



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

APR - 1 2016

CERTIFIED MAIL

**Ms. Pamela Barnett
RACER Trust
500 Woodward Avenue
Suite 2650
Detroit, Ohio 48226**

**Re: Mansfield Stamping Plt
Covenant
Approvals
Voluntary Action Program
Richland County
370002817008**

**Subject: Issuance of Covenant Not To Sue to the Revitalizing Auto
Communities Environmental Response (RACER) Trust for the
Former GM Mansfield/Ontario Stamping Plant (15NFA643),
370002817008**

Dear Ms. Barnett:

I am pleased to inform you that on **APR - 1 2016**, the Director of the Ohio Environmental Protection Agency ("Director") issued a Covenant Not To Sue ("CNS") to the Revitalizing Auto Communities Environmental Response ("RACER") Trust for the Former GM Mansfield/Ontario Stamping Plant Property, located at 2525 West Fourth Street, Ontario, Richland County, Ohio (the "Property"). 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 NFA Letter, and subject to all conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases Revitalizing Auto Communities Environmental Response Trust, and Ontario Business Park, LLC, 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.

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). The enclosed Affidavit should be

presented to the Richland County Recorder's office staff to support the required recording. In addition, the enclosed letter to the county recorder's office may also be presented to the county recorder's office staff to explain the required recording. Remember to submit to Ohio EPA, after the recording, a complete copy of the CNS that shows the filing date stamp of the Richland County Recorder's office.

The complete copy of the stamped document should be sent to the attention of Angela Edwards, Records Management Officer, DERR, Ohio EPA Central Office, at the following address:

Ohio EPA – Division of Environmental Response and Revitalization
Voluntary Action Program
50 W. Town St., Suite 700
Columbus, OH 43215

Or electronically to: records@epa.ohio.gov

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission ("Commission") pursuant to ORC 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio", which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days 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, 77 South High Street, 17th Floor, Columbus, Ohio 43215.

Congratulations on the issuance of this CNS. Many persons within the agency, RACER Trust and Tetra Tech Inc., among others, worked hard to remove any potential environmental barriers associated with the redevelopment or future use of the CNS property. If you have any questions or concerns, feel free to contact me at (614) 644-2924 or via e-mail at martin.smith@epa.ohio.gov.

Sincerely,



Martin Smith
Manager, Voluntary Action Program
Division of Environmental Response and Revitalization

Enclosure

91 7199 9991 7030 4725 9522

cc: Lewis C. Rhodes, Jr., Certified Professional, Tetra Tech Inc.
250 West Court Street, Suite 200W, Cincinnati, Ohio 45202

ec: Ghassan Tafla, DERR, NWDO
Archie Lunsey, Manager, DERR, NWDO
Mark Navarre, Legal Office
Kelly Kaletsky, VAP, DERR-CO
records@epa.ohio.gov



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

March, 2016

RE: Recording of Covenant Not To Sue; Environmental Covenant

Dear Richland County Recorder's Office:

The attached document is a certified copy of a Voluntary Action Program (VAP) covenant not to sue (CNS) issued by the Director of the Ohio Environmental Protection Agency for the property identified in the CNS. The legal description of the property is provided in Exhibit 1.

The CNS was issued pursuant to Ohio Revised Code (ORC) § 3746.12. This certified copy of the CNS and its exhibits are presented to you for the recording of the documents in the same manner as a deed to the property, as instructed by the CNS (see the "Conditions and Limitations" section of CNS), pursuant to ORC §§ 317.08 and 3746.14.

The affidavit attached to the CNS is presented to you to support the required recording. Please refer to the following property owner, Ontario Business Park, LLC, and the following parcel numbers, 0386015206000, 0386015205000, 0386015204000, 0386015203000 and 0386015202000, when logging the recorded CNS in the County Recorder's Office records.

The environmental covenant attached to the CNS (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) pursuant to ORC §§ 317.08 and 3746.14. Please record the environmental covenant just prior to and separate from the recording of the CNS and its remaining exhibits, in the property chain of title.

Thank you in advance for your assistance. Should you have any questions in this regard, please contact me at (614) 644-3037 or via email at Mark.Navarre@epa.ohio.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Navarre".

Mark J. Navarre, Supervising Attorney
Office of Legal Services

Attachment

TO BE RECORDED IN **DEED RECORDS**,
PURSUANT TO ORC 317.08(A)

AFFIDAVIT

STATE OF OHIO

)

)

ss:

COUNTY OF FRANKLIN

)

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Tonya R. Lassiter, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue / Director's Final Findings and Orders issued by the Director, and entered in the Ohio EPA Director's Journal on April 1, 2016, regarding property known as Former GM Mansfield/Ontario Stamping Plant Property, located at 2525 West Fourth Street, Ontario, Richland County, Ohio and further described in the attached Covenant Not to Sue.

Tonya R. Lassiter
Records Management Officer
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 1 day of April, 2016.

Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

This instrument prepared by:

Mark J. Navarre, Supervising Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049



DONALD L. VANTERPOOL, Attorney-At-Law
NOTARY PUBLIC, STATE OF OHIO
My Commission has no expiration date.
Section 147.03 R.C.

OHIO E.P.A.

APR - 1 2016

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

By: Donna Cassel Date: 4-1-16

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Revitalizing Auto Communities
Environmental Response Trust
500 Woodward Avenue
Suite 2650
Detroit, Michigan 48226

**Covenant Not to Sue
Director's Final Findings
and Orders**

Regarding property known as:

Former GM Mansfield/Ontario Stamping Plant
2525 West Fourth Street
Ontario, Richland County, Ohio

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. 15NFA643 (the "NFA Letter"), was submitted on December 24, 2015 to the Director under the Voluntary Action Program on behalf of Revitalizing Auto Communities Environmental Response Trust (the "Volunteer"), by Lewis C. Rhodes, Jr., a certified professional, No. CP 201, 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 December 3, 2015. The Certified Professional also submitted to the Director an addendum to the NFA Letter, which was issued under CP affidavit on February 4, 2016. For the purposes of these Findings and Orders, the term "NFA Letter" includes the addendum.
3. The NFA Letter describes the investigational and remedial activities undertaken at the approximately 266 acres property, formerly known as GM

Mansfield/Ontario Stamping Plant, located at 2525 West Fourth Street, Ontario, Richland 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 Ontario Business Park, LLC.

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. The Volunteer conducted its voluntary action under Ohio's Voluntary Action Program in accordance with the procedures established under the "Memorandum of Agreement - Brownfield and Voluntary Action Program MOA Track" entered into between the United States Environmental Protection Agency, Region V, and Ohio EPA on July 31, 2001, as amended on July 24, 2004 and February 13, 2006, and superseded in November 2007 (collectively the "MOA"). The voluntary action was implemented under "VAP MOA Track" procedures.
6. Based upon the information in the NFA Letter, the Volunteer undertook the following investigational and remedial activities regarding the Property:
 - a. A Phase I Property Assessment pursuant to 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 or from the Property.
 - b. A Phase II Property Assessment pursuant to 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 under OAC 3745-300-11 or other applicable law, including the removal of 2,546.24 tons of PAH impacted soils from Identified Area 4 (IA-4). The removal of soil from IA-4 was required in order to meet VAP generic direct contact standards. When the impacted soils from IA-4 were removed, confirmation samples were collected and clean-up was verified, clean backfill materials were used to fill the open excavation pit to its original elevation. The backfilling activities were completed on November 10, 2015.

- e. A demonstration that the Property complies with applicable standards for the identified chemicals of concern ("COCs") in the identified areas at the Property and in affected media. The demonstration was made using generic numerical standards and a property-specific risk assessment.
- 7. 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.
 - 8. At the time that analyses were performed, Test America Laboratories and Microbac's Ohio Valley Division were certified laboratories, Nos. CL0024 and CL0012, respectively, as defined in ORC 3746.01(E) and OAC 3745-300-01(A), whose services were used in support of the NFA Letter.
 - 9. The Environmental Covenant will be recorded with Richland County in the same manner as a deed to the Property 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:
 - a. Limit the Property to commercial or industrial land use, as those terms are defined in OAC 3745-300-08(C)(2).
 - b. Prohibit the extraction or use of ground water underlying the Property for any purpose, except for the investigation, monitoring or remediation of the ground water or in conjunction with construction or excavation activities or maintenance of subsurface utilities.

Applicable Standards

- 10. Based on the information contained in the NFA Letter and all conditions set forth in these Findings and Orders, the Property meets applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for various uses including commercial and industrial land use. The applicable standards for the Property are those in effect when the NFA Letter was issued on December 3, 2015. The applicable standards, the methods of achieving compliance with the standards, and the associated points of compliance for the standards for each complete exposure pathway, are identified in the NFA Letter or by applicable law. 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 underlying the Property, applied in accordance with ORC 3746.06(B) and OAC 3745-300-07(F).
11. Based on the remedies identified in this paragraph, the Property complies with applicable standards. Failure of one or more remedial activities may constitute noncompliance with applicable standards. The remedies 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 use and prohibit the extraction or use of ground water at or underlying the Property.
12. Remedy changes may be undertaken or documented in accordance with OAC 3745-300-11. Documentation of new or revised remedies may be reviewed as an Ohio EPA public record. Any new or modified activity and use limitation would be established under an environmental covenant recorded in the same manner as a deed for the Property.
13. 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 conducted 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 Revitalizing Auto Communities Environmental Response Trust, and Ontario Business Park, LLC, 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, Revitalizing Auto Communities Environmental Response Trust or Ontario Business Park, LLC shall:
 - a. File with the Richland 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 Richland 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 Former GM Mansfield/Ontario Stamping Plant, NFA Letter No. 15NFA643." The submission shall be delivered by U.S. mail or by other reliable means to (1) the DERR Records Management Officer at Ohio EPA's Central Office, 50 West Town Street, P.O. Box 1049, Columbus, OH 43216-1049, or at records@epa.ohio.gov, and to (2) Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, Attention: DERR Site Coordinator for Former GM Mansfield/Ontario Stamping Plant.

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

3. Within thirty (30) days after the issuance of these Findings and Orders, Revitalizing Auto Communities Environmental Response Trust or Ontario Business Park, LLC shall:
 - a. File with the Richland 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).
 - b. Submit to Ohio EPA a copy of the Findings and Orders that shows the filing date stamp of the Richland 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. 15NFA643." The submission shall be delivered electronically to (1) the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.ohio.gov with copy to (2) Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, Attention: DERR Site Coordinator for Former GM Mansfield/Ontario Stamping Plant.

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.
 - a. Compliance with standards requires the effective performance of the remedial activities, as applicable, and additional or changed remedies as documented in Ohio EPA's public record or in an instrument recorded in the same manner as a deed for the Property.
 - b. 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.
 - c. 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 Oversight and 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. Such purposes may include but are not limited to conducting an audit of the NFA letter, and 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(N), 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:



Craig W. Butler, Director
Ohio Environmental Protection Agency

APR - 1 2016

Date

Exhibit 1
Legal Description

LEGAL DESCRIPTION OF THE REAL PROPERTY

All those tracts or parcels of land lying and being in the City of Ontario, County of Richland, State of Ohio, and being more particularly described on as follows:

(AS-SURVEYED DESCRIPTION)

