



RACER NODULAR INDUSTRIAL LAND ENVIRONMENTAL SITE SUMMARY

January 15, 2020

INTRODUCTION

Revitalizing Automotive Communities Environmental Response Trust's (RACER) practice is to work with buyers to find mutually acceptable solutions for site development and remediation requirements. This brief Remediation Summary is designed to provide the following information about the Nodular Industrial Land (Site) to assist potential buyers:

- Site history and description
- Remediation regulatory framework
- Previous Site investigations
- Current Site status
- Expected future Site requirements

Full background reports are available and can be accessed on RACER's website (<https://www.racertrust.org/Properties/Detail?Id=10040>). See Appendix 1 for a screen capture of the website listing the documents. Some of the more important environmental documents have been highlighted in yellow. In addition, more specific and detailed discussions can be arranged at an appropriate time with RACER and the Lead Agency for the Site, the United States Environmental Protection Agency (U.S. EPA) or with the Michigan Department of Environment, Great Lakes, and Energy (EGLE). U.S. EPA and EGLE support the common goals of Site remediation and development and, in cooperation with RACER, will assist working through remediation and/or permitting consistent with their regulatory requirements.

The Site is ready for non-residential development with standard Due Care measures and any additional remedial measures or monitoring can be coordinated with that development.

SITE HISTORY AND DESCRIPTION

The Site was previously a portion of a larger automotive facility (over 700 acres) owned by General Motors Corporation (GMC) called the Saginaw Metal Casting Operations (SMCO) facility (Larger Facility).

On June 1, 2009, GMC filed for Chapter 11 protection under U.S. Bankruptcy Code. On July 10, 2009 GMC was renamed Motors Liquidation Company (MLC). On the same day portions of the operating assets of MLC were sold to a newly formed company “General Motors Company”. General Motors Company changed its name to General Motors LLC (GM LLC) on October 16, 2009. Assets not sold to GM LLC remained the property of MLC, in its capacity as debtor in possession in the bankruptcy case. On March 31, 2011, RACER was created and responsibility for environmental remediation of the properties was transferred from MLC to RACER. Ownership of the properties was transferred to RACER Properties LLC, a wholly owned entity of RACER. Figure 1 presents the Site Location and approximate limits of the RACER Site, which is the focus of this memorandum.

The Site is primarily located in Buena Vista Township, and partially within the City of Saginaw. Properties surrounding the Site consist of commercial and light to heavy industrial use with an agricultural area to the east. The Saginaw River is located immediately to the west.

In order to help with the environmental evaluation, the Larger Facility was divided into ten Investigative Units (IUs) based on GMC’s historical use of the property. Only three IUs (IU G, IU H, and portion of IU I) are associated with the RACER Site and are discussed in this summary. The IU boundaries for RACER property are presented on Figure 2 and monitoring wells are shown in Figure 3. To simplify the remedial evaluation of the property, that nomenclature has been retained in this summary. A brief description of each RACER IU is provided below:

IU G – Former Nodular Iron Plant – located on the west portion of the property, the Plant was built in 1965, and operated until 1987 when it was closed. The Plant casted automotive parts including rear drive differential drives and carriers. The Plant was demolished in 1999 and the land has been vacant since.

IU H – Former Wastewater Treatment Facility (WWTF) – located in the central part of the property and was used to recycle water by removing phenols, solids, and trace metals. The

WWTF was built in 1977 and operated until 2010. The WWTF included two clarifiers, 4 primary settling basins, and a 27-acre secondary settling basin.

There is currently approximately 40,000 cubic yards of clean backfill stockpiled in IU H that is available to facilitate development. The stockpile locations are shown in Figure 2

IU I – Classified Sand Staging Area – located east of the railroad tracks and was used to stage classified sands (i.e., sand and heavy particulates from the SMCO Plant and Nodular Plant foundry operations that settled out in the clarifier step of the WWTF), quench slag, and casting sand. In addition, there is a stockpile of clay, which was created from excavation for construction of the GM LLC Landfill (north of the Site).

There is over 300,000 cubic yards of clay stockpiled in IU I that is available to facilitate development. The clay stockpile location is shown in Figure 2

REMEDIATION REGULATORY FRAMEWORK

Remediation activities are currently being performed with approval and oversight by the U.S. Environmental Protection Agency (U.S. EPA), the lead agency. In May 1995, the Larger Facility was placed under a RCRA Section 3008(h) Unilateral Administrative Order (UAO), which required GMC to complete specific requirements in order to evaluate potential environmental impacts at the Facility.

On September 30, 2011 RACER entered into a new RCRA Section 3008(h) Performance-based Administrative Order on Consent (Order), which only covers the RACER Site.

RACER maintains a National Pollutant Discharge Elimination System (NPDES) permit for discharges that occur from the North Ditch following large rainfall events and the Secondary Pond to control the water level in the Secondary Pond.

Portions of the Site are located in the 100-year floodplain and regulated wetlands were delineated at the Site in 2015. The regulated wetlands and areas of the Site that are below the 100-year floodplain elevation of 589 ft average mean sea level (AMSL) North American Vertical Datum of 1988 (NAVD 88) are shown on Figure 2. Federal Emergency Management Agency (FEMA) mapping shows the entire Site is within the 100-year floodplain, however, based on topographic survey of the Site only the portion of the Site identified in Figure 2 is below the 100-year floodplain elevation.

PREVIOUS SITE INVESTIGATIONS

Site environmental investigations were completed by GMC at the Larger Facility from 1998 through 2005 to evaluate potential impacts to sediment, soil, groundwater, and/or surface water and then to further characterize any identified impacts.

GMC submitted a RCRA Facility Investigation (RFI) Report (environmental data summary report) for the Larger Facility in March 2007, however, following the bankruptcy a Supplemental RFI Report was prepared in 2012 to present the data and evaluation for RACER's Site, including additional data that had been collected on RACER's Site since the March 2007 submittal. The Supplemental RFI also addressed U.S. EPA comments received on the GMC 2007 RFI report that related to the RACER Site. The supplemental RFI concluded that the potential exposures to routine workers, maintenance workers, trespassers, and off-facility residents are not significant, risk of adverse ecological effects is low to negligible from exposure to Facility-related constituents, and that land use restrictions placed on the property would prevent future exposure.

Since 2011 RACER completed additional site investigations, evaluations, and remedial actions to facilitate closure of the Site. The investigations included soil, groundwater, surface water, and sediment characterization. Updated ecological risk assessments were also completed for areas of the Site where use had changed since the completion of the 2007 RFI.

Below is a brief summary of the findings of activities performed by RACER.

IU G – Former Nodular Iron Plant

Additional investigation of manganese above Michigan's Part 201 Particulate Inhalation Criteria in shallow soil was completed in March 2015. All additional sample results were below the screening levels, therefore, no further action was recommended.

Additional investigation of PCBs in soil was completed in a few small areas south of the former Nodular Plant in 2015 to evaluate TSCA compliant remediation alternatives, including defining the limits of a possible PCB notice and restriction area. PCBs were delineated to 1 ppm horizontally and vertically for an area of approximately 8,300 square feet. In 2015 a wetland survey was completed to support a proposed development and determined that several small moderate to moderately low quality isolated wetlands had formed and included this PCB-impacted area. Therefore, at the request of U.S. EPA,

RACER is proceeding with obtaining the necessary permits to remove PCB-impacted soil in 2020.

Arsenic was detected above Non-Residential Direct Contact Criteria at one location at a depth of 4 to 5.5 feet below ground surface. The sample is associated with the RCRA closure of an existing calcium carbide desulfurization slag treatment bunker completed in 1988. The area surrounding and including EB-114 was excavated to approximately 4 ft bgs (or to the water table) and backfilled with clean soil. A groundwater investigation was also completed and concluded that dissolved arsenic was not above screening levels. The sample is now below the water table based on readings measured during the annual EI sampling event. Therefore, the area has been properly characterized and assessed and the arsenic impacts will remain in place at the Site. As a component of the planned deed restrictions notification will be provided that soil impacted above the Part 201 non-residential direct contact criteria for arsenic remains on-Site.

All other exceedances of soil screening levels in IU G are being addressed through the implementation of Site-wide deed restrictions.

GMC completed interim RCRA Corrective Action (CA) steps (called Environmental Indicator (EI) determinations for CA 725 Migration of Contaminated Groundwater under Control and CA 750 Current Human Exposures under Control, as interim steps in the evaluation process. GMC commenced EI groundwater monitoring activities in 2004 and following the bankruptcy in 2010 RACER continues to perform the EI monitoring for the RACER Site. Parameters have been dropped from the sampling program following consecutive rounds below screening levels. RACER continues to conduct annual sampling for elevated pH and ammonia. Ammonia and pH levels meet screening levels at the compliance points (wells next to the Saginaw River), however, ammonia and pH levels continue to be elevated in the area of the source.

All other exceedances of groundwater screening levels in IU G are being addressed through the implementation of Site-wide deed restrictions.

IU H – Former Wastewater Treatment Facility (WWTF)

The WWTP ceased operation in 2010 and as such required decommissioning. The Primary Settling Basins (PSBs) were the first part of the WWTP closed. Samples collected from the sediment in the PSBs had exceedances of screening levels for various metals, VOCs,

and SVOCs. To stabilize the PSBs, RACER, with U.S. EPA approval, closed the PSBs by filling with sands from on-site and covering and seeding the surface.

The WWTP and related structures (control building, concrete settling basins, sluice way, clarifiers, pump house, utility trestle, wooden shed, and spill response building) were demolished between October 2015 and February 2016.

Another feature associated with the WWTP that required closure was the Secondary Settling Ponds. Various rounds of sampling of sediment and surface water were completed by RACER between 2011 and 2017 to supplement data collected by GMC prior to bankruptcy. The results identified PCBs and various elevated metals in sediment. The results of surface water sampling were all below screening levels. To address potential ecological risks resulting from PCBs in the pond, in 2019 RACER, with approval from U.S. EPA, removed and disposed off-site approximately 2,300 cubic yards PCB-impacted sediment containing greater than 50 ppm PCBs.

The North Ditch also located in IU H, was also historically associated with the WWTP but was removed from the treatment loop in the mid-1980's. The North Ditch continued to receive storm water from the Nodular Plant until 1999 when the Plant was demolished. One round of bank soil, sediment, and surface water sampling was completed by RACER in 2013 to supplement data collected by GMC prior to bankruptcy. The results identified low level PCBs and various elevated metals in sediment. The results of surface water sampling were all below screening levels. Additional sediment sampling was completed in December 2019 and receipt of the results is pending. Any further action is dependent upon evaluation of the results.

