



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
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

CERTIFIED MAIL

JUL 06 2010

Mr. James Sisto  
Principal  
Value Recovery Group II, LLC  
919 Old Henderson Road  
Columbus, Ohio 43220

Ms. Sadicka White  
Director  
City of Gahanna  
Development Department  
200 South Hamilton Road  
Gahanna, Ohio 43230

Re Issuance of Covenant Not To Sue for the  
Columbus Tile Yard Property (#08NFA321)  
Project ID # 125-002640-010

Dear Mr. Sisto and Ms. White:

JUL 06 2010

I am pleased to inform you that on \_\_\_\_\_, the Director of the Ohio Environmental Protection Agency issued a covenant not to sue (CNS) to Value Recovery Group II, LLC and the city of Gahanna for the Columbus Tile Yard Property located at 870 – 950 Claycraft Road, Gahanna, Franklin County, Ohio. The CNS was issued as final findings and orders pursuant to Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.

The CNS states that, based on the no further action letter, and subject to all conditions set forth in these findings and orders, Ohio EPA covenants not to sue and releases Value Recovery Group II, LLC, Buckeye Storage of Gahanna, LLC and the city of Gahanna and their respective agents, employees, members, 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. The CNS and release

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Ohio EPA is an Equal Opportunity Employer

of liability applies to the property that has undergone a Phase I or Phase II property assessment in compliance with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substance or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

Enclosed is a certified copy of the CNS and its exhibits for the recording of the documents in the same manner as a deed for the property, as instructed by the CNS (see the "Conditions and Limitations" section of the CNS). The enclosed affidavit should be presented to the county recorder's office staff to support the required recording. Remember to submit to Ohio EPA after the recording a copy of the CNS that shows the filing date stamp of the county recorder's office.

Further, the environmental covenant, attached to the CNS as Exhibit 4, must also be recorded in the same manner as a deed to the property (see the "Conditions and Limitations" section of the CNS). Please record the environmental covenant just prior to and separate from the recording of the CNS and its remaining exhibits. The CNS becomes effective on the date of the recording of the environmental covenant. Like the CNS recording, remember to submit to Ohio EPA a copy of the environmental covenant that shows the county recorder's date stamp. For questions on the recording of these documents, you can consult Ohio EPA Legal Office attorney, Andrea Smoktonowicz, at (614) 644-3037.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 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 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Kevin Boyce," 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 days after the appeal is filed 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 Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Congratulations on the issuance of this CNS. Many persons within the agency, Value Recovery Group, II, LLC, Buckeye Storage of Gahanna, LLC, the city of Gahanna and Hull & Associates, Inc, among others, worked hard to remove the environmental barriers associated with redeveloping this property.

Value Recovery Group II, LLC and the City of Gahanna  
Columbus Tile Yard Property (08NFA321)  
Page 3 of 3

If you have any questions or concerns, feel free to contact me at (614) 644-2924 or [tiffani.kavalec@epa.state.oh.us](mailto:tiffani.kavalec@epa.state.oh.us).

Sincerely,



Tiffani Kavalec  
Manager  
Division of Emergency and Remedial Response  
Assessment, Cleanup and Reuse

Enclosure

c: James Sisto, Principal, Buckeye Storage of Gahanna, Inc.  
Steve Gross, Certified Professional, Hull & Associates, Inc.  
Craig Kasper, Certified Professional, Hull & Associates, Inc.  
DERR CO/CDO Files (#08NFA321)

ec: Raymond R. Moreno, DERR/CDO  
Deborah Strayton, DERR/CDO  
Frank Robertson, DERR/ACRE  
Andrea Smoktonowicz, Legal

TK/nsm Columbus Tile Yard Letter to Volunteer Legal comments



Copy

OHIO E.P.A.

JUL -6 2010

BEFORE THE

ENTERED DIRECTOR'S JOURNAL

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

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

**In the matter of:**

Value Recovery Group II, LLC  
919 Old Henderson Road  
Columbus, Ohio 43220

City of Gahanna  
200 South Hamilton Road  
Gahanna, Ohio 43230

**Regarding property known as:**

Columbus Tile Yard Property  
870 - 950 Claycraft Road  
Gahanna, Ohio 43220

By: Dan Lassiter Date: 7-6-10

**Covenant Not to Sue**

**Director's Final Findings  
and Orders**

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. 08NFA321 (the "NFA Letter"), was submitted on November 26, 2008 to the Director under the Voluntary Action Program on behalf of Value Recovery Group II, LLC and the city of Gahanna (the "Volunteers"), by Steven M. Gross, a certified professional, No. CP 192, as defined in ORC 3746.01(F) and OAC 3745-300-01(A) (the "Certified Professional").
2. The Certified Professional issued the NFA Letter by his CP affidavit on November 13, 2008. The Certified Professional also submitted to the Director addenda to the NFA Letter, which were issued under CP affidavit on May 8, June 30 and November 30, 2009 and May 7, 2010. 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 23.6-acre property, known as the Columbus Tile Yard Property, located at 870 - 950 Claycraft Road, Gahanna, 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 Property is owned by Value Recovery Group II, LLC and Buckeye Storage of Gahanna, LLC and the parcel numbers are 025-013638, 025-013639 (partial) and 025-013324.

4. The Certified Professional prepared pursuant to OAC 3745-300-13(J) an executive summary of the NFA Letter, which is attached hereto as Exhibit 3.

#### **Summary of the Voluntary Action for the Property**

5. Based upon the information in the NFA Letter, the Volunteers undertook 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 at the Property, to assess environmental conditions related to releases of hazardous substances and/or petroleum.
  - c. Activity and use limitations contained in a proposed Environmental Covenant prepared pursuant to ORC 5301.80 to 5301.92, subject to execution by the Director and recording as described in these Findings and Orders.
  - d. Other remedial activities, conducted in accordance with OAC 3745-300-15, including the removal of a debris pile containing asbestos-containing materials.
  - 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.
6. The Certified Professional has verified by affidavit that the voluntary action was conducted and the NFA Letter was issued for the Property in accordance with ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible for the Voluntary Action Program, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.

7. At the time that analyses were performed, Southern Petroleum Laboratories, TestAmerica, Inc. Dayton, and TestAmerica, Inc. North Canton were certified laboratories, No(s). CL005, CL0018 and CL0024, respectively, as defined in ORC 3746.01(E) and OAC 3745-300-01(A), whose services were used in support of the NFA Letter (the "Certified Laboratories").
8. The Environmental Covenant will be recorded in the Franklin County Recorder's Office as described in the Environmental Covenant and Order No. 2 herein. A copy of the executed Environmental Covenant is attached hereto as Exhibit 4. The Environmental Covenant upon recording will:

Restrict the Property to commercial and industrial land uses.

### **Applicable Standards**

9. Based on the information contained in the NFA Letter and all conditions set forth in these Findings and Orders, the Property meets applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for various uses including commercial and industrial land use and unrestricted potable ground water use. The applicable standards for the Property are those in effect when the NFA Letter was issued on November 13, 2008. The applicable standards and the methods of achieving compliance with the standards for each complete exposure pathway are identified in the NFA Letter, which contains a summary table in the NFA Letter Form at Section D titled "*Table 10 Applicable Standards and Remedial Activities for Each Exposure Pathway.*" The standards include one or more of the following:
  - a. Generic numerical standards determined in accordance with OAC 3745-300-08.
  - b. Property-specific risk assessment standards developed in accordance with OAC 3745-300-09.
  - c. Background standards determined in accordance with ORC 3746.06(A) and OAC 3745-300-07(H).
  - d. Standards for residential (potable) use of ground water in the upper shale bedrock saturated zone underlying the Property, applied in accordance with ORC 3746.06(B).
10. Based on the implementation and maintenance of the remedies identified in this paragraph, the Property complies with applicable standards. Failure to implement one or more of the remedial activities may constitute noncompliance with applicable standards. The remedies requiring implementation include:

The activity and use limitations set forth in the Environmental Covenant attached hereto, which once recorded will limit the Property to commercial or industrial land uses.

11. Pursuant to ORC 3746.12(A), the Director of Ohio EPA is authorized to issue a covenant not to sue for the Property through these Findings and Orders. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, the remedial activities for the Property are protective of public health and safety and the environment.

## ORDERS

### Covenant

1. Based on the NFA Letter, and subject to all conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases Value Recovery Group II, LLC, Buckeye Storage of Gahanna, LLC and the city of Gahanna and their respective agents, employees, members, 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. This covenant not to sue and release of liability ("Covenant") applies to the Property that has undergone a Phase I or Phase II property assessment in compliance with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substances or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

### Conditions and Limitations

#### Effectiveness of the Covenant— Recording of the Environmental Covenant

2. The Covenant provided in Order No. 1 herein shall become effective upon the date the Environmental Covenant is recorded in accordance with this Order. The Environmental Covenant shall be filed as a document separate from the filing required by Order No. 3 herein. Within thirty (30) days after the issuance of these Findings and Orders, Value Recovery Group II, LLC or the city of Gahanna 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 and 5301.88, the Environmental Covenant as executed and attached hereto as Exhibit 4. The document for recording may be an executed original or a copy of the same authenticated by Ohio EPA; and
  - b. Submit to Ohio EPA a copy of the recorded Environmental Covenant that

shows the filing date stamp of the Franklin County Recorder's Office or other reliable information that verifies the recording of the document in accordance with this Order. The submission shall include a cover letter that identifies "*Recorded - Environmental Covenant for Columbus Tile Yard Property, NFA Letter No.08NFA321.*" The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Central District Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Site Coordinator for Columbus Tile Yard Property.

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

3. Within thirty (30) days after the issuance of these Findings and Orders, Value Recovery Group II, LLC or the city of Gahanna 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. 08NFA321.*" The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Central District Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Site Coordinator for Columbus Tile Yard Property.

Limits of Covenant

4. Pursuant to ORC 3746.12(B)(1), 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. Upon a finding pursuant to ORC 3746.12(B)(2) that the Property or portion thereof no longer complies with applicable standards upon which issuance of the Covenant was based and receipt of the Director's notice of that fact and the requirements

- of ORC 3746.12(B)(3), the person(s) responsible for maintaining compliance with those standards shall receive an "opportunity to cure" the noncompliance. ORC 3746.12(B)(4) provides for revocation of the Covenant upon a Director's finding that the noncompliance has not been cured.
5. Pursuant to ORC 3746.05, any use of the Property that does not comply with the institutional controls identified herein (i.e., the activity and use limitations contained in the Environmental Covenant), voids the Covenant on and after the date of the commencement of the noncomplying use.
  6. The Covenant shall not apply to releases of hazardous substances or petroleum that occur after the issuance of the NFA Letter.
  7. 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.
    - c. As otherwise specifically provided in ORC Chapter 3746, including but not limited to obligations arising under other applicable laws.
  8. Nothing in the Covenant 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.
  9. 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**
10. Pursuant to ORC 3746.21 or 3746.171 and the Environmental Covenant, and at reasonable times, upon proper identification, and stating the necessity and purpose as directed by applicable law, authorized representatives of the Director

shall be granted access to the Property for the inspection or investigation purposes authorized under applicable law, including but not limited to determining whether the Property is being used in compliance with the activity and use limitations contained in the Environmental Covenant.

### Transfer

11. Pursuant to ORC 3746.14 and OAC 3745-300-13(L), 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:



Chris Korleski, Director  
Ohio Environmental Protection Agency

JUL 06 2010

Date

Director's Final Findings & Orders – Covenant Not to Sue  
Columbus Tile Yard Property (08NFA321)

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

Parcel Description for 23.6 Acres  
North Side of Claycraft Road  
East Side of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662, all of that 1.525 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200907080099980 and all the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 23.6 acres being all of Lot 10 and part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79 and part of Lot 7 of "David Taylor's Subdivision" as recorded in Plat Book 1, Page 10, and described as follows:

**Beginning** at the southeast corner of said 21.8243 acre tract, the same being the southwest corner of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, in the north right-of-way line for Claycraft Road;

Thence with said north right-of-way line, being a curve to the right, having a central angle of  $06^{\circ} 43' 56''$  and a radius of 546.52 feet, a chord bearing and chord distance of S  $81^{\circ} 25' 34''$  W, 64.18 feet;

Thence S  $84^{\circ} 47' 32''$  W, continuing with said north right-of-way line, 994.55 feet to the southwest corner of said 0.8828 acre tract;

Thence N  $05^{\circ} 14' 39''$  W, with the west line of said 0.8828 acre tract, 320.74 feet to the northwest corner thereof;

Thence S  $85^{\circ} 08' 22''$  W, with a south line of said 21.8243 acre tract, the same being a south line of said Lot 10, 308.84 feet to a southwest corner thereof, in the east right-of-way for Morrison Road;

Thence N  $08^{\circ} 16' 18''$  E, with said east right-of-way line, 127.93 feet to an angle point;

Thence N  $08^{\circ} 52' 03''$  E, with said east right-of-way line, 231.91 feet to a northwest corner of said 21.8243 acre tract;

Thence along the north perimeter of said Lot 10, and the north and east perimeter of said Lot 11, the following courses;

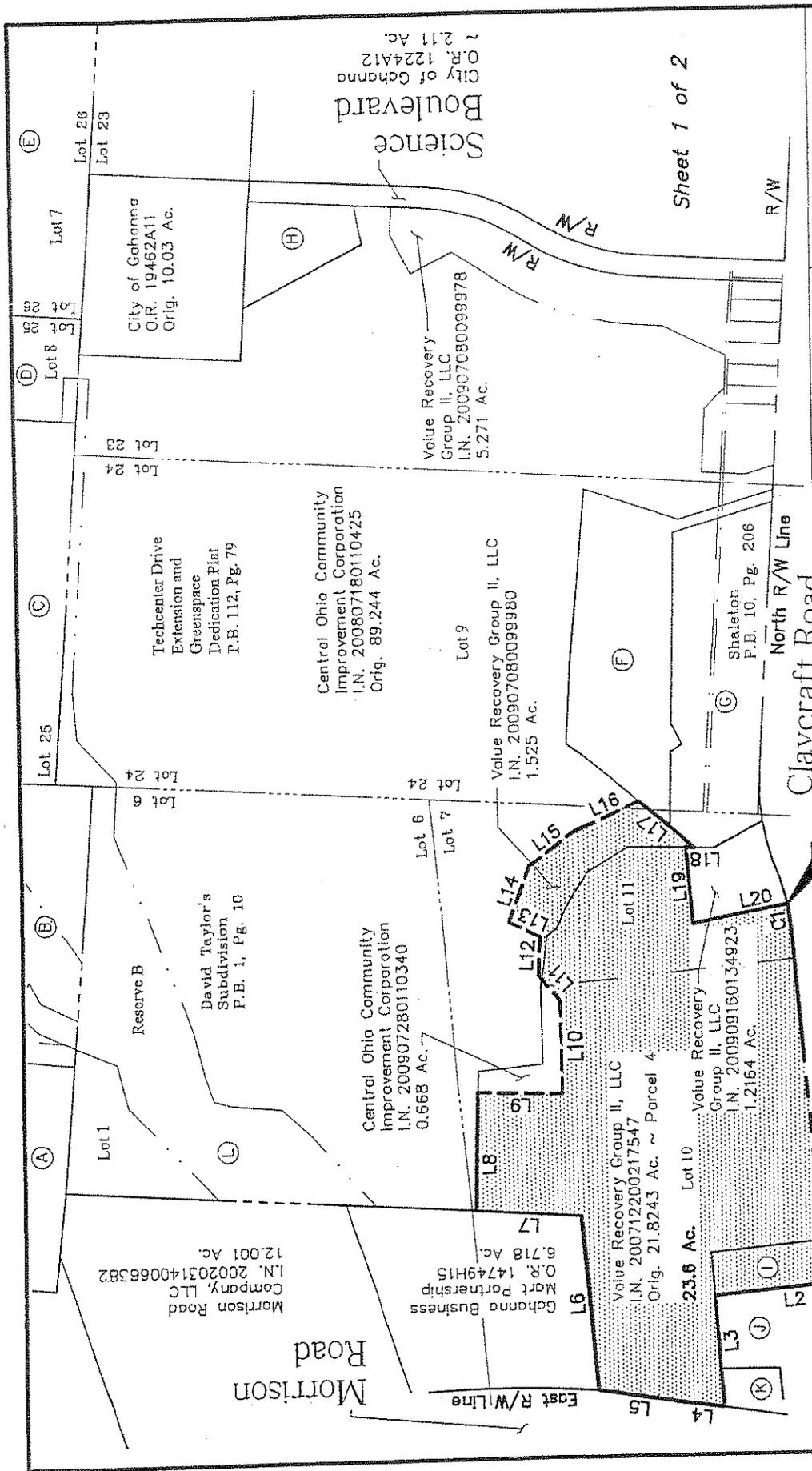
N  $84^{\circ} 55' 55''$  E, 484.96 feet;

N  $03^{\circ} 53' 05''$  E, 299.84 feet;

S  $88^{\circ} 05' 55''$  E, 328.21 feet;

S  $01^{\circ} 54' 05''$  W, 242.68 feet;

N  $89^{\circ} 05' 20''$  E, 258.49 feet;



**Parcel Exhibit**  
 Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio

**Scale:** 1" = 400'

**North Arrow**

**Scale Bar:** 0, 200', 400', 800'

**Drawings:** L1-K, L1-L26, A-E, H, J, K

**City of Gahanna Science Boulevard**

**Claycraft Road**  
 Fifth Avenue  
 P.B. 10, Pg. 206

**Value Recovery Group II, LLC**  
 I.N. 200907080099978  
 5.271 Ac.

**Value Recovery Group II, LLC**  
 I.N. 200907080099980  
 1.525 Ac.

**Value Recovery Group II, LLC**  
 I.N. 200909160134923  
 1.2164 Ac.

**Value Recovery Group II, LLC**  
 I.N. 200712200217547  
 Orig. 21.8243 Ac. ~ Parcel 4

**Value Recovery Group II, LLC**  
 I.N. 200907280110340  
 0.668 Ac.

**Value Recovery Group II, LLC**  
 I.N. 200907080099980  
 1.525 Ac.

**Shaleton**  
 P.B. 10, Pg. 206

**Central Ohio Community Improvement Corporation**  
 I.N. 200807180110425  
 Orig. 89.244 Ac.

**Techcenter Drive Extension and Greenspace Dedication Plat**  
 P.B. 112, Pg. 79

**City of Gahanna**  
 O.R. 19462A11  
 Orig. 10.03 Ac.

**City of Gahanna**  
 O.R. 1224A12  
 2.11 Ac.

**Morrison Road**  
 Morrison Road Company, LLC  
 I.N. 200203140066382  
 12.001 Ac.

**Gahanna Business**  
 Mort Partnership  
 O.R. 14749H15  
 8.718 Ac.

**Value Recovery Group II, LLC**  
 I.N. 200909160134923  
 1.2164 Ac.

**Value Recovery Group II, LLC**  
 I.N. 200712200217547  
 Orig. 21.8243 Ac. ~ Parcel 4

**Value Recovery Group II, LLC**  
 I.N. 200907280110340  
 0.668 Ac.

**Value Recovery Group II, LLC**  
 I.N. 200907080099980  
 1.525 Ac.

**Shaleton**  
 P.B. 10, Pg. 206

**Central Ohio Community Improvement Corporation**  
 I.N. 200807180110425  
 Orig. 89.244 Ac.

**Techcenter Drive Extension and Greenspace Dedication Plat**  
 P.B. 112, Pg. 79

**City of Gahanna**  
 O.R. 19462A11  
 Orig. 10.03 Ac.

**City of Gahanna**  
 O.R. 1224A12  
 2.11 Ac.

**ADVANCED CIVIL DESIGN**  
 ENGINEERS SURVEYORS

422 Beecher Road  
 Gahanna, Ohio 43230  
 Ph 614.428.7750  
 Fax 614.428.7755

**Drawn By:** JCD  
**Date:** 10/21/2009  
**Job No.:** 08-0006-188  
**Checked By:** DRH

Bearings are based on the Ohio State Plane Coordinate System; NAD83 South Zone (1986 Adj.).