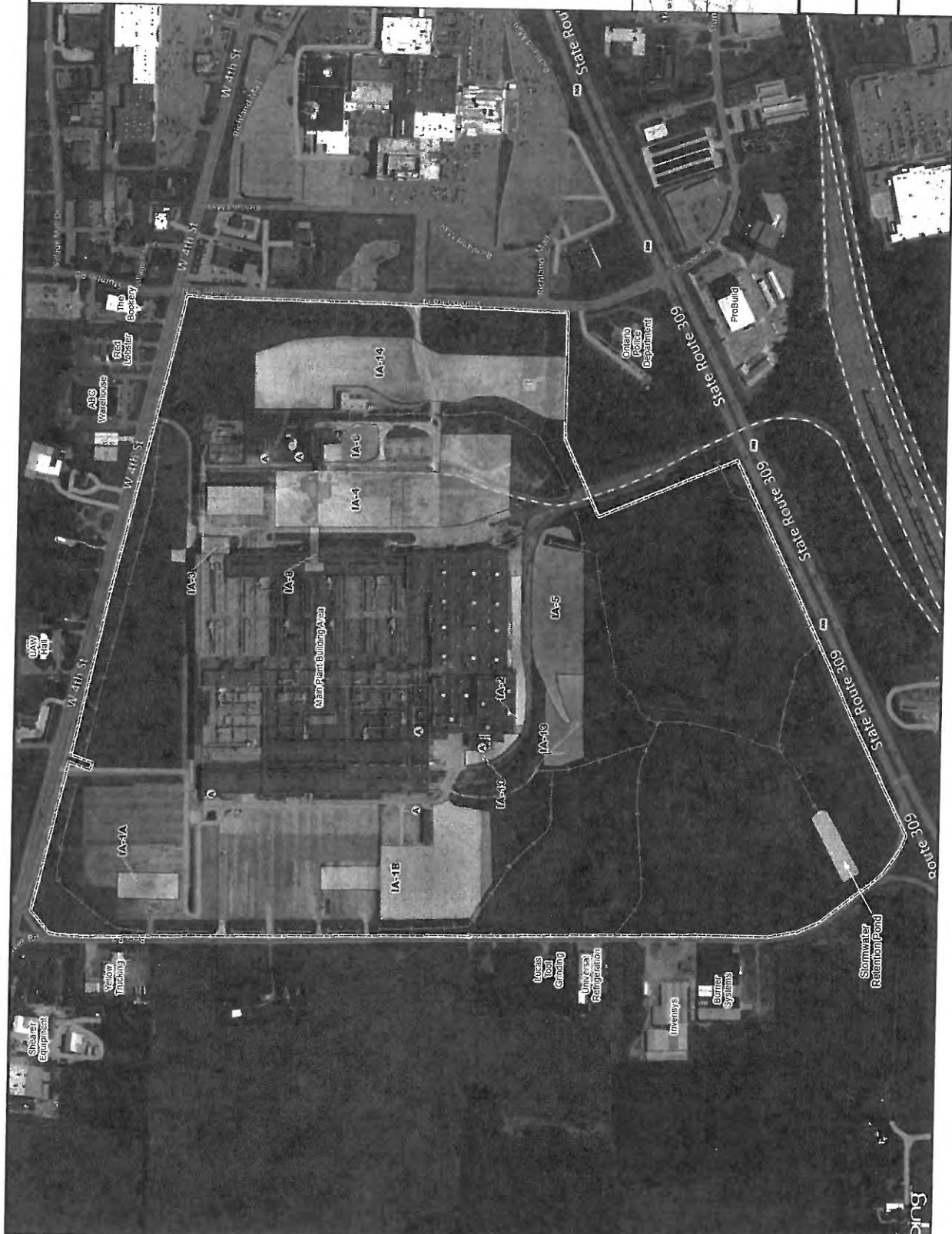
SITUATE IN THE STATE OF OHIO, COUNTY OF RICHLAND, TOWNSHIP OF SPRINGFIELD, CITY OF ONTARIO, BEING IN THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 14 AND THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 23, ALL BEING SITUATED IN TOWNSHIP 21, RANGE 19, CONGRESS LANDS AND BEING THAT DESCRIBED AS THE GENERAL MOTORS CORPORATION PROPERTY IN THE FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 110093158, WITH AN EFFECTIVE DATE OF DECEMBER 21, 2010 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION BETWEEN THE NORTH LINE OF SECTION 23, TOWNSHIP 21, RANGE 19 WITH THE WEST RIGHT OF WAY LINE OF STUMBO ROAD (80 FEET WIDE); RUN THENCE SOUTH 01 DEGREES 09 MINUTES 52 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 412.13 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING THE POINT OF INTERSECTION BETWEEN THE WEST RIGHT OF WAY LINE OF STUMBO ROAD WITH THE NORTH BOUNDARY LINE OF THAT CERTAIN TRACT OF LAND NOW OR FORMERLY OWNED BY THE VILLAGE OF ONTARIO AS DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN VOLUME 848, PAGES 463 THROUGH 465, INCLUSIVE, OF THE PUBLIC RECORDS OF RICHLAND COUNTY, OHIO; THENCE RUN SOUTH 88 DEGREES 54 MINUTES 10 SECONDS WEST ALONG SAID NORTH LINE 690.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING A POINT SITUATED SOUTH 00 DEGREES 46 MINUTES 51 SECONDS EAST 410.86 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 23; THENCE CONTINUE ALONG AFORESAID NORTH LINE AND THE NORTH LINE OF THAT CERTAIN TRACT OF LAND NOW OR FORMERLY OWNED BY ERIE LAND AND IMPROVEMENT COMPANY OF PENNSYLVANIA AS DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 442, PAGES 436 THROUGH 438 INCLUSIVE, SOUTH 68 DEGREES 21 MINUTES 22 SECONDS WEST, PASSING A 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP AT 196.19 FEET FOR A TOTAL OF 480.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING THE NORTHWEST CORNER OF SAID ERIE TRACT OF LAND; THENCE RUN SOUTH 21 DEGREES 38 MINUTES 38 SECONDS EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT 832.27 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE NORTHERLY RIGHT OF WAY LINE OF MANSFIELD BY PASS (U. S. ROUTE 30); THENCE RUN ALONG SAID RIGHT OF WAY LINE SOUTH 62 DEGREES 37 MINUTES 24 SECONDS WEST 2143.59 TO A SET 5/8 INCH IRON ROD WITH ASM CAP MARKING A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 360.15 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 04 MINUTES 53 SECONDS WEST 264.92 FEET; THENCE FROM A RADIAL BEARING OF NORTH 07 DEGREES 20 MINUTES 21 SECONDS EAST RUN NORTHERLY ALONG THE EAST RIGHT OF WAY LINE OF BEER ROAD AND ALONG THE ARC OF SAID CURVE 271.29 FEET THROUGH A CENTRAL ANGLE OF 43 DEGREES 09 MINUTES 32 SECONDS TO POINT MARKED BY A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE THROUGH THE FOLLOWING SIX COURSES: THENCE NORTH 39 DEGREES 30 MINUTES 21 SECONDS WEST 308.20 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 559.18 FEET, A CENTRAL ANGLE OF 29 DEGREES 46 MINUTES 19 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 24 DEGREES 37 MINUTES 10 SECONDS WEST 287.30 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 290.56 FEET TO A POINT MARKED BY A SET 5/8 INCH IRON ROD

WITH ASM CAP; THENCE NORTH 01 DEGREES 50 MINUTES 06 SECONDS WEST 1647.12 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE NORTH 02 DEGREES 00 MINUTES 21 SECONDS WEST 2118.05 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1392.39 FEET, A CENTRAL ANGLE OF 05 DEGREES 35 MINUTES 10 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 00 DEGREES 48 MINUTES 17 SECONDS EAST 135.70 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 135.75 FEET TO A POINT MARKED BY A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE RUN NORTH 35 DEGREES 11 MINUTES 36 SECONDS EAST 140.82 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE SOUTHERLY RIGHT OF WAY LINE OF WEST 4TH STREET-CRESTLINE MANSFIELD ROAD (STATE ROUTE 30); THENCE RUN ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE SOUTH 77 DEGREES 25 MINUTES 06 SECONDS EAST 400.00 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 79 DEGREES 08 MINUTES 08 SECONDS EAST 487.91 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE WEST LINE OF A TRACT FOR STORM DRAINAGE; THENCE RUN ALONG THE BOUNDARIES OF SAID DRAINAGE TRACT THE FOLLOWING THREE COURSES: THENCE SOUTH 25 DEGREES WEST 67.47 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 65 DEGREES EAST 20.00 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE NORTH 25 DEGREES EAST 72.51 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF WEST 4TH STREET; THENCE RUN ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: THENCE SOUTH 79 DEGREES 08 MINUTES 08 SECONDS EAST 491.81 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 77 DEGREES 25 MINUTES 06 SECONDS EAST 1748.29 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 57375.78 FEET, A CENTRAL ANGLE OF 00 DEGREES 15 MINUTES 46 SECONDS AND A CHORD BEARING AND DISTANCE OF SOUTH 77 DEGREES 32 MINUTES 58 SECONDS EAST 263.12 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE 263.12 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF STUMBO ROAD; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE SOUTH 00 DEGREES 07 MINUTES 54 SECONDS WEST 1563.54 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 01 DEGREES 09 MINUTES 52 SECONDS WEST 2.51 FEET TO THE POINT OF BEGINNING, CONTAINING THEREIN 265.052 ACRES MORE OR LESS, OF WHICH 27.234 ACRES MORE OR LESS LIES IN THE SOUTHEAST QUARTER OF SECTION 14; 126.264 ACRES MORE OR LESS LIES IN THE SOUTHWEST QUARTER OF SECTION 14; 6.581 ACRES MORE OR LESS LIES IN THE NORTHEAST QUARTER OF SECTION 23; 104.973 ACRES MORE OR LESS LIES IN THE NORTHWEST QUARTER OF SECTION 23 SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY OF RECORD AND RECORDS IN THEIR RESPECTIVE UTILITY OFFICES.

THIS DESCRIPTION IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED DECEMBER 06, 2011 AND IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE 4733-37. BASIS OF BEARINGS IS THE NORTHERLY LINE OF THE VILLAGE OF ONTARIO TRACT, AS SOUTH 88 DEGREES 54 MINUTES 10 SECONDS WEST, AS PER DEED VOLUME 848, PAGE 463 THROUGH 465 AND IS FOR ANGULAR PURPOSES ONLY.

Exhibit 2
Property Location Map



Legend

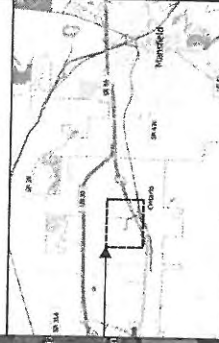
- Ⓐ Aboveground Storage Tank
- Stormwater Collection System
- Identified Areas
- Approximate Site Boundary
- Stormwater Retention Pond

Area Number	Area Name
IA-1A	Snow Staging Area
IA-1B	Southern Snow Staging/Truck Storage
IA-2	Former UST Farm
IA-3	Missing/Misidentified UST
IA-4	Former WWTP
IA-5	Soil Fill/Slope Fill Area
IA-6	Coal/Powder Material Storage Area
IA-7	Stained Flooding/Sump/Floor Drains
IA-8	Hazardous Waste Storage Area
IA-9	South Field Lower Terrace Fill Area
IA-10	Eastern Storage Yard
IA-11	
IA-12	
IA-13	
IA-14	



Notes
 IA-11 and IA-12 were excluded.
 IA-13 is not displayed since it is found throughout the building.

Map Source:
 Bing Maps Aerial Imagery, 2010-2012.



MANSFIELD STAMPING PLANT
 OHIO EPA
 MANSFIELD, OHIO

FIGURE 2A
 IDENTIFIED AREAS MAP



Exhibit 3
Executive Summary

E. Executive Summary

Property:

Former GM Mansfield/Ontario Stamping Plant
2525 Fourth Street, Ontario, Richland County, Ohio

Volunteer:

Revitalizing Auto Communities Environmental Response (Racer) Trust
500 Woodward Avenue, Suite 2650, Detroit, MI 48226

Owner:

Brownfields Community Development Company
1400 N.W. 107 Avenue
Miami, Florida 33172

NFA and Executive Summary Issued by:

Lewis C. Rhodes, Jr. CP 201
Tetra Tech, Inc.
250 West Court Street, Suite 200 W, Cincinnati, Ohio 45202
Phone: 513-241-0149 email: carl.rhodes@tetrattech.com

This No Further Action (NFA) letter executive summary serves as both a summary and recording document to meet the requirements of Ohio Revised Code (ORC) 3746.14(A)(1) and Ohio Administrative Code (OAC) 3745-300-13(J) under Ohio's Voluntary Action Program (VAP). Copies of the NFA letter and request for Covenant Not to Sue (CNS) may be obtained by contacting the Ohio EPA – Division of Environmental Response and Revitalization, Central Office Records Management Officer. A legal description of the approximately 266 acre Subject Property is included in the NFA letter.

SECTION 1.0 HISTORY

Section 1.1 Property History

General Motors Company constructed the main plant building, approximately 2.9 million square feet, in 1955 and began operating. The plant was built to produce automotive body components out of steel; the steel is "stamped" in various press machines. During the height of production at the plant, it contained 18 transfer presses, 21 major press lines with 134 conventional presses, 43 metal assembly lines, and 14 blanking presses. Presses were located in pits, with the hydraulic components below the machines. When production at the facility ceased in February 2010, several of the presses and various other machinery were removed and auctioned off.

