



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

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

MAILING ADDRESS:

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

December 7, 2000

CERTIFIED MAIL

Mr. Charles W. Schuler
3674 Rushmore Drive
Columbus, Ohio 43220-2208

**RE: Issuance of Covenant Not To Sue for the Former Schuler
Manufacturing Property : 00NFA100**

Dear Mr. Schuler:

I am happy to inform you that on December 7, 2000, the Director of the Ohio Environmental Protection Agency ("Director") issued a Covenant Not To Sue ("Covenant") to the Former Schuler Manufacturing Company property located at 4570 Edgewyn Avenue, Hilliard, Ohio. The Covenant was issued as Final Findings and Orders pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300. You will find the certified copy of the Covenant enclosed.

Upon the issuance of these Findings and Orders, and subject to the conditions outlined in the Covenant, Ohio EPA covenants not to sue and releases Charles W. Schuler, and his agents, employees, and heirs, and successors and assigns of the property, from all civil liability to the State of Ohio to perform additional investigational and remedial activities at the property for the releases of hazardous substances or petroleum identified in the Phase I Property Assessment completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.

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

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

Schuler manufacturing Company
Page 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Yersavich". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Enclosure

cc: Larry S. Graves, CP, BHE Inc.
Susan Kroeger, Legal Office
CO DERR-VAP Files



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

MEMORANDUM

TO: Shelley Wilson, Administrator, Tax Equalization Division, Dept. of Taxation
Daryl Hennessy, Manager, Office of Tax Incentives, Dept. of Development

FROM: Christopher Jones, Director, Ohio Environmental Protection Agency

DATE: DEC - 7 2000

RE: Covenant Not to Sue Issued to Charles W. Schuler for the Former Schuler Manufacturing Company property

As Director of the Ohio Environmental Protection Agency, I certify that Charles W. Schuler has performed investigational and remedial activities at the property listed below and has been issued a Covenant Not to Sue under the authority of Ohio Revised Code (ORC) Chapter 3746. This information is being provided in satisfaction of ORC 5709.87(B).

Property name: Former Schuler Manufacturing Company property

Property address: 4570 Edgewyn Avenue, Hilliard, Ohio 43206

Parcel number(s): 050-001324-00

County: Franklin

Taxing District: Franklin County

Date Covenant Not to Sue Issued: DEC - 7 2000

Attached, for your information, is a copy of the legal description of the Property.

If additional information regarding the property or the voluntary action is required, I suggest you first contact Lawrence Graves, the Certified Professional for the property, at 614-487-7831. In the alternative, you can contact Don Vogel with the Ohio Environmental Protection Agency at 614-644-4826.

cc: Lawrence S. Graves, BHE Environmental
rev. 011/8/00

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



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Daryl Hennessy, Manager, Office of Tax Incentives, Dept. of Development

FROM: Christopher Jones, *Chris Jones* Director, Ohio Environmental Protection Agency

DATE: DEC - 7 2000

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cc: Lawrence S. Graves, BHE Environmental
rev. 011/8/00

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

OHIO E.P.A.
DEC -7 2000

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

RECEIVED

DEC 14 2000

OHIO EPA/CDO

In the matter of:

Charles W. Schuler
3674 Rushmore Dr.
Columbus, Ohio 43220-2208

Covenant Not to Sue

Director's Final Findings
and Orders

Regarding property known as:

Former Schuler Manufacturing Property
4570 Edgewyn Avenue
Hilliard, Ohio 43206

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

FINDINGS

1. An original No Further Action Letter, No. 00NFA100 (the "NFA Letter"), was issued on October 17, 2000 and submitted on October 20, 2000 to Ohio Environmental Protection Agency's ("Ohio EPA") Division of Emergency and Remedial Response, Voluntary Action Program ("VAP") on behalf of Charles W. Schuler (the "Volunteer" or, by Lawrence S. GRAVES, a certified professional, No. CP 163, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8) (the "Certified Professional").
2. The Certified Professional submitted to Ohio EPA an addendum to the NFA Letter, dated November 21, 2000. For the purposes of these Findings and Orders, the term "NFA Letter" includes the addendum.
3. The NFA Letter describes investigational and remedial activities undertaken at the approximately 1.4 acre property, formerly known as Schuler Manufacturing Co., located at 4570 Edgewyn Avenue, Hilliard, Franklin County, Ohio (the "Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A site location map is attached hereto as Exhibit 2. The NFA Letter includes an Executive Summary, which is attached hereto as Exhibit 3.