23.6 Acres

-2-

N 49° 09' 02" E, 94.94 feet;  
S 86° 51' 44" E, 106.33 feet;  
N 26° 25' 44" E, 95.25 feet;  
S 69° 05' 05" E, 164.41 feet;  
S 34° 49' 41" E, 177.19 feet;  
S 24° 07' 44" E, 179.71 feet;  
S 40° 27' 20" W, 202.77 feet;

Thence N 01° 20' 20" E, with an east line of said 1.2164 acre tract, 25.35 feet to the northeast corner thereof;

Thence S 84° 58' 54" W, with the north line of said 1.2164 acre tract, 212.46 feet to the northwest corner thereof;

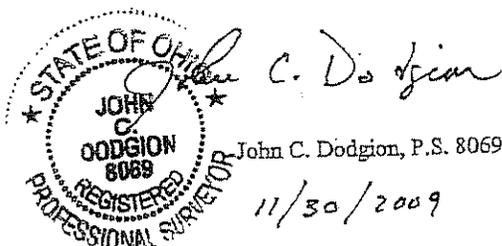
Thence S 10° 22' 25" E, with the west line of said 1.2164 acre tract, 272.13 feet to the Point of Beginning. Containing 23.6 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

  
John C. Dodgion, P.S. 8069  
11/30/2009

(L) Value Recovery Group II, LLC  
 I.N. 200907080099979  
 9.767 Ac.

(A) 825 Techcenter Drive, LLC  
 I.N. 200605120091965  
 Orig. 7.625 Ac.

(B) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 Orig. 11.814 Ac. ~ Parcel 3

(C) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 Orig. 25.411 Ac. ~ Parcel 1

(D) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 9.210 Ac. ~ Parcel 9

(E) Value Recovery Group II, LLC  
 I.N. 200712200217547 ~ Parcel 5  
 16.913 Ac.

(F) White Knight of Central Ohio, Ltd.  
 I.N. 200306040167250  
 5.237 Ac.

(G) 960-1020 Claycraft Road, LLC  
 I.N. 200310080322393  
 5.264 Ac.

(H) 791 Science Blvd, LLC  
 I.N. 200609130183210  
 1.500 Ac.

(I) Buckeye Storage of Gahanna, LLC  
 I.N. 200705220088662  
 0.8828 Ac.

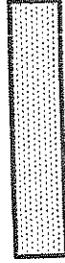
(J) Buckeye Storage of Gahanna, LLC  
 I.N. 200705220088656  
 2.4390 Ac.

(K) Mount Judia Church  
 D.B. 3464, Pg. 861  
 Orig. 0.763 Ac.

**LINE TABLE**

LINE	LENGTH	BEARING
L1	994.55'	S84°47'32"W
L2	320.74'	N05°14'39"W
L3	308.84'	S85°08'22"W
L4	127.93'	N08°16'18"E
L5	231.91'	N08°52'03"E
L6	484.96'	N84°55'55"E
L7	299.84'	N03°53'05"E
L8	328.21'	S88°05'55"E
L9	242.68'	S01°54'05"W
L10	258.49'	N89°05'20"E
L11	94.94'	N49°09'02"E
L12	106.33'	S86°51'44"E
L13	95.25'	N26°25'44"E
L14	164.41'	S69°05'05"E
L15	177.19'	S34°49'41"E
L16	179.71'	S24°07'44"E
L17	202.77'	S40°27'20"W
L18	25.35'	N01°20'20"E
L19	212.46'	S84°58'54"W
L20	272.13'	S10°22'25"E

23.6 acre tract is shaded hereon as such.



**CURVE TABLE**

No.	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	546.52'	06°43'56"	64.22'	64.18'	S81°25'34"W

Sheet 2 of 2

**Parcel Exhibit**

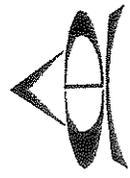
Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio



Bearings are based on the Ohio  
 State Plane Coordinate System,  
 NAD83 South Zone (1986 Adj.).



DRAWN BY: JCD  
 DATE: 10/21/2009  
 JOB NO.: 08-0006-188  
 CHECKED BY: DRH



**ADVANCED**  
 CIVIL DESIGN  
 ENGINEERS

422 Beecher Road  
 Gahanna, Ohio 43230  
 ph 614.428.7750  
 fax 614.428.7755

Parcel Description for 17.4 Acres  
North Side of Claycraft Road  
East Side of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being part of the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 17.4 acres being all of Lot 10 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79, and described as follows:

Beginning at a southwest corner of said 21.8243 acre tract, the same being a southwest corner of said Lot 10 and the southeast corner of that 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662, in the north right-of-way line for Claycraft Road;

Thence with the perimeter of said Lot 10, the following courses;

- N 05° 18' 51" W, 320.02 feet;
- S 85° 08' 22" W, 428.53 feet to the east right-of-way line for Morrison Road;
- N 08° 16' 18" E, 127.93;
- N 08° 52' 03" E, 231.91 feet;
- N 84° 55' 55" E, 484.96 feet;
- N 03° 53' 05" E, 299.84 feet;
- S 88° 05' 55" E, 328.21 feet;
- S 01° 54' 05" W, 242.68 feet;
- N 89° 05' 20" E, 258.49 feet;
- N 49° 09' 02" E, 53.38 feet;
- S 05° 12' 28" E, 697.16 feet to said north right-of-way line;
- S 84° 47' 32" W, 786.23 feet to the Point of Beginning. Containing 17.4 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

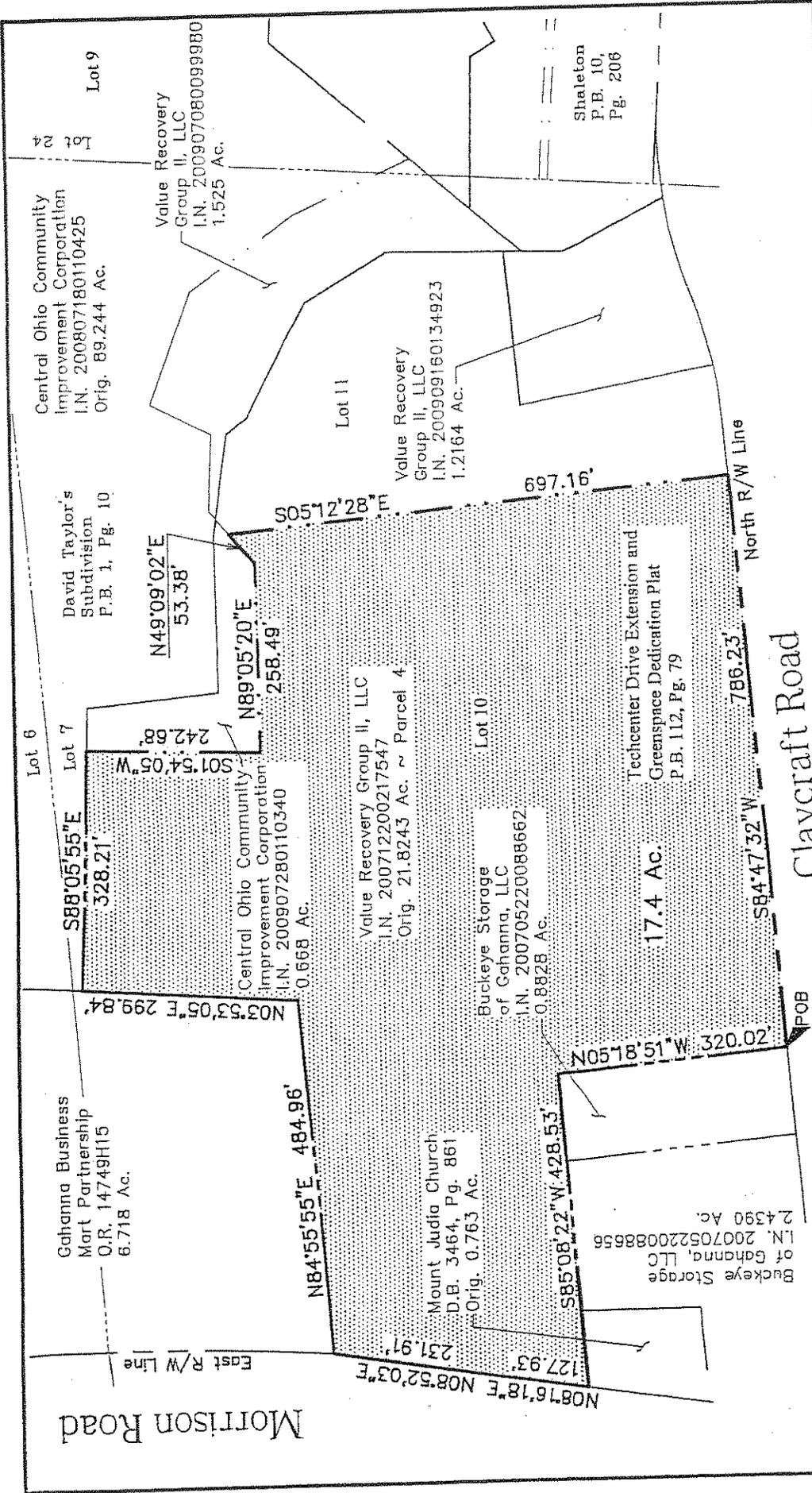
All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.



John C. Dodgion, P.S. 8069

11/30/2009



**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
City of Gahanna, Franklin County, Ohio

422 Beecher Road  
Gahanna, Ohio 43230  
ph 614.428.7750  
fax 614.428.7755

**ADVANCED CIVIL DESIGN**  
ENGINEERS SURVEYORS

DRAWN BY: JCD    JOB NO.: 08-0006-188  
DATE: 10/21/2009    CHECKED BY: DRH

North Arrow

Scale: 1" = 200'

0    100'    200'    400'

Parcel Description for 0.9 Acre  
North Side of Claycraft Road  
East of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being that entire 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662 and described as follows:

**Beginning** at the southeast corner of said 0.8828 acre tract, in the north right-of-way line for Claycraft Road;

Thence S 84° 47' 32" W, with the south line of said 0.8828 acre tract, the same being said north right-of-way line, 120.08 feet to the southwest corner of said 0.8828 acre tract;

Thence N 05° 14' 39" W, with the west line of said 0.8828 acre tract, 320.74 feet to the northwest corner thereof;

Thence N 85° 08' 22" E, with the north line of said 0.8828 acre tract, 119.70 feet to the northeast corner thereof;

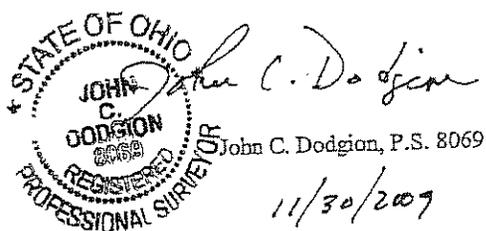
Thence S 05° 18' 51" E, with the east line of said 0.8828 acre tract, 320.02 feet to the Point of **Beginning**. Containing 0.9 acre, more or less.

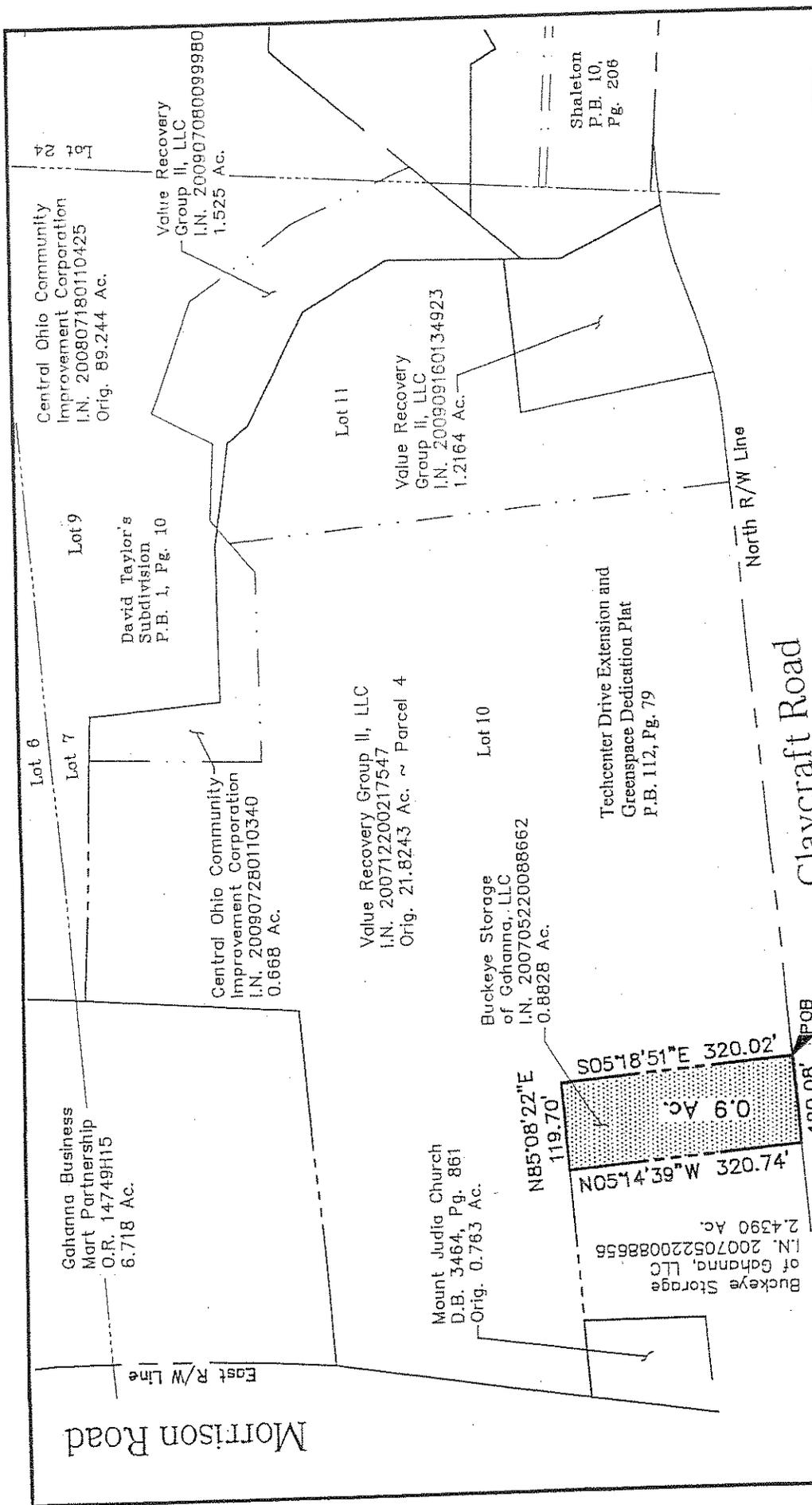
Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

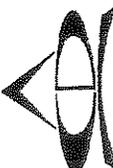
All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

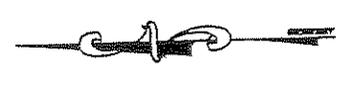




DRAWN BY: JCD      JOB NO.: 08-0006-188  
 DATE: 10/21/2009      CHECKED BY: DRH

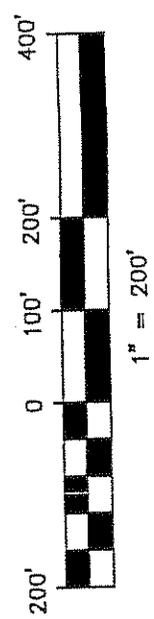
  
**ADVANCED**  
 CIVIL DESIGN  
 ENGINEERS & SURVEYORS

422 Beecher Road  
 Gahanna, Ohio 43230  
 ph 614-428-7750  
 fax 614-428-7755



**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio



Parcel Description for 5.3 Acres  
North Side of Claycraft Road  
East of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 1.525 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200907080099980 and part of the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 5.3 acres being part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79, and described as follows:

Beginning at the southeast corner of said 21.8243 acre tract, the same being the southwest corner of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, in the north right-of-way line for Claycraft Road;

Thence with said north right-of-way line, being a curve to the right, having a central angle of  $06^{\circ} 43' 56''$  and a radius of 546.52 feet, a chord bearing and chord distance of  $S 81^{\circ} 25' 34'' W$ , 64.18 feet;

Thence  $S 84^{\circ} 47' 32'' W$ , continuing with said north right-of-way line, 88.23 feet to the southwest corner of said Lot 11;

Thence along the perimeter of said Lot 11, the following courses;

$N 05^{\circ} 12' 28'' W$ , 697.16 feet;

$N 49^{\circ} 09' 02'' E$ , 41.56 feet;

$S 86^{\circ} 51' 44'' E$ , 106.33 feet;

$N 26^{\circ} 25' 44'' E$ , 95.25 feet;

$S 69^{\circ} 05' 05'' E$ , 164.41 feet;

$S 34^{\circ} 49' 41'' E$ , 177.19 feet;

$S 24^{\circ} 07' 44'' E$ , 179.71 feet;

$S 40^{\circ} 27' 20'' W$ , 202.77 feet to an east line of said 1.2164 acre tract;

Thence  $N 01^{\circ} 20' 20'' E$ , with an east line of said 1.2164 acre tract, 25.35 feet to the northeast corner thereof;

Thence  $S 84^{\circ} 58' 54'' W$ , with the north line of said 1.2164 acre tract, 212.46 feet to the northwest corner thereof;

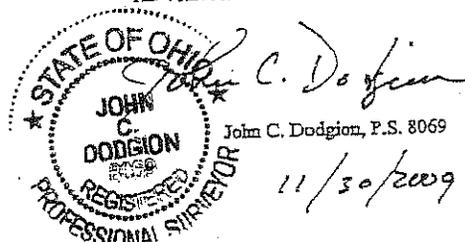
Thence  $S 10^{\circ} 22' 25'' E$ , with the west line of said 1.2164 acre tract, 272.13 feet to the Point of Beginning. Containing 5.3 acres, more or less.

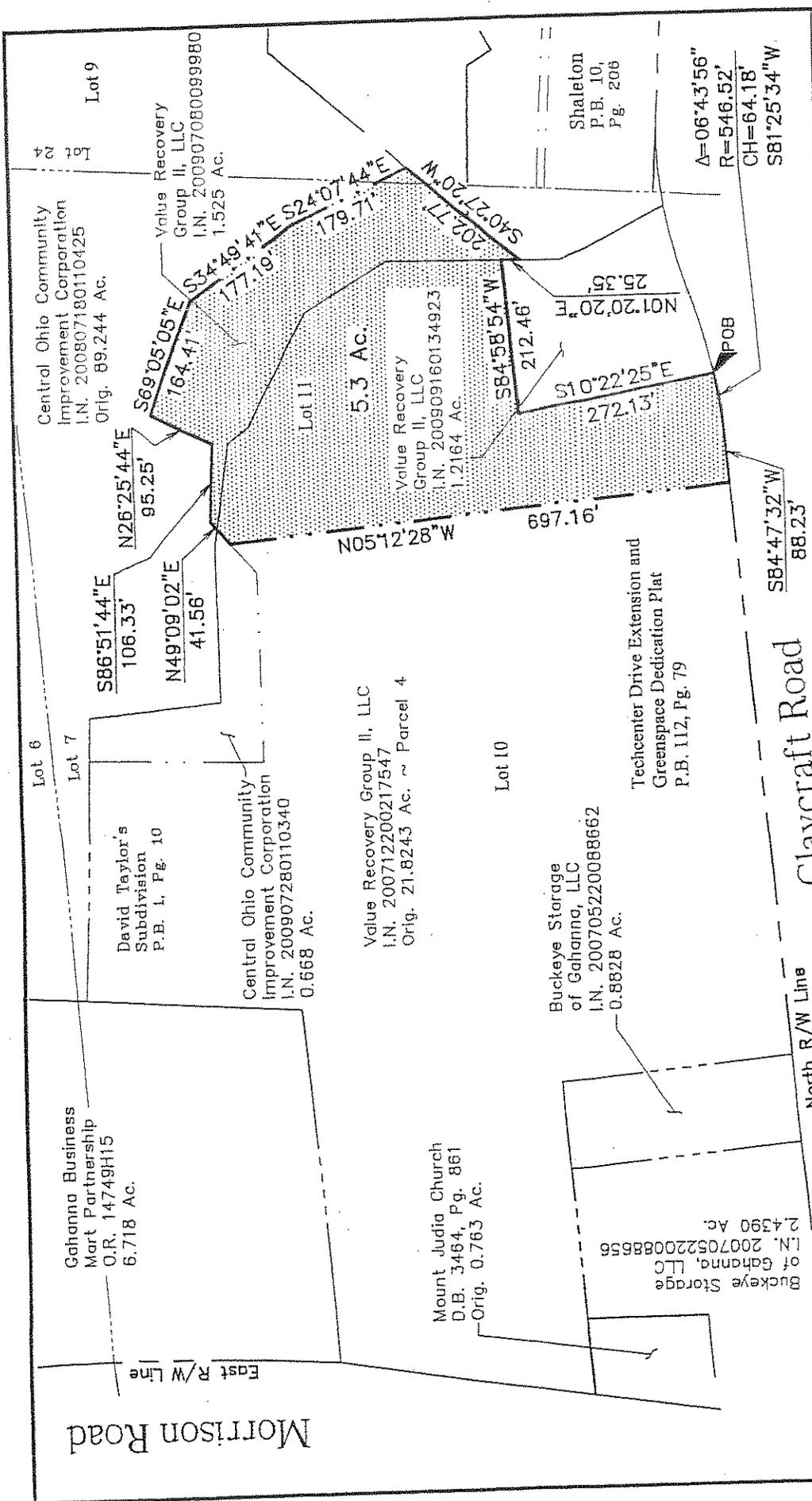
Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.