During its operation from 1955 to 2010, the plant processed over 750 tons of steel per day; scrap metal from the presses was collected via a system of conveyors and sent to the Baler House where it was baled for off-site removal. In 2002, the baler operation was terminated when a loose scrap system was instituted. The powerhouse was also built in 1955 to supply power and compressed air to the plant, when operational it

Ohio EPA-VAP NFA Letter and CNS Request – Mansfield/Ontario Stamping Plant

burned up to 100 tons of coal per day. The powerhouse included three coal-fired boilers, one steam air compressor, and seven electric air compressors. Coal entered the powerhouse through the basement, and an elevator was used to transport it to the top floor of the building where it entered a bunker; the coal was then weighted out and transferred to the boilers. Ash residue from the boilers was vacuumed out and collected in an adjoining silo, where it was periodically emptied into a cinder truck. A 42,000 square foot area south of the powerhouse, including the current waste water treatment plant, was used to store the coal. The powerhouse was shut down in 2001 when gas-fired boilers were installed at the main plant.

Prior to General Motors purchasing the land in 1955, historical records and files reviewed indicate that the Subject Property was farmland. The Chain of Title documentation obtained from the Richland County Recorder's Office is provided in the Phase I PA. The Subject Property is not currently in use and was purchased by Brownfields Community Development Company (BCDC) in 2012. Following the acquisition, BCDC had the majority of the buildings demolished. The Subject Property remains inactive, with no development activity initiated by BCDC.

Section 1.2 Surrounding Property History

The Subject Property is bounded by West 4th Street and businesses to the north (including The Bookery, Red Lobster, ABC Warehouse, and the United Auto Workers); Stumbo Road followed by Wellspring, First Merit Bank, Advantage Credit Union, and the Richland Mall to the east; the Ontario Police Department, followed by State Route 309 and a railyard to the south; and Beer Road followed by businesses (Burner Systems, Invensys, Universal Refrigeration, Yellow Trucking, and Shearer Equipment) and a residence/farmland to the west.

As identified in the Phase I Environmental Site Assessment (ESA) report (Tetra Tech 2011), documents provided by the Ohio EPA indicated a spill of petroleum originating from 815 North Beer Road (former Bender & Loudon Trucking, now Yellow Trucking, adjacent to the Subject Property's western border). The 1990 Ohio EPA Pollution Incident Report contains correspondence between the GM plant manager and the Ohio EPA discussing the source of oil and grease detected in the storm water discharge during sampling on October 8 and 30, 1990. During that time period, no spills were reported on the Subject Property and the floating baffle, grill skimmer, and underflow weir were all in place and operating properly in the storm water pond.

Two ditches flowing onto the Subject Property (Beer Road and State Route 309 ditches) were inspected on November 13, 1990 to determine if surface water runoff from adjacent properties may have caused the contamination. A visible sheen was observed on the surface of the water in the ditch along Beer Road and a visual "trail" of the sheen led upstream to the former Bender & Loudon Trucking Terminal (815 North Beer Road) where the contamination apparently originated. This facility was once a site of underground diesel storage tanks.

Absorbent socks were placed where the ditches along Beer Road and State Route 309 flow onto the Subject Property but the sock along Beer Road had become tangled allowing contaminants (observed as visible oil sheen) to enter the Subject Property, pass through a large portion of the storm water collection system, and exit the Subject Property through the permitted outfall.

Supporting evidence includes the Ohio EPA spill report and laboratory results for sediment samples SD-02 and SD-04 located in the drainage ditch adjacent to Beer Road and topographically down-gradient from the alleged spill location. These two sample locations yielded the highest concentrations of chemicals of concern (COCs) relative to the other sediment sample locations on the Subject Property. Sample locations SD-02 and SD-04 demonstrate elevated COC concentrations and correlate to the locations cited in the Ohio EPA Incident Report. These two ditches connect to the Subject Property storm water collection system and represent the apparent entry point for the COCs onto the Subject Property. This data supports the 1990 release at 815 Beer Road as the probable source of the COCs in Beer Road Ditch. No elevated COC concentrations were detected at sediment sample location SD-1, upstream of 815 Beer Road. As a result, the release has migrated onto the NFA Subject Property, through the storm water conveyance system, and off Property through the former National Pollutant Discharge Elimination System (NPDES) outfall.

SECTION 2.0 GENERAL DESCRIPTION OF PROPERTY

Section 2.1 Phase I Property Assessment and General Information

The NFA Subject Property is located at 2525 West Fourth Street in Ontario, Richland County, Ohio. The VAP compliant Phase I Property Assessment (PA) was completed in January 2011 under contract to Ohio EPA in association with the Targeted Brownfield Assessment (TBA) Program. The current Subject Property use is industrial. Future planned use is industrial/ commercial and surrounding land use is industrial/commercial/agricultural.

The Phase I PA was updated with Certified Professional (CP) walk-overs conducted in December 2010, and May 2011 (first update). An additional update of the Phase I PA was completed on November 6, 2015, which is within 180 days prior to issuance of the NFA Letter.

The GM Stamping Plant was built in 1955 and 1956, with limited production beginning late 1956. A rail dock was added to the west side of the plant in 1964, and a 10 acre addition was added on the south side beginning in 1984. Eleven additional buildings were located on the site – the rack wash building, gas boiler house, coil steel rack building, baler house, press prep building, original switch house, new switch house, fire pump house, powerhouse, waste water treatment plant (WWTP), and the compressor building. A storm water retention pond is located at the southwestern corner of the Subject Property; five to six small ditches and creeks lead from the plant into the retention pond.

One federal public water supply (PWS) system and 57 state registered wells are located within one mile of the Subject Property. One well, reportedly located on the Subject Property underneath the water tower, was not located and apparently has been abandoned. The well was constructed in 1956 to a depth of 220 feet below ground surface (bgs) in a shale aquifer. The well log indicates clay, gravel, and sandstone overlaying shale, and a static water level of 125 feet. Well logs for the surrounding area indicate depths ranging from 200 to 295 feet bgs. The federal PWS is a well field located between one-half and one mile east-southeast and is owned by the City of Ontario.

The general topographic gradient in the area is south; however, storm water at the Subject Property and from the surrounding area is routed towards the storm water retention pond on the southern portion of the site.

Natural subsurface materials in the Subject Property vicinity include unconsolidated deposits of clay and silt with inter-bedded sands and gravels, deposited as glacial till and outwash. ODNR well logs indicate glacial till comprised of clay and inter-bedded sand and gravel horizons to depths of 70 to 120 feet bgs.

Groundwater beneath the Subject Property is divided into two distinct zones: 1) the shallow unconsolidated glacial till unit; and, 2) the sandstones and shales of the deeper Cuyahoga Group bedrock aquifer. Regional groundwater flow in Richland County is to the South Southwest. Groundwater flow observed in the shallow unit at the site is to the southeast and to the southwest, away from a mounded area in the center of the site.

Twelve (12) identified areas (IAs) were identified as a result of the initial Phase I PA. The Phase I PA resulted in designation of the following 12 IAs:

Identified Area	IA #	Description of Area/Source	COCs
Snow Staging/Rack Storage Area	1	Soil borings, soil boring water sampling, sediment sampling.	VOCs, PAHs, PCBs, RCRA metals, TPHs including GRO and DRO and ethylene glycol.
Former UST Farm	2	Soil borings, soil boring water sampling, monitoring well installation and sampling to confirm Ohio BUSTR NFA.	VOCs, PAHs, and TPH DRO/GRO.
Missing/ Misidentified USTs	3	Additional research, soil boring and monitoring well installation if warranted.	VOCs, TPH DRO/GRO
Former WWTP	4	Soil borings, soil boring water sampling, monitoring well installation and sampling.	VOCs, PAHs, PCBs, RCRA metals, and TPH GRO/DRO

Artificial Fill/Slope Area	5	Geophysical survey, soil borings, soil boring water sampling, test pits, monitoring well installation	VOCs, PAHs, PCBs, and RCRA metals
Coal Storage Area	6	Soil borings, soil boring water sampling, monitoring well installation and sampling.	PAHs, PCBs, RCRA metals, and TPH GRO/DRO
Original Switch House	7	Surface water sampling (standing water in basement) and wipe sampling.	Sampling in this area was limited to building material screening for the purposes of demolition. This IA was NOT carried into Phase II.
Stained sumps, stains and floor drains	8	Geophysical survey, borings as close as possible to "marriage station".	VOCs, PAHs, PCBs, RCRA Metals, TPH DRO/GRO
Existing WWTP	9	Closed system with no evidence of release. IA not investigated further.	No evidence of a release associated with this IA. No sampling was required. This IA was NOT carried to Phase II.
Hazardous Waste Storage Area	10	Soil borings, soil boring water sampling, monitoring well installation and sampling.	VOC, PAH, PCB, and RCRA metals
Asbestos Containing Building Materials	11	A review of historical ACBM data at Ohio EPA's request.	Sampling in this area was limited to building material screening for the purposes of demolition. This IA was NOT carried into Phase II.
Wood Block Flooring	12	Waste Characterization Screening at Ohio EPA's request.	Sampling in this area was limited to building material screening for the purposes of demolition. This IA was NOT carried into Phase II.

As a result of additional review and site observations the list of IAs was revised. The IA originally identified as IA-1 was sub-divided into two IAs (IA-1a and IA-1b). Four of the original IAs were excluded as a result of either no evidence of a release or being ineligible for VAP (e.g. covered by another regulatory program). These include IA-7, IA-9, IA-11, and IA-12. Two IAs were added as a result of the Phase II PA. These include IA-13 in the southern terrace area and IA-14, an area originally designated as part of IA-9 that was separated to reflect its own distinct IA.

Identified Area	IA #	Description of Area/Source	COCs
South Field Lower Terrace Fill	13	Soil borings to investigate developer's report of a "solvent odor."	VOCs
Eastern Raw Material Storage Area	14	Soil borings to investigate the eastern raw material storage area.	VOCs, PAHs, PCBs, RCRA Metals, TPH DRO/GRO

Section 2.2 Proposed Land Use

The proposed uses of the NFA Subject Property will be limited to commercial/industrial. BCDC, the current owner of the NFA Subject Property, has not provided information regarding future development.

Section 2.3 Asbestos Survey and Abatement

Tetra Tech compiled a review of historical asbestos-containing building material (ACBM) information for the site to support abatement of the structures at the NFA Subject Property at Ohio EPA's request. ACBMs were removed by a licensed asbestos abatement contractor and handled and disposed in accordance with applicable federal and state laws. The Ohio EPA Technical Services Division of the Air Pollution Control provided oversight of the abatement activities. An asbestos abatement report was included as an appendix in the Ohio EPA VAP Compliant Phase II PA.

Section 2.4 Approvals Obtained Prior to Issuance of NFA Letter

Section 2.4.1 Urban Setting Designation (USD)

No USDs were relied upon in evaluating the NFA Subject Property.

Section 2.4.2 Off-Property Pathway Omission after Applying Diligent Efforts

A request to have off-Property pathways omitted pursuant to OAC 3745-300-11(D) has not been requested with regard to the NFA Subject Property.

Section 2.4.3 Variance or Case-by-Case Determination

No variance or case-by-case determination pursuant to OAC 3745-300-12 has been requested with regard to the NFA Subject Property.

Section 2.5 Phase II Property Assessment

Soil:

The following table provides each complete exposure pathway for soil direct contact exposure to commercial/industrial and construction/excavation workers, and the associated point of compliance for each; pursuant to OAC 3745-300-07.

Pathway: Direct Contact with Soil	Suite of COCs for Each Pathway	Point of Compliance
IA-1	VOCs, PAHs, PCBs, RCRA Metals, TPH GRO/DRO, Ethylene Glycol	2-feet bgs (commercial/industrial) & 10-feet bgs (construction/excavation)
IA-2	VOCs, PAHs, TPH GRO/DRO	
IA-3	VOCs, TPH GRO/DRO	
IA-4	VOCs, PAHs, PCBs, RCRA Metals, TPH GRO/DRO	
IA-5	VOCs, PAHs, PCBs, RCRA Metals	
IA-6	PAHs, PCBs, RCRA Metals, TPH GRO/DRO	
IA-10	VOCs, PAHs, PCBs, RCRA Metals	
IA-13	VOCs	
IA-14	VOCs, PAHs, PCBs, RCRA Metals, TPH GRO/DRO	

Soil analytical results from the 0 – 2.5 feet and 2.5 – 5 feet bgs intervals of soil boring IA4-3 exceeded the revised 2014 VAP commercial/industrial direct contact standard for soil for the following analytes: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, and indeno(1,2,3-cd) pyrene. In addition, the sample exceeded the excavation/construction direct contact for soil standard for benzo(a)pyrene.