All other exceedances of soil screening levels in IU H are being addressed through the implementation of Site-wide deed restrictions.

Exceedances of groundwater screening levels in IU H are being addressed through the implementation of Site-wide deed restrictions.

IU I – Classified Sand Staging Area

Evaluation of the results of previous investigations by GMC and limited investigations by RACER concluded that there were no unacceptable risks to human health and the environment in IU I. However, a Site inspection in April 2019 identified two relatively small areas with visible surficial slag. At U.S. EPA's request, surficial soil sampling was

completed in these two areas in December 2019 to evaluate potential impacts due to the presence of slag and receipt of results is pending. Any further action is dependent upon evaluation of the results.

All other exceedances of soil screening levels in IU I are being addressed through the implementation of Site-wide deed restrictions (i.e., land use restricted to non-residential).

Exceedances of groundwater screening levels in IU I are being addressed through the implementation of Site-wide deed restrictions.

CURRENT SITE STATUS

In summary the current status of environmental activities for the Site include:

Site-wide

- Annual groundwater monitoring continues
- Declaration of Restrictive Covenant recorded

The DRC for the Site was recorded with the Saginaw County Register of Deeds on September 27, 2013 and is included in Appendix 2. Notable DRC provisions include:

- Land use restricted to non-residential;
- Installation of groundwater wells prohibited except for certain circumstances;
- Soil management per applicable regulations required;
- Consideration of and assessment and/or mitigation of potential vapor intrusion to structures to be built; and
- Due care per applicable regulations required.

IU G – Former Nodular Iron Plant

- PCB-impacted soil removal planned

IU - Former WWTF

- North Ditch sediment sampling – results are pending, and
- NPDES Permit in place.

IU I – Classified Sand Staging Area

- Slag Area surficial soil sampling – results are pending.

EXPECTED FUTURE SITE REQUIREMENTS

U.S. EPA has indicated that in 2020 they will be proceeding with its formal process to select final remedial measures. These measures are expected to include:

- Annual groundwater monitoring
- Monitoring activities can be coordinated to ensure there is no adverse impact on immediate Site redevelopment activities or on future Site use.
- Shallow PCB-impacted soil removal in IU G
- Revisions to the Declaration of Restrictive Covenant including:
 - Notification that the Secondary Pond has PCB remediation waste present up to 50 ppm PCBs and restricting use to low occupancy use [40 CFR 761.61(a)(8)(i)(A)(1)]. The Owner will be required to apply to U.S. EPA, under 40 CFR 761.61(a), and to RACER for approval to change this low occupancy use restriction and to comply with any conditions or requirements of any approved change to this restriction.
 - Prohibition of an uncontrolled above ground connection that allows for a back and forth flow of water between the Secondary Pond and the adjacent drainage ditches unless such a connection is first approved in writing by U.S. EPA or EGLE and RACER. However, infrequent and controlled discharge of Secondary Pond water is allowed pursuant to applicable requirements (such as an NPDES Permit).
 - Prohibition of constructing of subsurface utilities or other subsurface structures without written approval from U.S. EPA and RACER.
 - Prohibition of constructing and/or occupying any building or structures on the Property without completing an evaluation of the potential for hazardous substances volatilizing into indoor air or implementing engineering controls to mitigate the potential for subsurface vapor migrating indoor and prior written approval from U.S. EPA and RACER.
 - Notification of arsenic impacted soil remaining at one sampling location at the Site.
 - Prohibition of human use or construction of any building or structure for human occupation in the Secondary Pond unless such a use is first approved in writing by U.S. EPA or EGLE and RACER.

- Prohibition of swimming, wading, boating or fishing in the Secondary Pond unless such activity is first approved in writing by U.S. EPA or EGLE and RACER.

Attachments

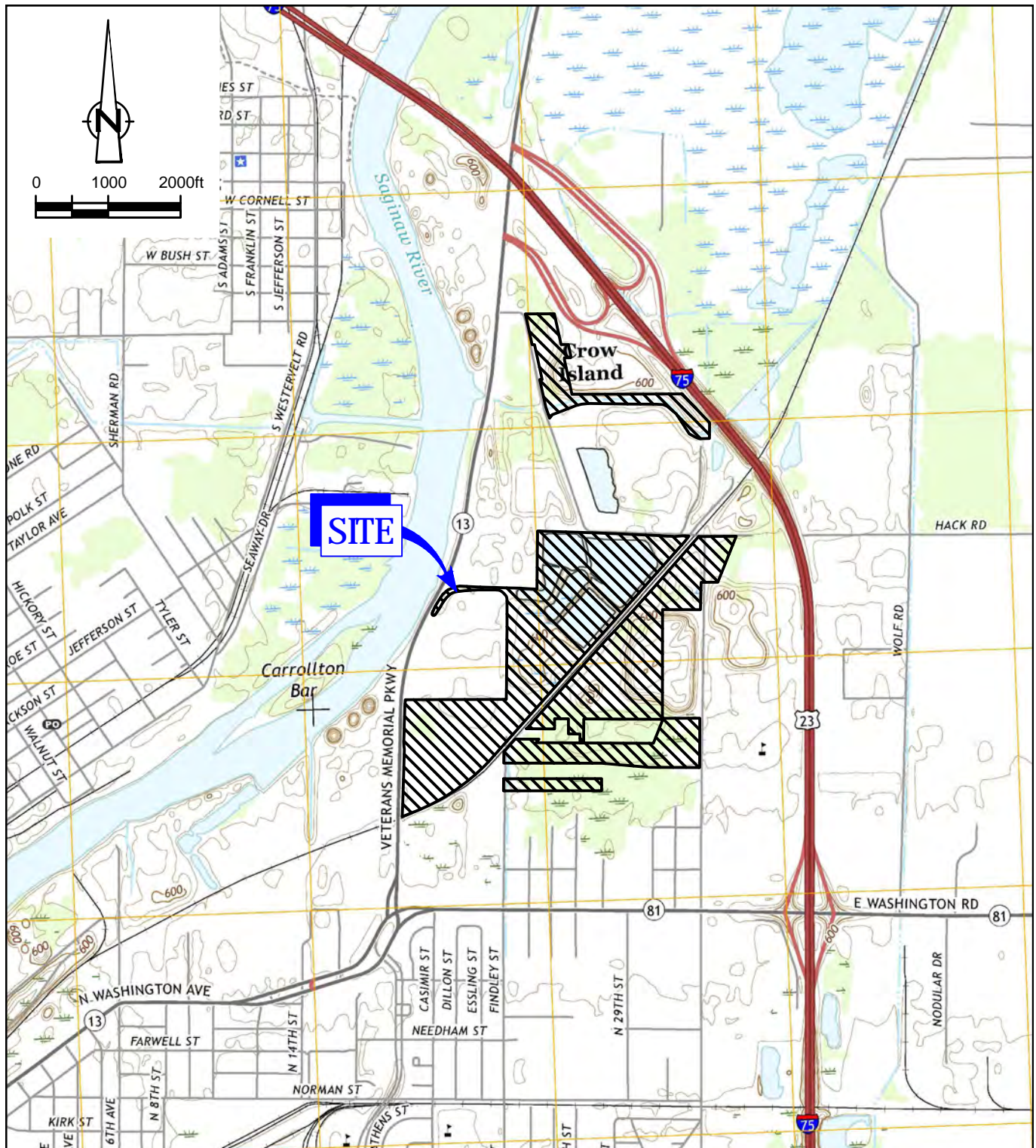
Figure 1 –Site Location

Figure 2 – Site Plan

Figure 3 – Monitoring Wells

Appendix 1 – Screen capture of RACER website listing available environmental documents

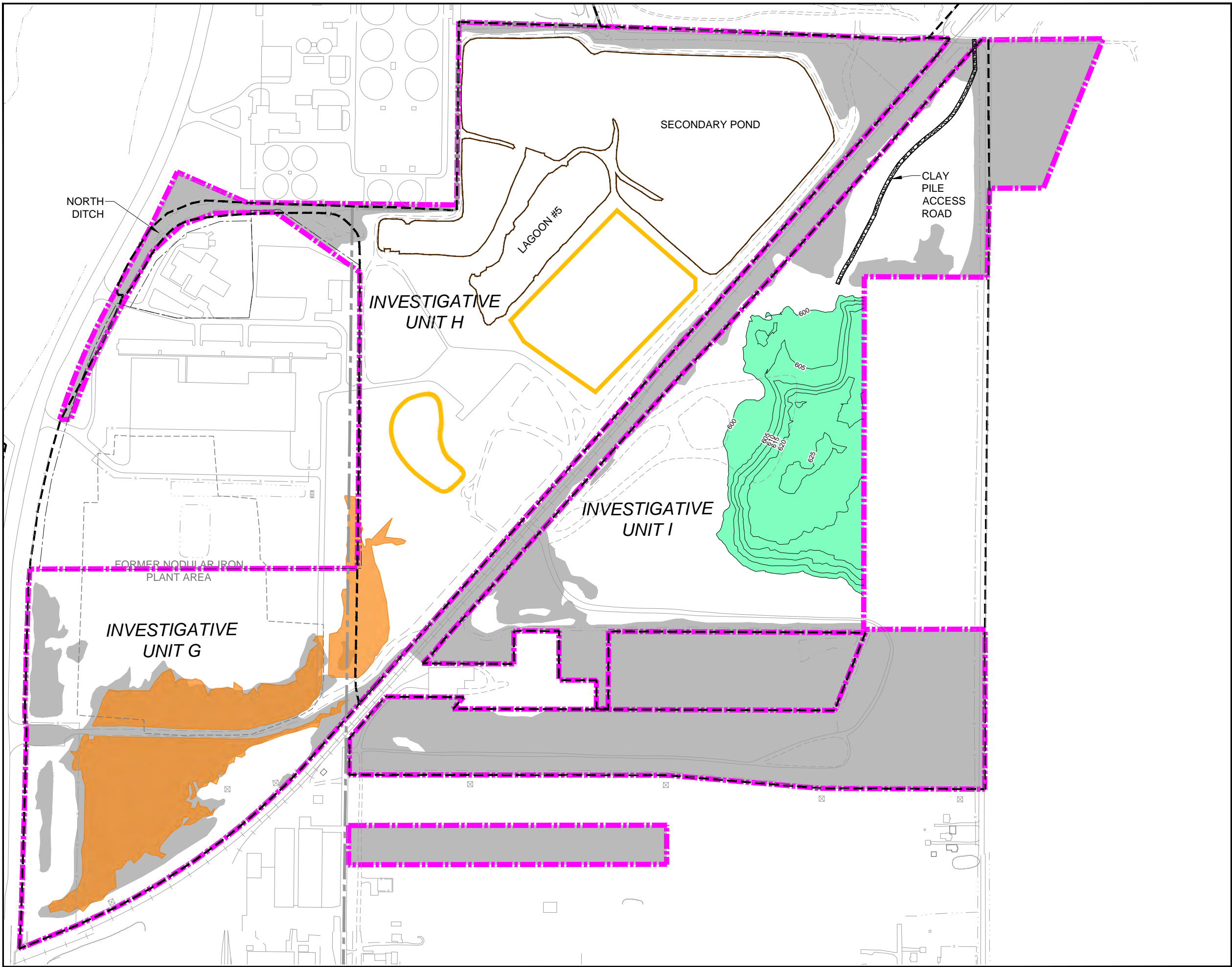
Appendix 2 – Declaration of Restrictive Covenant



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE; SAGINAW, MICHIGAN, 2017.