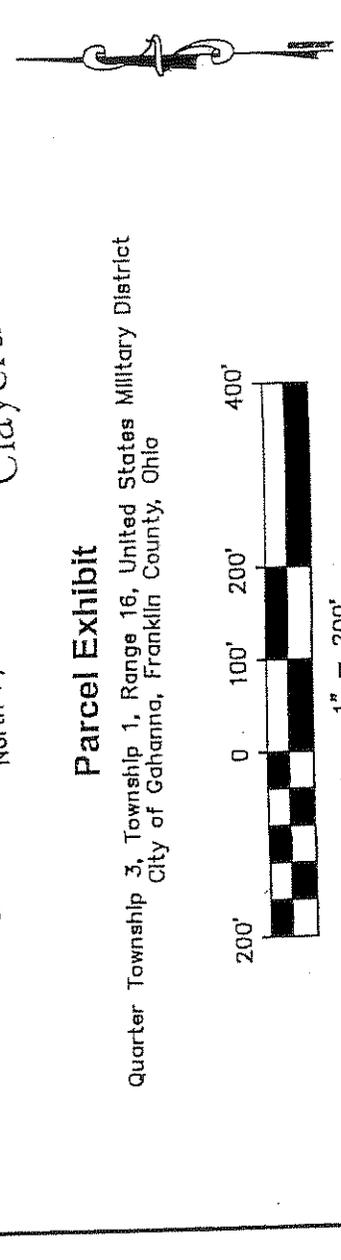
**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
City of Gahanna, Franklin County, Ohio

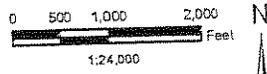
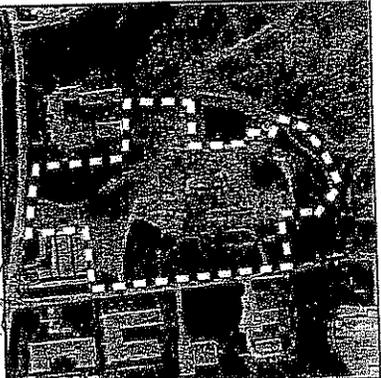
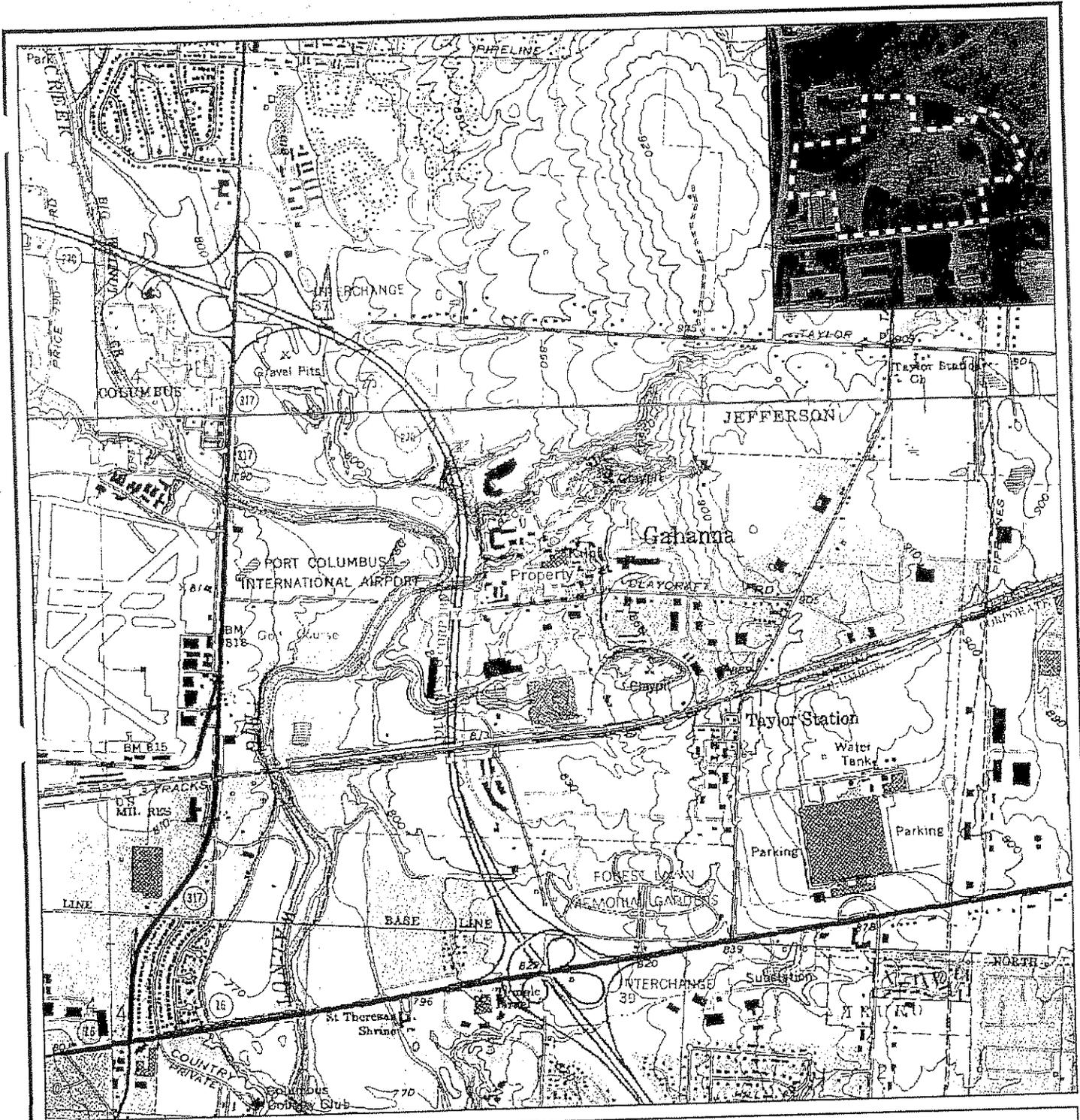
422 Beecher Road  
Gahanna, Ohio 43230  
ph 614.428.7750  
fax 614.428.7755

**ADVANCED CIVIL DESIGN**  
ENGINEERS SURVEYORS

DRAWN BY: JCD      JOB NO.: 08-0006-188  
DATE: 10/21/2009      CHECKED BY: DRH



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



**Legend**  
 - - - - - Approximate Property Boundary

Quadrangle Location

No Further Action Letter - Executive Summary  
 Columbus Tile Yard Property

Date: May 2010

**Hull**  
 & associates, inc.

Property Location Map

Project Number: PSM001\_01\_ENV  
 Geodatabase: PSM001.mdb  
 File Name: PSM001\_22\_Fig01\_PropLocMap.mxd

Figure  
**1**

6397 Emerald Parkway Phone: (614) 793-8777  
 Suite #200 Fax: (614) 793-9070  
 Dublin, Ohio 43016 www.hullinc.com  
 © 2006, Hull & Associates, Inc.

870-950 Claycraft Road  
 City of Gahanna, Franklin County, Ohio

Produced using ArcGIS 9.3

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

**SECTION B  
AMENDED EXECUTIVE SUMMARY  
NO FURTHER ACTION LETTER**

FOR THE:  
FORMER COLUMBUS TILE YARD PROPERTY  
870-950 CLAYCRAFT ROAD  
GAHANNA, OHIO

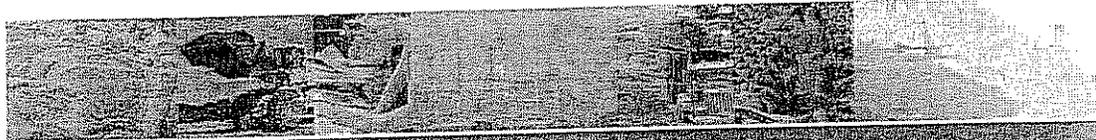
PREPARED FOR CO-VOLUNTEERS:  
VALUE RECOVERY GROUP II, LLC.  
919 OLD HENDERSON ROAD  
COLUMBUS, OHIO 43220

AND

THE CITY OF GAHANNA  
200 SOUTH HAMILTON ROAD  
GAHANNA, OHIO 43230

PREPARED BY:  
STEVEN M. GROSS  
CERTIFIED PROFESSIONAL #192  
(614) 793-8777

REVISED MAY 2010 (NOVEMBER 2009)



engineers | geologists | scientists | planners

**Hill**  
& associates, inc.

## TABLE OF CONTENTS

		PAGE
1.0	INTRODUCTION.....	1
2.0	SUMMARY OF NO FURTHER ACTION LETTER.....	2
2.1	<u>Phase I Property Assessment.....</u>	3
2.2	<u>Phase II Property Assessment.....</u>	6
2.2.1	Soil Investigation and Findings.....	6
2.2.2	Soil Gas Investigation and Findings.....	7
2.2.3	Groundwater Investigation and Findings.....	8
2.2.4	Surface Water and Sediments Investigation and Findings.....	10
2.2.5	Exposure Pathway Assessment.....	10
2.2.6	Summary of Phase II Findings.....	11
2.2.7	Summary of NFA Letter, Addendum No. 1 – Additional Environmental Investigation Based on Ohio EPA’s Request for Additional Clarification Findings.....	12
2.2.8	Summary of NFA Letter, Addendum No. 2 - Additional Environmental Assessment Based on Ohio EPA’s Request for Additional Clarification of Findings.....	13
2.2.9	Summary of NFA Letter, Addendum No. 3 - Additional Environmental Assessment Based on Ohio EPA’s Request for Additional Clarification of Findings.....	13
2.2.10	Summary of NFA Letter, Addendum No. 4 – Additional Environmental Assessment Based on Ohio EPA’s Request for Additional Clarification of Findings.....	14
2.3	<u>Determination of Applicable Standards.....</u>	14
2.4	<u>Determination of Compliance with Applicable Standards.....</u>	15
2.4.1	Data Analysis.....	15
2.4.2	Compliance with Generic Numerical and Property Specific Standards... ..	15
2.4.3	Ecological Risk Assessment Findings.....	16
2.5	<u>Remedial Activities.....</u>	16
2.6	<u>Planned Operation and Maintenance Remedies.....</u>	17
2.7	<u>Phase I Update.....</u>	17
3.0	CONCLUSION.....	17

### LIST OF TABLES

Table 1. Chronology of Assessment Activities, 870 – 950 Claycraft Road in Gahanna, Ohio.....		3
--	--	---

### LIST OF FIGURES

Figure 1	Property Location Map
Figure 2	Property Layout Map with Former Identified Areas (2007 Aerial View)

## 1.0 INTRODUCTION

This document has been prepared as a result of the additions to the No Further Action Letter (NFA) Letter documentation originally submitted in November 2008 and in receipt of Ohio Environmental Protection Agency (Ohio EPA's) comments on February 24, 2009. The response to Ohio EPA's Request for Additional Clarification for the NFA Letter (08NFA321) has been prepared to meet the requirements of the Ohio EPA Voluntary Action Program (VAP) for submitting a summary of the NFA Letter to the County Recorder's Office, as cited in the Ohio Administrative Code (OAC) 3745-300-13(J). The NFA Letter was submitted on November 21, 2008 to the Ohio EPA Director and the Division of Emergency and Remedial Response (DERR) Voluntary Action Program (VAP) by Mr. Steven M. Gross, Hull & Associates, Inc., Certified Professional 192, as authorized by the Co-Volunteers, Value Recovery Group II, LLC and the City of Gahanna. A copy of the full NFA Letter with supporting documentation including the NFA Letter Addendums 1 through 4 - Responses to Ohio EPA's Request for Additional Clarification for the NFA Letter (08NFA321) are available at the offices of Value Recovery Group II, LLC, 919 Old Henderson Road, Columbus, Ohio, through contacting Mr. James Sisto at (614) 324-5959 or at the Ohio EPA Central Office located at 50 West Town Street, Suite 700, Columbus, Ohio, in accordance with the filing requirements of OAC 3745-300-13(J).

This NFA Letter involves the 23.6-acre Property known as the Former Columbus Tile Yard Property, located at 870 to 950 Claycraft Road in the City of Gahanna, Ohio (Property). The Property consists of the entirety of parcel number 025-013324 and 025-013638. Approximately 5.3 acres of parcel 025-013639 is included in the VAP Property. The Property is the location of the former Columbus Tile Yard and Claycraft Brick Manufacturing Company (Plant #5). Most of the Property was acquired by the Franklin Tile and Brick Company in 1920. The Property was used for the manufacturing of brick and brick products until the plant was closed in the early 2000s. A majority of the Property was owned by Columbus Tile Yard, LLC until 2005 when it was sold to Value Recovery Group II, LLC (Client and Volunteer). A small portion of the Property was formerly part of the closed Bedford I Landfill, which is adjacent northeast of the Property. This small portion has been transferred from the Central Ohio Community Improvement Corporation (COCIC) to Value Recovery Group II, LLC and is now included in parcel 025-013639. This portion of the Property was part of the landfill facility but did not contain any waste material and was approximately at least 30 feet from the known limits of waste. In addition, the entirety of parcel number 025-013324 (southwest corner of the Property) was owned by Columbus Tile Yard, LLC until 2007, when it was sold to Buckeye Storage of Gahanna, LLC. All of the buildings on the Property, with the exception of a small gas house, were demolished between July and August 2006. The Property is designated for commercial/industrial land use, in accordance with the Ohio EPA VAP definitions cited in OAC 3745-300-08(B)(2)(c)(ii). A copy of the survey and legal description for the Property is provided in the NFA Letter and subsequent Addenda. The Property location within the City of Gahanna is shown on Figure 1. The Property layout, (Figure 2) is based on an aerial photo from 2007 and shows the current Property layout with owners.

This NFA Letter has been prepared after completion of investigative, demolition and construction activities at the Property. Investigations at the Property included completion of the June 2005 Phase I Property Assessment, the September 2008 Phase II Property Assessment, the October 2008 Phase II Property Assessment Addendum 1.0 and the September 2008 Phase I Property Assessment Update. Based on Ohio EPA's request for additional clarification for the NFA Letter, additional environmental investigations took place between March and May 2009 and in March 2010. Remedial activities on the Property were limited to the building debris piles that potentially may have contained asbestos containing materials (ACM) prior to more

recent demolition. Construction activities included demolition of the main structures on the Property, abandonment or removal of encountered subsurface utilities, and grading and compaction of fill material.

The voluntary action commenced at the Property in June 2005 and was completed with preparation of this NFA Letter in September 2008 followed by Addendum No. 1 in May 2009, Addendum No. 2 in June 2009, Addendum No. 3 in November 2009, and Addendum No. 4 in May 2010. The appropriate NFA checklists have been completed in support of this NFA Letter and are included in this volume following the introduction and summary of the voluntary action.

The NFA Letter consists of the following volumes and documents:

Volume I	NFA Executive Summary and Filing Document with NFA Forms
Volume II	June 2005 Phase I Property Assessment, June 2005 Phase II Property Assessment and September 2005 Ecological Risk Assessment Addendum Summary
Volume III	October 2008 Phase II Property Assessment, Addendum 1.0 and October 2008 Phase I Property Assessment Update
Addendum No. 1	Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA321), May 2009
Addendum No. 2	Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA321) for the Former Columbus Tile Yard Property Located at 870 – 950 Claycraft Road in Gahanna, Ohio, June 2009
Addendum No. 3	Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA321) for the Former Columbus Tile Yard Property Located at 870 – 950 Claycraft Road in Gahanna, Ohio, November 2009.
Addendum No. 4	Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA321) for the Former Columbus Tile Yard Property Located at 870 – 950 Claycraft Road in Gahanna, Ohio, May 2010. The updated NFA Executive Summary is provided in this document.

## 2.0 SUMMARY OF NO FURTHER ACTION LETTER

The Certified Professional, Steven M. Gross, of Hull & Associates, Inc. (Hull), prepared a 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 commercial/industrial. The documents listed above were reviewed by the Certified Professional to support the NFA Letter.

The chronology of activities associated with completion of the NFA Letter for the Columbus Tile Yard Property is summarized in Table 1.

Table 1. Chronology of Assessment Activities, 870 – 950 Claycraft Road in Gahanna, Ohio

ACTIVITY	DATE
Completion of Phase I Property Assessment and reconnaissance activities	May through June 2005
Completion of 2005 Phase II Property Assessment and field activities	May through June 2005
Submittal of application for the Clean Ohio Revitalization Fund (CORF) to the Ohio EPA and DOD	June 2005
Asbestos abatement and demolition activities	July through August 2005
Completion of Ecological Risk Assessment for on-Property Stream	September 2005
Completion of Test Pits along northern Property boundary	March 2008
Completion of Phase II Activities	August 2008
Completion of Phase II Property Assessment, Addendum 1.0	October 2008
Completion of Phase I Property Assessment Update	October 2008
Preparation of NFA Letter for submittal to Ohio EPA	October 2008
Preparation of NFA Letter, Addendum No. 1 "Response to Ohio EPA's Request for Additional Clarification for No Further Action Letter"	May 2009
Preparation of NFA Letter, Addendum No. 2 "Response to Ohio EPA's Request for Additional Clarification for No Further Action Letter"	June 2009
Preparation of NFA Letter, Addendum No. 3 "Response to Ohio EPA's Request for Additional Clarification for No Further Action Letter"	November 2009
Completion of Phase II Property Assessment, Addendum 4.0	March 2010
Preparation of NFA Letter, Addendum No. 4 "Response to Ohio EPA's Request for Additional Clarification for No Further Action Letter"	May 2010

### 2.1 Phase I Property Assessment

The purpose of the Phase I Property Assessment was 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 initial Phase I Property Assessment was conducted between May and June 2005. The final Phase I Property Assessment Update was completed in October 2008. These assessments were completed by Mr. Jason Wooten, Scientist, Ms. Michele Holtom, P.E., Engineer, Mr. Chase Forman, Hydrogeologist, Mr. Rob Corzatt, Senior Project Manager, and Mr. Steven M. Gross, Senior Project Manager. Mr. Gross also provided project direction and peer review as the Certified Professional. The June 2005 Phase I Property Assessment completed in support of the NFA Letter is included in Volume II of the NFA Letter. The October 2008 Phase I Property Assessment Update is included in Volume III.

Each assessment was conducted pursuant to the requirements of a Phase I Property Assessment as codified in OAC 3745-300-06. The assessments 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. a Property inspection;
6. interviews with key personnel knowledgeable in the past operations and environmental conditions;
7. a Property inspection; and
8. determination of "identified areas" as defined in OAC 3745-300-06(F).

The Property is located at 870-950 Claycraft Road in the City of Gahanna, Franklin County, Ohio. The Property is comprised of the entirety of one parcel (025-013324) and a portion of two other parcels (025-010403 and 025-008888), indicated on Figure 2. Buildings associated with the former Claycraft Brick Manufacturing Company and Columbus Tile Yard were formerly located on parcel #025-010403. Parcel #025-010403 is currently owned by the Volunteer. Parcels #025-013324 and #025-008888 are currently owned by Buckeye Storage of Gahanna, LLC, respectively. The total surveyed area comprising the Property equals 23.6 acres. A copy of the survey and legal description of the Property are included in NFA Letter and subsequent Addenda.

The Property is generally bound by Claycraft Road to the south, Morrison Road to the west, the former Bedford I Landfill to the north and commercial/industrial properties to the east. Surrounding properties include commercial/industrial/office buildings to the south across Claycraft Road, Buckeye Storage of Gahanna and commercial/office buildings to the west, the Bedford I landfill to the north and commercial/industrial/office buildings and the former Claycraft Brick Plant No. 5 to the east.