Samples submitted from the remaining borings had results below the VAP standard. Results from the two subsequent soil sampling events in IA-4 intended to delineate the shallow soil exceedances and provide additional detail of the extent of contamination within IA-4. Results of the additional sampling are provided below.

Borings IA4-11 through IA4-30 were placed in December, 2011. Results indicated exceedances of the VAP commercial/industrial soil direct contact standards for the following analytes: benzo(a)anthracene (IA4-12, IA4-17, and IA4-18), benzo(a)pyrene (IA4-12, IA4-13, IA4-17, IA4-18, and IA4-30), benzo(b)fluoranthene (IA4-12 and IA4-17), and dibenz(a,h)anthracene (IA4-12, IA4-17, and IA4-18).

Borings IA4-31 through IA4-38 were placed in November, 2012. Results indicated exceedances of the VAP commercial/industrial soil direct contact standards for the following analytes: benzo(a)anthracene (IA4-31), benzo(a)pyrene (IA4-31 and IA4-37), dibenz(a,h)anthracene (IA4-31), and indeno(1,2,3-cd)pyrene (IA4-31). In addition, results for benzo(a)pyrene exceeded the construction/excavation direct contact for soil standard in IA4-31.

Groundwater:

The following table provides each ground water zone, classification, complete exposure pathway, point of compliance, and response requirement, as applicable under OAC 3745-300-07 and 3745-300-10.

Groundwater zone (depth range)	Suite of COCs in groundwater	Classification	Response requirement / Complete exposure pathway
Shallow unconsolidated zone between 12 ft. to 32 ft. bgs	VOCs, Selenium, Arsenic	Class B	Meets Unrestricted Potable Use Standard (UPUS) at Property boundary. Protected by deed restriction prohibiting the use of groundwater at the Subject Property.
Cuyahoga Group Sand and Shale Aquifer ~150 ft. bgs.	Weight of evidence indicates no COCs	(Meets UPUS)	Modeling indicates natural conditions continue protection of this zone to maintain UPUS.

Analytical data from the shallow zone groundwater samples indicate that samples from one groundwater well exceeded revised 2014 VAP UPUS for TCE, samples from six groundwater wells exceeded VAP UPUS for arsenic, and one groundwater sample exceeded the VAP standard for selenium. Analytes that exceeded the revised 2014 VAP Generic UPUS are as follows:

1. TCE exceeded the VAP UPUS in a groundwater sample submitted from monitoring well MW5-2S. The Ohio VAP Generic UPUS for TCE is 0.005 milligrams per liter (mg/L). Laboratory results for the sample collected at monitoring well location MW5-2S indicate a concentration of 0.011 mg/L and 0.0076 mg/L for samples collected in April 2011 and June 2011, respectively.
2. Arsenic exceeded the VAP UPUS in groundwater samples from the following monitoring wells: MW2-1, MW2-2, MW5-1, MW5-2S, MW5-2D and MW5-4. The Ohio VAP Generic UPUS for (inorganic) arsenic is 0.01 mg/L; concentrations exceeding the standard ranged from 0.0112 to 0.0465 mg/L. The arsenic concentration (0.012 mg/L) in the field duplicate of sample MW2-2 also exceeded the VAP UPUS; however, the concentration in the original sample did not. The VAP Generic UPUS for selenium (0.05 mg/L) was exceeded in the sample collected at MW10-1 with a concentration of 0.105 mg/L.

Groundwater in the shallow zone at the Subject Property has been determined to be "Class B". Therefore, potable groundwater use (ingestion and dermal contact, as well as inhalation of volatiles released from potable groundwater use [e.g., showering] on site is considered incomplete; hence, there are no on-site receptors at or in the direction of groundwater flow (see 3745-300-07(F)(7)(d) and 3745-300-10(B)(2)(c)(i) and Ohio EPA

[2009]). Groundwater modeling was conducted at the Subject Property where COCs have been detected at concentrations exceeding their respective VAP UPUS values to the boundaries of the Subject Property. Groundwater modeling also was used to evaluate the potential impact to site-wide groundwater quality as a result of migration of COCs. The modeling results show that all modeled concentrations at the boundaries of the Subject Property are less than their respective VAP UPUS.

Surface Water and Sediments:

Sediment and surface water samples were collected from the Subject Property storm water drainage system, which was regulated under an active NPDES permit at the time. Surface water on the Subject Property drains to the drainage network with minor exceptions to the east. The surface water in the drainage system at two of the proposed sediment sampling locations was too deep to allow for sampling, therefore, only 11 sediment samples were collected from the Subject Property.

One of the sediment samples (SD-13) was collected from a ditch adjacent to IA-4 that contained a minimal amount of water at the time and thus may not be perennial inundated, and was evaluated as a soil sample through comparison to Ohio VAP generic direct contact standards for commercial/industrial and construction/excavation scenarios as revised in August 2014. No exceedances of these standards were detected in this sample and thus, no COCs were identified at location SD-13.

The remaining 10 sediment samples, as well as the two surface water samples, collected during the Phase II PA were from perennially inundated segments of the Subject Property storm water collection and conveyance system which was regulated under an active NPDES permit. In October 2015, the new owner of the Subject Property, BCDC, allowed the NPDES permit to expire.

Sediment samples were analyzed for VOCs (all locations), PAHs (all locations), RCRA metals (five locations), PCBs (three locations), TPH (one location), and ethylene glycol (eight locations). Two sediment samples, SD-02 and SD-04, collected in the drainage ditch outside the west fence and adjacent to Beer Road showed concentrations of benzo(a)pyrene of 10 milligrams per kilograms (mg/kg) and 17 mg/kg, respectively, that are greater than the Ohio VAP generic soil direct contact standard for commercial/industrial scenario of 5.8 mg/kg but less than the Ohio VAP generic soil direct contact standard for construction/excavation scenario of 120 mg/kg.

As identified in the Phase I PA report (Tetra Tech 2011), documents provided by the Ohio EPA indicated a spill of petroleum originating from 815 North Beer Road (adjacent to the Subject Property's western border). The 1990 Ohio EPA Pollution Incident Report contains correspondence between the GM plant manager and the Ohio EPA discussing the source of oil and grease detected in the storm water discharge during sampling on October 8 and 30, 1990. During that time period, no spills were reported on the Subject and the floating baffle, grill skimmer, and underflow weir were all in place and operating properly in the storm water pond. Two ditches flowing onto the Subject Property (Beer Road and State Route 309 ditches) were inspected on November 13, 1990 to determine if surface water runoff from adjacent properties may have caused the contamination. A

visible sheen was observed on the surface of the water in the ditch along Beer Road and a visual trial of the sheen led upstream to the former Bender & Loudon Trucking Terminal (815 North Beer Road) where the contamination apparently originated. This facility was also once a site of underground diesel storage tanks. Absorbent socks were placed where the ditches along Beer Road and State Route 309 flow onto the Subject Property but the sock along Beer Road had become tangled allowing contaminants (observed as visible oil sheen) to enter the Subject Property, pass through a portion of the drainage network, and exit the Subject Property through the permitted outfall.

The sediment samples SD-02 and SD-04 were located in the drainage ditch adjacent to Beer Road topographically down-gradient from the alleged spill location. Other than samples SD-02 and SD-04, there were no exceedances of applicable standards in the sediment samples. This data supports the 1990 release at 815 Beer Road as the probably source of the COCs in Beer Road Ditch. No elevated COC concentrations were detected at sediment sample location SD-01, upstream of 815 Beer Road. Sample locations SD-02 and SD-04 demonstrate elevated COC concentrations and correlate to the locations cited in the Ohio EPA Incident Report as the two ditches connected to the Subject Property drainage network that were impacted by the release. Additionally, as discussed below in Section 3.1, the sediment exposure pathway to the human receptor population is considered incomplete per OAC 3745-300-08(H)(1)(a) due to both the fact that the sediment is inundated by surface water that can't produce a consistent supply of edible-sized fish as well as recreational activities such as wading, fishing, swimming, and boating are not expected to occur. The ecological risk was also evaluated and is further discussed below in Section 3.4.

Locations sampled for RCRA metals were then compared against the Ohio EPA Sediment Reference Values for the Erie-Ontario Lake Plain (EOLP). The sediment reference values are considerably lower than the VAP standards; as such, the EOLP reference value for silver (0.43 mg/kg) is lower than the laboratory method detection limit (LMDL) (0.91 – 1.5 mg/kg). Although samples for silver were found to be non-detect, the LMDL exceeded the EOLP sediment reference value, but remain well below the Ohio VAP sediment generic direct contact standard. No additional analytes were detected above their respective EOLP background sediment reference value. Two sediment samples, SD-07 and SD-08, and soil sample SD-13 were analyzed for PCBs and none were detected.

Pathways: On-Property human pathways are incomplete per OAC 3745-300-08(H)(1)(a). On-Property ecological pathways are complete and a qualitative demonstration has been made in Section 3.4. Off-Property human health and ecological pathways are potentially complete, but the volunteer is not responsible for compliance with applicable standards off-Property in accordance with OAC 3745-300-07(F)(10).

Point of Compliance: Former NPDES permitted storm water retention pond outfall (Subject Property line).

Soil Gas / Indoor Air:

Tetra Tech modeled potential indoor air concentrations of the COCs detected in both (1) soil and (2) groundwater using U.S. EPA's Johnson and Ettinger (J&E) model and also employed a comparison of estimated indoor air concentrations from groundwater using EPA'S GW-ADV-FEB04 and VISL spreadsheet models.

Section 2.6 Background Evaluation and Findings

Locations sampled for RCRA metals were compared against the Ohio EPA Sediment Reference Values for the EOLP. The sediment reference values are considerably lower than the VAP standards; as such, the EOLP reference value for silver (0.43 mg/kg) is lower than the laboratory method detection limit (LMDL) (0.91 – 1.5 mg/kg). Although samples for silver were found to be non-detect, the LMDL exceeded the EOLP sediment reference value, but remains well below the Ohio VAP sediment generic numerical standards (GNS). No additional analytes were detected above their respective EOLP background sediment reference value.

SECTION 3.0 SUMMARY OF DATA COLLECTION AND EVALUATIONS

Section 3.1 Summary of Receptors and Pathways On and Off Property

Tetra Tech completed a Property-specific risk assessment (PSRA) to support the NFA letter with a request for a covenant not to sue (CNS) from Ohio EPA sought by Racer. To this end, the specific purposes of the risk assessment are to (1) assess and characterize potential human health and ecological exposures and risks, (2) determine whether identified risks exceed target levels, and (3) for target levels that are exceeded, assess the need for and extent of remedial actions, including determination of chemical- and medium-specific remedial objectives. The PSRA was conducted in accordance with the procedures specified in OAC 3745-300-09.

Receptor / Pathway	On or off Property	Current or reasonably anticipated?
Commercial/Industrial Worker – Soil Direct Contact	On Property	Reasonably Anticipated
Construction/Excavation Worker – Soil Direct Contact	On Property	Reasonably Anticipated
Commercial/Industrial Worker – Vapor Intrusion	On Property	Reasonably Anticipated
Commercial/Industrial Worker – Ambient Air	On Property	Reasonably Anticipated
Construction/Excavation Worker – Ambient Air	On Property	Reasonably Anticipated
Commercial/Industrial Worker – Surface Water/Sediment Direct Contact	On Property	*
Beer Road Ditch Sediment	Off Property	**

* On-property surface water bodies do not produce a consistent supply of edible-sized fish and are not reasonably anticipated to support recreational activities, therefore, on-property human exposure pathways are incomplete per OAC 3745-300-08(H)(1)(a).

** Off-property human and ecological pathways are potentially complete but the volunteer is not responsible for compliance with applicable off-property standards in accordance with OAC 3745-300-07(F)(10).

Soil samples yielding GNS exceedances (Commercial/Industrial) were identified in the 0 to 2 foot bgs sample interval in IA-4. Additional samples collected from IA-4 in the 2 to 4 foot and deeper intervals indicated decreasing concentrations of COCs, with none of the COCs exceeding the applicable revised Ohio VAP direct contact soil standard in those intervals. This data indicates that the impacted soil was limited to shallow, near surface horizons of less than 5 feet bgs in this area. This is consistent with the fact that the sample location was in close proximity to the Coal Storage and Power House areas, both potential sources of PAH compounds.