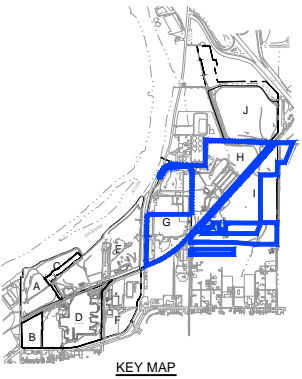
figure 1
SITE LOCATION
RACER TRUST
Saginaw, Michigan



LEGEND

- INVESTIGATIVE UNIT BOUNDARY
- RACER TRUST PROPERTY
- CLEAN BACKFILL LOCATION
- CLAY PILE EXTENTS
- 605 CLAY PILE CONTOUR
- REGULATED WETLAND (PER WETLAND DELINEATION COMPLETED BY NISWANDER ENVIRONMENTAL (JULY 22, 2015))
- RACER AREA BELOW 100-YEAR FLOOD ELEVATION USING 589 FT AMSL NAVD 88 CONTOUR (ACTUAL 100-YEAR IS 588.8 FT AMSL NAVD 88)

NOTE:
IN ACCORDANCE WITH FEMA MAPPING THE ENTIRE SITE IS WITHIN THE 100-YEAR FLOODPLAIN.



SCALE VERIFICATION

THIS BAR MEASURES 1" ON ORIGINAL. ADJUST SCALE ACCORDINGLY.

RACER TRUST

SAGINAW, MICHIGAN

SITE PLAN

Source Reference:
MICHIGAN STATE PLANE SOUTH, NAD 83 USING INTERNATIONAL FEET, NGVD 88
SPICER SURVEY, OCTOBER 2009.

Project Manager: I.R.	Reviewed By: J.E.P.	Date: OCTOBER 2016
Scale: 1:200	Project Nº: 58502-A09	Report Nº: 022
		Drawing Nº: figure 2

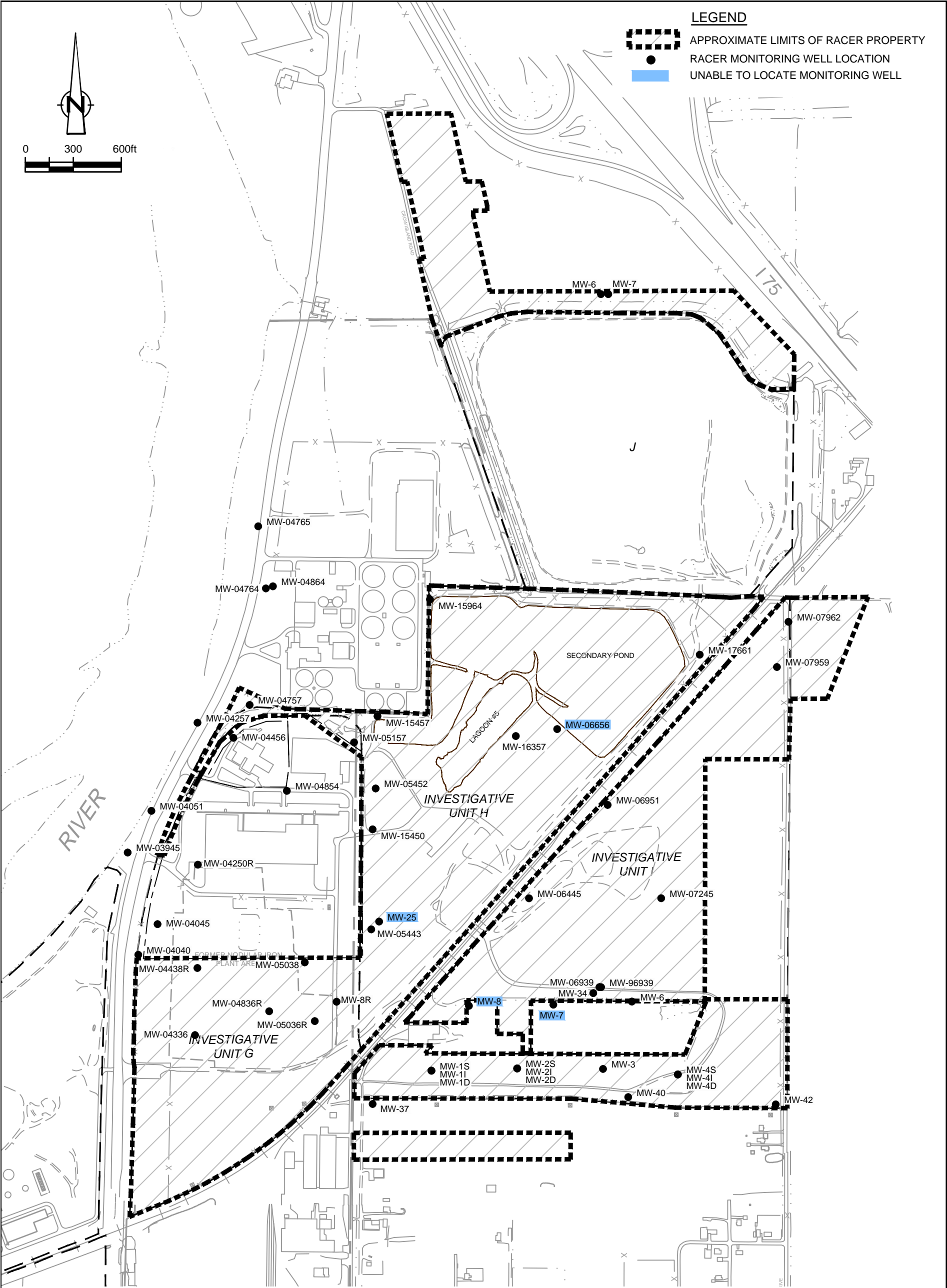


figure 3

MONITORING WELL LOCATIONS
SAGINAW NODULAR INDUSTRIAL LAND
Saginaw, Michigan

GHD SOURCE: MICHIGAN STATE PLANE SOUTH, NAD 83 USING INTERNATIONAL FEET, NGVD 88, TOPO - SANBORN, 1996.

APPENDIX 1

SCREEN CAPTURE OF RACER WEBSITE LISTING AVAILABLE ENVIRONMENTAL DOCUMENTS



RACER Trust: Empowering America's Auto Communities

Commercial and Industrial Properties That Are Primed for Sale and Development

[FOR BUYERS](#) | [ENVIRONMENTAL CLEANUP](#) | [REVITALIZING COMMUNITIES](#) | [ABOUT RACER](#) | [RACER NEWSROOM](#) | [RACER RESOURCES](#)



Environmental Cleanup



Redevelopment



Properties/Sales

[Map View](#)
[Searchable Database](#)
[Buyer's Guide](#)
[Temporary Usage](#)
[Sales Criteria](#)
[Confidentiality Agreement](#)
[Submitting Offers](#)
[Licensing RACER Properties](#)
[License Agreement](#)
[International Brochure](#)
[Government Proposals to Acquire Properties](#)
[How We're Cleaning Up](#)
[How We're Revitalizing](#)
[Case Studies](#)

[Home](#) > [Properties/Sales](#) > [Detail View](#)

Property Details

Facility ID:	10040
Facility Name:	Saginaw Nodular Industrial Land
Address:	2100 Veterans Memorial Parkway
City:	Buena Vista Township
State:	MI
Zip:	
County:	Saginaw
Zoning:	
Land Size (Acres):	233
Latitude:	43.463292
Longitude:	-83.89761
Cleanup Manager:	Dave Favero, Grant Trigger

Associated Files

10040 - Nodular Iron - Pages from site map.jpg	download
1987-12-21 - 10040 - Nodular Iron - Report - RMT Closure Plan for Interim Status G2.pdf	download
1987-12-21 - 10040 - Nodular Iron - Report - RMT Closure Plan for Interim Status G3.pdf	download
1987-12-21 - 10040 - Nodular Iron - Report - RMT Closure Plan for Interim Status G4.pdf	download
1987-12-21 - 10040 - Nodular Iron - Report - RMT Closure Plan for Interim Status G5.pdf	download
1988-04-28 - 10040 - Nodular Iron - Letter - MDNR Closure Plan Review G2.pdf	download
1988-04-28 - 10040 - Nodular Iron - Letter - MDNR Closure Plan Review G3.pdf	download
1988-04-28 - 10040 - Nodular Iron - Letter - MDNR Closure Plan Review G4.pdf	download
1988-04-28 - 10040 - Nodular Iron - Letter - MDNR Closure Plan Review G5.pdf	download
1988-05-26 - 10040 - Nodular Iron - Letter - RMT Addenda for RCRA Closure Plans G5.pdf	download
1988-05-26 - 10040 - Nodular Iron - Report - RMT Addendum to Closure Plan for Interim Status G3.pdf	download
1988-05-26 - 10040 - Nodular Iron - Report - RMT Addendum to Closure Plan for Interim Status G4.pdf	download