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

By: Zona L. Clement Date: Dec 7, 00

4. Based upon the information contained in the NFA Letter, the following investigational activity was undertaken and completed regarding the Property: a Phase I Property Assessment, in accordance with OAC 3745-300-06, to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred at or emanated from the Property,
5. The Certified Professional has verified by affidavit that the investigational activities undertaken at the Property comply with the applicable standards established in ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible to receive a Covenant Not to Sue under the VAP, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.
6. At the time that analyses were performed, TestAmerica, 3601 South Dixie Drive, Dayton, Ohio, 45439 was a certified laboratory, No. CL0018, as defined in ORC 3746.01(D) and OAC 3745-300-01(A)(7), whose services were used in support of the NFA Letter for the Property (the "Certified Laboratory").
7. According to information provided by the Certified Laboratory in an affidavit contained in the NFA Letter, the Certified Laboratory performed analyses for which it was certified and qualified, pursuant to ORC Chapter 3746 and OAC Chapter 3745-300, that formed the basis for the issuance of the NFA Letter by the Certified Professional.
8. Based on the information contained in the NFA Letter, the Property meets the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for residential land use and unrestricted potable ground water use, including but not limited to:
 - a. residential land use category direct contact soil standards for hazardous substances in accordance with Table II, of OAC 3745-300-08 for generic numerical standards; and
 - b. unrestricted potable use ground water standards in accordance with Table VII of OAC 3745-300-08, at all points underlying the Property.
9. Based on the information contained in the NFA Letter, the Property is eligible to receive a covenant not to sue in accordance with ORC 3746.12(A), and subject to all other conditions set forth in these Findings and Orders, the voluntary action for the Property is protective of public health and safety and the environment.

ORDERS

Covenant

1. Upon the effective date of these Findings and Orders, and subject to the conditions set forth herein, Ohio EPA hereby covenants not to sue and releases Charles W. Schuler, and his agents and heirs, 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 completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.

Conditions and Limitations

2. The Covenant provided in Order No. 1 shall only apply to the approximately 1.4 acre Property described in these Findings and Orders, the NFA Letter and the Exhibits attached hereto, upon which the investigational activities specified in the NFA Letter were conducted.
3. Pursuant to ORC 3746.12(B), the Covenant shall remain in effect for as long as the Property continues to comply with the applicable standards upon which the Covenant is based, as referenced in these Findings and Orders.
4. Pursuant to ORC 3746.21, authorized representatives of the Director shall be granted access to the Property for inspection or investigation purposes.
5. The Covenant shall not apply to releases of hazardous substances or petroleum:
 - a. that occur after the issuance of the NFA Letter to the Volunteer;
 - b. on or emanating from the Property, that are not described in the NFA Letter; or
 - c. for which investigational or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
6. The Covenant shall not apply:
 - a. to claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended;

- b. to claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency; or
 - c. as otherwise specifically provided in ORC Chapter 3746.
7. Nothing in ORC Chapter 3746 limits the authority of the Director to act under ORC 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from the Property, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.
8. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

Recordation in Deed Record

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

DEC - 7 2000

Date

Former Schuler Manufacturing Company
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 1
Legal Description

17559017

244104

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENTS, that JAMES W. SCHULER, AS EXECUTOR OF THE ESTATE OF IDA ELIZABETH SCHULER, DECEASED, reference being made to Case No. 90-0969 in the Court of Common Pleas, Probate Division of Licking County, Ohio, pursuant to the authority granted by ITEM 6(a) of the Will of Decedent and for the sum of \$112,500.00, grants, with fiduciary covenants, to CHARLES W. SCHULER, whose tax mailing address is P. O. Box 97, Hilliard, Ohio 43026, the following real property:

MAIL

Situated in the State of Ohio, County of Franklin and Township of Norwich and now in City of Hilliard and bounded and described as follows:

BEING AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING:

Being a part of Virginia Military Survey No. 3001, and also being part of the vacated portion of Easthill Acres as shown on the original plat of record in Plat Book No. 33, Pages 28 and 29, Franklin County Recorder's Office and two subsequent vacation plats of record in Plat Book No. 38, Page 20 and Plat Book No. 38, Page 58 and being more particularly described as follows:

2-63-A
ALLOF
1324
HILLIARD
Bml.
8/28/91

Beginning at an iron pin at the south-westerly corner of said Easthill acres and also being in the northerly right-of-way line of Edgewyn Avenue; thence North 15° 26' 05" West with the westerly boundary of Easthill Acres for a distance of 485.87 feet to an iron pin; thence, North 83° 28' 54" East parallel with the northerly right-of-way line of Edgewyn Avenue for a distance of 163.31 feet to an iron pin; thence, South 06° 31' 06" East for a distance of 480.00 feet to an iron pin in the northerly right-of-way of Edgewyn Avenue; thence, South 83° 28' 54" West with the Northerly right-of-way line of Edgewyn Avenue for a distance of 88.00 feet to the place of beginning containing 1.385 acres, more or less.

Subject to easements, conditions and restrictions of record, to applicable zoning laws, to all other governmental rules and regulations affecting use and occupancy and to real property taxes and special assessments, if any.

LAST TRANSFERS: Volume 2932, Page 478
Volume 3471, Page 472

Said premises are located at and are commonly known as ~~4570~~ Edgewyn Avenue, Hilliard, Ohio.
4570

TIME 10:40A
RECORDED FRANKLIN CO., OHIO

TRANSFERRED
AUG 28 1991

13378
CONVEYANCE TAX
11750 scv

Former Schuler Manufacturing Company
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 2
Site Map



Joseph W. Testa
Franklin County Auditor

GEOGRAPHIC INFORMATION SYSTEM

[New GIS Search](#) [Auditor Home Page](#) [New Parcel Search](#) [Real Estate Information](#)

050-001324
 SCHULER CHARLES W
 4570 EDGEWYN

[Click for Instructions](#)

[Click for parcel info](#)



Map Size: 860' x 633'

CLICK ON MAP TO PERFORM OPERATION

Full Parcel

+ Zoom In

Fixed Size

Update Image

- Zoom Out

--- select one ---

Date Stamp: Thu Jun 8 15:24:56 2000

County Location



- Streets & Roads
- Drives & Parking
- Buildings
- Rivers & Stream
- Railroads
- Utilities
- Recreation Area
- Boundary Lines
- Parcel Lines
- Parcel Text
- Subdivision Line
- Condominium Tr
- Flood Plain Data
- Topography

Parcel Label
 Parcel Number



PARCEL INFORMATION FOR 050-001324

Owner Name	SCHULER CHARLES W	Transfer Date	08/28/1991
		Price	\$112,500
		Year Built	0
Site Address	4570 EDGEWYN AV	Auditor's Map	N044F 010.00
Mall Address	SCHULER CHARLES W	Neighborhood	3.00
	3674 RUSHMORE DR	School Code	2510
	COLUMBUS OH 43220	Annual Taxes	\$8,226.0
Tax District	CITY OF HILLIARD		
Description	4570 EDGEWYN AVENUE		
	1.385 ACRES		
	PT EASTHILL ACR VAC		
Auditor's Appraised Values		Assessed Acreage	1.39
Land	\$62,600	Landuse	370 - Small Shop

Building	\$300,400	Caov	\$0
Total	\$363,000	Homestead	
Exempt Land	\$0	Property Class	I
Exempt Building	\$0	Number of Cards	1
Exempt Total	\$0	Flood Plain	N
Building Information			
Grade		Rooms	0
Baths	0	Half Baths	0
Bedrooms	0	Storys	0.0
Fireplaces		Air Cond	
		Area	0.0
		Property Type	3
		Height	
		Wall Code	