Tetra Tech recommended remedial activities in association with the soil in the 0 to 5 feet bgs horizon in IA-4 to meet the commercial/industrial direct contact to soil standards. Due to the limited area and shallow depth, the best alternative for remedial action was excavation of impacted material to a depth of 5 feet bgs followed by confirmatory sampling and placement of clean back fill material.

As identified in the Phase I PA report (Tetra Tech 2011), documents provided by the Ohio EPA indicated a spill of petroleum originating from 815 North Beer Road (adjacent to the Subject Property's western border). The 1990 Ohio EPA Pollution Incident Report contains correspondence between the GM plant manager and the Ohio EPA discussing the source of oil and grease detected in the storm water discharge during sampling on October 8 and 30, 1990. During that time period, no spills were reported on the Subject Property and the floating baffle, grill skimmer, and underflow weir were all in place and operating properly in the storm water pond. Two ditches flowing onto the Subject Property (Beer Road and State Route 309 ditches) were inspected on November 13, 1990 to determine if surface water runoff from adjacent properties may have caused the contamination. A visible sheen was observed on the surface of the water in the ditch

along Beer Road and a visual trail of the sheen led upstream to the former Bender & Loudon Trucking Terminal (815 North Beer Road) where the contamination apparently originated. This facility was also once a site of underground diesel storage tanks. Absorbent socks were placed where the ditches along Beer Road and State Route 309 flow onto the Subject Property but the sock along Beer Road had become tangled allowing contaminants (observed as visible oil sheen) to enter the Subject Property, pass through a portion of the drainage network, and exit the Subject Property through the permitted outfall.

The sediment samples SD-02 and SD-04 were located in the drainage ditch adjacent to Beer Road topographically down-gradient from the alleged spill location. Other than samples SD-02 and SD-04, there were no exceedances of applicable standards in the sediment samples. This data supports the 1990 release at 815 Beer Road as the probably source of the COCs in Beer Road Ditch. No elevated COC concentrations were detected at sediment sample location SD-1, upstream of 815 Beer Road. Sample locations SD-02 and SD-04 demonstrate elevated COC concentrations and correlate to the locations cited in the Ohio EPA Incident Report as the two ditches connected to the Subject Property drainage network that were impacted by the release.

Sources on the NFA Subject Property are not contributing to the exceedance of applicable standards and the Volunteer has not caused or contributed to the up-gradient contamination. Additionally, OAC 3745-300-09(F)(1) states an exposure pathway to humans is considered to exist if the surface water which contains the sediments produces or can produce a consistent supply of edible-sized fish and COCs that are persistent, bioaccumulative and toxic are present in the sediment or the surface water or if the surface water which contains the sediments is reasonably anticipated to support recreational activities such as wading, fishing, swimming, and boating. None of these scenarios are applicable to sediment onsite, and therefore, the direct contact exposure pathway is considered incomplete. Section 3.4 below discusses the ecological risk assessment associated with Subject Property sediments.

Section 3.2 Models Used

Model	Pathway Evaluated
BIOSCREEN Version 1.4	Simulate migration of arsenic in groundwater
BIOCHLOR Version 2.2	Simulate migration of TCE in groundwater
U.S. EPA's Johnson and Ettinger (J&E) model	Modeled potential indoor air concentrations of the COCs detected in both (1) soil and (2) groundwater
EPA's Vapor Intrusion Screening Level (VISL) Calculator	Used to provide a second set of comparative indoor air EPCs, risks, and hazards based on the potential migration of volatile contaminants from groundwater to indoor air.
Virginia Department of Environmental Quality (VDEQ 2014)	Uses a combination of a vadose zone model to estimate volatilization of gaseous COCs from groundwater into a trench and a box model to estimate dispersion of the COCs from the air inside the trench into aboveground air (VDEQ 2014)

The model code BIOSCREEN Version 1.4 (EPA 1996) is based on the Domenico analytical solution for the advective-dispersive solute transport equation (Domenico 1987), and it has the ability to simulate advection, dispersion, and retardation due to sorption or degradation (decay). BIOSCREEN includes different model types, including solute transport without decay. Therefore, the application of this model code to simulate the migration of arsenic in groundwater is appropriate.

The BIOCHLOR model code (Aziz and others 2002) uses an analytical advective-dispersive transport module with sequential first-order decay to simulate the in situ biotransformation of chlorinated ethenes in a single zone or multiple reaction zones. Both BIOSCREEN and BIOCHLOR are EPA-approved screening level models that are routinely used by various regulatory agencies and are in the public domain.

Groundwater and Soil-to-Indoor Air exposure point concentrations (EPCs) were estimated from both groundwater and soil using EPA's J&E models specifically EPA's GW-ADV-Feb04.xls and SL-ADV-Feb04.xls spreadsheets (EPA 2004a, 2004b). The model-specific indoor air concentrations were used as the indoor air EPCs for medium-specific (groundwater and soil) indoor air exposure scenarios for each IA. IA-specific groundwater- and soil-based indoor air concentrations were obtained from the "Intercalcs" page of the modeling results. For groundwater, the indoor air concentration is the "Infinite source building concentration". For soil, the indoor air concentration is the "Final finite source building concentration"; the soil-based indoor air concentration is identified as finite because a lower depth of contamination was identified at each IA. To the maximum extent possible, input parameter values required by the spreadsheet were based on site-specific conditions.

EPA's Vapor Intrusion Screening Level (VISL) Calculator (EPA 2014c) was used to provide a second set of comparative indoor air EPCs, risks, and hazards based on the potential migration of volatile contaminants from groundwater to indoor air. (EPA's VISL Calculator does not address the soil to indoor air migration pathway). Inputs to EPA's VISL Calculator are more limited than the J&E model-based spreadsheets.

The Virginia Department of Environmental Quality (VADEQ's) Voluntary Remediation Program (VPR) model uses a combination of a vadose zone model to estimate volatilization of gaseous COCs from groundwater into a trench and a box model to estimate dispersion of the COCs from the air inside the trench into aboveground air (VADEQ 2014). The model was used to evaluate potential exposure to VI to a hypothetical open construction trench at the site.

Section 3.3 Human Health Risk Assessment

To satisfy the requirements of 3745-300-07, Tetra Tech completed a PSRA. The risk assessment was completed in accordance with Ohio EPA VAP PSRA procedures (OAC 3745-300-09). A PSRA is also required at the Property to evaluate the indoor air pathway in portions of the Subject Property that overlie or are located adjacent to groundwater containing VOCs at concentrations greater than VISL.

The results of the on-Property Human Health Risk Assessment are summarized below:

- Risks and hazards associated with the IA-2, IA-5, IA-10, and IA-14 are less or equal to receptor-specific target cumulative risks and hazards. Therefore, remediation at these IAs is not required.
- Prior to remedial action, risks and hazards at IA-4 exceed the target cumulative risk and hazard for commercial/industrial workers and for construction/excavation workers. These risks and hazards are driven by potential exposure to carcinogenic PAHs in soil. Excavation of PAH-contaminated soils at IA-4 will be required.

The risk assessment also addressed the requirement to evaluate the cumulative cancer risk to off-Property receptors under an industrial site remedy (OAC 3745-300-9(B)(1)(b)(i)). Potential off-Property human health risks related to COC exposures from the Subject Property are less than a target cumulative risk of $1E-05$ and a target cumulative hazard of 1 (OAC 3745-300-09 (B)(1)(b)(ii)) based on (1) insubstantial exposures (inhalation of particulates and vapors from on-Property soils) and (2) measured and modeled groundwater concentrations at the Subject Property boundaries less than $1E-05$.

Section 3.4 Ecological Risk Assessment

In addition to evaluating potential human exposures to contaminants present in soil and groundwater at NFA Subject Property IAs, the scope of the PSRA also included an evaluation of potential off-Property ecological exposures. Potential ecological exposures to potential off-Property chemical concentrations were represented by a single off-Property sediment sample (SD12-LAN-0411) collected in the Beer Road Ditch beyond the Property's former NPDES-permitted discharge point. As discussed in Section 2.5, off-Property ecological pathways are potentially complete, but the volunteer is not responsible for compliance with applicable off-Property standards in accordance with OAC 3745-300-07(F)(10). As such, hazards were not calculated for these pathways in accordance with OAC 3745-300-08.

For COCs compared to reference values developed by MacDonald, Ingersoll, and Berger (2000), the threshold effect concentration (TEC) was used. However, all of the COC concentrations were less than their respective probable effect concentrations (PEC). The individual hazard quotient (HQs) and total hazard indices (HIs) are expected to be driven by off-Property sources rather than the Subject Property for the following reasons: (1) no releases of hazardous substances or petroleum products have been reported to the on-Property drainage system and (2) viable off-Property sources of PAHs are readily apparent and include the 1990 release of petroleum to the Beer Road ditch, and the NFA Subject Property storm water system.

As identified in the Phase I PA report (Tetra Tech 2011), documents provided by the Ohio EPA indicated a spill of diesel fuel originating from 815 North Beer Road (adjacent to the Subject Property's western border). The spill report pertains to an excess of oil and grease first observed in the permitted storm water effluent. Analytical results of

discharge water sampled for oil and grease in October 1990 indicated an exceedance of acceptable levels. Ohio EPA and General Motors personnel investigated the source of the petroleum and discovered the probable source was a diesel fuel release at Bender & Loudon Freight at 815 Beer Road. Subsequent to the spill, petroleum was observed entering the drainage network at the Subject Property, and ultimately making its way through the storm water pond to the Beer Road Ditch. Absorbent socks were put into place where two drainage ditches flow onto the Subject Property; however, the socks reportedly became tangled allowing the spill to flow onto the Subject Property and into the storm retention pond and beyond.

The Phase II PA and PSRA initially relied on a NPDES permit in accordance with OAC 3745-300-08(G)(2)(b) to address COCs in sediment within the drainage system. However, the NPDES permit is no longer active. As a result, the CP was required to evaluate the complete pathway to ecological receptors in accordance with OAC 3745-30007(F)(1). The CP developed the following qualitative demonstration based on previous discussions with Ohio EPA NWDO.

In accordance with OAC 3745-300-09 (E)(2), the Volunteer may conduct a qualitative demonstration asserting that the COCs on or from the Subject Property are not, and will not become harmful to important ecological resources on and off the Property. Further, the toxicity must be demonstrated to be minimal based on the concentrations of COCs, the land use, the habitat quality and the areal extent of the habitat. In the specific case of the former GM Stamping Mansfield Subject Property, the Volunteer and Racer Trust, asserts that sediment concentrations in excess of the screening threshold or the TECs do not pose a significant risk to ecological resources, due to the combination of the above listed parameters.

In accordance with applicable provisions of OAC 3745-300-07, Racer Trust collected sediment samples as part of the Phase II PA. As part of this qualitative demonstration, Racer Trust is relying upon several lines of evidence. First, concentrations of COCs do not result in a failure to meet the surface water quality standards for the Outside Mixing Zone Average.

Second, while sediment concentrations in excess of the TECs have been detected on the Subject Property, analytical results for samples collected as part of the Phase II PA demonstrate that sediment concentrations exceeding the TECs are migrating onto the Subject Property as well. As a result, the issue of demonstrating that contamination emanates solely from the Subject Property becomes complicated by potential contribution from off-Property sources of contamination. As identified in the Phase I PA report (Tetra Tech 2011), documents provided by the Ohio EPA indicate a spill of petroleum originating from 815 North Beer Road (adjacent to the Subject Property's western border). The 1990 Ohio EPA Pollution Incident Report contains correspondence between the GM plant manager and the Ohio EPA discussing the source of oil and grease detected in the storm water discharge during sampling on October 8 and 30, 1990. During that time period, no spills were reported on the Subject Property and the floating baffle, grill skimmer, and underflow weir were all in place and operating properly in the storm water pond.

Two ditches flowing onto the Subject Property (Beer Road and State Route 309 ditches) were inspected on November 13, 1990 to determine if surface water runoff from adjacent properties may have caused the contamination. A visible sheen was observed on the surface of the water in the ditch along Beer Road and a visual "trail" of the sheen led upstream to the former Bender & Loudon Trucking Terminal (815 North Beer Road) where the contamination apparently originated. This facility was once a site of underground diesel storage tanks. Absorbent socks were placed where the ditches along Beer Road and State Route 309 flow onto the Subject Property but the sock along Beer Road had become tangled allowing contaminants (observed as visible oil sheen) to enter the Subject Property, pass through a large portion of the storm water collection system, and exit the Subject Property through the permitted outfall.