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1988-06-10 - 10040 - Nodular Iron - Letter - MDNR Approval of Closure Plans G2.pdf	download
1988-06-10 - 10040 - Nodular Iron - Letter - MDNR Approval of Closure Plans G3.pdf	download
1988-06-10 - 10040 - Nodular Iron - Letter - MDNR Approval of Closure Plans G4.pdf	download
1988-06-10 - 10040 - Nodular Iron - Letter - MDNR Approval of Closure Plans G5.pdf	download
1988-06-10 - 10040 - Nodular Iron - Letter - MDNR Approval of Closure.pdf	download
1988-07-21 - 10040 - Nodular Iron - Letter - GM Amendments to Closure Plan for Interim Status G4.pdf	download
1988-07-21 - 10040 - Nodular Iron - Letter - GM Amendments to Closure Plan for Interim Status G5.pdf	download
1988-09-26 - 10040 - Nodular Iron - Letter - MDNR Approval of Amendments G4.pdf	download
1988-09-26 - 10040 - Nodular Iron - Letter - MDNR Approval of Amendments G5.pdf	download
1989-10-05 - 10040 - Nodular Iron - Report - RMT Documentation Report RCRA Closure G2.pdf	download
1989-10-05 - 10040 - Nodular Iron - Report - RMT Documentation Report RCRA Closure G3.pdf	download
1989-11-06 - 10040 - Nodular Iron - Letter - GM Documentation Report for RCRA Closure to MDNR G4.pdf	download
1991-10-20 - 10040 - Nodular Iron - Report - GM Documentation Report G5.pdf	download
1995-06-02 - 10040 - Nodular Iron - Report - USEPA Final Order 1 of 4.pdf	download
1995-06-02 - 10040 - Nodular Iron - Report - USEPA Final Order 2 of 4.pdf	download
1995-06-02 - 10040 - Nodular Iron - Report - USEPA Final Order 3 of 4.pdf	download
1995-06-02 - 10040 - Nodular Iron - Report - USEPA Final Order 4 of 4.pdf	download
1995-08 - 10040 - Nodular Iron - Report - EMCOM DOCC V1.pdf	download
1995-08 - 10040 - Nodular Iron - Report - EMCOM DOCC V2.pdf	download
1995-08 - 10040 - Nodular Iron - Report - EMCOM DOCC V3.pdf	download
1995-08 - 10040 - Nodular Iron - Report - EMCOM DOCC V4.pdf	download
1995-08 - 10040 - Nodular Iron - Report - EMCOM DOCC V5.pdf	download
1995-08 - 10040 - Nodular Iron - Report - EMCOM DOCC V6.pdf	download
1997-10 - 10040 - Nodular Iron - Report - EMCOM Addendum to DOCC V1.pdf	download
1997-10 - 10040 - Nodular Iron - Report - EMCOM Addendum to DOCC V2.pdf	download
1997-10 - 10040 - Nodular Iron - Report - EMCOM Addendum to DOCC V3.pdf	download
1997-10 - 10040 - Nodular Iron - Report - EMCOM Addendum to DOCC V4.pdf	download
1998-07-14 - 10040 - Nodular Iron - RFI Work Plan - Task III Volume 1.PDF	download

1998-07-14 - 10040 - Nodular Iron - RFI Work Plan - Task III Volume 2.PDF	download
1998-11-03 - 10040 - Nodular Iron - Letter - USEPA Comments on Saginaw River Chemistry.PDF	download
1999-05-24 - 10040 - Nodular Iron - Letter - MDEQ Review of Closure Report G2.pdf	download
1999-05-24 - 10040 - Nodular Iron - Letter - MDEQ Review of Closure Report G3.pdf	download
1999-05-24 - 10040 - Nodular Iron - Letter - MDNR Review of Closure Report G4.pdf	download
1999-05-24 - 10040 - Nodular Iron - Letter - MDNR Review of Closure Report G5.pdf	download
1999-07-26 - 10040 - Nodular Iron - Letter - EMCOM Closure Report.pdf	download
2000-04-19 - 10040 - Nodular Iron - Report - EMCOM Phase 1A RFI Report V1 of 4.PDF	download
2000-04-19 - 10040 - Nodular Iron - Report - EMCOM Phase 1A RFI Report V2 of 4.PDF	download
2000-04-19 - 10040 - Nodular Iron - Report - EMCOM Phase 1A RFI Report V3 of 4.PDF	download
2000-04-19 - 10040 - Nodular Iron - Report - EMCOM Phase 1A RFI Report V4 of 4.PDF	download
2001-01-09 - 10040 - Nodular Iron - Letter - GM Response to MDEQ Tech Review G2.pdf	download
2001-01-09 - 10040 - Nodular Iron - Letter - GM Response to MDEQ Tech Review G3.pdf	download
2001-06-05 - 10040 - Nodular Iron - Letter - GM Amendment to Jun99 Phase IA RFI and Phase IB Work Plan.pdf	download
2001-09-11 - 10040 - Nodular Iron - Letter - Response to MDEQ Tech Review Comments G4.pdf	download
2001-09-11 - 10040 - Nodular Iron - Letter - Response to MDEQ Tech Review Comments G5.pdf	download
2001-09-26 - 10040 - Nodular Iron - Letter - GM Response to Comments on Phase 1B.pdf	download
2001-10-25 - 10040 - Nodular Iron - Report - Environ Evaluation Phase 1B RFI.pdf	download
2001-10-25 - 10040 - Nodular Iron - Report - Environ Evaluation Phase 1B RFIa.pdf	download
2002-08-21 - 10040 - Nodular Iron - RFI Phase 1B Amendment No. 2 to Phase 1A and Phase 1B.pdf	download
2003-04-28 - 10040 - Nodular Iron - Letter - GM Closure Certification G4.pdf	download
2003-06-09 - 10040 - Nodular Iron - BEA 2300 Veterans Memorial Parkway.PDF	download
2003-09-17 - 10040 - Nodular Iron - Report - Environ Environmental Indicators.pdf	download
2003-09-18 - 10040 - Nodular Iron - Letter - GM - Notice of Migration of Contamination.PDF	download
2003-10 - 10040 - Nodular Iron - Report - Due Care Plan.pdf	download
2004-04-30 - 10040 - Nodular Iron - SMCO Landfill 1st Quarter 2004 Groundwater Monitoring Report.pdf	download
2004-12 - 10040 - Nodular Iron - IM Work Plan for LNAPL-Impacted Soil in IU B.pdf	download
2004-12 - 10040 - Nodular Iron - IM Work Plan for PCB Impacted Areas.pdf	download

2004-12 - 10040 - Nodular Iron - IM Work Plan PCB Impacted Areas.pdf	download
2004-12-08 - 10040 - Nodular Iron - RFI Phase 1C investigation Work Plan.pdf	download
2006-01-21 - 10040 - Nodular Iron - Letter - GM Amendment to IM Work Plan for PCB Impacted Areas.PDF	download
2006-01-26 - 10040 - Nodular Iron - Letter - GM Amendment to IM Work Plan for IU B.PDF	download
2006-08-09 - 10040 - Nodular Iron - Report - IM Completion Report for PCB Soils.pdf	download
2007-01-05 - 10040 - Nodular Iron - RCRA FI - Phase 1C Report.pdf	download
2007-01-05 - 10040 - Nodular Iron - RCRA FI Phase 1C Report Tables.pdf	download
2007-02-05 - 10040 - Nodular Iron - Pages from site map.pdf	download
2007-03-09 - 10040 - Nodular Iron - Report - RFI Phase 1C.pdf	download
2007-07-26 - 10040 - Nodular Iron - Letter - GM Response to RFI Phase IC Comments a.pdf	download
2007-07-26 - 10040 - Nodular Iron - Letter - GM Response to RFI Phase IC Comments.pdf	download
2008-06-27 - 10040 - Nodular Iron - Letter - GM Request Withdrawal of LNAPL IM Work Plan.pdf	download
2009-01-08 - 10040 - Nodular Iron - Letter - GM Monthly Report.pdf	download
2009-01-08 - 10040 - Nodular Iron - Letter - GM RCRA Corrective Action.PDF	download
2009-01-11 - 10040 - Nodular Iron - Report SCDPH Record of inspection for Saginaw Grey Iron Landfill.PDF	download
2009-02-10 - 10040 - Nodular Iron - Letter - GM Monthly Report.pdf	download
2009-02-26 - 10040 - Nodular Iron - IM Work Plan for pH-Impacted Soil.pdf	download
2009-02-27 - 10040 - Nodular Iron - IM Work Plan for pH Impacted Soil.pdf	download
2009-03-09 - 10040 - Nodular Iron - Letter - GM Monthly Report.pdf	download
2009-04-09 - 10040 - Nodular Iron - Letter - GM Monthly Report.pdf	download
2009-05-08 - 10040 - Nodular Iron - Letter - GM Monthly Report.pdf	download
2009-06-03 - 10040 - Nodular Iron - 2008 EI Results.pdf	download
2009-06-03 - 10040 - Nodular Iron - Letter - GM 2008 EI Results.pdf	download
2009-06-03 - 10040 - Nodular Iron - Letter - GM Monthly Report.pdf	download
2009-08 - 10040 - Nodular Iron - Report - Phase I ESA.pdf	download
2009-10-16 - 10040 - Nodular Iron - Other USEPA RCRA Corrective Action Site Progress.pdf	download
2009-10-16 - 10040 - Nodular Iron - RCRA Corrective Action Site Progress File.pdf	download
2009-12-11 - 10040 - Nodular Iron - Memo - MDEQ Groundwater Vending Discharge.pdf	download
2009-12-11 - 10040 - Nodular Iron - WB Response GSMCO - Groundwater Venting	download