DISCLAIMER

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information source should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Former Schuler Manufacturing Company
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 3
Executive Summary

SECTION B
OHIO ENVIRONMENTAL PROTECTION AGENCY
VOLUNTARY ACTION PROGRAM
EXECUTIVE SUMMARY AND FILING DOCUMENT OF
NO FURTHER ACTION LETTER

Former Schuler Manufacturing Co.
4570 Edgewyn Avenue
Hilliard, Ohio

VOLUNTEER:

Mr. Charles W. Schuler
3674 Rushmore Dr.
Columbus, Ohio 43220-2208

OWNER:

Same as Volunteer

CERTIFIED PROFESSIONAL ISSUING THE NFA:

Lawrence S. Graves
CP 163
Phone: 614-487-7831; Fax: 614-487-7841

State of Ohio)

County of Franklin)

Lawrence S. Graves, being first duly sworn according to law, and deposes and states that, to the best of my knowledge, information and belief:

1. I am an adult over the age of eighteen (18) years old and competent to testify herein.
2. I am a Certified Professional, (CP No. 163), in good standing under Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.
3. I have prepared a No Further Action Letter for Charles W. Schuler for property located at 4570 Edgewyn Avenue, Hilliard, Ohio 43026 (legal description of property is attached to this document).
4. I have reviewed Paragraph (F) of OAC rule 3745-300-05, and have met all standards of conduct contained in that Paragraph while rendering professional services to Charles W. Schuler regarding the Property.
5. The Property is eligible for the Voluntary Action Program, pursuant to ORC Section 3746.02 and OAC rule 3745-3000-02.
6. The voluntary action has been conducted and the No Further Action Letter has been issued in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.
7. The voluntary action conducted at the Property was conducted in compliance with all applicable federal, state and local laws and regulations.
8. The No Further Action Letter and NFA Review Form for the Property, and any other information, data, documents, and reports submitted with the No Further Action Letter and NFA Review Form are true, accurate, and complete.
9. The No Further Action Letter, and all supporting information, data, documents, and reports, are a true, accurate and complete characterization of conditions at the Property, including the presence or absence of hazardous substances and petroleum.

Further affiant sayeth naught.

Lawrence S. Graves
Name of Affiant

Sworn to before me this 17 day of OCT, 2000

Arnold S. White
Name of Notary Public

This Instrument prepared by: *Lawrence S. Graves*

ARNOLD S. WHITE, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

LAWRENCE S. GRAVES
CERTIFIED PROFESSIONAL (CP163)
ORC Section 3746.04(B)(5)
OAC Rule 3745-300-05
My certification expires July 7, 2001

1.0 INTRODUCTION

This executive summary has been prepared to meet requirements of OAC 3745-300-13 (H) and requirements of OAC 3745-300-13 (I). Charles W. Schuler is a volunteer under the Ohio Voluntary Action Program (VAP). The Mr. Schuler is seeking a covenant not to sue for property located at the 4570 Edgewyn Avenue, Hilliard, Ohio 43026. The subject property is currently occupied by the Greer & Company. The property was formerly occupied by a The Schuler Manufacturing Company. The Certified Professional (CP) submitting the NFA letter is Lawrence S. Graves (CP163). BHE Environmental, Inc. conducted the VAP Phase I property assessment. This NFA letter was completed by the CP in September 2000. A complete copy of the NFA letter can be obtained from the volunteer at the following address:

3674 Rushmore Dr.
Columbus, Ohio 43220-2208

Note: A legal description of the property is attached at the end of Section B.

2.0 SUMMARY OF NO FURTHER ACTION LETTER

Issuance of the NFA letter was based on review of the volunteer's Phase I property assessment report, including appendices that describe investigations conducted by both the buyer and the seller of the property. The volunteer has addressed all "identified areas" as part of the voluntary action. The identified areas discovered during the Phase I were determined to be de minimus releases, not warranting further investigation or remediation, or neighboring areas that were found not to be impacting the property, or asbestos issues that will be addressed under NESHAPS rules if demolition or renovation is conducted.