Supporting evidence includes the Ohio EPA spill report and laboratory results for sediment samples SD-02 and SD-04 located in the drainage ditch adjacent to Beer Road and topographically down-gradient from the alleged spill location. These two sample locations yielded the highest concentrations of COCs relative to the other sediment sample locations on the Property. Sample locations SD-02 and SD-04 demonstrate elevated COC concentrations and correlate to the locations cited in the Ohio EPA Pollution Incident Report. These two ditches connect to the Property storm water collection system and represent the apparent entry point for the COCs onto the Property. This data supports the 1990 release at 815 Beer Road as the probable source of the COCs in Beer Road Ditch. No elevated COC concentrations were detected at sediment sample location SD-1, upstream of 815 Beer Road. Background information regarding the release, including the Ohio EPA Pollution Incident Report and an analysis of COC detections in sediment samples at the Subject Property are included as Appendix L to the Phase II PA report.

Third, concentrations of sediment migrating off the Subject Property are lower than on-Property sediments associated with the pass through provision locations and the Beer Road spill. COCs and sediments migrating onto the Property in these areas are elevated relative to other sediment sampling locations on the Property. Elevated SVOC concentrations in sediment were detected at sample locations SD-02 and SD-04, that correlate to the Beer Road incident report. The lower concentrations detected in the up-gradient SD-01 and in samples from other areas not impacted by the off-site release lend further support.

Fourth, protected ecological communities, populations or individual organisms, were not identified on the Subject Property. The habitat quality on the Subject Property is considered to be poor because surface water and sediment occur in ditches constructed as part of a treatment works formerly under an NPDES permit. The "ditches" in question are not natural features, rather they were excavated into the lower terrace area to direct storm water flow collected from roof tops and parking lots to the storm water retention pond. The system incorporates paved subsurface conveyances from the northern, production portion of the facility that discharge to these man made, un-lined ditches in the south. The features are not paved in the southern, lower terrace portion of the Subject Property. In addition, Racer Trust plans, as part of the NFA Letter, to limit the Subject Property to commercial and/or industrial land use, as those terms are defined in OAC 3745-300-08(C)(2)-Land Use and Activity Categories.

In summary, Racer Trust concludes that the presence of sediments exceeding the TECs do not constitute a need for a quantitative Property-specific ecological risk assessment and that a qualitative Property-specific ecological risk assessment is the appropriate mechanism under the circumstances. Racer Trust has adequately demonstrated, via the above referenced lines of evidence that sediment contamination on the Subject Property will not result in harm to the ecological resources.

Section 3.5 Protection of Groundwater Demonstration

The process for determining whether a Subject Property meets the provision for protection of groundwater meeting VAP Generic UPUS is described in OAC 3745-300-07(F)(2). OAC 3745-300-07(F)(3) describes the process for demonstrating how continued compliance with the provisions for protecting groundwater meeting VAP Generic UPUS will be maintained. The UPUS determination is applied to two water bearing units at the Subject Property: 1) the shallow glacial till unit; and, 2) the deep bedrock aquifer within the Cuyahoga Group.

Groundwater encountered in the glacial till beneath the Subject Property has been classified as "Class B." Laboratory results indicated that the Generic UPUS have been exceeded in three IAs at the Subject Property in this unit. As a result, protection of the shallow glacial till unit is not required under VAP.

Protection of groundwater encountered in the deeper sand and shale bedrock aquifer beneath the Subject Property is demonstrated through weight of evidence. The weight of evidence will demonstrate continuing compliance with protection of groundwater meeting unrestricted potable use standards (POGWMUPUS) in accordance with OAC 3745-300-07 (F) (3). The ODNR well log for the on-site production well screened in the Cuyahoga Group, deep soil borings installed during this investigation, and ODNR information regarding additional deep wells in the area indicated that it is reasonable to assume that COCs from sources or source areas in soil and in the upper saturated horizons encountered on the Subject Property will not migrate to the Cuyahoga Group bedrock at concentrations in excess of VAP Generic UPUS now or in the future. It is reasonable to assume the groundwater in the bedrock water unit will not exceed UPUS based on a weight of evidence determination in accordance with 3745-300-07 (F) (3). The weight of evidence to support this assumption includes the following:

- Hydraulic testing in the shallow clayey sand and gravel lenses encountered within the clay-rich till indicates that vertical hydraulic conductivity values are negligible, suggesting downward migration of COCs is unlikely. Vertical hydraulic conductivity (K) at the Subject Property, based on water level measurements in MW5-2-D during pumping at MW5-2-S, suggests there is no interconnection of the two saturated horizons in the glacial overburden. This is also indicative of vertical K values so low they are beyond the capabilities of technology available to measure them. The material represents a groundwater barrier, greatly reducing the potential for downward migration of COCs into the deeper bedrock unit.

- The ODNR well log for the former on-site production well indicates that the glacial overburden at the Subject Property extends to 72 feet bgs. This is consistent with the deep boring installed by Tetra Tech during this investigation which met refusal at 76 feet bgs.
- Logs for deep borings (IA-4-4) installed at the Subject Property also indicate in excess of 76 feet of silty clay till atop sandstone and shale bedrock. Over 25 feet of clay till exists between the base of the lowest saturated horizon encountered in the unconsolidated glacial till at the Subject Property and the depth at which bedrock is encountered at the Subject Property. The vertical hydraulic conductivity measured in the glacial till is negligible and there was no evidence of vertical fractures or structural features that could serve as a conduit for vertical migration into the deeper unit.
- Vertical migration of residual COCs associated with shallow sand lenses is unlikely because the underlying low-permeable tills would favor attenuation of contaminant concentrations by means of sorption, dispersion, and diffusion.
- Based on information collected during this investigation, the only potential pathway remaining that could permit vertical migration of COCs from shallow saturated horizons to the bedrock of the Cuyahoga Group is the former production well at the Subject Property. After a comprehensive historical document review, as well as an extensive and thorough search of the area in which the well was reportedly located, attempts to locate the feature were unsuccessful. Tetra Tech and its drilling subcontractor accurately determined the longitude and latitude reported on the original well log and investigated the area thoroughly. It is assumed that the production well was abandoned and covered at the surface after the Subject Property converted to city supplied water. Should this well be located in the future, confirmation of abandonment in accordance with ODNR requirements will be necessary.

The thickness of the glacial till material and lower permeability units documented within the upper Cuyahoga Group at the Subject Property; the likelihood of contaminant attenuation; and the proper abandonment of the production well at the Subject Property represent acceptable protection for the Cuyahoga Group aquifer beneath the Subject Property providing weight of evidence satisfying the requirements of OAC 3745-300-07(F)(3).

SECTION 4.0 SUMMARY OF REMEDIAL ACTIVITIES IMPLEMENTED AND HOW THE ACTIVITIES COMPLY WITH APPLICABLE STANDARDS

Section 4.1 Summary Table

Identified Area	Media	Chemical of Concern (COC)	Representative Concentration of COCs in Identified Area Prior to Remedial Action (mg/kg)		Applicable Standard(s) ¹ (mg/kg)		Representative Concentration of COCs in Identified Area Post Remedial Action ² (mg/kg)
			All Data ³	Exceedance Data ⁴	C/E	C/I	
IA-4 Former Coal Storage Area	Soil	benzo(a)anthracene	45.77	210	1200	58	0.219
	Soil	benzo(a)pyrene	38.14	112.3	120	5.8	0.167
	Soil	benzo(b)fluoranthene	47.14	245.8	1200	58	0.212
	Soil	dibenz(a,h)anthracene	7.858	28.49	120	5.8	0.054
	Soil	indeno(1,2,3-cd) pyrene	20.43	103.4	1200	58	0.125

¹ Method used for deriving applicable standard is the VAP Direct Contact Generic Numerical Standards

² Method of achieving compliance with applicable standards was soil removal via an excavation

³ Representative concentrations (derived through calculating a 95% UCL) for all detections across IA-4

⁴ Representative concentrations (derived through calculating a 95% UCL) for samples only containing exceedances of applicable standards within IA-4

⁵ Representative concentrations (derived through calculating a 95% UCL) for all excavation confirmation sample detections post remedial action

C/E = Construction/Excavation Direct Contact Standard

C/I = Commercial/Industrial Direct Contact Standard

Representative concentrations were calculated for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene, dibenz(a,h)anthracene, and indeno(1,2,3-cd)pyrene concentrations within IA-4. Representative concentrations were derived by calculating a 95% upper confidence limit (UCL) for each COC using all of the soil data above laboratory detection limits. A 95% UCL was also calculated for each COC using only concentrations that exceeded applicable standards and for each COC using only concentrations detected in the remedial excavation confirmation samples. ProUCL version 5.0 was used for data analysis. Due to the different size of each COC's data population, ProUCL determined which 95% UCL best represented the data set. Tetra Tech used the recommended 95% UCL for the representative concentration of each COC. The representative concentrations and applicable standards are presented in the Summary Table above:

Section 4.2 Summary of Remedial Activities

A remedy was required in order to meet VAP generic direct contact standards in IA-4. Due to the limited area and shallow depth, an excavation of impacted material occurred followed by placement of clean back fill material. Analytical results from Phase II PA activities indicated that the excavation to a depth of five feet bgs effectively removed soils exceeding VAP GDCS in IA-4.

Remedial activities began on October 23, 2015 with the global positioning system (GPS) locating and marking of the proposed excavation area. Upon completion, Tetra Tech subcontractor, GeoSearches, completed a ground penetrating radar (GPR) scan on October 26, 2015 of the proposed excavation area in search of potential underground utilities within the excavation limits. In addition to the GeoSearches GPR scan, Tetra Tech contacted the Ohio Utilities Protection Service (OUPS) for the marking of public utilities at a minimum of 48 hours prior to the start of excavation activities. Upon completion of the utility searches, no utility lines or potential hazards were discovered within the excavation limits.

Excavation and backfilling activities were completed by Tetra Tech subcontractor, Chase Environmental Group (Chase) under direct supervision of Tetra Tech personnel. Chase mobilized to the Subject Property on October 27, 2015 and excavation work began the following day. A total of 2,546.24 tons of PAH impacted soils were removed from the Subject Property and properly disposed of as non-hazardous waste at the Rumpke of Northern Ohio facility located in Shiloh, Ohio. The completed excavation measured approximately 100 feet by 75 feet by 5 feet deep. Prior to backfilling, Tetra Tech collected a total of 20 confirmation samples from the open excavation pit. Fifteen of the confirmation samples were collected from the bottom of the excavation (approximately 5 feet bgs) and the remaining five samples were collected from the sidewalls (approximately 2.5 feet bgs) of the excavation. Tetra Tech also collected one composite sample of the backfill material. All collected samples were sent to Test America Labs (VAP certification #CL0024) in North Canton, Ohio for laboratory analysis of PAHs.

As per Ohio EPA Technical Guidance Compendium (TGC) VA30007.14.020, incoming back fill material is determined clean either through a focused Phase I assessment of

the borrowed fill or through a targeted Phase II sampling assessment of the fill material. A clean fill certification and questionnaire from the borrowed fill material source was obtained and laboratory analysis was completed for the composite collected of the fill material. Upon receiving the sample analytical results and the subsequent validation of samples meeting acceptable standards, Chase backfilled the open excavation pit with clean fill and completed backfilling activities on November 10, 2015.

Type of Remedy	Applies to IA	COCs addressed	Pathway(s) addressed
Soil excavation	IA-4	PAHs	Direct contact, leaching, and vapor intrusion

Remediation activities were completed at the Subject Property within IA-4 in order to achieve compliance with VAP direct contact soil standards for the commercial/industrial and construction/excavation scenarios as well as applicable vapor intrusion multiple chemical adjustments and pathway summations in accordance with OAC 3745-300-08.

Laboratory analytical results indicate minor detections of multiple PAH compounds within bottom and sidewall confirmation samples. All detected concentrations, though, were less than applicable VAP commercial/industrial and construction/excavation direct contact standards. The composite sample of the incoming fill material also contained minor detections of PAH compounds but were also less than applicable VAP commercial/industrial and construction/excavation direct contact standards. No collected samples contained concentrations exceeding VAP direct contact standards. Upon completion of excavation activities, twenty-two soil borings (IA-4-3, IA-4-11 through IA-4-20, IA-4-28 through IA-4-38) which were advanced during Tetra Tech's Phase II PA were removed to a depth of 5 feet bgs. Soil samples shallower than 5 feet bgs collected from those twenty soil borings have been removed from the Subject Property's data population.