Prior ownership of the Property was determined by reviewing various records. An ownership search was completed by Hull at the Franklin County Auditor's Office. The earliest recorded owner of the Property (April 1920) was the Franklin Brick and Tile Company. At that time the Property was part of a larger parcel, No. 025-003952. Franklin Brick and Tile owned the Property until August 1925. In 1925, the Property was acquired by the Claycraft Mining and Brick Company. The Property was owned primarily by the Claycraft Company between August 1925 and December 1993, with a couple brief exceptions. The exceptions include the City of Gahanna owning the Property for ten days in May 1978, and Phillip W. Tefft, TR, owning the Property on January 25, 1989. Based on previous ownership of the Property and historic aerial photography, the Property was developed as a brick and tile manufacturing facility.

The ownership cards reviewed at the Franklin County Auditor's Office indicate that on January 25, 1989 the Property was split from the original parcel and Parcel 025-008888 was formed. The Property was again split into a new parcel on December 14, 1993, to form Parcel No. 025-010403. On December 14, 1993, Franklin Tile Company became owner of the Property. Franklin Tile Company owned the Property between December 14, 1993 and July 2, 2002, when Columbus Tile Yard, LLC, acquired the Property. At the time of the original Phase I

Property Assessment in June 2005, the current owner of the parcel comprising the Property was Columbus Tile Yard, LLC. During the original Phase I report, three buildings were present on the Property; a former gas house/gas regulation building and two main buildings that were attached and open to each other. The main buildings (located in the central portion of the Property) were single story, brick masonry buildings, with metal support beams, concrete floor slab, and metal roof (totaling approximately 64,000 square feet in size). A former gas house/gas regulation building (brick masonry building, approximately 200 square feet in size) is still located in the south central portion of the Property.

Based on information collected during the June 2005 Phase I Property Assessment, six (6) Identified Areas were determined. The Identified Areas and associated COCs are listed below:

- Identified Area 1 Historic operations in the former brick manufacturing building where hydraulic pistons and machinery were used to push/pull brick carts through the furnaces.
- Identified Area 2 Potential impacts from two former transformer areas: one located on the north side of the manufacturing building and the second located between the former on-Property warehouse buildings and methane gas recovery area just north of the Property.
- Identified Area 3 Potential impacts to concrete sump/storm sewer near southwest corner of former brick manufacturing building from historic operations on the Property.
- Identified Area 4 Ephemeral stream located down-flow from the former landfill sedimentation pond and the Property storm sewer.
- Identified Area 5 Potential off-Property impact from adjacent landfill to the northern and eastern portions of the Property and a former off-Property fueling station on the landfill east of the Property.
- Identified Area 6 Potential asbestos containing material (ACM) was observed in debris piles located in the Property. At the time of the issuance of the Phase I report, Hull had not had an opportunity to review copies of the ACM survey and abatement reports that were reportedly completed for the Property.

On the basis of the selection of these identified areas, Phase II Property Assessment tasks were recommended. The locations of the Identified Areas are shown on Figure 2. The COCs associated with the Identified Areas (summarized on Revised Table 1 NFA Letter Addendum No. 3, Attachment D) included one or more of the following general classes of chemicals;

1. Volatile Organic Compounds (VOCs) analyzed in accordance with U.S. EPA Method 8260A and 8260B;
2. Polyaromatic Hydrocarbons (PAHs) analyzed in accordance with U.S. EPA Method 8310;
3. Semi-volatile organic compounds (SVOCs) analyzed in accordance with U.S. EPA Method 8270;

4. Total Petroleum Hydrocarbons (TPH) - diesel range organics (TPH-DRO) analyzed in accordance with U.S. EPA Method 8015M;
5. TPH - gasoline range organics (TPH-GRO) analyzed in accordance with U.S. EPA Method 8015M;
6. Polychlorinated Biphenyls (PCBs) analyzed in accordance with U.S. EPA Method 8082;
7. VAP Metals analyzed in accordance with U.S. EPA Methods 6010 and 7471; and
8. Asbestos for building materials and pipe wrap materials.

The results of the Phase II assessment activities are summarized below in Section 2.2.

## **2.2 Phase II Property Assessment**

The Phase II Property Assessment process was initiated by Hull in May 2005, concurrent with the Phase I investigation, to evaluate the presence of potential source areas in Identified Areas 1 through 5. Additional Phase II Property Assessment activities were conducted in March 2008 following a request to alter the VAP Property boundary. The Client and Volunteer requested the VAP Property boundary be extended to the northeast toward the former Bedford I Landfill. Based on this change, additional soil borings were installed to investigate Identified Area 5, areas adjacent to the former landfill. Identified Area 6 was evaluated during asbestos sampling completed by Hull in June 2005. Following the completion of the sampling, the ACM was properly abated and removed from the Property during demolition activities, completed on the Property between July and August 2005. Based on Ohio EPA's request for additional clarification for the NFA Letter, additional environmental investigations took place in March through May 2009. Additional soil borings were installed in Identified Area 5 to further evaluate the drainage ditch and overflow area on the east side of the Property. The Phase II assessments were completed by Mr. Tim Brown, Project Hydrogeologist, Mr. Josh Jonak, Mr. Chase Forman and Mr. Steve Churchill, Hydrogeologists, Ms. Monica Williamson, Project Scientist and Mr. Steven M. Gross, Senior Project Manager and VAP Certified Professional, (CP #192).

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

The May-June 2005 field assessment included the following activities:

1. installation and sampling of 15 direct push soil borings in Identified Areas 1 through 5;
2. installation and sampling of 3 truck-mounted auger rig soil borings on the Property;
3. sampling of potential ACM within a debris pile (Identified Area 6) on the Property;
4. collection and analysis of selected chemical samples; and
5. determination of complete exposure pathways.

Following the completion of the May & June 2005 Phase II field assessment activities, the City of Gahanna applied to the Ohio Department of Development (ODOD) for funding through the

Clean Ohio Revitalization Fund (CORF). During the application process, which was completed for both the Columbus Tile Yard Property and the adjacent redevelopment of the former Bedford I Landfill, the buildings on the Property were demolished between July and August 2005.

Final Phase II assessment activities completed between March and August 2008 included:

1. installation of 21 test pits along the northern VAP Property boundary;
2. installation and sampling of six (6) additional direct push soil borings in Identified Area 5; and
3. chemical analysis of selected soil samples.

Additional environmental investigation activities, based on Ohio EPA's request for additional clarification to the NFA Letter, were completed in March through November 2009 included the following:

1. installation of five (5) additional hand augered soil borings (HSB-12 through HSB-16) in Identified Area 5;
2. chemical analysis of selected soil samples;
3. installation of three (3) soil gas sampling probes and the collection of three (3) soil gas samples; and
4. installation of twenty (20) soil borings located off-Property and analyzed for arsenic for the purpose of calculating an arsenic background concentration (arsenic background concentration table shown in Attachment A-6 in Table 1 of Addendum 1.0).

In March 2010 additional soil samples were collected in response to issues that arose related to the Certified Laboratory used during the Phase II Property Assessments and relied upon for the NFA Letter. The following assessment activities were completed:

1. installation of three (3) additional hand augered soil borings (HSB-6C, HSB-7C, and HSB-8C) in Identified Area 5; and
2. methylene chloride of each soil sample collected from a sample interval of 0 to 2.0 feet.

Soil boring locations completed during the Phase II sampling activities and the additional samples collected based on Ohio EPA's request for additional clarification are presented on Figure 2. Soil data was compared to generic direct contact standards (GDSCS) for both the commercial/industrial worker and the construction/excavation worker. None of the COCs detected above method detection limits were found to exceed the GDSCS.

### **2.2.2 Soil Gas Investigation and Findings**

Based on Ohio EPA's request for additional clarification for the NFA Letter, on March 23, 2009, Hull installed three soil gas samples (SV-1 through SV-3) across the Property in areas where current underground utilities are located. Sampling locations were selected in areas on the Property thought to be preferential pathways for landfill gas migration through underground

utility trenches away from the adjacent Bedford I Landfill to the north. The soil gas probes were installed by hand drilling with a hand auger to an approximate depth of 3.0 feet below ground surface (bgs). The soil gas probes were completed by installing 0.24-inch OD polyethylene tubing with a 1.0-foot screened interval. The soil gas samples were analyzed for VOCs using Method TO-15. The soil gas analytical data collected during the clarification sampling activities are summarized on Table 7 in Attachment C of NFA Letter Addendum No. 2, dated June 2009. Locations of soil gas samples are shown on Figure 3.

### 2.2.3 Groundwater Investigation and Findings

Following completion of borings MW-1, MW-2 and MW-3, a monitoring well constructed of 2-inch I.D., Schedule 40 PVC was installed including a 10-slot well screen. MW-1, MW-2, and MW-3 were screened between 9 and 17 feet, 40 and 50 feet, and 20 and 30 feet below ground surface (bgs), respectively. MW-1 and MW-3 were screened within the shallow saturated zone, the Bedford/Ohio Shale bedrock, while MW-2 was screened within the deeper saturated zone in the Ohio Shale bedrock. Well installation activities were conducted under the direct supervision of a Hull hydrogeologist.

Monitoring wells were developed following installation on May 16 and 17, 2005 using a surge block and bailing techniques. At least ten equivalent well volumes of groundwater were removed from MW-1 and MW-3 during the development process. Approximately six well volumes were removed from MW-2 before the well was effectively dry. Groundwater samples were collected from MW-1, MW-2, and MW-3 on May 18 and 19, 2005. Static water levels were measured in each well before purging. Prior to sample collection a minimum of three equivalent well volumes of groundwater were purged from MW-1 and MW-2. Monitoring well MW-3 was purged effectively dry before three volumes were obtained. Groundwater parameters, including temperature, pH, specific conductivity, and depth to water were measured initially and after each well volume, and recorded on groundwater sampling field data sheets. Due to turbidity, the groundwater samples for laboratory analysis of dissolved metals were filtered using a 5-micron filter prior to collection. Purging and sampling were performed with a dedicated bailer at each well.

In order to classify groundwater in accordance with Rule 3745-300-10 (C) of the OAC, Hull completed yield tests at monitoring wells MW-2 and MW-9 in March 2009 and additional assessment of MW-9 in June 2009. Wells MW-2 and MW-9 are screened in the deeper saturated zone within the Ohio Shale and are located a few feet north and northeast of the Property. However, the geology/hydrogeology (lithology) encountered at these two wells is representative of the geology/hydrogeology beneath the Property and of the geology/hydrogeology in the vicinity of the Property. Review of the boring log from well MW-10, formerly located in the northwest corner of the Property, indicates the lithology is very similar to that observed in MW-2. Monitoring well MW-2 was originally part of the VAP Property. However, as a result of enlarging the adjacent landfill pond, the Property line was moved several feet to the west resulting in MW-2 being just outside the VAP Property. MW-9 is part of the compliance monitoring system for the Bedford I Landfill and is located approximately 40 feet north of the northeast Property boundary. In addition to conducting sustainable groundwater yield tests on these two wells, purge and recovery data collected from other surrounding Bedford I Landfill compliance monitoring wells (MW-14 and MW-17) was evaluated to further define the groundwater in the underlying Ohio Shale bedrock.

At well MW-2, which is screened in the Ohio Shale between 40 and 50 feet bgs, the sustainable groundwater yield was determined to be less than 0.0008 gpm from a 2-inch diameter well. Using a conversion multiplier of 1.15 as stipulated in Rule 3745-300-07 (D)(8)(c)(i) of the OAC,

the yield was determined to be less than 0.0009 gpm from a 4-inch diameter well. A yield test was attempted at MW-9; however, the yield was not measurable due to the low recharge rate of the well. MW-9 was initially purged on March 12, 2009 at a rate of 3.3 gpm and went dry after approximately 6 minutes. On March 13, 2009, nine (9) hours and 34 minutes after initially being evacuated, MW-9 had recovered approximated 4.61 feet of groundwater in the well. Approximately 1.25 gallons was purged from the well over a period of 19 minutes before the well went dry. MW-9 is screened between 88 to 98 feet bgs. Review of the recovery data indicated that both wells MW-2 and MW-9 are not capable of producing 1.5 gallons within eight hours.

At the request of Ohio EPA, an additional demonstrate was completed on June 24, 2009, in accordance with the requirements of OAC 3745-300-07(D)(7), to confirm that the saturated zone encountered at MW-9 does not meet the definition of groundwater per OAC 3745-300-01(A)(19)(a). It was confirmed that there is sufficient data to demonstrate that 1.5 gallons of water can not be obtained from well MW-9 within 8 hours of purging per the definition of groundwater and thus does not meet the definition of groundwater.

An evaluation of monitoring wells MW-12DRD, MW-14, MW-15D, and MW-17 also screened in the deeper saturated zone within the Ohio Shale was conducted. Purge data recorded during a quarterly groundwater sampling event conducted at the adjacent Bedford I Landfill in March 2009 provides further demonstration that the deeper saturated zone encountered in the Ohio Shale does not meet the definition of groundwater. Information obtained from the yield test data, purge data, and recovery data indicates that the sustainable yield is less than 1.5 gallons calculated for a 4-inch diameter well over a period of eight hours.

Because the lower saturated zone encountered in the Ohio Shale does not meet the definition of groundwater as codified under Rule 3745-300-01 (A)(19) of the OAC, a demonstration of POGWMUPUS for this saturated zone is not required.

Shallow monitoring wells MW-1 and MW-3, located on the VAP Property, were also yield tested in March 2009. Groundwater yield data was used to determine that the shallow saturated zone encountered on the Property meets the definition of groundwater as codified under Rule 3745-300-01 (A)(19) of the OAC. The shallow saturated zone is classified as Class A ground water as stipulated in Rule 3745-300-01 (10)(C)(2) of the OAC, and the Ground Water Classification Flow Chart. Yield testing of MW-1 and MW-3 indicate a sustainable groundwater yield in the shallow saturated zone has a time-weighted average rate greater than one-tenth of a gallon per minute over a 24-hour period, but less than 3.0 gpm.

At well MW-1, the shallow saturated zone has a sustainable groundwater yield of less than 1.25 gpm from a 2-inch diameter well. Using a conversion multiplier of 1.15 as stipulated in Rule 3745-300-07 (D)(8)(c)(i) of the OAC, the yield from a 4-inch diameter well is less than 1.43 gpm. At well MW-3, a sustainable groundwater yield of 0.22 gpm from a 2-inch diameter well and 0.25 gpm from a 4-inch diameter well was determined.

Groundwater sampling results indicated no VOCs or SVOCs detected above method detection limits in any of the monitoring wells. Due to insufficient water within the well, MW-2 was not sampled for SVOCs. Several VAP metals were detected within MW-1 and MW-3; however, none of these detected values exceeded unrestricted potable use standards (UPUS). Two VAP metals, selenium and antimony were found at concentrations exceeding UPUS within the groundwater sample from MW-2.

The groundwater analytical data collected during the Phase II assessment activities are summarized on Tables 8 through 10 in Attachment C of NFA Letter Addendum No. 2, dated June 2009. The locations of monitoring wells are shown on Figure 3.

#### **2.2.4 Surface Water and Sediments Investigation and Findings**

Surface water samples were obtained from a drainage ditch in the western portion of the Property at two locations, and identified as SURFWATER1 and SURFWATER2. The samples were collected using a clean laboratory-supplied container. No VOCs or SVOCs were detected in either surface water sample. No metals concentrations detected in the surface water samples exceeded aquatic or applicable human health standards for surface water as defined by the Ohio EPA in OAC 3745-1.

Three sediment samples were collected in the streambed of the unnamed stream flowing off the western portion of the Property (Identified Area 4). Samples SED-1 through SED-3 were obtained on June 1, 2005 in sections downstream of the outfalls from the landfill and the Property (refer to Figure 2 for the sample locations). Samples were collected with a hand trowel from the upper 6 inches of sediment. No VOCs or SVOCs were detected in sediment samples from the stream. Analytical results for the sediments were compared to consensus-based threshold effect concentrations (TECs) as contained in "Development and Evaluation of Consensus-based Sediment Quality Guidelines for Freshwater Ecosystems" (MacDonald et al, 2000) and the ecological screening levels (ESLs) contained in a USEPA Region 5 document for RCRA Corrective Actions dated August 23, 2003. TECs have been established for various metals, PAHs, PCBs and organochlorine pesticides. There are no TECs established for VOCs. The results indicate that arsenic detected in sample SED-2 and nickel detected in all three sediment samples (SED-1, SED-2, SED-3) exceeded the TEC and ESL. Several metals were detected for which no TEC or ESL have been established. Although no TEC has been established for cyanide, the reporting limit for cyanide for all three sediment samples exceeded the ESL for cyanide. Cyanide is not considered a COC on the Property.

The surface water and sediment analytical data collected during the Phase II assessment activities are summarized on Tables 11 through 17 in Attachment C of NFA Letter Addendum No. 2, dated June 2009. Locations of sediment samples are shown on Figure 3.

#### **2.2.5 Exposure Pathway Assessment**

The Site Conceptual Model included in the Phase II Property Assessment, Addendum 1.0 (refer to Table 19 in Attachment C of NFA Letter Addendum No. 2, dated June 2009) illustrated that there were complete exposure pathways to on-Property receptor populations. These exposure pathways included direct contact with surface and subsurface soils by commercial/industrial and construction/excavation workers; and inhalation of particulate and volatile emissions from surface and subsurface soil to outdoor air by the commercial/industrial and construction/excavation workers. Complete exposure pathways also included direct contact with surface and subsurface soils and inhalation of particulate and volatile emissions from surface and subsurface soils to outdoor air by construction and excavation workers. Additional complete pathways include direct contact with impacted biota and stream sediments by important ecological receptors. Surface soils are considered to be the upper two feet of soils at the Property, in accordance with the direct contact point of compliance for soils at Properties with institutional controls, described in Paragraph (G)(1)(a)(i)(b) of Rule 3745-300-07 of the OAC. Direct contact with subsurface soils by construction and excavation workers is limited to those soils within the anticipated depth of excavation activity anticipated at the Property (assumed to be approximately 10 feet), in accordance with Paragraph (G)(1)(a)(i)(c) of Rule 3745-300-07 of the OAC. There were no complete exposure pathways with respect to

groundwater underlying the Property based on the fact that groundwater was not encountered within the unconsolidated material above bedrock.

## 2.2.6 Summary of Phase II Findings

The Phase II Property Assessments indicated the following:

1. ACM was detected in one sample from the debris pile located on the demolished brick manufacturing building slab. However, additional ACM sampling was conducted and no ACM was detected in any of the additional samples. As a precaution, during removal of the material located solely on a concrete slab, a Certified Asbestos Inspector observed the removal of the debris. It was noted that no materials were identified as ACM; however, the debris was handled as such. The debris was removed from the Property during demolition of the buildings, which occurred between July and August 2006;
2. Arsenic and nickel were detected above the applicable TEC and ESL in sediment samples from the ephemeral stream on the Property. Additionally, several metals without TECs/ESLs were detected in sediments. However, based on an Ecological Risk Assessment (ERA) conducted by Hull, the stream sediments pose no identifiable risk to ecological receptors at the Columbus Tile Yard Property and have been determined not to be an environmental concern on the Property;
3. Surface water criteria as established in OAC 3745-1 were not exceeded in surface water samples obtained from the stream at the Property;
4. No COCs detected in soil samples from the Property exceeded single chemical GDCS;
5. No unacceptable ELCR to the on-Property Commercial/Industrial Worker receptor population was identified. The maximum calculated ELCR of  $1 \times 10^{-5}$  does not exceed the acceptable limit of  $1 \times 10^{-5}$ . No unacceptable non-cancer hazards to the on-Property Commercial/Industrial worker receptor population were identified, based on a maximum HI of 0.1, below the target of 1.0;
6. No unacceptable ELCR to the on-Property Construction/Excavation Worker receptor population was identified. The maximum calculated ELCR of  $2 \times 10^{-6}$  does not exceed the acceptable limit of  $1 \times 10^{-5}$ . No unacceptable non-cancer hazards to the on-Property Commercial/Industrial Worker receptor population were identified, based on a maximum HI of 0.3, below the target of 1.0;
7. No COCs were detected above UPUS in groundwater samples collected from the upper saturated zone. Furthermore, POGWMUPUS is assumed to apply to the upper saturated zone since the lower saturated zone has COC concentrations exceeding UPUS and there is no need to protect this zone;
8. Dissolved antimony and selenium concentrations detected in groundwater samples collected from MW-2 screened in the lower bedrock saturated zone exceed their respective UPUS for groundwater. These exceedances could be attributed to background concentrations from natural sources. In addition, it was

determined that the deeper saturated zones encountered in MW-2 and MW-9 do not meet the definition of groundwater as codified under OAC 3745-100 (193745-300-01(19)). Although wells MW-2 and MW-9 are located immediately off-Property along the northern Property boundary adjacent to the landfill, the hydrogeologic conditions beneath the Property are assumed to be consistent with those found at MW-2 and MW-9;

9. No PCBs were detected above the single chemical GDCS in soil samples collected both on- and off-Property; and
10. Based on the results of the VAP Certified data collected in March 2010 and a review of the QA/QC data and the laboratory's affidavit, the concerns methylene chloride in the soils have been adequately addressed. There is no indication that methylene chloride is present in the soil at levels that exceed generic direct contact standards or at levels that would contribute to an exceedance in the cumulative hazard index or cancer ratio, or other pathways.