Discharge.pdf	
2010-01-12 - 10040 - Nodular Iron - Implementation of a Mixing Zone Request (GMSMCO).pdf	download
2010-01-12 - 10040 - Nodular Iron - Memo - MDEQ Implementation of Mixing Zone Request.pdf	download
2010-04-28 - 10040 - Nodular Iron - Letter - CRA - PCF Quarterly.PDF	download
2010-07-09 - 10040 - Nodular Iron - Letter - SCDPH Jul Health Inspection.PDF	download
2010-07-29 - 10040 - Nodular Iron - First Semi Annual Monitoring Report.pdf	download
2010-07-29 - 10040 - Nodular Iron - Letter - CRA - PCF Quarterly.PDF	download
2010-07-30 - 10040 - Nodular Iron - Letter - MDNRE PCF Annual Receipt Report.pdf	download
2010-08-27 - 10040 - Nodular Iron - 2009 EI Annual Monitoring Results.pdf	download
2010-08-27 - 10040 - Nodular Iron - Letter - MLC PCF Annual Receipt Report.PDF	download
2010-08-27 - 10040 - Nodular Iron - Letter CRA 2009 EI Annual.pdf	download
2010-09-30 - 10040 - Nodular Iron - Stormwater NOI.pdf	download
2010-10-11 - 10040 - Nodular Iron - Letter - SCDPH Oct Health Inspection.PDF	download
2010-10-20 - 10040 - Nodular Iron - Letter - CRA - PCF Quarterly.PDF	download
2010-12-17 - 10040 - Nodular Iron - Letter - MDNR MLC Withdrawal of Application for Solid Waste Disposal.pdf	download
2011-02-25 - 10040 - Nodular Iron - Map Draft for GM Nodular Iron Title Source.pdf	download
2011-04-11 - 10040 - Nodular Iron - Letter CRA 2010 EI Annual.pdf	download
2011-04-21 - 10040 - Nodular Iron - MI DEQ Underground Storage Tank Registration Certificate Exp. Date 2.13.12.pdf	download
2011-05-13 - 10040 - Nodular Iron - Letter - RACER - 2011 Industrial User Discharge Monthly Compliance Monitoring Report.pdf	download
2011-06 - 10040 - Nodular Iron - Sampling and Analysis Plan and Fundamental Quality Assurance Project Plan.pdf	download
2011-06-27 - 10040 - Nodular Iron - Letter CRA Response to Comments on Sampling Analysis Plan and QA Project Plan.pdf	download
2011-09-29 - Nodular Iron - Admin Order on Consent.pdf	download
2011-10-13 - 10040 - Nodular Iron - Letter - RACER - Third Quarter 2011 Progress Report.pdf	download
2012-01-10 - 10040 - Nodular Iron - Fourth Quarter 2011 Progress Report.pdf	download
2012-01-25 - 10040 - Nodular Iron - Letter CRA Request for Stormwater Permit Changes.pdf	download
2012-02-16 - 10040 - Nodular Iron - MI DEQ Storm Water Compliance Inspection Certificate of Coverage MIS120003.pdf	download
2012-04-18 - 10040 - Nodular Iron - Letter CRA 2011 Results.pdf	download

2012-05-25 - 10040 - Nodular Iron - MI DEQ Facility Inspection Report on 5.23.12.pdf	download
2012-07 - 10040 - Nodular Iron - Site Stabilization Work Plan for Closure of Four Primary Settling Basins.pdf	download
2012-07-13 - 10040 - Nodular Iron - Second Quarter 2012 Progress Report.pdf	download
2012-07-30 - 10040 - Nodular Iron - Work Plan Primary Settling Basin Stabilization Work Plan.pdf	download
2012-08-24 - 10040 - Nodular Iron - Permit NPDES.pdf	download
2012-09-28 - 10040 - Nodular Iron - RCRA reporting - Supplemental RFI.pdf	download
2012-10-09 - 10040 - Nodular Iron - Reporting 3rd Quarter Progress Report.pdf	download
2012-10-30 - 10040 - Nodular Iron - Review MDEQ SWPPP Review.pdf	download
2012-11-13 - 10040 - Nodular Iron - Report SWPPP.pdf	download
2013-01-13 - 10040 - Nodular Iron - Fourth Quarter Progress Report to EPA.pdf	download
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2013-04 - 10040 - Nodular Iron - Investigation- CRA Additional Investigation Sampling and Analysis Plan.pdf	download
2013-04-12 - 10040 - Nodular Iron - First Quarter Progress Report to EPA.pdf	download
2013-07-09 - 10040 - Nodular Iron - Correspondance-EPA Approval for CRA Additional Investigation Sampling and Analysis Plan.pdf	download
2013-07-11 - 10040 - Nodular Iron - Second Quarter 2013 Progress Report to EPA.pdf	download
2013-09-04 - 10040 - Nodular Iron - Construction Completion-Stabilization of Primary Basins.pdf	download
2013-09-06 - 10040 - Nodular Iron - MDEQ- NPDES Compliance letter-Drain Improvements Construction Site.pdf	download
2013-09-30 - 10040 - Nodular Iron - DRC.pdf	download
2013-10-10 - 10040 - Nodular Iron - Third Quarter 2013 Progress Report to EPA.pdf	download
2013-10-23 - 10040 - Nodular Iron - North Ditch Characterization and Select Groundwater Monitoring.pdf	download
2014-01-06 - 10040 - Nodular Iron - Annual Stormwater Pollution Prevention Plan Review Form.pdf	download
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2014-02-13 - 10040 - Nodular Iron - 2013 CA 750 Environmental Indicator Annual Monitoring Results.pdf	download
2014-02-26 - 10040 - Nodular Iron - Stabilization Alternative Evaluation and Recommendation for the North Ditch.pdf	download
2014-04-07 - 10040 - Nodular Iron - MDEQ Violation.pdf	download
2014-04-11 - 10040 - Nodular Iron - First Quarter 2014 Progress Report to EPA.pdf	download

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2014-07-10 - 10040 - Nodular Iron - Second Quarter 2014 Progress Report to EPA.pdf	download
2014-08-13 - 10040 - Nodular Iron - Correspondence - North Ditch Pre-Application Meeting Request Documents EPA.pdf	download
2014-10-07 - 10040 - Nodular Iron - Third Quarter 2014 Progress Report.pdf	download
2014-10-09 - 10040 - Nodular Iron - Pre-application meeting North Ditch Determination MDEQ_14-73-0037-P.pdf	download
2014-10-27 - 10040 - Nodular Iron - Letter - Army Corp Jurisdiction.pdf	download
2015-01-05 - 10040 - Nodular Iron - Fourth Quarter 2014 Progress Report.pdf	download
2015-01-08 - 10040 - Nodular Iron - Request for Reduction of NPDES Monitoring.pdf	download
2015-01-10 - 10040 - Nodular Iron - MDEQ 2014-Annual SWPPP Review Form.pdf	download
2015-01-21 - 10040 - Nodular Iron - Memo - Waste Management Unit Status.pdf	download
2015-01-28 - 10040 - Nodular Iron - MDEQ Response to request to reduce NPDES Monitoring.pdf	download
2015-02-10 - 10040 - Nodular Iron - 2014 CA 750 Environmental Indicator Annual Monitoring Results.pdf	download
2015-02-19 - 10040 - Nodular Iron - Letter - Joint Permit Application - North Ditch.pdf	download
2015-02-27 - 10040 - Nodular Iron - Scope of work for additional delineation of PCBs and MN.pdf	download
2015-04-06 - 10040 - Nodular Iron - Ammonia in GW Evaluation.pdf	download
2015-04-10 - 10040 - Nodular Iron - First Quarter 2015 Progress.pdf	download
2015-04-10 - 10040 - Nodular Iron - Response to MDEQ comments on Joint Permit - 031715.pdf	download
2015-05-04 - 10040 - Nodular Iron - City of Saginaw Floodplain permit application.pdf	download
2015-05-08 - 10040 - Nodular Iron - Memo summarizing additional delineation of PCBs and MN.pdf	download
2015-05-08_Nodular Iron Oil House Closure Release Letter.pdf	download
2015-07-15 - 10040 - Nodular Iron - Second Quarter 2015 Progress.pdf	download
2015-07-22 - 10040 - Nodular Iron - Letter - Niswander Wetland Delineation.pdf	download
2015-08-11 - 10040 - Nodular Iron - MDEQ Water Resources Permit - permit.pdf	download
2015-08-28 - 10040 - Nodular Iron - Phase I ESA 2100 Veterans Memorial Parkway.pdf	download
2015-10-14 - 10040 - Nodular Iron - Third Quarter 2015 Progress.pdf	download
2016-01-05 - 10040 - Nodular - SWPPP 2015 annual review.pdf	download
2016-01-11 - 10040 - Nodular - Fourth Quarter 2015 Progress Report.pdf	download

2016-02-10 - 10040 - Nodular - Environmental Indicator Annual Monitoring Results.pdf	download
2016-04-02 - 10040 - Nodular - NPDES Renewal Application.pdf	download
2016-04-18 - 10040 - Nodular - First Quarter 2016 Progress Report.pdf	download
2016-04-27 - 10040 - Nodular - Secondary Pond + Lagoon 5 Sediment Sampling Work Plan.pdf	download
2016-06-07 - 10040 - Nodular - RACER - Request to MDEQ to Lower Outfall 21.pdf	download
2016-06-13 - 10040 - Nodular - Additional information on const. sequencing for lowering outfall.pdf	download
2016-06-15 - 10040 - Nodular - MDEQ - Approval to Lower Discharge Pipe at outfall 021.pdf	download
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2016-07-22 - 10040 - Nodular - Transformer Pad Excavation Verification Sampling Results.pdf	download
2016-08-08 - 10040 - Nodular - Joint Permit Application - const. access road to clay pile in floodplain.pdf	download
2016-08-08 - 10040 - Nodular - MDEQ Joint Permit submittal in miwaters.pdf	download
2016-08-26 - 10040 - Nodular - Lowering Secondary Pond Level via pumping.pdf	download
2016-10-14 - 10040 - Nodular - Third Quarter 2016 Progress Report.pdf	download
2016-11-03 - 10040 - Nodular - MDEQ floodplain permit - access road to clay pile.pdf	download
2016-12-22 - 10040 - Nodular - Revised Submission NPDES Reissuance.pdf	download
2016-12-23 - 10040 - Nodular - 2016 SWPPP annual review form.pdf	download
2017-01-04 - 10040 - Nodular Iron - 2016 CA 750 Environmental Indicator Annual Monitoring Results.pdf	download
2017-01-06 - 10040 - Nodular - Revised SWPPP.PDF	download
2017-01-13 - 10040 - Nodular Fourth Quarter 2016 Progress Report.pdf	download
2017-02-15 - 10040 - Nodular - Memo - Additional Delineation of PCB and Manganese Impacts (IU G).pdf	download
2017-03-07 - 10040 - Nodular - Memo - Proposed Monitoring Well Abandonment (IU G).pdf	download
2017-07-21 - 10030- Malleable- Memo -Nodular Clay Characterizations Results.pdf	download
2017-09-20 - 10040- Nodular- Modification to NPDES Reissuance Application (Submission No. 2).pdf	download
2017-10-10 - 10040- Nodular - EPA Comments to Secondary Pond Eco Assessment	download