SECTION 5.0 ENGINEERING CONTROLS / O&M PLAN AND AGREEMENT

The selected remedy included removal of soil to below the point of compliance. COC concentrations were reduced to levels below GNS. Engineering controls were not required to achieve compliance with GNS. No O&M Plan or Agreement is required.

SECTION 6.0 RISK MITIGATION MEASURES / RISK MITIGATION PLAN (RMP)

The selected remedy included removal of soil to below the point of compliance. COC concentrations were reduced to levels below GNS. As a result, risk mitigation and associated planning are not required.

SECTION 7.0 ACTIVITY AND USE LIMITATIONS / ENVIRONMENTAL COVENANT

Racer Trust applies future use limitations to restrict certain activities at their sites. Future use limitations selected for this site include a Subject Property use restriction limiting Subject Property use to commercial/industrial, and a groundwater use restriction prohibiting the extraction and/or use of groundwater from beneath the Subject Property. These activity and use limitations when established will limit the Subject Property to commercial/industrial land uses and prohibit groundwater use.

Exhibit 4
Environmental Covenant

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into by Ontario Business Park, LLC ("Owner"), the Revitalizing Auto Communities Environmental Response ("RACER") Trust, an independent trust ("Holder"), 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 described in Section 2 herein ("Property") to the activity and use limitations set forth herein.

WHEREAS, the Holder has undertaken a voluntary action with respect to the Property under Ohio's Voluntary Action Program ("VAP"), pursuant to ORC Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300.

WHEREAS, the owner of the Property is Ontario Business Park, LLC. The Holder is not the owner of the Property.

WHEREAS, the voluntary action remedy for the Property includes the activity and use limitations set forth in this Environmental Covenant. Certified Professional Lewis C. Rhodes, Jr. (CP #201), issued a no further action letter ("NFA Letter") for the Property on December 3, 2015 and submitted the NFA Letter to Ohio EPA ("No. 15NFA643"), with a request for a covenant not to sue.

WHEREAS, the activity and use limitations support the issuance of the NFA Letter and a covenant not to sue for the Property; the limitations protect against exposure to the hazardous substances and petroleum in soil and groundwater on or underlying the Property.

WHEREAS, the NFA Letter's executive summary contains an overview of the voluntary action. The executive summary may be reviewed as an exhibit to the covenant not to sue issued for the Property, recorded in the deed records for the Property in the Richland County Recorder's Office. The covenant not to sue and the NFA Letter (No.15NFA643) may also be reviewed by contacting the Records Management Officer for the Division of Environmental Response and Revitalization, at Ohio EPA's Central Office, 50 West Town Street, Columbus, Ohio 43216, (614) 644-2924, or at Ohio EPA's Northwest District Office at 397 Dunbridge Road, Bowling Green, Ohio 43402, (419) 352-8461; or by contacting the Certified Professional at: Tetra Tech, Inc., 250 West Court Street, Suite 200 W, Cincinnati, Ohio 45202, (513) 241-0149; or by contacting the Holder at 550 Woodward Avenue, Suite 2650, Detroit, Michigan, 48226, (937) 751-8635.

Now therefore, the Owner, the Holder 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 an approximately 266-acre tract of real property, located at 2525 West Fourth Street, Ontario, Richland County, Ohio, and more particularly described in Attachment 1 attached hereto and hereby incorporated by reference herein ("Property").

3. Owner. This Property is owned by Ontario Business Park, LLC ("Owner"), which is located at 1400 N.W. 107th Avenue, Miami, Florida 33172.

4. Holder. Pursuant to ORC § 5301.81, the holder of this Environmental Covenant ("Holder") is the RACER Trust.

5. Activity and Use Limitations. As part of the voluntary action remedy described in the NFA Letter, Owner hereby imposes and agrees to comply with the following activity and use limitations:

a. Groundwater Extraction and Use Prohibition. No person shall extract or use ground water at or underlying the Property for any purpose, potable or otherwise, except for investigation or remediation thereof, or in conjunction with construction or excavation activities or maintenance of subsurface utilities.

b. Commercial and/or Industrial Land Use Restriction. The Property is hereby limited to commercial or industrial land use only, as defined in OAC 3745-300-08 (C)(2)(b) and (C)(2)(c) (eff. August 1, 2014).

OAC 3745-300-08(C)(2)(b) defines *commercial land use* as "land use with potential exposure of adult workers during a business day and potential exposures 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, ingestion of soil and inhalation of volatile compounds due to vapor intrusion to indoor air. Generic direct contact standards for commercial land use may not be appropriate for properties where a high frequency of potential exposure to children may occur, such as at schools and day care facilities." Examples of commercial land uses include, but are not limited to warehouses; retail gasoline stations; retail establishments; professional offices; hospitals and clinics; religious institutions; hotels; motels; and parking facilities.

OAC 3745-300-08(C)(2)(c) 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 and inhalation of

volatile compounds due to vapor intrusion to indoor air." Examples of industrial land uses include, but are not limited to: lumberyards; power plants; manufacturing facilities such as metalworking 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 Owner, during the time that the Owner owns the Property or any portion thereof, and upon 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 or other applicable law. 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 against 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 noncompliant use.

8. Rights of Access. Owner hereby grants to the Holder and Ohio EPA's authorized representatives the right of access to the Property for implementation or enforcement of this Environmental Covenant and shall require such access as a condition of any transfer of the Property or any portion thereof.

9. Compliance Reporting. Owner or Transferee, if applicable, shall, upon request by Ohio EPA, submit to Ohio EPA and any Holders other than Owner, written documentation verifying that the activity and use limitations set forth herein remain in place and are being complied with.

10. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion thereof 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, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE RICHLAND COUNTY RECORDER'S OFFICE ON _____, 2016, IN

[DOCUMENT ____, or BOOK ____, PAGE ____]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Groundwater Extraction and Use Prohibition.

Commercial and/or Industrial Land Use Restriction.

Owner or Transferee, if applicable, shall notify Ohio EPA within ten (10) days after each conveyance of an interest in the Property or any portion thereof, except for leases entered into by Owner with tenants in the normal course of business. The 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.

11. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:

- A. that the Owner is the sole owner of the Property;
- B. that the Owner holds fee simple title to the Property and that the Owner conducted a current title search that shows that the Property is not subject to any interests or encumbrances that conflict with the activity and use limitations set forth in this Environmental Covenant;
- C. that the Owner has 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;
- D. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected;
- E. that the Owner has identified all other persons that own an interest in or hold an encumbrance on the Property, and, if applicable, notified such persons of the Owner's intention to enter into this Environmental Covenant.

12. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following: the Owner, or a Transferee, if applicable; other Holders, if any; and the Director of the Ohio EPA, pursuant to ORC §§ 5301.82 and 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 so long as 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 by the Owner or Transferee, if applicable, and other Holders or their assignees, if any, of the Property or any portion thereof, as applicable. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee, if applicable, shall file such instrument for recording with the Richland County Recorder's Office, and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA and other Holders or their assignees, if any.

13. 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.

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

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

16. 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 Richland County Recorder's Office.

17. Distribution of Environmental Covenant. Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to the Ohio EPA and the RACER Trust.

18. Notice. Unless otherwise notified in writing by any party hereto or Ohio EPA, any document or communication required by this Environmental Covenant shall be submitted to:

As to Ohio EPA:

Ohio EPA – Central Office
Division of Environmental Response and Revitalization
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn.: DERR Records Management Officer, regarding Former GM Mansfield/Ontario
Stamping Plant Property (15NFA643)

and Or, send electronically to: records@epa.ohio.gov

Ohio EPA - Northwest District Office
Division of Environmental Response and Revitalization
397 Dunbridge Road
Bowling Green, Ohio 43402
Attn.: DERR Site Coordinator for Former GM Mansfield/Ontario Stamping Plant
Property (15NFA643)

As to Holder:

RACER Trust
500 Woodward Avenue, Suite 2650
Detroit, Michigan 48226
Attn: Pam Barnett

As to Owner:

Ontario Business Park, LLC
Adler Plaza – 5th Floor
1400 N.W. 107th Avenue
Miami, Florida 33172
Attn: Michael M. Adler and David S. Adler
Facsimile: 305-392-4004
Email: madler@adlergroup.com / dadler@adlergroup.com

The undersigned represents and certifies that the undersigned is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

OWNER:

ONTARIO BUSINESS PARK, LLC

By: [Signature]
Print Name: Michael M. Adler
Title: President

Date: 3/7/2016

State of Florida)
County of Miami-Dade) SS:

Before me, a notary public, in and for said county and state, personally appeared Michael M. Adler, a duly authorized representative of Ontario Business Park, LLC, who acknowledged to me the execution of the foregoing instrument on behalf of the Owner.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 7th day of March, 2016.

[Signature]
Notary Public



ADAM MAIT
MY COMMISSION # FF 003908
EXPIRES: April 1, 2017
Bonded Thru Budget Notary Services

HOLDER:

Revitalizing Auto Communities Environmental Response Trust

By: EPLET, LLC, acting solely in its representative capacity as Administrative Trustee

By:

Elliott P. Laws 3/1/16
ELLIOTT P. LAWS, not individually,
but acting solely in his capacity as
Managing Member

State of Michigan

County of Wayne

)

)

ss:

)

Before me, a notary public, in and for said county and state, personally appeared Elliott P. Laws, a duly authorized representative of the Revitalizing Auto Communities Environmental Response Trust, who acknowledged to me the execution of the foregoing instrument on behalf of the Holder.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 1st day of March, 2016.

Tracie L. Nichols
Notary Public

TRACIE L. NICHOLS
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-19-2017
Acting in the County of Wayne

OHIO ENVIRONMENTAL PROTECTION AGENCY

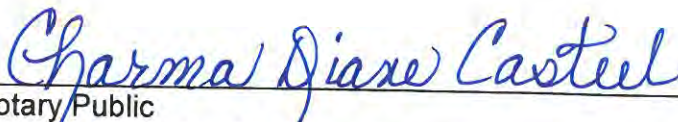

Craig W. Butler, Director

State of Ohio)
) ss:
County of Franklin)

Before me, a notary public, in and for Franklin County, Ohio, personally appeared Craig W. Butler, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 31ST day of MARCH, 2016.




Notary Public

CHARMA DIANE CASTEEL
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
May 10, 2019

This instrument was prepared by:

Carl Garvey, General Counsel
RACER Trust
500 Woodward Avenue, Suite 2650
Detroit, MI 48226

Mark J. Navarre
Ohio EPA - Legal Office
50 West Town Street, Suite 700
Columbus, OH 43215

LEGAL DESCRIPTION OF THE REAL PROPERTY

All those tracts or parcels of land lying and being in the City of Ontario, County of Richland, State of Ohio, and being more particularly described on as follows:

(AS-SURVEYED DESCRIPTION)