A copy of the June 2005 Phase II Property Assessment is included in Volume II of the NFA Letter. The September 2008 Phase II Property Assessment, Addendum 1.0 is included in Volume III of the NFA Letter.

#### **2.2.7 Summary of NFA Letter, Addendum No. 1 - Additional Environmental Investigation Based on Ohio EPA's Request for Additional Clarification Findings**

The additional environmental investigation indicated the following:

1. No COCs detected in soil samples (HSB-12 through HSB-15) from the Property exceeded single chemical GDCS;
2. No COCs detected in soil samples at the Property exceeded the Property-specific soil-to-indoor air soil concentrations calculated using the U.S. EPA Johnson and Ettinger Model Spreadsheet for the soil-to-indoor air exposure pathway;
3. There were no unacceptable hazards or risks associated with the soil gas-to-indoor air exposure pathway for the On-Property Commercial/Industrial Worker receptor population based on the Property-specific indoor air evaluation. The calculated ELCR of  $9 \times 10^{-7}$  was substantially below the target risk of  $1 \times 10^{-5}$ . The estimated HI of 0.0007 was substantially below the target hazard of one; and
4. Benzene was the only VOC in groundwater that exceeded the generic screening level for the groundwater-to-indoor air exposure pathway. A Property-specific groundwater-to-indoor air concentration was then calculated for benzene using the U.S. EPA Johnson and Ettinger Model Spreadsheet. The reported concentration of benzene in groundwater was substantially below the Property-specific groundwater-to-indoor standard for benzene. The maximum benzene concentration used in the model was actually collected from an off-Property well screened in the lower saturated zone (MW-9) which has been determined not to meet the definition of groundwater Codified Rule 3745-300-0001 (19) under the OAC.

### 2.2.8 Summary of NFA Letter, Addendum No. 2 - Additional Environmental Assessment Based on Ohio EPA's Request for Additional Clarification of Findings

The additional environmental assessment indicated the following:

1. It was demonstrated that 1.5 gallons of water can not be obtained from well MW-9 within 8 hours of purging per the definition of groundwater in OAC 3745-300-01(A)(19)(a) and thus does not meet the definition of groundwater.
2. The cumulative non-cancer hazard ratio for the soil-to-indoor air exposure pathway is calculated at 0.026, which corresponds to an HI value of 0.03. This is below the target HI of one. The cumulative cancer risk ratio soil-to-indoor air exposure pathway is 0.011, which corresponds to an ELCR of  $1 \times 10^{-7}$  and is below the target ELCR of  $1 \times 10^{-5}$ . The cumulative non-cancer hazard ratio for the groundwater-to-indoor air exposure pathway is 0.0062, which corresponds to an HI of 0.006. This is substantially below the target HI of one. The cumulative cancer risk ratio groundwater-to-indoor air exposure pathway is 0.014, which corresponds to an ELCR of  $1 \times 10^{-7}$  and is below the target ELCR of  $1 \times 10^{-5}$ . The potentially cumulative multi-pathway HI is 0.1, which is substantially below the target HI of one. The potentially cumulative multi-pathway ELCR is  $1 \times 10^{-5}$ , which meets the target ELCR of  $1 \times 10^{-5}$ .
3. No COCs detected in soil samples (HSB-12 through HSB-15) from the Property exceeded single chemical GDCS. Butyl benzyl phthalate was detected in sample HSB-13. However, butyl benzyl phthalate was also detected in the associated laboratory Method Blank and is not representative of the sample;
4. Property Map was revised; and
5. The NFA Letter Executive Summary and Environmental Covenant were revised to incorporate the additional information provided in NFA Letter Addendum No. 1.

### 2.2.9 Summary of NFA Letter, Addendum No. 3 - Additional Environmental Assessment Based on Ohio EPA's Request for Additional Clarification of Findings

The additional environmental assessment indicated the following:

1. Surface water run-off was identified coming from the landfill in the northeast portion of Identified Area 5. The surface water run-off potentially contacted landfill leachate. On November 3, 2009, a soil sample collected by Hull from 0.0-2.0 feet at HSB-16 and was sent to Test America Laboratories (CL0018). Analytical results for this sample indicated no detection of VOCs or SVOCs. Trace levels of aluminum, arsenic, barium, chromium, cobalt, mercury, nickel, vanadium, and zinc were detected in the soil at HSB-16. The remaining seven metal compounds were non-detect. With the exception of arsenic detected at 4.15 mg/kg, none of the metals detected exceeded leach-based values for sources equal to or greater than  $\frac{1}{2}$  acre. Leach-based values were referenced from the Ohio EPA VAP Derived Leach-Based Soil Values, Technical Guidance Document (October 2008). Based on the calculation of the samples collected to determine the background level for arsenic at the Property, the maximum allowable limit is 27 mg/kg.

## 2.2.10 Summary of NFA Letter, Addendum No. 4 - Additional Environmental Assessment Based on Ohio EPA's Request for Additional Clarification of Findings

The additional environmental assessment indicated the following:

1. Results of the "VAP Certified data" collected in March 2010 and a review of the QA/QC data and the laboratory's affidavit, the concerns relate to methylene chloride in the soils have been adequately addressed. There is no indication that methylene chloride is present in the soil at levels that exceed generic direct contact standards or at levels that would contribute to an exceedance in the cumulative hazard index or cancer ratio, or other pathways.
2. Laboratory issues and conclusions regarding the no further action determination along with copies of the new and revised laboratory affidavits and narratives were properly addressed in the NFA letter addendum. The executive summary was updated as necessary to reflect any work performed in response to this comment letter in accordance with OAC 3745-300-13(J).

### 2.3 Determination of Applicable Standards

As addressed in the Phase II Property Assessment, the GDCS standards for commercial or industrial use and for construction or excavation activities were determined to be at or below the applicable standards at the Property. The direct contact soil standards for commercial or industrial land use are found in Paragraphs (B)(3)(c) and (B)(3)(f) of Rule 3745-300-08 of the OAC. The GDCS for construction or excavation activities are found in Paragraphs (B)(3)(d) and (B)(3)(f) of Rule 3745-300-08 of the OAC. The GDCS for commercial or industrial land use, and for construction or excavation activities, are derived by a quantitative assessment of several exposure pathways: incidental soil ingestion, dermal contact with soil, and inhalation of particulate and volatile emissions from soil to outdoor air. Thus, the GDCS include an evaluation of all potentially significant complete exposure pathways identified on the Site Conceptual Model presented on Table 18 in Attachment C of NFA Letter Addendum No. 2, dated June 2009.

A background study of arsenic in soils, as stipulated under 3745-300-07(H) of the OAC, was conducted as part of NFA Letter Addendum No. 1 – Response to Ohio EPA's Request for Additional Clarification for the NFA Letter document. A total of 20 soil samples from ten locations were collected by hand auger in an undisturbed vacant property located north of the VAP Property. Based on the calculation of the samples collected to determine the background level for arsenic at the Property, the maximum allowable limit is 27 mg/kg, which is above the calculated 95% UCL for arsenic at the Property.

The point of compliance for commercial or industrial direct contact at the Property is from the surface to a minimum depth of two feet, as specified in Paragraph (G)(1)(a)(i)(b) of Rule 3745-300-07 of the OAC. The point of compliance for construction or excavation direct contact is from the surface to a depth of ten feet in accordance with Paragraph (G)(1)(a)(i)(c) of Rule 3745-300-07 of the OAC. The depth of ten feet corresponds to the maximum depth reasonably anticipated for activities on the Property.

Applicable standards for UPUS and risk-based standards promulgated under the VAP, as cited in OAC 3745-300-08.

Pursuant to OAC 3745-300-09(F)(2)(b), the concentrations of COCs reported in the sediment samples were compared to consensus-based TECs. For those compounds that do not have a corresponding TEC, the reported concentrations were compared to the ESLs.

The ephemeral stream on the Property is a tributary of Big Walnut Creek. According to OAC 3745-1-09, table 9-1, the nearby segment of Big Walnut Creek is classified as a Warm Water Habitat (WWH) for aquatic life, a non-public water supply source, and a Primary Contact Recreation (PCR) water body. The applicable surface water criteria for protection of aquatic life and human health in the Ohio River Basin are summarized in a table in OAC 3745-1 (2002). In accordance with Paragraph (A)(4)(b, d, e) OF Rule 3745-1-07, the Outside Mixing Zone Average (OMZA) criteria for the protection of aquatic life and human health apply to non-drinking water source surface water bodies designated as WWH.

The applicable standards for soil, soil gas and groundwater for the potential indoor air exposure pathways were evaluated based on the U.S. EPA spreadsheet developed from the Johnson and Ettlinger (1991) model updated in 2004, and utilizes a combination of default and hypothetical building parameters. The indoor air evaluation was completed as part of NFA Letter Addendum No. 1 – Response to Ohio EPA's Request for Additional Clarification for the NFA Letter document. The applicable standards for groundwater, based on volatile emissions of VOCs from groundwater to indoor air, were Property-specific groundwater-to-indoor air standards developed for each VOC (i.e., benzene) that exceeded its respective target groundwater concentration (screening level) as found in Table 2b of the US EPA *Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils* (November 20, 2002). The benzene concentration evaluated as the maximum was actually collected from the adjacent off-Property well MW-9. The saturated zone screened by MW-9 was determined through groundwater yield and recovery testing, to not meet the definition of groundwater under 3745-300-0001 (19) of the OAC.

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

The findings of the Phase II Property Assessment for soils present on the Property indicated that institutional controls were needed to demonstrate compliance with applicable standards. As discussed in Section 2.5, no soil, groundwater or surface water remediation was required at the Property. Based on exceedances of TECs and ESLs for certain metals found within sediments on the Property, an ERA was completed for the stream on the Property. This ERA is summarized within Section 2.4.3 of this Executive Summary.

### **2.4.1 Data Analysis**

Soil data collected during the Phase II Property Assessment were compared to the GDCCS included in OAC 3745-300-08(B)(3)(b) Tables III and IV (with the exception of the calculated background concentration). Groundwater data was compared to Generic UPUS standards included in OAC 3745-300-08(C)(3)(b) Table VI. Sediment data on the Property was compared to consensus-based TECs as contained in "Development and Evaluation of Consensus-based Sediment Quality Guidelines for Freshwater Ecosystems" (MacDonald et al, 2000) and the ESLs contained in a USEPA Region 5 document for RCRA Corrective Actions dated August 23, 2003. Surface water data was compared to aquatic or applicable human health standards for surface water as defined by the Ohio EPA in OAC 3745-1.

### **2.4.2 Compliance with Generic Numerical and Property Specific Standards**

An evaluation was performed to identify areas at the Property that required remediation, based on a comparison to the standards described above. For soils, this evaluation included a comparison of analytical results within the 0.0-to-two-foot depth interval at each sample boring.

to the single chemical and cumulative GDCS for commercial land use, and a comparison of analytical results within the 0.0 to 10-foot depth interval at each sample boring to the single chemical and cumulative GDCS for construction or excavation activities. For the indoor air exposure pathway for soil, soil gas or groundwater, either the Generic Screening Levels were used as a comparison or the Johnson and Ettinger (J & E) model was used to model the potential volatile emissions from COCs to a hypothetical building located on the Property. For groundwater, sediment and surface water samples, the evaluation included a comparison of analytical results to the standards described for each respective media described in Section 2.4.1. Cumulative hazard and risk ratio tables completed for the Phase II Property Assessments and the NFA Letter Addendum No. 1 are included in Tables 19, 20 and 21 in Attachment A-7 of NFA Letter Addendum No. 1, dated May 2009. Based on the findings of the Phase II Property Assessment and the calculated cumulative hazard and risk ratios for the Property, a Property-Specific Risk Assessment (PSRA) was not completed for the Property.

### **2.4.3 Ecological Risk Assessment Findings**

Based on minor exceedances of highly protective ecological risk benchmarks found to occur in sediments of the on-site stream, Hull conducted an ERA of the stream on September 21, 2005. The results of this ERA were summarized in a letter to the Volunteer dated September 27, 2005 (Hull Document No. VRG002.300.0017). Hull conducted an assessment of aquatic life potentially present within the stream. The assessment was conducted using Ohio EPA-approved methods and procedures (Ohio EPA, 2002: Field Evaluation Manual for Ohio's Primary Headwater Habitat Streams, Final Version 1.0). Hull concluded that the stream is ephemeral and does not support a community of aquatic life requiring protection under current Ohio EPA policies. Ephemeral streams such as the on-site stream are instead protected for non-aquatic life uses such as mitigation of water energy, sediment retention in floodplain areas, and protection of downstream uses. Risk to aquatic life from stream sediments is not possible because aquatic life is not present in the stream.

Hull also performed an ecological site walkover of the stream's immediate surroundings to assess the potential for risk to terrestrial wildlife that might be posed by the stream sediments. Based on habitat quality, topographic and landscape considerations, and the paucity of wildlife observed at the site, Hull concluded that the potential risk to terrestrial wildlife posed by the stream sediments is negligible.

Hull weighed the possible risk to ecological receptors posed by slight exceedances of conservative ecological risk benchmarks given the limited opportunities for ecological exposure documented on the Property. Based on the finding of the additional ERA activities conducted on the unnamed stream, Hull has concluded that the stream sediments pose no identifiable risk to ecological receptors at the Columbus Tile Yard Property and has been determined not to be an environmental concern on the Property.

The September 2005 ERA for the Property is included in Volume II of the NFA Letter.

## **2.5 Remedial Activities**

No soil or groundwater remedial activities were deemed necessary at the Property based upon the findings of the Phase II Property Assessment, which included a cumulative risk ratio comparison for both the commercial/industrial worker and construction/excavation worker. As Hull observed potential ACM within a debris pile at the Property during Phase II activities in 2005, the debris pile was tested for ACM. The results confirmed that greater than 20% chrysotile asbestos was found in one of three samples initially collected from the pile.

Conservatively, the entire debris pile was considered ACM and abated properly prior to the completion of demolition activities at the Property.

Institutional controls include maintenance of the Property and any portion thereof as commercial/industrial property as defined in the recorded Environmental Covenant included in NFA Letter and subsequent Addenda.

### **2.6 Planned Operation and Maintenance Remedies**

An Operation & Maintenance (O&M) Plan is not required for this Property because engineering controls have not been used to maintain applicable standards at the Property and no remedial activities were deemed necessary to ensure compliance with applicable standards.

### **2.7 Phase I Update**

The final Phase I Property Assessment Update was completed in October 2008 to verify the findings of the original Phase I Property Assessment completed in June 2005. Prior to completion of the Phase I Update, both buildings had been demolished and the entire Property was vacant. The update was completed to determine whether there were still any Identified Areas at the Property. There was no need for any additional assessment activities at the Property based on the analytical data collected during the Phase II Property Assessment. All of the data collected was found to be below applicable standards. The remaining concentrations of COCs do not represent unacceptable risk for the planned and restricted land uses. Current environmental conditions require no active remediation (beyond that which was completed pursuant to this NFA) in order for this Property to be developed as an industrial or commercial facility. The Property meets all applicable standards and the institutional controls are protective of public health and safety and the environment. No further action is required.

The October 2008 Phase I Property Assessment Update letter report is included in Volume III of the NFA Letter.

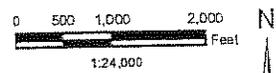
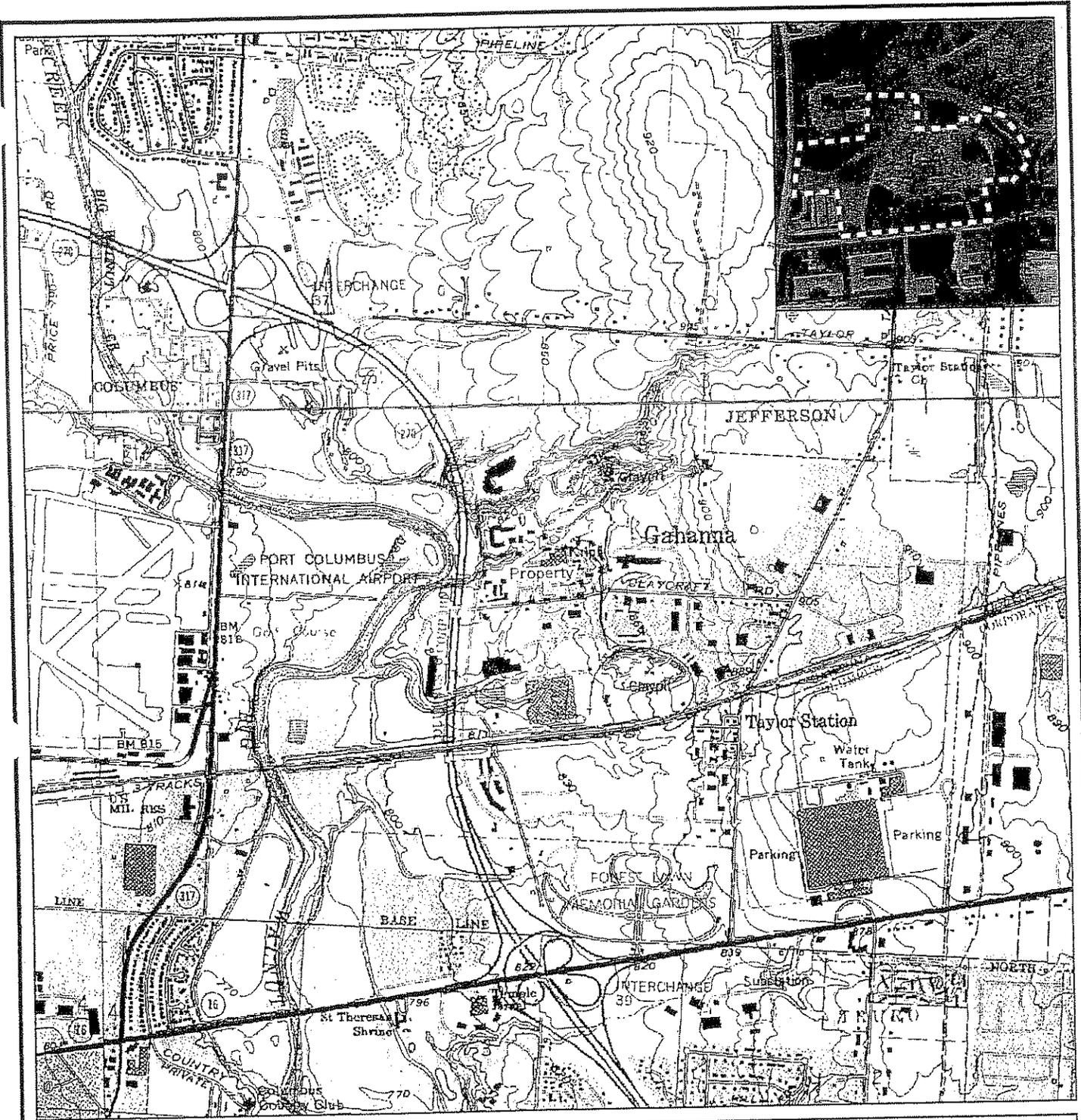
## **3.0 CONCLUSION**

The foregoing is a summary of the NFA Letter submitted for the Co-Volunteers Value Recovery Group II, LLC and the City of Gahanna by Steven M. Gross, of Hull & Associates, Inc., as Certified Professional (CP #192), pursuant to OAC Rule 3745-300-05. The information provided in this document demonstrates that the Property is in compliance with applicable standards within the applicable points of compliance for commercial/industrial land use and construction/excavation worker exposure and is protective of human health and the environment. A copy of the project Affidavits are provided in NFA Letter and subsequent Addenda,

Mr. Gross is the contact at Hull & Associates, Inc. for questions regarding the NFA Letter and may be contacted at (614) 793-8777.