(REPA5-3544-003).pdf	
2018-01-08- 10040- Nodular- 2018 SWPPP Annual Review Form.pdf	download
2018-01-29 - 10040- Nodular -Risk Assessments for Secondary Pond.pdf	download
2018-01-29 - 10040- Nodular- Ecological Screening Assessment for Secondary Pond.pdf	download
2018-01-29 - 10040- Nodular- Work Plan for Sediment Pore Water Sample Collection in Secondary Pond.pdf	download
2018-04-12 - 10040 - Nodular Iron - First Quarter 2018 Progress Report.pdf	download
2018-04-20 - 10040 - Nodular Iron - Memo - Soil Evaluation.pdf	download
2018-05-11 - 10040 - Nodular Iron - Presentation - Pore Water Sampling Results Presentation.pdf	download
2018-06-01 - 10040 - Nodular Iron - Memo - Sediment Pore Water Evaluation Results.pdf	download
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2018-06-03 - 10040 - Nodular Iron - Letter - Response to Technical Review of Sediment Pore Water Evaluation Results.pdf	download
2018-08-01 - 10040 - Nodular Iron - Memo - Secondary Pond Discharge Control Measures.pdf	download
2018-10-12 - 10040 - Nodular Iron - Semi Annual Progress Report April 1 to September 30 2018.pdf	download
2018-10-15 - 10040 - Nodular Iron - Memo - Groundwater Evaluation.pdf	download
2018-11-26 - 10040- Nodular- Letter - GHD Response to Comments on Technical Review Soil Memo.pdf	download
2019-01-04 - 10040- Nodular- Ecological Screening Assessment for Isolated Wetlands.pdf	download
2019-01-14 - 10040 - Nodular - Report SWPPP.pdf	download
2019-02-15 - 10040- Nodular- 2018 CA 750 Environmental Indicator Annual Monitoring Results.pdf	download
2019-03-14 - 10040- Nodular- Ecological Screening Assessment for North Ditch.pdf	download
2019-04-15 - 10040- Nodular- Semi Annual Progress Report October 1 to March 31.pdf	download
2019-05-29 - 10040- Nodular- GHD Response to EPA Comments from Site Meeting Memo.pdf	download
2019-10-15 - 10040 Nodular Semi Annual Progress Report April 1 to September 30.pdf	download

APPENDIX 2

DECLARATION OF RESTRICTIVE COVENANT



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OFFICIAL SEAL Saginaw County, Michigan
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DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made to protect public health, safety, and welfare, and the environment pursuant to the provisions of Part 111, Hazardous Waste Management, Michigan Compiled Laws ("MCL") 324.11101, *et seq.* ("Part 111") and the applicable Sections of Part 201, Environmental Remediation, MCL 324.20101 *et seq.* ("Part 201") of the Natural Resources and Environmental Protection Act ("NREPA"), 1994 PA 451, as amended, MCL 324.101, *et seq.*

This Declaration of Restrictive Covenant ("Restrictive Covenant") is made on September 27, 2013 by RACER Properties LLC, a Delaware limited liability company ("Grantor"), the current fee title holder of the property, whose address is 500 Woodward Avenue, Suite 1510, Detroit, Michigan 48226, for the benefit of the Grantee, *i.e.*, State of Michigan, Department of Environmental Quality ("MDEQ"), whose address is 525 West Allegan Street, P.O. Box 30473, Lansing, Michigan 48909-7926.

This Restrictive Covenant has been made to prohibit or restrict activities that could result in unacceptable exposure to environmental contamination present at the property commonly known as 2100 Veterans Memorial Parkway, Saginaw, Michigan 48602, in the City of Saginaw, Saginaw County, Tax Identification Number(s): 10-12-5-05-4001-700; 10-12-5-09-2024-000; 10-12-5-09-2006-000; 10-12-5-09-2021-000; 10-12-5-09-2022-000; 10-12-5-08-1001-001; 21-4333-00500; 10-12-5-08-1011-000; 21-4333-00000; 10-12-5-08-4001-000; 10-12-5-08-4001-000; 10-12-5-08-4001-000; 10-12-5-08-4041-000; and 10-12-5-08-4029-000 and legally described in Exhibit 1 ("Property") and illustrated in Exhibit 2.

Recording of this Restrictive Covenant is designed to restrict exposures to groundwater on the Property and require any future work or other activities on the property by or for the owner to be conducted in conformance with; i) applicable MDEQ soil relocation requirements including but not limited to MCL 324.20120c and any related administrative rules and MDEQ guidance, and ii) applicable due care obligations under MCL 324.20107a and associated administrative rules and guidance, and the Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) 29 CFR Part 1910.

The land or resource use restrictions contained in this Restrictive Covenant are based upon information available at the time this document was recorded. Future changes in the environmental condition of the Property or changes in the cleanup criteria developed under Part 201; the discovery of environmental conditions at the Property that were not known at the time this document was recorded; or use of the Property in a manner inconsistent with the restrictions described herein, may result in this Restrictive Covenant not being protective of public health, safety, and welfare, and the environment. Additional restrictions may become necessary.

Definitions

"MDEQ" means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

Warner Kovercross and Judd LLP
2000 Town Center Ste 2700
Southfield MI 48075
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"Owner" means at any given time the then current fee title holder(s) and the holder(s) of a life estate of the Property or any portion thereof, including the fee title holder's lessees and those persons or entities authorized to act on its behalf. On March 31, 2011 the Revitalizing Auto Communities Environmental Response Trust ("Trust") took title to the Property – title held by RACER Properties LLC, an entity wholly owned by the Trust (RACER Properties and the Trust are collectively referred to herein as "RACER"). RACER was established and assumed the rights, title, and interest of Motors Liquidation Company in and to the Property pursuant to an Environmental Response Trust Consent Decree and Settlement Agreement ("Settlement Agreement") entered by the U.S. Bankruptcy Court for the Southern District of New York on March 29, 2011, in the case of *In re Motors Liquidation Company, et al.*, Debtors, Case No. 09-50026 (REG), among the Debtors, the United States of America, certain states including the State of Michigan, the Saint Regis Mohawk Tribe, and EPLET, LLC, (not individually but solely in its representative capacity as Administrative Trustee of the Trust).

All other terms used in this document which are defined in Parts 3, 111, and 201 of NREPA or Parts 111 and 201 of Michigan Administrative Rules, shall have the same meaning in this document as in those statutes and rules as on the date this Restrictive Covenant is made.

NOW THEREFORE,

Declaration of Land Use or Resource Use Restrictions

The Grantor(s) as current fee title holder(s) of the Property, hereby declare(s) and covenant(s) that the Property, shall be subject to those restrictions on use described below and intends that said restrictions and covenants shall run with the land, and may be enforced in perpetuity against the Owner by the following entities: (1) the Grantor, if it is no longer owner; and (2) the MDEQ.

1. Land Use Prohibitions. The Owner shall prohibit all uses of the Property that are not compatible with nonresidential land use category under MCL 324.20120a(1)(b) and generally described in the Description of Allowable Uses, attached hereto as Exhibit 3.

Part 201 cleanup criteria for land use-based response activities are located in the Government Documents Section of the State of Michigan Library, MCL 324.201201, *et seq.* effective December 2010, and MAC R 299.5701 – R 299.5727, effective December 21, 2002.

2. Activities Prohibited. The Owner shall prohibit activities on the Property that may result in exposures above the nonresidential land use category. These prohibited activities include:
 - a. No drinking water wells may be installed or used on the Property.
 - b. No groundwater extraction wells may be installed or used on the Property except for wells and devices that are part of an MDEQ-approved response activity and for short-term dewatering for construction purposes, provided the dewatering, including management and disposal of the groundwater, is conducted in accordance with all applicable environmental laws and does not cause or result in a new release, exacerbation of any pre-existing environmental condition, or any other violation of environmental laws.

- c. No contaminated soils, if any, may be relocated on the Property except as provided for under Part 201, Section 20120c, MCL 324.20120c.
 - d. No buildings or structures may be constructed on the Property unless the Owner has considered the potential for vapor intrusion, if any, and has taken steps to address such potential, if necessary, as may be required by the MDEQ.
 - e. The Owner shall not "treat," "store," "dispose," or release any Hazardous Substances, on, at, or below the Property, in a manner that would require a permit under the Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.* or equivalent State Law, except pursuant to a plan or permit approved in writing by the MDEQ and the Grantor.
 - f. If the Owner elects to remove any slabs, pavement or other impervious surface on the Property, the Owner shall be responsible for any and all obligations under environmental laws arising from any such removal, alteration or disturbance, whether or not caused by, arising from or related to, an environmental condition.
3. Contaminated Soil Management. The Owner shall manage contaminated soils, media and/or debris (if any) and all other soils located on the Property in accordance with the requirements of Part 111, and Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 *et seq.* (RCRA), the administrative rules promulgated pursuant to Part 111 and RCRA, and all other relevant state and federal laws, including but not limited to MCL 324.20120c.
5. Access. The Owner shall grant to the MDEQ the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with this Restrictive Covenant, including the right to take samples and, inspect any records relating thereto, and to perform any actions necessary to maintain compliance with Part 111 and Part 201.
6. Notice. The Owner shall provide notice to the MDEQ of the Owner's intent to transfer any interest in the Property prior to consummating the conveyance. A conveyance of title, easement, or other interest in the Property shall not be consummated by the Owner without adequate and complete provision for compliance with the terms and conditions of this Restrictive Covenant and the applicable provisions of MCL 324.20116. The notice required to be made to the MDEQ under this Paragraph shall be made to: Chief, Office of Waste Management and Radiological Protection, P.O. Box 30241, Lansing, Michigan 48909-7741 and Chief, Remediation and Redevelopment Division, P.O. Box 30241, Lansing, Michigan 48909-7741 (or to the similar position should the MDEQ change organizational names from time-to-time); and shall include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant. A copy of this Restrictive Covenant shall be provided to all future owners, heirs, successors, lessees, easement holders, assigns, and transferees by the person transferring the interest.
7. Term. This Restrictive Covenant shall run with the Property and shall be binding on the Owner, and all current and future successors, lessees, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control. This Restrictive Covenant may only be modified or rescinded with the written approval of the MDEQ.