2.1 Phase I Property Assessment

The purpose of the Phase I Property Assessment was to determine if there was reason to believe hazardous materials or petroleum was released from the property, and if so, determine the initial scope of work for Phase II investigations. In conducting the Phase I investigation the volunteer's consultant used standard investigation procedures including chain of custody reviews, Ohio DNR well log reviews, regulatory searches, file reviews, site reconnaissance and interviews. Relevant information that was reviewed during the Phase I included local maps, site history documents, and historical aerial photos.

Based on Phase I assessment results, the volunteer concluded that there is reason to believe that a release may have occurred on the subject property, however there was strong evidence that these releases were de minimus. Therefore, limited confirmation sampling during Phase I was conducted to verify and support the de minimus position. The following VAP identified areas were discovered and evaluated in this Phase I:

- BHE observed a hole at the base of the building wall from the paint dip area on the east side of the building exiting to the receiving dock area. Mr. Schuler, the property owner, stated that because there were no floor drains in the building, a floor trench was made and a hole was created in the wall to drain water that was spread on the floors of the paint dip area to keep the dust down and the paint dip area clean. Water would be diverted toward the trench and drain out the hole to the ground outside. This practice occurred once or twice from the early 1970s to the end of the operation in the late 1990s. A similar hole, possibly used for the same purpose, is located on the east side of the building. Paint stains on exterior walls at one hole location indicate adjacent soil may have been impacted by paint ingredients. Thus, this release was considered an "identified area", however potentially de minimus.
- BHE observed a hole on the west side of the building near the floor base. According to Mr. Schuler, rain water collected in and periodically overflowed a drain at the rear of the building near the truck dock. This condition was remedied once or twice by pumping water out of the drain via a flexible PVC pipe that ran from the drain through the west wall to the adjacent drainage ditch on the west side of the property. Thus, the area of past release to local stream sediments was considered an identified area, however the release was potentially de minimus.
- Scioto Darby Concrete Inc. is located adjacent to the east side of the Schuler property. BHE noted many 55-gallon drums in the northwest corner of the Scioto Darby Concrete Inc. property. No labels were observed on the drums. Based on the proximity of Scioto Darby Concrete Inc. to the site, and based on the observed storage of unknown materials on site, it is possible that a release at Scioto Darby Concrete Inc. may adversely impact the subject property. However, the CP is not considering this to be an identified area warranting further investigation, since no evidence of past or current releases was detected during the property inspection or file review.
- Potential ACM was identified during the property building inspection. Under VAP, these are considered "identified areas". To meet applicable standards, the treatment of this material and these areas is to be consistent with NESHAPS. Under NESHAPS the

renovation or demolition of ACM areas requires notification and the following of certain protocols. Should this be required, the owner will follow the necessary protocols.

Based on the results of Phase I confirmation sampling, the description of releases from interviews of the owner under affidavit, and field observations by the CP, the CP has concluded that the identified areas meet the definition of de minimus, as stated in OAC 3745-300-06 (G). Therefore, no Phase II property assessment is warranted and no remediation to meet applicable standards is necessary.

2.2 Phase II Property Assessment

No Phase II property assessment was warranted. NFA was submitted based on Phase I results and de minimus releases determination. No remediation and no comparison to applicable standards was conducted.

3.0 CONCLUSIONS

Based on review of the information gathered and submitted to the Certified Professional by the volunteer, Charles W. Schuler, and his consultant, BHE Environmental, Inc., the property located at 4570 Edgewyn Avenue, Hilliard, Ohio 43026 meets all applicable standards under the Ohio Voluntary Action Program and requires no further action.

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 entered in the Ohio EPA Director's Journal on Dec 7, 2000 regarding the property known as Former Schuler Manufacturing Company, located at 4570 Edgewyn Avenue in Hilliard, 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 7th day of December, 2000.



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

Susan C. Kroeger
Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

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