A complete copy of the NFA Letter and supporting documentation 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.

## FIGURES



**Legend**  
 - - - - - Approximate Property Boundary

Quadrangle Location

No Further Action Letter - Executive Summary  
 Columbus Tile Yard Property

Date:  
 May 2010

**Hull**  
 & associates, inc.

**Property Location Map**

Project Number: PSM001\_01.ENV  
 Geodatabase: PSM001.mdb  
 File Name:  
 PSM001\_22\_Fig01\_PropLocMap.mxd

6397 Emerald Parkway  
 Suite #200  
 Dublin, Ohio 43016  
 © 2008, Hull & Associates, Inc.  
 Phone: (614) 793-8777  
 Fax: (614) 793-9070  
 www.hullinc.com

870-950 Claycraft Road  
 City of Gahanna, Franklin County, Ohio

Figure  
**1**

# HULL

ENVIRONMENTAL SERVICES, INC.  
 8307 Emerald Parkway  
 Suite #200  
 Cincinnati, OH 45248  
 (513) 763-1000  
 www.hullenv.com

- Legend**
- Approximate Property Boundary
  - ✦ Test Pits
  - ◆ 2005 Soil Boring Locations
  - ◆ Sediment Sampling Locations
  - ◆ Surface Water Sampling Locations
  - ◆ Monitoring Well Locations
  - ◆ Decommissioned Wells
  - ◆ 2008 Soil Boring Locations
  - ◆ On-Property Soil Borings
  - ◆ Off-Property Soil Borings
  - ◆ Soil Vapor Sample Locations
  - ◆ 2009 Soil Boring Locations
  - ◆ Soil Boring Locations
  - ◆ Soil Vapor Sample Locations
  - ◆ 2010 Soil Boring Locations
  - ◆ Soil Borings
  - Approximate Limits of Waste
  - Identified Areas
    - IA-1 - Historic Operations in Manufacturing Building
    - IA-2 - Former Transformer Areas
    - IA-3 - Former Concrete Sump/Sewer
    - IA-4 - Down-Gradient Stream
    - IA-5 - Off-Property Impact from Adjacent Landfill
    - IA-6 - Potential ACM in Debris Piles



HPA Letter Executive Summary

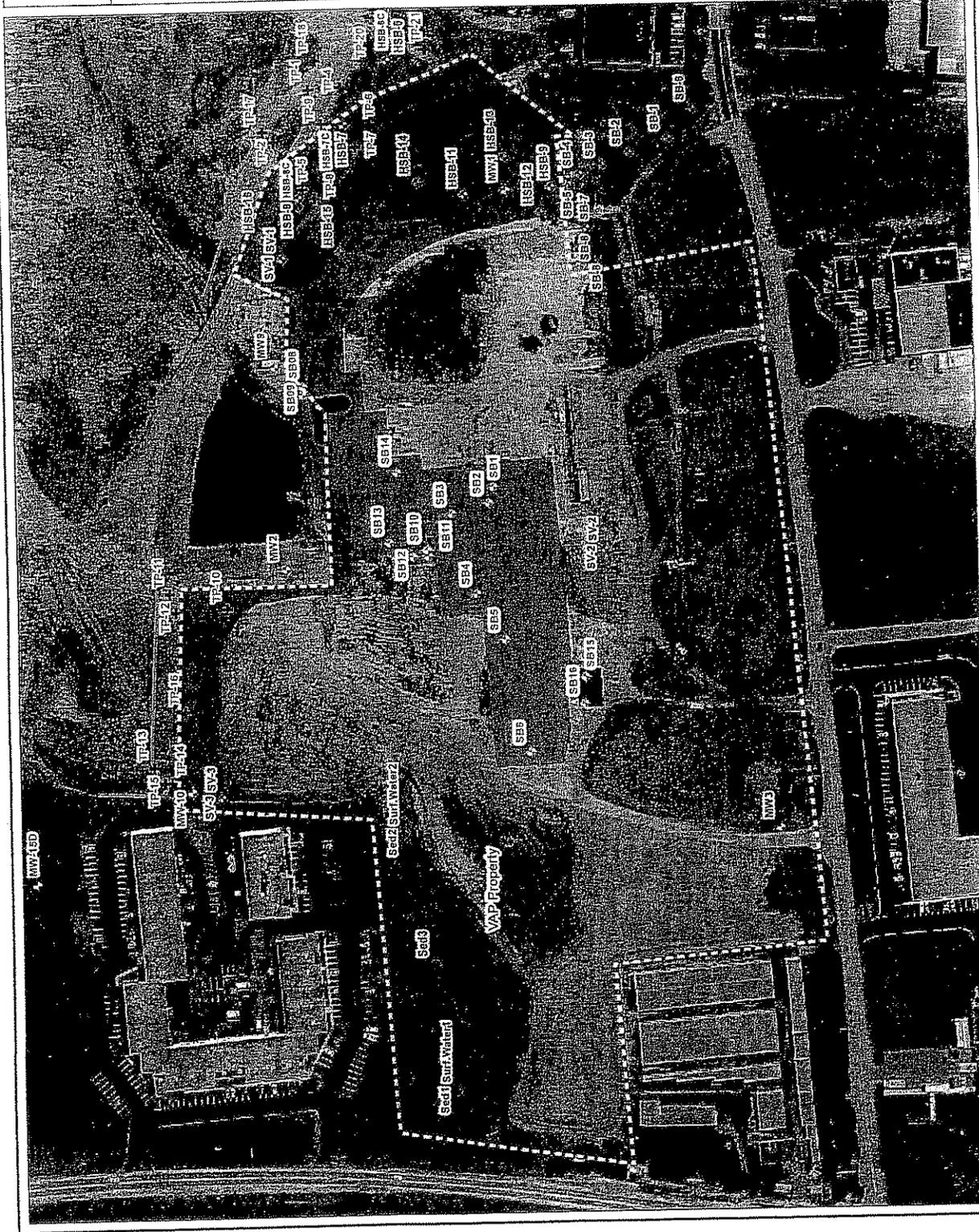
**Property Location Map**

8307 Emerald Parkway  
 City of Cincinnati, Hamilton County, Ohio

Date: **Revised May 2010**  
 (May 2009)

Project Number: HPA-09-0001  
 Date of Issue: 05/10/10  
 File Name: HPA-09-0001\_L10\_Property\_Location

Sheet 2 of 2



Director's Final Findings & Orders – Covenant Not to Sue  
Columbus Tile Yard Property (08NFA321)

**Exhibit 4**  
**Environmental Covenant**

**ENVIRONMENTAL COVENANT FOR  
VALUE RECOVERY GROUP II, LLC  
870 – 950 CLAYCRAFT ROAD GAHANNA, OHIO 43230**

This Environmental Covenant is entered into by Value Recovery Group II, LLC, Buckeye Storage of Gahanna, LLC, and the Ohio Environmental Protection Agency ("Ohio EPA") pursuant to Ohio Revised Code ("ORC") §§ 5301.80 to 5301.92 for the purpose of subjecting the Property to the activity and use limitations set forth herein.

Whereas, the Value Recovery Group II, LLC and the City of Gahanna have undertaken a voluntary action with respect to the Property described herein under Ohio's Voluntary Action Program ("VAP"), pursuant to ORC Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300;

Whereas, the Property is owned by Value Recovery Group II, LLC, and Buckeye Storage of Gahanna, LLC,; the City of Gahanna is not an owner of the Property;

Whereas, the voluntary action remedy for the Property includes the activity and use limitations set forth in this Environmental Covenant (the "Activity and Use Limitations");

Whereas Certified Professional, Steven M. Gross (CP 192), issued a no further action ("NFA") letter for the Property on November 13, 2008 ("NFA Letter"), and submitted the NFA Letter (08NFA321) to Ohio EPA with a request for a Covenant Not to Sue ("CNS");

Whereas, the Activity and Use Limitations support the issuance of the NFA Letter and a CNS for the Property and protect against exposure to the hazardous substances and petroleum in soil and ground water on or underlying the Property;

Whereas, the Property is a former industrial facility which has undergone investigation and remediation pursuant to the VAP;

Whereas, an overview of the voluntary action undertaken with respect to the Property is contained in the NFA Letter Executive Summary, which may be viewed as an exhibit to the CNS issued for the Property and recorded with the Franklin County Recorder's Office;

Whereas, the CNS, Executive Summary, and complete NFA Letter (No. 08NFA321) for the Property also can be reviewed by contacting the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924, or the Central District Office at 50 West Town Street, Suite 700, Columbus Ohio, Ohio 43215, or by telephone at (614) 728-3778.

Now therefore, Owners Value Recovery Group II, LLC, and Buckeye Storage of Gahanna, LLC, and Ohio EPA agree to the following:

1. Environmental Covenant. This instrument is an Environmental Covenant developed and executed pursuant to ORC §§ 5301.80 to 5301.92.

2. Property. This Environmental Covenant concerns the Property, consisting of approximately 23.6 acres of real property, owned by Value Recovery Group II, LLC, and Buckeye Storage of Gahanna, LLC, located at 870 – 950 Claycraft Road in Gahanna, Franklin County, Ohio, and more particularly described in Exhibit A attached hereto and incorporated by reference herein ("Property").

3. Owners. Value Recovery Group II, LLC located at 919 Old Henderson Road, Columbus, Ohio 43220, and Buckeye Storage of Gahanna, LLC located at 919 Old Henderson Road, Columbus, Ohio 43220, are the owners of the Property ("Owners").

4. Holder. Owners, whose addresses are listed above, are the holders of this Environmental Covenant.

5. Activity and Use Limitations. As part of the voluntary action described in the NFA Letter, Owners hereby impose and agree to comply with the following activity and use limitations:

Land Use Limitation. As a portion of the remedy under the VAP to protect against exposure to hazardous substances and/or petroleum on the Property described herein, the Property is hereby restricted to only commercial land use and/or industrial land use, as those terms are defined in OAC 3745-300-08(B)(2)(c)(ii) and (B)(2)(c)(iii) (effective October 21, 2002). For informational purposes, the definitions of "commercial land use" and "industrial land use" are set forth below:

OAC 3745-300-08(B)(2)(c)(ii) defines *commercial land use* as "land use with potential exposure of adult workers during a business day and potential exposure of adults and children who are customers, patrons, or visitors to commercial facilities during the business day. Commercial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Examples of commercial land uses include but are not limited to warehouses; building supply facilities; retail gasoline stations; automobile service stations; automobile dealerships; retail warehouses; repair and service establishments for appliances and other goods; professional offices; banks and credit unions; office buildings; retail businesses selling foods or merchandise; golf courses; hospitals and clinics; religious institutions; hotels; motels; and parking facilities."

OAC 3745-300-08(B)(2)(c)(iii) defines *industrial land use* as "land use with potential exposure of adult workers during a business day and potential exposures of adults and children who are visitors to industrial facilities during the business day. Industrial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Examples of industrial land uses include, but are not limited to: lumberyards; power plants; manufacturing facilities such as metal-working shops, plating shops, blast furnaces, coke plants, oil refineries, brick factories, chemical plants

and plastics plants; assembly plants; non-public airport areas; limited access highways; railroad switching yards; and marine port facilities."

6. Running with the Land. This Environmental Covenant shall be binding upon the Owners and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

7. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director of Ohio EPA from exercising any authority under applicable law. Pursuant to ORC § 3746.05, if the Property or any portion thereof is put to a use that does not comply with this Environmental Covenant, the covenant not to sue issued for the Property by the Director of Ohio EPA under ORC § 3746.12 is void on and after the date of the commencement of the noncomplying use.

8. Rights of Access. Owners hereby grant to Ohio EPA, its agents, contractors, and employees the right of access to the Property for implementation or enforcement of this Environmental Covenant.

9. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED \_\_\_\_\_, 2010, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE FRANKLIN COUNTY RECORDER ON \_\_\_\_\_, 2010, IN [DOCUMENT \_\_\_\_\_, or BOOK \_\_\_\_, PAGE \_\_\_\_\_]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS: AS PART OF THE VOLUNTARY ACTION DESCRIBED IN THE NFA LETTER, THE PROPERTY IS HEREBY LIMITED TO ONLY COMMERCIAL LAND USE AND/OR INDUSTRIAL LAND USE, AS THOSE TERMS ARE DEFINED IN OAC 3745-300-08(B)(2)(c)(ii) and (B)(2)(c)(iii) (EFFECTIVE OCTOBER 21, 2002).

Owners shall notify Ohio EPA within thirty (30) days after each conveyance of an interest in any portion of the Property. Owners' notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

10. Representations and Warranties. Owners hereby represent and warrant to the

other signatories hereto:

- A. that the Owners are the sole owners of the Property;
- B. that the Owners have the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder; and
- C. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owners are a party or by which Owners may be bound or affected.

11. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following: the Owners or a Transferee; and the Ohio EPA, pursuant to ORC § 5301.90 and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant. This Environmental Covenant may be amended or terminated only by a written instrument duly executed by the Director of Ohio EPA and the Owners or Transferee of the Property or portion thereof, as applicable. Within forty five (45) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owners or Transferee shall file such instrument for recording with the Franklin County Recorder's Office, and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA.

12. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

13. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.

14. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owners shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Franklin County Recorder's Office.

15. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Franklin County Recorder.

16. Distribution of Environmental Covenant. The Owners shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: Ohio EPA; the City of Gahanna; and each person holding a recorded interest in the Property.

Environmental Covenant  
City of Gahanna/Value Recovery Group II, LLC

17. Notice. Unless otherwise notified in writing by or on behalf of the current Owners or Ohio EPA, any document or communication required by this Environmental Covenant shall be submitted to:

Ms. Tiffani Kavalec or her successor  
Manager, Assessment, Cleanup and Reuse Section  
Division of Emergency and Remedial Response  
Ohio EPA  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Volunteer/Owner:  
Mr. James Sisto  
Principal - Value Recovery Group II, LLC  
919 Old Henderson Road  
Columbus, Ohio 43220

Owner:  
Mr. James Sisto  
Principal - Buckeye Storage of Gahanna, LLC  
919 Old Henderson Road  
Columbus, Ohio 43220

Environmental Covenant  
City of Gahanna/Value Recovery Group II, LLC

The undersigned representative of the Owners represents and certifies that (he/she) is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

VALUE RECOVERY GROUP II, LLC

James E.P. Sisto  
Signature of Owner's Representative

James E.P. Sisto, Principal  
Printed Name and Title

June 16, 2010  
Date

BUCKEYE STORAGE OF GAHANNA, LLC

James E.P. Sisto  
Signature of Owner's Representative

James E.P. Sisto, Principal  
Printed Name and Title

June 16, 2010  
Date

State of Ohio )  
County of Franklin ) ss:

Before me, a notary public, in and for said county and state, personally appeared JAMES EP SISTO, a duly authorized representative of Value Recovery Group II, LLC and Buckeye Storage of Gahanna, LLC who acknowledged to me that he did execute the foregoing instrument on its behalf.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 16th day of June, 2010.

Sharon L. Gorby  
Notary Public



SHARON L. GORBY  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
June 29, 2010

Environmental Covenant  
City of Gahanna/Value Recovery Group II, LLC

OHIO ENVIRONMENTAL PROTECTION AGENCY

Chris Korleski  
Chris Korleski, Director

Date 7/1/10

State of Ohio            )  
                                  )        ss:  
County of Franklin    )

Before me, a notary public, in and for said county and state, personally appeared Chris Korleski, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

1<sup>st</sup> IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this day of July, 2010.



Charma Diane Casteel  
Notary Public

This instrument prepared by:

Christopher Jones  
Calfee, Halter & Griswold LLP  
1100 Fifth Third Center  
21 East State Street  
Columbus, OH 43215-4243

**CHARMA DIANE CASTEEL**  
NOTARY PUBLIC  
STATE OF OHIO  
MY COMMISSION EXPIRES  
May 10, 2014

Environmental Covenant  
City of Gahanna/Value Recovery Group II, LLC

**PROPERTY DESCRIPTION**

**EXHIBIT A**

Parcel Description for 23.6 Acres  
North Side of Claycraft Road  
East Side of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662, all of that 1.525 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200907080099980 and all the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 23.6 acres being all of Lot 10 and part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79 and part of Lot 7 of "David Taylor's Subdivision" as recorded in Plat Book 1, Page 10, and described as follows:

Beginning at the southeast corner of said 21.8243 acre tract, the same being the southwest corner of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, in the north right-of-way line for Claycraft Road;

Thence with said north right-of-way line, being a curve to the right, having a central angle of  $06^{\circ} 43' 56''$  and a radius of 546.52 feet, a chord bearing and chord distance of  $S 81^{\circ} 25' 34'' W$ , 64.18 feet;

Thence  $S 84^{\circ} 47' 32'' W$ , continuing with said north right-of-way line, 994.55 feet to the southwest corner of said 0.8828 acre tract;

Thence  $N 05^{\circ} 14' 39'' W$ , with the west line of said 0.8828 acre tract, 320.74 feet to the northwest corner thereof;

Thence  $S 85^{\circ} 08' 22'' W$ , with a south line of said 21.8243 acre tract, the same being a south line of said Lot 10, 308.84 feet to a southwest corner thereof, in the east right-of-way for Morrison Road;

Thence  $N 08^{\circ} 16' 18'' E$ , with said east right-of-way line, 127.93 feet to an angle point;

Thence  $N 08^{\circ} 52' 03'' E$ , with said east right-of-way line, 231.91 feet to a northwest corner of said 21.8243 acre tract;

Thence along the north perimeter of said Lot 10, and the north and east perimeter of said Lot 11, the following courses;

$N 84^{\circ} 55' 55'' E$ , 484.96 feet;

$N 03^{\circ} 53' 05'' E$ , 299.84 feet;

$S 88^{\circ} 05' 55'' E$ , 328.21 feet;

$S 01^{\circ} 54' 05'' W$ , 242.68 feet;

$N 89^{\circ} 05' 20'' E$ , 258.49 feet;

23.6 Acres

-2-

N 49° 09' 02" E, 94.94 feet;  
S 86° 51' 44" E, 106.33 feet;  
N 26° 25' 44" E, 95.25 feet;  
S 69° 05' 05" E, 164.41 feet;  
S 34° 49' 41" E, 177.19 feet;  
S 24° 07' 44" E, 179.71 feet;  
S 40° 27' 20" W, 202.77 feet;

Thence N 01° 20' 20" E, with an east line of said 1.2164 acre tract, 25.35 feet to the northeast corner thereof;

Thence S 84° 58' 54" W, with the north line of said 1.2164 acre tract, 212.46 feet to the northwest corner thereof;

Thence S 10° 22' 25" E, with the west line of said 1.2164 acre tract, 272.13 feet to the Point of Beginning. Containing 23.6 acres, more or less.