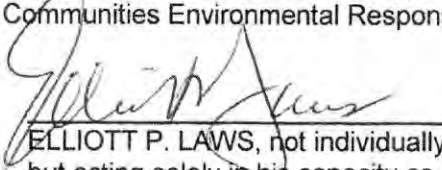
8. Enforcement. The Grantor is entitled to enforce the restrictions and covenants in this Restrictive Covenant by specific performance or other legal action in a court of competent jurisdiction against subsequent Owners of all or part of the Property. The Grantor, on behalf of itself, and its successors in title, intends and agrees that the MDEQ is entitled to enforce the restrictions and covenants in this Restrictive Covenant by specific performance or other legal action in a court of competent jurisdiction against the Grantor, as Owner, and thereafter against subsequent Owners of all or part of the Property. All remedies available hereunder shall be in addition to any and all other remedies at law or equity.
9. Severability. If any provision of this Restrictive Covenant is held to be invalid by a court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions of this Restrictive Covenant and all other provisions shall continue to remain in full force and effect.
10. Limitation on RACER's Liability. RACER's and the Administrative Trustee's liability is limited by the terms and conditions of the Settlement Agreement, which are incorporated herein by reference.
11. Authority to Execute Restrictive Covenant. The undersigned person executing this Restrictive Covenant represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Restrictive Covenant.

IN WITNESS WHEREOF, Racer Properties LLC has caused this Restrictive Covenant, to be executed on this 27th day of September, 2013.

RACER PROPERTIES LLC

By: Revitalizing Auto Communities Environmental Response Trust,
Sole Member of RACER Properties LLC

By: EPLET, LLC, acting solely in its capacity as Administrative Trustee of Revitalizing
Auto Communities Environmental Response Trust

By: 
ELLIOTT P. LAWS, not individually,
but acting solely in his capacity as
Managing Member of EPLET, LLC

Date: September 27, 2013

STATE OF District)
) ss:
 COUNTY OF Columbia

The foregoing instrument was acknowledged before me this 27th day of Sept. 2013, by Elliott P. Laws, not individually, but acting solely in his capacity as Managing Member of EPLET, LLC, a Delaware limited liability company, acting solely in its capacity as Administrative Trustee of Revitalizing Auto Communities Environmental Response Trust, a New York trust, acting solely in its capacity as Sole Member of RACER Properties LLC, a Delaware limited liability company, on behalf of said limited liability companies and said trust.

Notary Public Cheryl L Best

My commission expires 11-14-15

Acting in District of Columbia County

This document is exempt from state and county transfer taxes pursuant to MCL 207.505(a) and MCL 207.526(a).

Prepared by/return to:
 Kurt M. Brauer, Esq.
 Warner Norcross & Judd LLP
 2000 Town Center, Suite 2700
 Southfield, Michigan 48075-1318
 Telephone: 248-784-5000
 9486744

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EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY Racer Site #10040

Parcel 1: Part of the Northeast Quarter of Section 5, Town 12 North, Range 5 East, Buena Vista Township, Saginaw County, Michigan; described as commencing at the Southeast corner of said Section; thence N00°02'00"W 1343.16 feet to the point of beginning; thence N82°25'28"W 194.04 feet; thence N53°09'33"W 139.38 feet; thence N35°52'45"W 87.47 feet; thence N45°59'32"W 160.63 feet; thence N75°52'26"W 130.59 feet; thence S89°00'10"W 967.66 feet; thence S82°11'16"W 203.32 feet; thence S71°48'13"W 384.20 feet; thence N19°49'03"W 52.47 feet; thence N12°57'42"W 292.73 feet; thence N89°06'50"E 244.41 feet; thence N12°57'42"W 94.08 feet; thence S89°06'50"W 244.41 feet; thence N12°57'42"W 928.54 feet; thence N89°06'50"E 400.00 feet; thence S12°57'42"E 435.30 feet; thence N89°06'50"E 100.00 feet; thence S12°57'42"E 155.77 feet; thence S89°06'50"W 100.00 feet; thence S12°57'42"E 547.99 feet; thence N89°06'50"E 1523.56 feet; thence S44°09'05"E 548.94 feet; thence S00°02'00"E 178.15 feet to the point of beginning.

Tax Identification Number: 10-12-5-05-4001-700

Parcel 2: A parcel of land in the North 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 9, Town 12 North, Range 5 East, Buena Vista Township, Saginaw County, Michigan, lying Westerly of the Consumers Power Company right-of-way, formerly the Interurban Railroad right-of-way, described as follows: Commencing at the Northwest corner of said Section 9; thence South 86 degrees 43 minutes 52 seconds East, on the North line of said Section, 477.49 feet; thence South 25 degrees 39 minutes 38 seconds West, on the Westerly line of said right-of-way, 288.69 feet; thence North 86 degrees 36 minutes 15 seconds West, on a line which is parallel with and 50.00 feet, measured at right angles, North of the South line of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4, 372.98 feet to the West line of said Section; thence North 04 degrees 26 minutes 35 seconds East, on said West line, 266.15 feet to the point of beginning.

Tax Identification Number: 10-12-5-09-2024-000

Parcel 3: The South 50 feet of that part of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 12 North, Range 5 East, lying Westerly from the right-of-way of the Michigan Railway Company, so-called, now Consumers Power Company; and the North 90 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 12 North, Range 5 East, lying West of the Michigan Railway Company, so-called, now Consumers Power Company, all in Township of Buena Vista, County of Saginaw, State of Michigan.

Tax Identification Number: 10-12-5-09-2006-000

Parcel 4: The South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 9, Town 12 North, Range 5 East, lying Northwesterly of the Consumers Power Company right-of-way formerly the Interurban Railroad right-of-way between Saginaw and Bay City, excepting there from the North 90 feet and also excepting there from the South 75 feet.

Tax Identification Number: 10-12-5-09-2021-000

Parcel 5: A parcel of land in the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 9, Town 12 North, Range 5 East, Buena Vista Township, Saginaw County,

Michigan, lying Westerly of the Consumers Power Company right-of-way, formerly the Interurban Railroad right-of-way, described as follows: Commencing on the West line of said Section 9 at a point 557.31 feet, South 04 degrees 26 minutes 35 seconds West of the Northwest corner of said Section 9; thence South 86 degrees 28 minutes 38 seconds East, on a line which is parallel with and 75.00 feet, measured at right angles, North of the South line of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4, 258.88 feet; thence South 25 degrees 39 minutes 38 seconds West, on the Westerly line of said right-of-way, 80.97 feet; thence North 86 degrees 28 minutes 38 seconds West, on said South line of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4, 229.57 feet to the West line of said Section; thence North 04 degrees 26 minutes 35 seconds East, on said West Section line, 75.01 feet to the point of beginning.

Tax Identification Number: 10-12-5-09-2022-000

Parcel 6: The Southeast Quarter of Section 8 lying Northwesterly of the Railroad. Also the Northeast Quarter of Section 8, Town 12 North, Range 5 East, Buena Vista Township, Saginaw County, Michigan; except the North 800 feet of the West 435 feet; also except the Railroad; also except described as beginning at the East Quarter Corner of said Section; thence S89°44'00"W 530.01 feet along the East West Quarter line; thence N00°00'00"E 1502.00 feet; thence N89°44'00"E 530.01 feet; thence S00°00'00"W 1502.00 feet along the East Section line to the point of beginning. Also except commencing at the Northeast corner of said Section; thence N88°37'30"W 1196.19 feet; thence S32°06'00"W 1825.38 feet to the point of beginning; thence S57°54'00"E 504.68 feet; thence S40°53'30"W 368.16 feet; thence N57°54'00"W 448.41 feet; thence N32°06'00"E 363.84 feet to the Point of Beginning.

Tax Identification Number: 10-12-5-08-1001-001

Parcel 7: City of Saginaw, County of Saginaw, State of Michigan and described as follows: A parcel of land in NW 1/4 of Section 8, Town 12 North, Range 5 East viz; beginning at a point on N & S 1/4 line of said Section 800 feet Southerly of North Section line, thence Westerly parallel to North Section line 450 feet, thence Northwesterly to a point on Easterly line of M-13 which is 705.75 feet from said North Section line, thence Southerly along East line of M-13 to a point that is 1718.07 feet Southerly of North Section line as measured at right angles more or less from North & South 1/4 line, thence South 89 degrees 45 minutes 40 seconds East 47.17 feet, to a point on a curve to the right having a radius of 2719.79 feet, thence Northeasterly on the arc of said curve 507.93 feet, said arc being subtended by a chord bearing North 23 degrees 09 minutes 25 seconds East 507.20 feet, thence North 29 degrees 10 minutes 67 seconds feet, thence South 54 degrees 30 minutes 01 seconds East 408.48 feet to North & South 1/4, thence Northerly along 1/4 line 265.23 feet to point of beginning.

Tax Identification Number: 21-4333-00500

Parcel 8: A parcel of land in the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 8, Township 12 North, Range 5 East, Buena Vista Township, Saginaw County, Michigan, described as follows: To fix a point of beginning, commence at the Northeast corner of Section 8; thence North 88 degrees 37 minutes 30 seconds West, on the North line of Section 8, 1,196.19 feet to the centerline of Crow Island Road; thence South 32 degrees 06 minutes 00 seconds West, on said centerline, 1,825.38 feet to the point of beginning of this description; thence South 57 degrees 54 minutes 00 seconds East, on the North line of the South 3 acres of so-called Lot 27 of Fuller's Unrecorded Map, as described by Deed Fuller to Horr and recorded in Liber 167, Page 360, 504.68 feet to the Northwesterly right-of-way line of C&O Railway; thence South 40 degrees 53 minutes 30 seconds West, on said right-of-way line, 368.16 feet; thence North 57 degrees 54 minutes 00 seconds West, on the Southerly line of the Northerly 1.42 chains of so-called Lot 26 of Fuller's Unrecorded Map, as described by deed

Fuller to Miller and recorded in Liber 160, Page 501, 448.41 feet to the centerline of Crow Island Road; thence 32 degrees 06 minutes 00 seconds East, on said center-line, 363.84 feet to the point of beginning.

