessment Report, dated July, 2006, documents that the subject property complies with all applicable standards under the VAP. This includes all applicable exposure pathways to potential receptors as well as Protection of Groundwater Meeting Unrestricted Potable Use Standards.

2.4.4 Determination of Whether Remedial Activities are Required

Remedial activities were required to achieve compliance with applicable standards in soil and groundwater at the subject property. This was due to risk exceedances in the soil direct contact, soil leaching to groundwater, and groundwater ingestion pathways at the subject property.

2.5 Remedial Activities

A modified Soil Vapor Extraction System (SVE) was implemented at the subject property from July to November, 2004. The purpose of the SVE system was to remove the Hydrogen Sulfide and Methane Gas plume that existed at the subject property to a level which permitted excavation of the source area. Hydrogen Sulfide and Methane Gas concentrations decreased in the Acid Plant area to concentrations which allowed for the excavation of soils in this area of the subject property approximately 90-120 days following installation of the gas extraction system.

Upon completion of the modified SVE system the removal of soils began in the acid plant area. Over the course of 5 months (December, 2004-April, 2005) a total of 112,229 tons of soil was excavated from the acid plant area. Of the above amount, approximately 32,729 tons of soil was disposed at Ohio Soil Recycling, 54,500 tons of soil was disposed at COC landfill, and 25,000 tons remained on site to be used as fill material.

The removal and remediation of the former location of the railroad spurs was conducted from October, 2004 to April, 2005. During this time approximately 3,700 linear feet of railroad spurs was remediated. The total volume of soil removed from the excavated areas and disposed at Ohio Soil Recycling was 2,300 tons. An additional 15.9 tons of soil was removed from two locations along the northern portion of the former railroad spurs on June 27, 2006 as documented in the Revised Rail Spur Remediation Report.

A groundwater remediation system was installed on the southeastern portion of the property. A total of three belt skimmers were installed and operated on the subject property from June, 2005 to January, 2006. During this time period a total of 1632 gallons of free product was removed from the subsurface.

Following implementation of each of the remedies described in the previous section, representative samples of environmental media were collected and analyzed to prove the efficacy of the remedy. The results of this confirmatory sampling were combined as the Post-Remedial data set which was further evaluated to determine compliance with applicable standards for the property. Details on the collection of confirmatory samples and associated analytical results can be found in the Soil Excavation Report, Railroad Spur Remediation Report, Groundwater Remediation Report, Revised Rail Spur Remediation Report, Confirmatory Sampling Report-SE Corner, and the May 31, 2006 addendum.

Following collection of the Post-Remedial data set, analysis was conducted in accordance with OAC 3745-300-09 to determine compliance of the property with applicable standards. The entire post-remedial data set was utilized in this demonstration. The results of this analysis are documented in the Revised Post-Remedial Risk Assessment Report, dated July, 2006, and demonstrate the compliance of the property with VAP unrestricted land use standards.

2.6 Planned Remedies

No further remedial activities are planned at the subject property under an O&M plan. Applicable standards are currently achieved at the subject property without the need for additional remedial activities.

3.0 Conclusions

The foregoing is a summary of the NFA Letter submitted for Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd., and the City of Columbus by Atul Pandey, P.E. of PANDEY Environmental, LLC as a Certified Professional (CP # 224). The subject property meets all applicable standards under the Voluntary Action Program. The applicable point of compliance for soil is 10 feet below ground surface due to the anticipated future residential land use. The remedies employed at the subject property are protective of public health and safety and the environment.

Mr. Pandey is the contact at PANDEY Environmental, LLC. regarding questions of this NFA Letter. Mr. Pandey can be contacted at 614.444.8078 x207. Mr. Mark Wagenbrenner is the contact at Royal Tallow Holdings, Ltd., and Harrison Park Development, Ltd., and can be reached at 614.488.0671. Mr. Gary Guglielmi is the contact for the City of Columbus, and can be reached at 614.645.6427.

Enclosed: List and Date of Completion of all NFA Documents
Legal Description and Survey

List and Date of Completion of All NFA Documents

PARCEL	REPORT	Date
AC Humko	Phase I Property Assessment Volumes 1 & 2	May, 2003
AC Humko	Phase II Property Assessment	May, 2003
AC Humko	Risk Evaluation	May, 2003
AC Humko	Remedial Action Plan	May, 2003
AC Humko	CORF Property Checklist	May, 2003
Lane Avenue Sewer Trench	Limited Phase I and Phase II Report	August 14, 2003
AC Humko	Background Arsenic Soil Sampling Report	October 7, 2003
Larkins	Soil Stockpile Sampling Report	July 29, 2004
AC Humko	Asbestos Remediation Report	September 14, 2004
AC Humko	Confirmatory Sampling Report	September 27, 2004
AC Humko	Petroleum Contaminated Soils Report Concrete Vault #1	October 19, 2004
AC Humko	Petroleum Contaminated Soils Report Concrete Vaults 2, 3 & 4	October 24, 2004
AC Humko	Petroleum Contaminated Soils Report Concrete Vaults 5, 6 & 7	October 29, 2004
AC Humko	Drum Disposal Report	November 15, 2004
AC Humko	Gas Extraction Report	January, 2005
AC Humko	Well Abandonment Report	April 4, 2005
Harrison West/ACH	Soil Excavation Report	July, 2005
Harrison West/ACH	Phase I Update Report	August, 2005
AC Humko	Railroad Spur Remediation Report	August, 2005
Harrison West/ACH	Final Phase II Report	August 31, 2005
Harrison West/ACH	Gas Extraction Report-Addendum	February 17, 2006
AC Humko	Groundwater Remediation Report	February 24, 2006
Harrison West/ACH	Final Phase I Report	February 24, 2006
Harrison West/ACH	Post Remedial Risk Assessment Report	March 3, 2006
Harrison West/ACH	Post Remedial Sampling Report	May, 2006
Harrison West/ACH	Revised Post Remedial Risk Evaluation Report	May, 2006
Harrison West/ACH	Revised Rail Spur Remediation Report	July, 2006
Harrison West/ACH	Confirmatory Sampling Report-SE Corner	July, 2006
Harrison West/ACH	Revised Post Remedial Risk Evaluation Report	July, 2006
Total: 28 Binders		