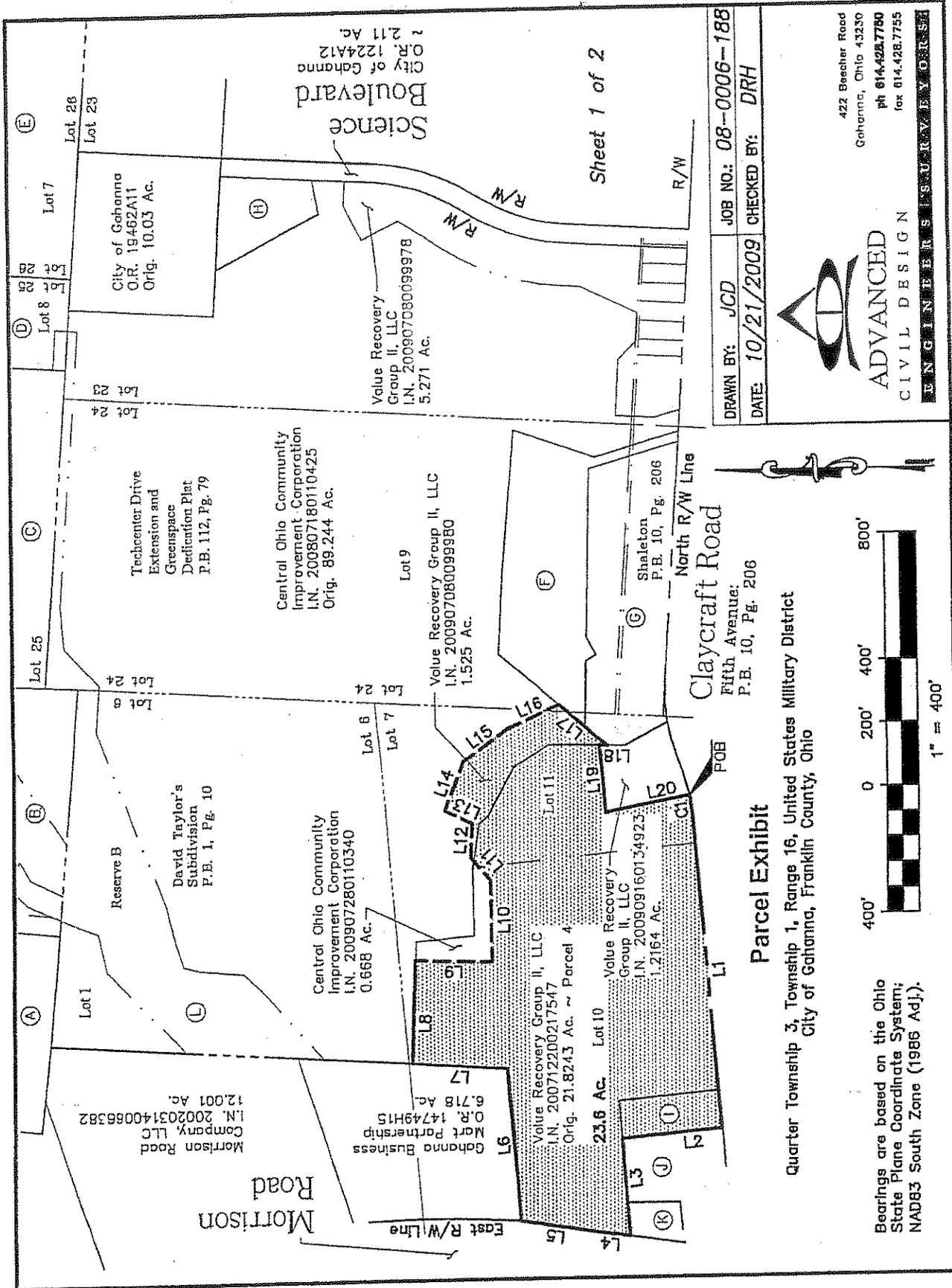
Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

 John C. Dodgion, P.S. 8069  
11/30/2009



**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
City of Gahanna, Franklin County, Ohio

Drawn By: JCD      Job No.: 08-0006-188  
Date: 10/21/2009      Checked By: DRH

422 Beecher Road  
Gahanna, Ohio 43230  
Ph 614.428.7750  
Fax 614.428.7755

**ADVANCED**  
CIVIL DESIGN  
ENGINEERS SURVEYORS



Bearings are based on the Ohio State Plane Coordinate System; NAD83 South Zone (1985 Adj.).

(L) Value Recovery Group II, LLC  
 I.N. 200907080099979  
 9.767 Ac.

(A) 825 Techcenter Drive, LLC  
 I.N. 200605120091965  
 Orig. 7.625 Ac.

(B) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 Orig. 11.814 Ac. ~ Parcel 3

(C) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 Orig. 25.411 Ac. ~ Parcel 1

(D) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 9.210 Ac. ~ Parcel 9

(E) Value Recovery Group II, LLC  
 I.N. 200712200217547 ~ Parcel 5  
 16.913 Ac.

(F) White Knight of Central Ohio, Ltd.  
 I.N. 200306040167250  
 5.237 Ac.

(G) 960-1020 Claycraft Road, LLC  
 I.N. 200310080322393  
 5.264 Ac.

(H) 791 Science Blvd, LLC  
 I.N. 200609130183210  
 1.500 Ac.

(I) Buckeye Storage of Gahanna, LLC  
 I.N. 200705220088662  
 0.8828 Ac.

(J) Buckeye Storage of Gahanna, LLC  
 I.N. 200705220088656  
 2.4390 Ac.

(K) Mount Judia Church  
 D.B. 3464, Pg. 861  
 Orig. 0.763 Ac.

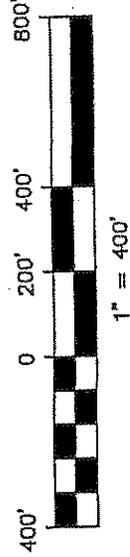
LINE TABLE		
LINE	LENGTH	BEARING
L1	994.55'	S84°47'32"W
L2	320.74'	N05°14'39"W
L3	308.84'	S85°08'22"W
L4	127.93'	N08°16'18"E
L5	231.91'	N08°52'03"E
L6	484.86'	N84°55'55"E
L7	299.84'	N03°53'05"E
L8	328.21'	S88°05'55"E
L9	242.68'	S01°54'05"W
L10	258.49'	N89°05'20"E
L11	94.94'	N49°09'02"E
L12	106.33'	S86°51'44"E
L13	95.25'	N26°25'44"E
L14	164.41'	S89°05'05"E
L15	177.19'	S34°49'41"E
L16	179.71'	S24°07'44"E
L17	202.77'	S40°27'20"W
L18	25.35'	N01°20'20"E
L19	212.46'	S84°58'54"W
L20	272.13'	S10°22'26"E

23.6 acre tract is shaded hereon as such.



CURVE TABLE			
No.	RADIUS	DELTA	CHORD
C1	546.52'	06°43'56"	64.22'
			CHORD BEARING
			S81°25'34"W

Sheet 2 of 2



**Parcel Exhibit**  
 Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio

Bearings are based on the Ohio  
 State Plane Coordinate System,  
 NAD83 South Zone (1986 Adj.).

DRAWN BY: JCD	JOB NO.: 08-0006-188
DATE: 10/21/2009	CHECKED BY: DRH

**ADVANCED**  
 CIVIL DESIGN

ENGINEERS & SURVEYORS

422 Beecher Road  
 Gahanna, Ohio 43230  
 ph 614.428.7760  
 fax 614.428.7755

Parcel Description for 17.4 Acres  
North Side of Claycraft Road  
East Side of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being part of the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 17.4 acres being all of Lot 10 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79, and described as follows:

Beginning at a southwest corner of said 21.8243 acre tract, the same being a southwest corner of said Lot 10 and the southeast corner of that 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662, in the north right-of-way line for Claycraft Road;

Thence with the perimeter of said Lot 10, the following courses;

- N 05° 18' 51" W, 320.02 feet;
- S 85° 08' 22" W, 428.53 feet to the east right-of-way line for Morrison Road;
- N 08° 16' 18" E, 127.93;
- N 08° 52' 03" E, 231.91 feet;
- N 84° 55' 55" E, 484.96 feet;
- N 03° 53' 05" E, 299.84 feet;
- S 88° 05' 55" E, 328.21 feet;
- S 01° 54' 05" W, 242.68 feet;
- N 89° 05' 20" E, 258.49 feet;
- N 49° 09' 02" E, 53.38 feet;
- S 05° 12' 28" E, 697.16 feet to said north right-of-way line;
- S 84° 47' 32" W, 786.23 feet to the Point of Beginning. Containing 17.4 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

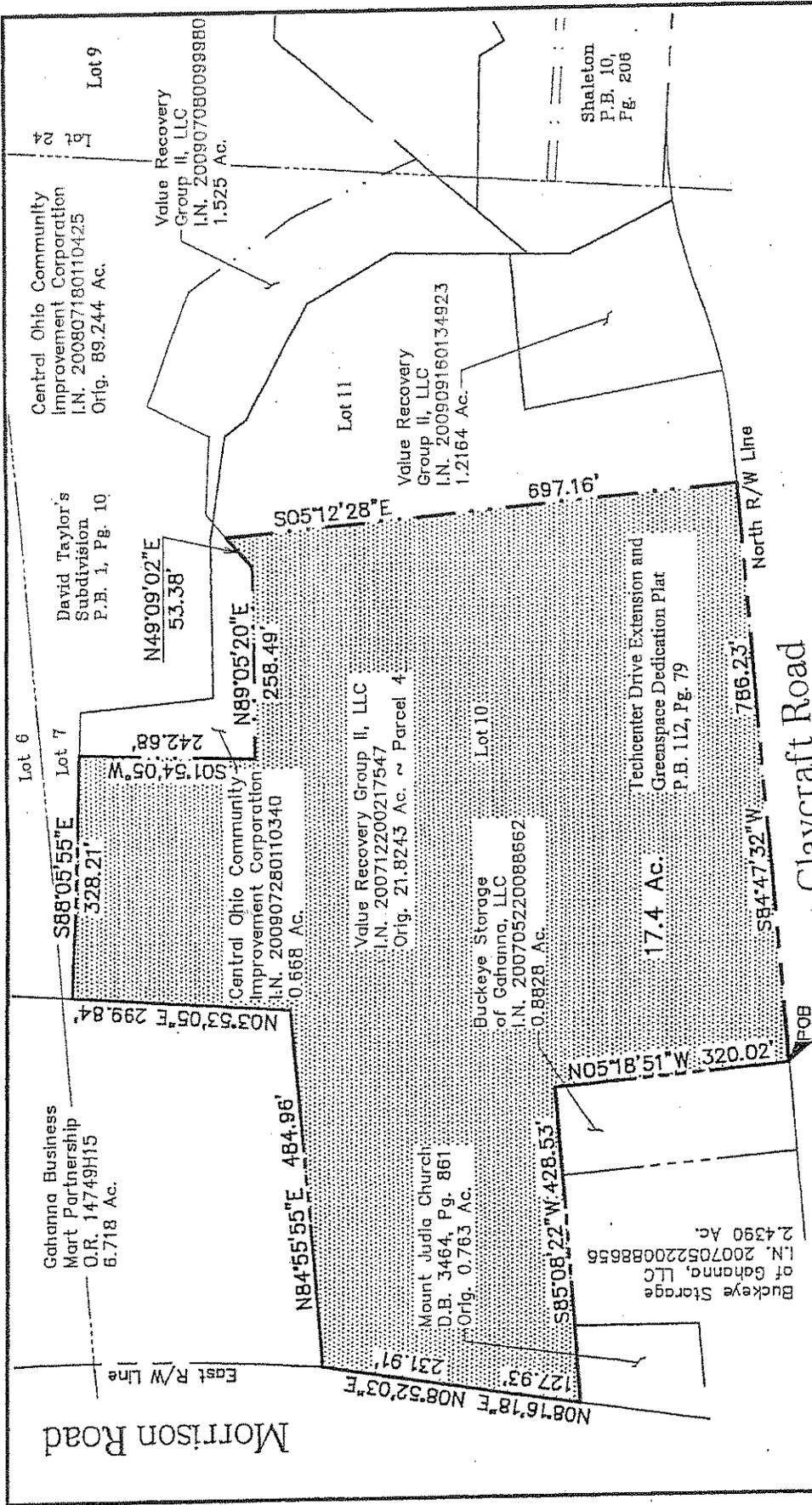
All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.



John C. Dodgion, P.S. 8069

11/30/2009



DRAWN BY: JCD      JOB NO.: 08-0006-188  
 DATE: 10/21/2009      CHECKED BY: DRH

**ADVANCED**  
 CIVIL DESIGN  
 ENGINEERS SURVEYORS

422 Beecher Road  
 Gahanna, Ohio 43230  
 ph 614-428-7750  
 fax 614-428-7755



Claycraft Road

**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio



Parcel Description for 0.9 Acre  
North Side of Claycraft Road  
East of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being that entire 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662 and described as follows:

Beginning at the southeast corner of said 0.8828 acre tract, in the north right-of-way line for Claycraft Road;

Thence S 84° 47' 32" W, with the south line of said 0.8828 acre tract, the same being said north right-of-way line, 120.08 feet to the southwest corner of said 0.8828 acre tract;

Thence N 05° 14' 39" W, with the west line of said 0.8828 acre tract, 320.74 feet to the northwest corner thereof;

Thence N 85° 08' 22" E, with the north line of said 0.8828 acre tract, 119.70 feet to the northeast corner thereof;

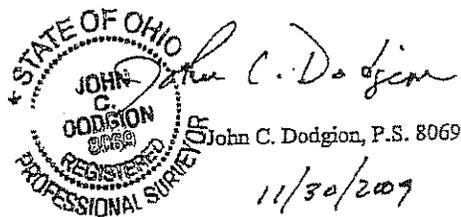
Thence S 05° 18' 51" E, with the east line of said 0.8828 acre tract, 320.02 feet to the Point of Beginning. Containing 0.9 acre, more or less.

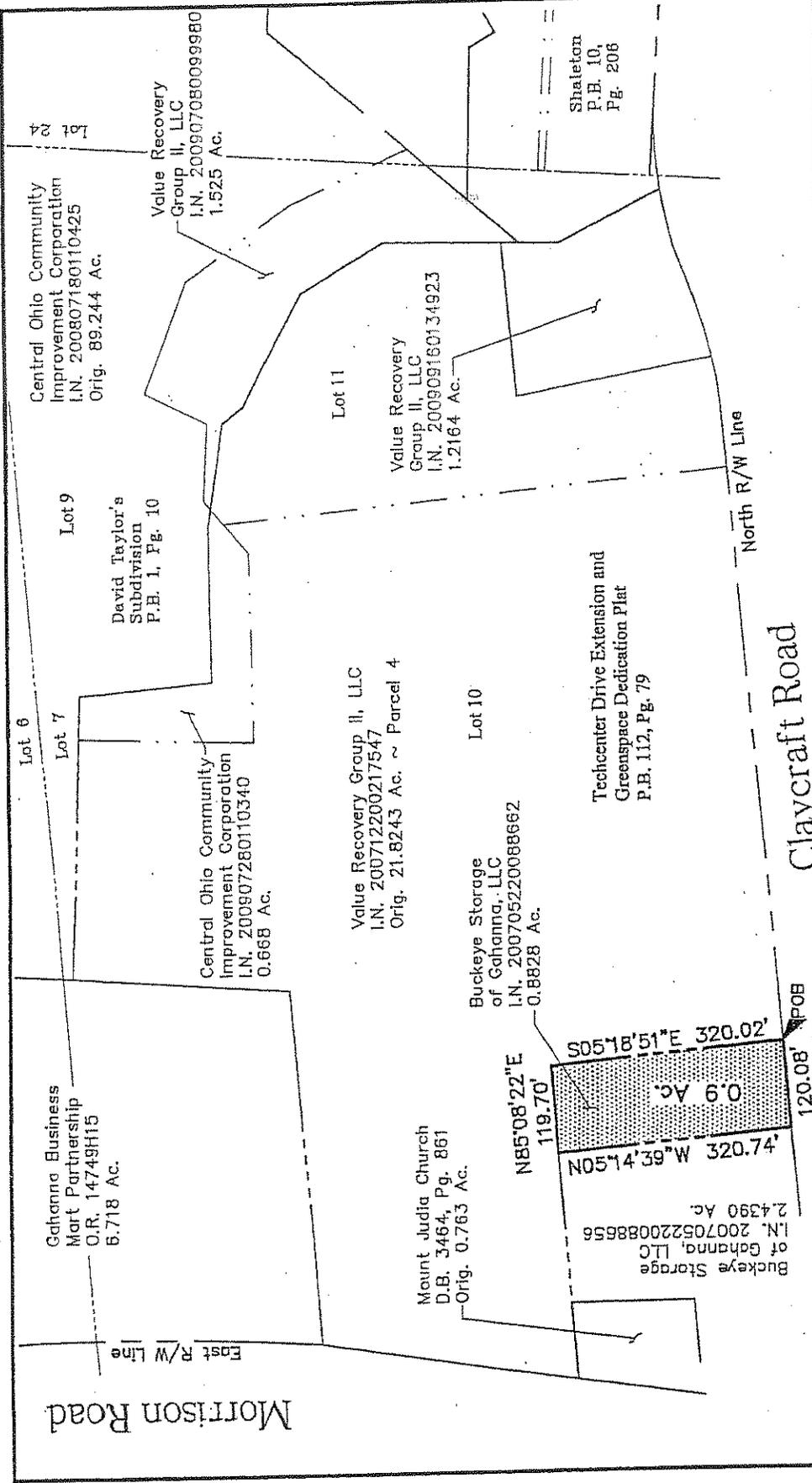
Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.





**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
City of Gahanna, Franklin County, Ohio

422 Beecher Road  
Gahanna, Ohio 43230  
ph 614-428-7750  
fax 614-428-7755

**ADVANCED CIVIL DESIGN**  
ENGINEERS SURVEYORS

DRAWN BY: JCD      JOB NO.: 08-0006-188  
DATE: 10/21/2009      CHECKED BY: DRH



Parcel Description for 5.3 Acres  
North Side of Claycraft Road  
East of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 1.525 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200907080099980 and part of the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 5.3 acres being part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79, and described as follows:

Beginning at the southeast corner of said 21.8243 acre tract, the same being the southwest corner of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, in the north right-of-way line for Claycraft Road;

Thence with said north right-of-way line, being a curve to the right, having a central angle of 06° 43' 56" and a radius of 546.52 feet, a chord bearing and chord distance of S 81° 25' 34" W, 64.18 feet;

Thence S 84° 47' 32" W, continuing with said north right-of-way line, 88.23 feet to the southwest corner of said Lot 11;

Thence along the perimeter of said Lot 11, the following courses;

N 05° 12' 28" W, 697.16 feet;

N 49° 09' 02" E, 41.56 feet;

S 86° 51' 44" E, 106.33 feet;

N 26° 25' 44" E, 95.25 feet;

S 69° 05' 05" E, 164.41 feet;

S 34° 49' 41" E, 177.19 feet;

S 24° 07' 44" E, 179.71 feet;

S 40° 27' 20" W, 202.77 feet to an east line of said 1.2164 acre tract;

Thence N 01° 20' 20" E, with an east line of said 1.2164 acre tract, 25.35 feet to the northeast corner thereof;

Thence S 84° 58' 54" W, with the north line of said 1.2164 acre tract, 212.46 feet to the northwest corner thereof;

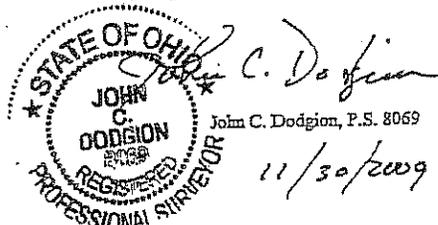
Thence S 10° 22' 25" E, with the west line of said 1.2164 acre tract, 272.13 feet to the Point of Beginning. Containing 5.3 acres, more or less.

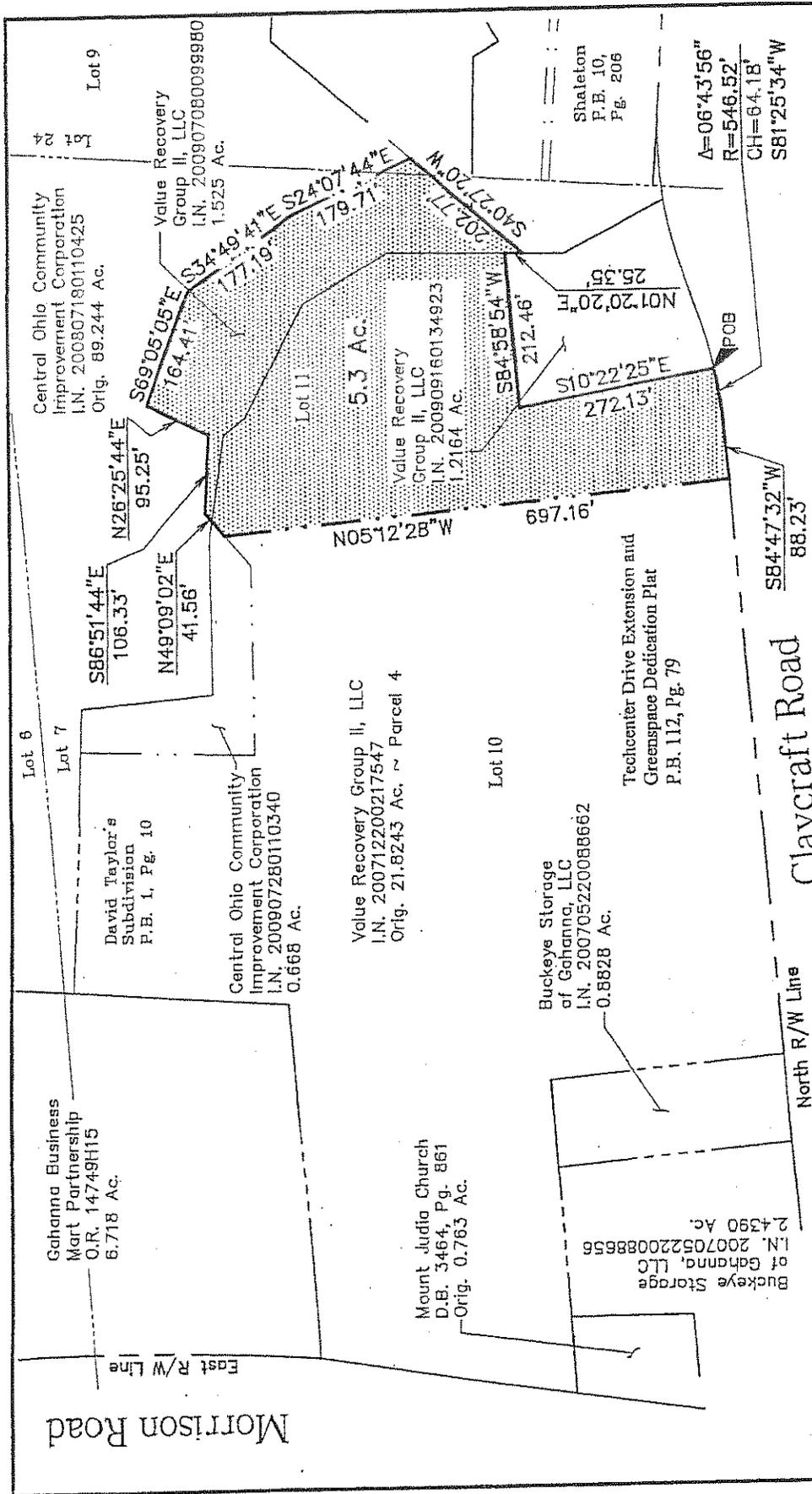
Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1985 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.