Tax Identification Number: 10-12-5-08-1011-000

Parcel 9 (Assessed as follows): City of Saginaw, County of Saginaw, State of Michigan and described as follows: All that part of West 1/2 of Section 8, Town 12 North, Range 5 East lying North of PMRR and East of State Highway M-13, Exc that part viz; Beginning at North 1/4 post of said Section thence Southerly on North and South 1/4 line of said Section to a point 800 feet Southerly of North Section line, thence Westerly parallel with Northerly line of said Section 450 feet, thence Northwesterly to a point on Easterly line of State Hwy M-13, 705.75 feet Southerly of Northerly Section line measured along Easterly line of said Hwy, thence Northerly along Easterly Hwy line to Northerly line of said Section, thence Easterly along Northerly Section line 544.56 feet to point of beginning, Also Exc a parcel viz; commencing at North 1/4 corner of said Section, thence South 00 degrees 00 minutes 00 seconds West on North and South 1/4 line of said Section 800 feet, thence North 88 degrees 37 minutes 30 seconds West parallel with North line of Northeast 1/4 of said Section 138.39 feet, thence South 00 degrees 30 minutes 20 seconds West 168.81 feet to POBM, thence continue South 00 degrees 30 minutes 20 seconds West 309.13 feet to a point on a curve to the right having a radius of 75 feet, thence point on a curve to the right having a radius of 75 feet, thence Southwesterly on the arc of said curve 201.45 feet said arc being subtended by a chord bearing South 77 degrees 11 minutes 13 seconds West 146.13 feet, thence North 89 degrees 45 minutes 40 seconds West 354.61 feet, thence South 12 degrees 41 minutes 02 seconds West 419.73 feet, thence North 89 degrees 45 minutes 40 seconds West 466.58 feet to a point on a curve to the right having a radius of 2719.79 feet, thence Northeasterly on the arc of said curve 507.93, said arc being subtended by a chord bearing North 23 degrees 09 minutes 25 seconds East 507.19 feet, thence North 29 degrees 10 minutes 49 seconds East 282.72 feet, thence North 47 degrees 31 minutes 03 seconds East 176.12 feet, thence North 71 degrees 15 minutes 34 seconds East 149.97 feet, thence North 88 degrees 56 minutes 30 seconds East 256.67 feet, thence South 54 degrees 30 minutes 01 seconds East 236.71 feet to point of beginning.

Tax Identification Number: 21-4333-00000

Parcel 10A: Part of the Southeast 1/4 of Section 8, Town 12 North, Range 5 East; commencing at the East Quarter corner of said Section; thence N89°35'11"W 2002.61 feet along the East West Quarter line to the point of beginning; thence S00°24'49"W 140.36 feet; thence N89°35'11"W 419.16 feet; thence N41°23'49"E 188.20 feet; thence S89°35'11"E 295.50 feet along said East West Quarter line to the point of beginning.

Tax Identification Number: 10-12-5-08-4001-000

Parcel 10B: Part of the Southeast 1/4 of Section 8, Town 12 North, Range 5 East; commencing at the East Quarter corner of said Section; thence N89°35'11"W 1601.23 feet; thence S00°47'51"W 209.72 feet; thence N89°35'11"W 210.00 feet; thence N00°47'49"E 209.72 feet; thence S89°35'11"E 210.00 feet along said East West Quarter line to the point of beginning.

Tax Identification Number: 10-12-5-08-4001-000

Parcel 10C: North 1/2 of North 1/2 of Southeast 1/4 of Section 8, Town 12 North, Range 5 East lying Easterly of C & O RR R/W, except Consumers Power R/W, also except commencing at a point on East & West 1/4 line 509.12 feet North 89 degrees 35 minutes 11 seconds West from East 1/4 corner of Section 8 to Northwesterly R/W of Consumers Power Company; thence South 21 degrees 53 minutes 49 seconds West on said R/W to South line of North 1/2 of North 1/2 of Southeast 1/4 of Section 8; thence North 89 degrees 38 minutes 48 seconds West on

said line 1619.56 feet; thence North 41 degrees 29 minutes 28 seconds East parallel to C&O R/W 66 feet; thence North 89 degrees 38 minutes 49 seconds West 330 feet to Easterly R/W of C&O RR R/W; thence North 41 degrees 29 minutes 28 seconds East on said R/W 378.37 feet along the Easterly R/W of C&O R/W to the East West Quarter line; thence South 89 degrees 35 minutes 11 seconds East 1788.98 feet along said East West Quarter line to the point of beginning.

Tax Identification Number: 10-12-5-08-4001-000

Parcel 11: The West 50 feet of the East 1651 feet of the South 120 feet of the North 329.1 feet of the Southeast 1/4 of Section 8, Township 12 North, Range 5 East; described as commencing at the East Quarter corner of said Section; thence N89°35'11"W 1601.01 feet along the East West Quarter line; thence S00°11'26"W 209.10 feet to the point of beginning; thence S00°11'26"W 120.00 feet; thence N89°35'11"W 50.00 feet; thence N00°11'26"E 120.00 feet; thence S89°35'11"E 50.00 feet to the point of beginning.

Tax Identification Number: 10-12-5-08-4041-000

Parcel 12: The South 1/2 of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 8, Township 12 North, of Range 5 East; described as commencing at the East Quarter corner of said Section; thence N89°35'11"W 2698.56 feet along the East West Quarter line to the center of said Section; thence S00°36'39"W 836.06 feet along the North South Quarter line to the point of beginning; thence S89°44'07"E 1352.34 feet; thence S00°24'05"W 166.51 feet; thence N89°45'54"W 1352.95 feet; thence N00°36'39"E 167.21 feet along said North South Quarter line to the Point of Beginning.

Tax Identification Number: 10-12-5-08-4029-000

EXHIBIT 2

DRAWING ILLUSTRATING DESCRIPTION OF PROPERTY

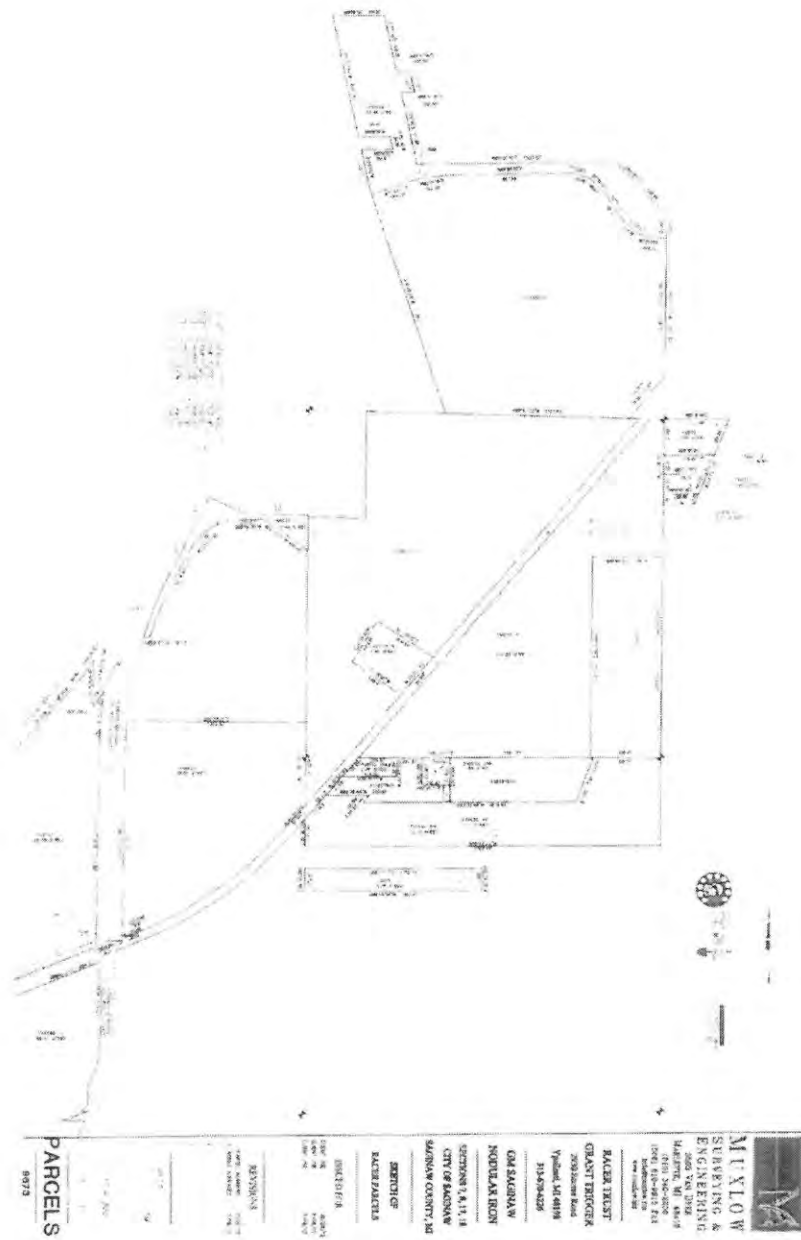


EXHIBIT 3

DESCRIPTION OF ALLOWABLE USES

Nonresidential Land Use: This land use is characterized by any use which is not residential in nature and is primarily characterized by industrial and commercial uses. Industrial uses typically involve manufacturing operations engaged in processing and manufacturing of materials or products. Other examples of industrial uses are utility companies, industrial research and development, and petroleum bulk storage. Commercial uses include any business or income-producing use such as commercial warehouses, lumber yards, retail gas stations, auto dealerships and service stations, as well as office buildings, banks, and medical/dental offices (not including hospitals). Commercial uses also include retail businesses whose principal activity is the sale of food or merchandise within an enclosed building and personal service establishments which perform services indoors such as health clubs, barber/beauty salons, photographic studios, etc.

Any residential use is specifically prohibited from the non-residential land use category. This would include the primary use of the property for human habitation and includes structures such as single family dwellings, multiple family structures, mobile homes, condominiums, and apartment buildings. Residential use is also characterized by any use which is intended to house, educate, or provide care for children, the elderly, the infirm, or other sensitive populations, and therefore could include day care centers, educational facilities, hospitals, elder care facilities, and nursing homes. The use of any accessory building or portion of an existing building as a dwelling unit permitted for a proprietor or storekeeper and their families, located in the same building as their place of occupation, or for a watchman or caretaker is also prohibited. Any authority that allows for residential use of the Property as a legal non-conforming use is also restricted per the prohibitions contained in this restrictive covenant.