DRAWN BY: JCD      JOB NO.: 08-0006-188  
 DATE: 10/21/2009      CHECKED BY: DRH

**ADVANCED CIVIL DESIGN**  
 ENGINEERS SURVEYORS

422 Beecher Road  
 Gahanna, Ohio 43230  
 ph 614-428-7750  
 fax 614-428-7755

**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio





State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
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

**MEMORANDUM**

TO: Shelley Wilson, Executive Administrator for Real Property, Tax Equalization Division, Dept. of Taxation  
Amy Alduino, Office of Urban Development, Dept. of Development

FROM: Chris Korleski, <sup>CE</sup> Director, Ohio Environmental Protection Agency

DATE: 7/1/10

RE: Covenant Not to Sue Issued to Value Recovery Group II, LLC and the City of Gahanna

---

As Director of the Ohio Environmental Protection Agency, I certify that Value Recovery Group II, LLC and the city of Gahanna have performed investigational and remedial activities at the property listed below and have 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: Columbus Tile Yard Property

Property address: 870 – 950 Claycraft Road, Gahanna, Ohio 43230

Property owner: Value Recovery Group II, LLC  
Buckeye Storage of Gahanna, LLC

Property owner address: 919 Old Henderson Road, Columbus, Ohio 43220  
(Value Recovery Group II, LLC)  
919 Old Henderson Road, Columbus, Ohio 43220  
(Buckeye Storage of Gahanna, LLC)

Parcel number(s): 025-013638, 025-013639 (partial parcel) and 025-013324.

County: Franklin

Taxing District: City of Gahanna (025)

Date Covenant Not to Sue Issued: \_\_\_\_\_

JUL 06 2010

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Ohio EPA is an Equal Opportunity Employer



If additional information regarding the property or the voluntary action is required, I suggest you first contact Steven M. Gross, the certified professional for the property, at (614) 793-8777. In the alternative, you can contact Ray Moreno with the Ohio Environmental Protection Agency at (614) 728-3833.

c: James Sisto, Principal, Value Recovery Group II, LLC  
919 Old Henderson Road, Columbus, Ohio 43220

James Sisto, Principal, Buckeye Storage of Gahanna, LLC  
919 Old Henderson Road, Columbus, Ohio 43220

Sadicka White, Director, Development Department  
City of Gahanna, 200 South Hamilton Road, Gahanna, Ohio 43230

Steven M. Gross, Certified Professional, Hull & Associates, Inc.  
6397 Emerald Parkway, Dublin, Ohio 43016

Clarence E. Mingo, II, Franklin County Auditor  
373 S. High Street, 21<sup>st</sup> Floor, Columbus, OH 43215

DERR-CO/CDO Files (#08NFA321)

ec: Tiffani Kavalec, Manager, Ohio EPA, DERR/ACRE  
Deborah Strayton, Manager, Ohio EPA, DERR/CDO  
Andrea Smoktonowicz, Ohio EPA, Legal

Parcel Description for 23.6 Acres  
North Side of Claycraft Road  
East Side of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662, all of that 1.525 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200907080099980 and all the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 23.6 acres being all of Lot 10 and part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79 and part of Lot 7 of "David Taylor's Subdivision" as recorded in Plat Book 1, Page 10, and described as follows:

Beginning at the southeast corner of said 21.8243 acre tract, the same being the southwest corner of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, in the north right-of-way line for Claycraft Road;

Thence with said north right-of-way line, being a curve to the right, having a central angle of  $06^{\circ} 43' 56''$  and a radius of 546.52 feet, a chord bearing and chord distance of  $S 81^{\circ} 25' 34'' W$ , 64.18 feet;

Thence  $S 84^{\circ} 47' 32'' W$ , continuing with said north right-of-way line, 994.55 feet to the southwest corner of said 0.8828 acre tract;

Thence  $N 05^{\circ} 14' 39'' W$ , with the west line of said 0.8828 acre tract, 320.74 feet to the northwest corner thereof;

Thence  $S 85^{\circ} 08' 22'' W$ , with a south line of said 21.8243 acre tract, the same being a south line of said Lot 10, 308.84 feet to a southwest corner thereof, in the east right-of-way for Morrison Road;

Thence  $N 08^{\circ} 16' 18'' E$ , with said east right-of-way line, 127.93 feet to an angle point;

Thence  $N 08^{\circ} 52' 03'' E$ , with said east right-of-way line, 231.91 feet to a northwest corner of said 21.8243 acre tract;

Thence along the north perimeter of said Lot 10, and the north and east perimeter of said Lot 11, the following courses;

$N 84^{\circ} 55' 55'' E$ , 484.96 feet;

$N 03^{\circ} 53' 05'' E$ , 299.84 feet;

$S 88^{\circ} 05' 55'' E$ , 328.21 feet;

$S 01^{\circ} 54' 05'' W$ , 242.68 feet;

$N 89^{\circ} 05' 20'' E$ , 258.49 feet;

23.6 Acres

-2-

N 49° 09' 02" E, 94.94 feet;  
S 86° 51' 44" E, 106.33 feet;  
N 26° 25' 44" E, 95.25 feet;  
S 69° 05' 05" E, 164.41 feet;  
S 34° 49' 41" E, 177.19 feet;  
S 24° 07' 44" E, 179.71 feet;  
S 40° 27' 20" W, 202.77 feet;

Thence N 01° 20' 20" E, with an east line of said 1.2164 acre tract, 25.35 feet to the northeast corner thereof;

Thence S 84° 58' 54" W, with the north line of said 1.2164 acre tract, 212.46 feet to the northwest corner thereof;

Thence S 10° 22' 25" E, with the west line of said 1.2164 acre tract, 272.13 feet to the Point of Beginning. Containing 23.6 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

 John C. Dodgion, P.S. 8069  
11/30/2009



(L) Value Recovery Group II, LLC  
 I.N. 200907080099979  
 9.767 Ac.

(A) 825 Techcenter Drive, LLC  
 I.N. 200605120091965  
 Orig. 7.625 Ac.

(B) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 Orig. 11.814 Ac. ~ Parcel 3

(C) Value Recovery Group II, LLC  
 I.N. 200712200217547  
 Orig. 25.411 Ac. ~ Parcel 1

(D) Value Recovery Group II, LLC  
 I.N. 200712200217547 ~ Parcel 5  
 16.913 Ac.

(E) White Knight of Central Ohio, Ltd.  
 I.N. 200306040167250  
 5.237 Ac.

(F) 960-1020 Claycraft Road, LLC  
 I.N. 200310080322393  
 5.264 Ac.

(G) 791 Science Blvd, LLC  
 I.N. 200609130183210  
 1.500 Ac.

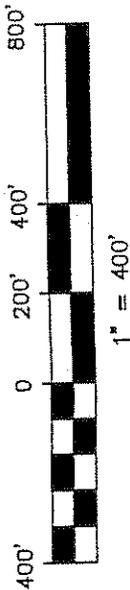
(H) Buckeye Storage of Gahanna, LLC  
 I.N. 200705220088662  
 0.8828 Ac.

(I) Buckeye Storage of Gahanna, LLC  
 I.N. 200705220088656  
 2.4390 Ac.

(J) Mount Judia Church  
 D.B. 3464, Pg. 861  
 Orig. 0.763 Ac.

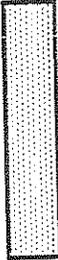
**Parcel Exhibit**

Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio



Bearings are based on the Ohio  
 State Plane Coordinate System,  
 NAD83 South Zone (1986 Adj.).

23.6 acre tract is shaded  
 hereon as such.



CURVE TABLE					
No.	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	546.52'	06°43'56"	64.22'	64.18'	S81°25'34" W

DRAWN BY: JCD      JOB NO: 08-0006-188  
 DATE: 10/21/2009      CHECKED BY: DRH

**ADVANCED**  
 CIVIL DESIGN  
 ENGINEERS & SURVEYORS

422 Beecher Road  
 Gahanna, Ohio 43230  
 ph 614.428.7750  
 fax 614.428.7755

Parcel Description for 17.4 Acres  
North Side of Claycraft Road  
East Side of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being part of the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 17.4 acres being all of Lot 10 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79, and described as follows:

Beginning at a southwest corner of said 21.8243 acre tract, the same being a southwest corner of said Lot 10 and the southeast corner of that 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662, in the north right-of-way line for Claycraft Road;

Thence with the perimeter of said Lot 10, the following courses;

N 05° 18' 51" W, 320.02 feet;

S 85° 08' 22" W, 428.53 feet to the east right-of-way line for Morrison Road;

N 08° 16' 18" E, 127.93;

N 08° 52' 03" E, 231.91 feet;

N 84° 55' 55" E, 484.96 feet;

N 03° 53' 05" E, 299.84 feet;

S 88° 05' 55" E, 328.21 feet;

S 01° 54' 05" W, 242.68 feet;

N 89° 05' 20" E, 258.49 feet;

N 49° 09' 02" E, 53.38 feet;

S 05° 12' 28" E, 697.16 feet to said north right-of-way line;

S 84° 47' 32" W, 786.23 feet to the Point of Beginning. Containing 17.4 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

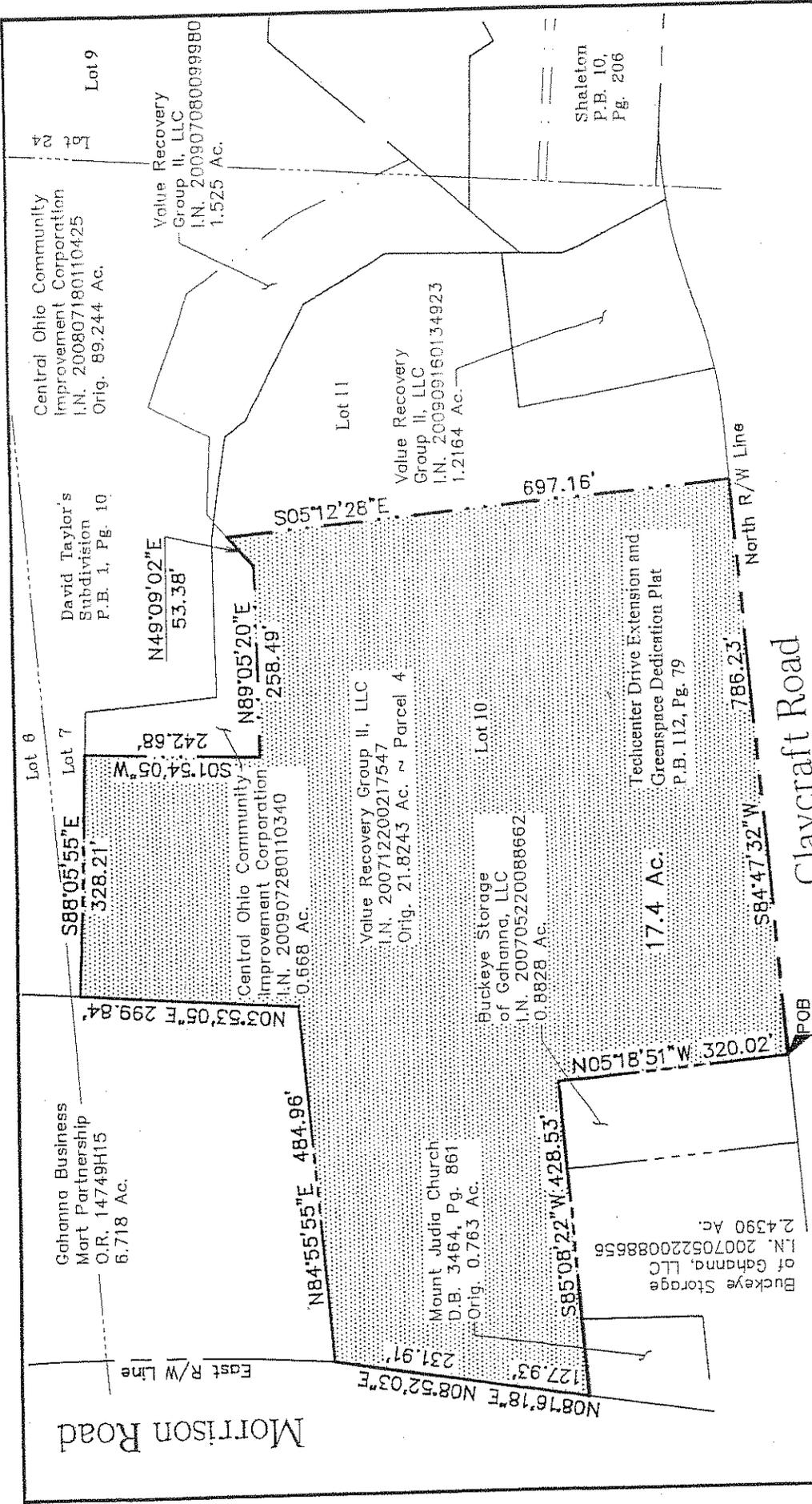
All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

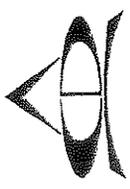


John C. Dodgion, P.S. 8069

11/30/2009



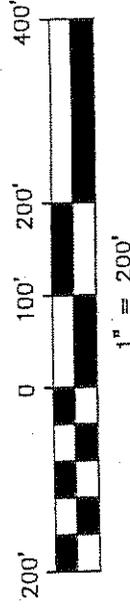
DRAWN BY: JCD      JOB NO.: 08-0006-188  
 DATE: 10/21/2009      CHECKED BY: DRH


  
**ADVANCED**  
 CIVIL DESIGN  
 ENGINEERS SURVEYORS

422 Beecher Road  
 Gahanna, Ohio 43230  
 ph 614.428.7750  
 fax 614.428.7755

**Parcel Exhibit**  
 Quarter Township 3, Township 1, Range 16, United States Military District  
 City of Gahanna, Franklin County, Ohio





Parcel Description for 0.9 Acre  
North Side of Claycraft Road  
East of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being that entire 0.8828 acre tract conveyed to Buckeye Storage of Gahanna, LLC of record in Instrument Number 200705220088662 and described as follows:

**Beginning** at the southeast corner of said 0.8828 acre tract, in the north right-of-way line for Claycraft Road;

Thence S 84° 47' 32" W, with the south line of said 0.8828 acre tract, the same being said north right-of-way line, 120.08 feet to the southwest corner of said 0.8828 acre tract;

Thence N 05° 14' 39" W, with the west line of said 0.8828 acre tract, 320.74 feet to the northwest corner thereof;

Thence N 85° 08' 22" E, with the north line of said 0.8828 acre tract, 119.70 feet to the northeast corner thereof;

Thence S 05° 18' 51" E, with the east line of said 0.8828 acre tract, 320.02 feet to the Point of **Beginning**. Containing 0.9 acre, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

STATE OF OHIO  
JOHN C. DODGION  
REGISTERED PROFESSIONAL SURVEYOR  
John C. Dodgion, P.S. 8069  
11/30/2009

Morrison Road

East R/W Line

Gahanna Business  
Mart Partnership  
O.R. 14749H15  
6.718 Ac.

Lot 6

Lot 7

Lot 9

David Taylor's  
Subdivision  
P.B. 1, Pg. 10

Central Ohio Community  
Improvement Corporation  
I.N. 200907280110340  
0.668 Ac.

Value Recovery Group II, LLC  
I.N. 200712200217547  
Orig. 21.8243 Ac. ~ Parcel 4

Buckeye Storage  
of Gahanna, LLC  
I.N. 200705220088662  
0.8828 Ac.

Lot 10

Mount Judia Church  
D.B. 3464, Pg. 861  
Orig. 0.763 Ac.

N85°08'22"E  
119.70'

N05°14'39"W 320.74'

Buckeye Storage  
of Gahanna, LLC  
I.N. 200705220088656  
2.4390 Ac.

0.9 Ac.

S05°18'51"E 320.02'

120.08' POB  
S84°47'32"W

Techcenter Drive Extension and  
Greenspace Dedication Plat  
P.B. 112, Pg. 79

Value Recovery  
Group II, LLC  
I.N. 200909160134923  
1.2164 Ac.

Lot 11

Central Ohio Community  
Improvement Corporation  
I.N. 200807180110425  
Orig. 89.244 Ac.

Value Recovery  
Group II, LLC  
I.N. 200907080099980  
1.525 Ac.

Shaleton  
P.B. 10,  
Pg. 206

North R/W Line

Claycraft Road

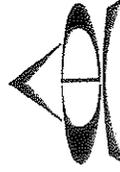
### Parcel Exhibit

Quarter Township 3, Township 1, Range 16, United States Military District  
City of Gahanna, Franklin County, Ohio



1" = 200'

DRAWN BY: JCD      JOB NO.: 08-0006-188  
DATE: 10/21/2009      CHECKED BY: DRH



**ADVANCED**  
CIVIL DESIGN

ENGINEERS & SURVEYORS

422 Beecher Road  
Gahanna, Ohio 43230  
ph 614-428-7750  
fax 614-428-7755

Parcel Description for 5.3 Acres  
North Side of Claycraft Road  
East of Morrison Road

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 1.525 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200907080099980 and part of the remainder of that 21.8243 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547, said 5.3 acres being part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79, and described as follows:

Beginning at the southeast corner of said 21.8243 acre tract, the same being the southwest corner of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, in the north right-of-way line for Claycraft Road;

Thence with said north right-of-way line, being a curve to the right, having a central angle of  $06^{\circ} 43' 56''$  and a radius of 546.52 feet, a chord bearing and chord distance of  $S 81^{\circ} 25' 34'' W$ , 64.18 feet;

Thence  $S 84^{\circ} 47' 32'' W$ , continuing with said north right-of-way line, 88.23 feet to the southwest corner of said Lot 11;

Thence along the perimeter of said Lot 11, the following courses;

$N 05^{\circ} 12' 28'' W$ , 697.16 feet;

$N 49^{\circ} 09' 02'' E$ , 41.56 feet;

$S 86^{\circ} 51' 44'' E$ , 106.33 feet;

$N 26^{\circ} 25' 44'' E$ , 95.25 feet;

$S 69^{\circ} 05' 05'' E$ , 164.41 feet;

$S 34^{\circ} 49' 41'' E$ , 177.19 feet;

$S 24^{\circ} 07' 44'' E$ , 179.71 feet;

$S 40^{\circ} 27' 20'' W$ , 202.77 feet to an east line of said 1.2164 acre tract;

Thence  $N 01^{\circ} 20' 20'' E$ , with an east line of said 1.2164 acre tract, 25.35 feet to the northeast corner thereof;

Thence  $S 84^{\circ} 58' 54'' W$ , with the north line of said 1.2164 acre tract, 212.46 feet to the northwest corner thereof;

Thence  $S 10^{\circ} 22' 25'' E$ , with the west line of said 1.2164 acre tract, 272.13 feet to the Point of Beginning. Containing 5.3 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.



John C. Dodgion, P.S. 8069

11/30/2009