SITUATE IN THE STATE OF OHIO, COUNTY OF RICHLAND, TOWNSHIP OF SPRINGFIELD, CITY OF ONTARIO, BEING IN THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 14 AND THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 23, ALL BEING SITUATED IN TOWNSHIP 21, RANGE 19, CONGRESS LANDS AND BEING THAT DESCRIBED AS THE GENERAL MOTORS CORPORATION PROPERTY IN THE FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 110093158, WITH AN EFFECTIVE DATE OF DECEMBER 21, 2010 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION BETWEEN THE NORTH LINE OF SECTION 23, TOWNSHIP 21, RANGE 19 WITH THE WEST RIGHT OF WAY LINE OF STUMBO ROAD (80 FEET WIDE); RUN THENCE SOUTH 01 DEGREES 09 MINUTES 52 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 412.13 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING THE POINT OF INTERSECTION BETWEEN THE WEST RIGHT OF WAY LINE OF STUMBO ROAD WITH THE NORTH BOUNDARY LINE OF THAT CERTAIN TRACT OF LAND NOW OR FORMERLY OWNED BY THE VILLAGE OF ONTARIO AS DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN VOLUME 848, PAGES 463 THROUGH 465, INCLUSIVE, OF THE PUBLIC RECORDS OF RICHLAND COUNTY, OHIO; THENCE RUN SOUTH 88 DEGREES 54 MINUTES 10 SECONDS WEST ALONG SAID NORTH LINE 690.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING A POINT SITUATED SOUTH 00 DEGREES 46 MINUTES 51 SECONDS EAST 410.86 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 23; THENCE CONTINUE ALONG AFORESAID NORTH LINE AND THE NORTH LINE OF THAT CERTAIN TRACT OF LAND NOW OR FORMERLY OWNED BY ERIE LAND AND IMPROVEMENT COMPANY OF PENNSYLVANIA AS DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 442, PAGES 436 THROUGH 438 INCLUSIVE, SOUTH 68 DEGREES 21 MINUTES 22 SECONDS WEST, PASSING A 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP AT 196.19 FEET FOR A TOTAL OF 480.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING THE NORTHWEST CORNER OF SAID ERIE TRACT OF LAND; THENCE RUN SOUTH 21 DEGREES 38 MINUTES 38 SECONDS EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT 832.27 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE NORTHERLY RIGHT OF WAY LINE OF MANSFIELD BY PASS (U. S. ROUTE 30); THENCE RUN ALONG SAID RIGHT OF WAY LINE SOUTH 62 DEGREES 37 MINUTES 24 SECONDS WEST 2143.59 TO A SET 5/8 INCH IRON ROD WITH ASM CAP MARKING A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 360.15 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 04 MINUTES 53 SECONDS WEST 264.92 FEET; THENCE FROM A RADIAL BEARING OF NORTH 07 DEGREES 20 MINUTES 21 SECONDS EAST RUN NORTHERLY ALONG THE EAST RIGHT OF WAY LINE OF BEER ROAD AND ALONG THE ARC OF SAID CURVE 271.29 FEET THROUGH A CENTRAL ANGLE OF 43 DEGREES 09 MINUTES 32 SECONDS TO POINT MARKED BY A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE THROUGH THE FOLLOWING SIX COURSES: THENCE NORTH 39 DEGREES 30 MINUTES 21 SECONDS WEST 308.20 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 559.18 FEET, A CENTRAL ANGLE OF 29 DEGREES 46 MINUTES 19 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 24 DEGREES 37 MINUTES 10 SECONDS WEST 287.30 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 290.56 FEET TO A POINT MARKED BY A SET 5/8 INCH IRON ROD

WITH ASM CAP; THENCE NORTH 01 DEGREES 50 MINUTES 06 SECONDS WEST 1647.12 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE NORTH 02 DEGREES 00 MINUTES 21 SECONDS WEST 2118.05 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1392.39 FEET, A CENTRAL ANGLE OF 05 DEGREES 35 MINUTES 10 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 00 DEGREES 48 MINUTES 17 SECONDS EAST 135.70 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 135.75 FEET TO A POINT MARKED BY A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE RUN NORTH 35 DEGREES 11 MINUTES 36 SECONDS EAST 140.82 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE SOUTHERLY RIGHT OF WAY LINE OF WEST 4TH STREET-CRESTLINE MANSFIELD ROAD (STATE ROUTE 30); THENCE RUN ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE SOUTH 77 DEGREES 25 MINUTES 06 SECONDS EAST 400.00 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 79 DEGREES 08 MINUTES 08 SECONDS EAST 487.91 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE WEST LINE OF A TRACT FOR STORM DRAINAGE; THENCE RUN ALONG THE BOUNDARIES OF SAID DRAINAGE TRACT THE FOLLOWING THREE COURSES: THENCE SOUTH 25 DEGREES WEST 67.47 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 65 DEGREES EAST 20.00 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE NORTH 25 DEGREES EAST 72.51 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF WEST 4TH STREET; THENCE RUN ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: THENCE SOUTH 79 DEGREES 08 MINUTES 08 SECONDS EAST 491.81 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 77 DEGREES 25 MINUTES 06 SECONDS EAST 1748.29 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 57375.78 FEET, A CENTRAL ANGLE OF 00 DEGREES 15 MINUTES 46 SECONDS AND A CHORD BEARING AND DISTANCE OF SOUTH 77 DEGREES 32 MINUTES 58 SECONDS EAST 263.12 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE 263.12 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF STUMBO ROAD; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE SOUTH 00 DEGREES 07 MINUTES 54 SECONDS WEST 1563.54 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 01 DEGREES 09 MINUTES 52 SECONDS WEST 2.51 FEET TO THE POINT OF BEGINNING, CONTAINING THEREIN 265.052 ACRES MORE OR LESS, OF WHICH 27.234 ACRES MORE OR LESS LIES IN THE SOUTHEAST QUARTER OF SECTION 14; 126.264 ACRES MORE OR LESS LIES IN THE SOUTHWEST QUARTER OF SECTION 14; 6.581 ACRES MORE OR LESS LIES IN THE NORTHEAST QUARTER OF SECTION 23; 104.973 ACRES MORE OR LESS LIES IN THE NORTHWEST QUARTER OF SECTION 23 SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY OF RECORD AND RECORDS IN THEIR RESPECTIVE UTILITY OFFICES.

THIS DESCRIPTION IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED DECEMBER 06, 2011 AND IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE 4733-37. BASIS OF BEARINGS IS THE NORTHERLY LINE OF THE VILLAGE OF ONTARIO TRACT, AS SOUTH 88 DEGREES 54 MINUTES 10 SECONDS WEST, AS PER DEED VOLUME 848, PAGE 463 THROUGH 465 AND IS FOR ANGULAR PURPOSES ONLY.



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

91 7199 9991 7030 4725 9515

**Re: Mansfield Stamping Plt
Covenant
Correspondence
Voluntary Action Program
Richland County
370002817008**

CERTIFIED MAIL

MEMORANDUM

TO: Shelley Wilson, Executive Administrator for Real Property, Tax
Equalization Division, Ohio Department of Taxation

FROM:  Craig W. Butler, Director, Ohio Environmental Protection Agency

SUBJECT: **Issuance of Covenant Not To Sue to the Revitalizing Auto
Communities Environmental Response (RACER) Trust for the
Former GM Mansfield/Ontario Stamping Plant Property**

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

Property name: Former GM Mansfield/Ontario Stamping Plant Property

Property address: 2525 West Fourth Street, Ontario, Richland County, Ohio 44305

Property owner: Ontario Business Park, LLC

Property owner address: Adler Plaza – 5th Floor, 1400 N.W. 107th Avenue,
Miami, Florida 33172

Parcel number(s): 0386015206000; 0386015205000; 0386015204000;
0386015203000; 0386015202000

County: Richland

Taxing District: Richland Taxing District 03860

Date Covenant Not to Sue Issued: **APR - 1 2016**

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

If additional information regarding the property or the voluntary action is required, I suggest you first contact Lewis C. Rhodes, Jr., the Certified Professional for the property, at (513) 333-3660. As an alternative, you may contact Ghassan Tafla with the Ohio Environmental Protection Agency at (419) 373-3039.

cc: Ms. Pamela Barnett, RACER Trust, 500 Woodward Avenue, Suite 2650,
Detroit, Ohio 48226

David Adler, Brownfields Communities Development Company,
1400 N.W. 107th Avenue, Miami, Florida 33172

Lewis C. Rhodes, Jr., Certified Professional, Tetra Tech Inc.
250 West Court Street, Suite 200 W, Cincinnati, Ohio 45202

Patrick W. Dropsey, Richland County Auditor,
50 Park Avenue East, Mansfield, Ohio 44902

ec: Ildi Pallos, SABR, Ohio EPA
Mark Navarre, Legal Office, Ohio EPA
DERR-CO, VAP Files 15NFA643
Ghassan Tafla, DERR-NWDO

Attachment 1

LEGAL DESCRIPTION OF THE REAL PROPERTY

All those tracts or parcels of land lying and being in the City of Ontario, County of Richland, State of Ohio, and being more particularly described on as follows:

(AS-SURVEYED DESCRIPTION)

SITUATE IN THE STATE OF OHIO, COUNTY OF RICHLAND, TOWNSHIP OF SPRINGFIELD, CITY OF ONTARIO, BEING IN THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 14 AND THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 23, ALL BEING SITUATED IN TOWNSHIP 21, RANGE 19, CONGRESS LANDS AND BEING THAT DESCRIBED AS THE GENERAL MOTORS CORPORATION PROPERTY IN THE FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 110093158, WITH AN EFFECTIVE DATE OF DECEMBER 21, 2010 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION BETWEEN THE NORTH LINE OF SECTION 23, TOWNSHIP 21, RANGE 19 WITH THE WEST RIGHT OF WAY LINE OF STUMBO ROAD (80 FEET WIDE); RUN THENCE SOUTH 01 DEGREES 09 MINUTES 52 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 412.13 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING THE POINT OF INTERSECTION BETWEEN THE WEST RIGHT OF WAY LINE OF STUMBO ROAD WITH THE NORTH BOUNDARY LINE OF THAT CERTAIN TRACT OF LAND NOW OR FORMERLY OWNED BY THE VILLAGE OF ONTARIO AS DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN VOLUME 848, PAGES 463 THROUGH 465, INCLUSIVE, OF THE PUBLIC RECORDS OF RICHLAND COUNTY, OHIO; THENCE RUN SOUTH 88 DEGREES 54 MINUTES 10 SECONDS WEST ALONG SAID NORTH LINE 690.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING A POINT SITUATED SOUTH 00 DEGREES 46 MINUTES 51 SECONDS EAST 410.86 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 23; THENCE CONTINUE ALONG AFORESAID NORTH LINE AND THE NORTH LINE OF THAT CERTAIN TRACT OF LAND NOW OR FORMERLY OWNED BY ERIE LAND AND IMPROVEMENT COMPANY OF PENNSYLVANIA AS DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 442, PAGES 436 THROUGH 438 INCLUSIVE, SOUTH 68 DEGREES 21 MINUTES 22 SECONDS WEST, PASSING A 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP AT 196.19 FEET FOR A TOTAL OF 480.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH NO IDENTIFYING CAP MARKING THE NORTHWEST CORNER OF SAID ERIE TRACT OF LAND; THENCE RUN SOUTH 21 DEGREES 38 MINUTES 38 SECONDS EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT 832.27 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE NORTHERLY RIGHT OF WAY LINE OF MANSFIELD BY PASS (U. S. ROUTE 30); THENCE RUN ALONG SAID RIGHT OF WAY LINE SOUTH 62 DEGREES 37 MINUTES 24 SECONDS WEST 2143.59 TO A SET 5/8 INCH IRON ROD WITH ASM CAP MARKING A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 360.15 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 04 MINUTES 53 SECONDS WEST 264.92 FEET; THENCE FROM A RADIAL BEARING OF NORTH 07 DEGREES 20 MINUTES 21 SECONDS EAST RUN NORTHERLY ALONG THE EAST RIGHT OF WAY LINE OF BEER ROAD AND ALONG THE ARC OF SAID CURVE 271.29 FEET THROUGH A CENTRAL ANGLE OF 43 DEGREES 09 MINUTES 32 SECONDS TO POINT MARKED BY A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE THROUGH THE FOLLOWING SIX COURSES: THENCE NORTH 39 DEGREES 30 MINUTES 21 SECONDS WEST 308.20 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 559.18 FEET, A CENTRAL ANGLE OF 29 DEGREES 46 MINUTES 19 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 24 DEGREES 37 MINUTES 10 SECONDS WEST 287.30 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 290.56 FEET TO A POINT MARKED BY A SET 5/8 INCH IRON ROD

WITH ASM CAP; THENCE NORTH 01 DEGREES 50 MINUTES 06 SECONDS WEST 1647.12 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE NORTH 02 DEGREES 00 MINUTES 21 SECONDS WEST 2118.05 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1392.39 FEET, A CENTRAL ANGLE OF 05 DEGREES 35 MINUTES 10 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 00 DEGREES 48 MINUTES 17 SECONDS EAST 135.70 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 135.75 FEET TO A POINT MARKED BY A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE RUN NORTH 35 DEGREES 11 MINUTES 36 SECONDS EAST 140.82 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE SOUTHERLY RIGHT OF WAY LINE OF WEST 4TH STREET-CRESTLINE MANSFIELD ROAD (STATE ROUTE 30); THENCE RUN ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE SOUTH 77 DEGREES 25 MINUTES 06 SECONDS EAST 400.00 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 79 DEGREES 08 MINUTES 08 SECONDS EAST 487.91 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE WEST LINE OF A TRACT FOR STORM DRAINAGE; THENCE RUN ALONG THE BOUNDARIES OF SAID DRAINAGE TRACT THE FOLLOWING THREE COURSES: THENCE SOUTH 25 DEGREES WEST 67.47 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 65 DEGREES EAST 20.00 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE NORTH 25 DEGREES EAST 72.51 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF WEST 4TH STREET; THENCE RUN ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: THENCE SOUTH 79 DEGREES 08 MINUTES 08 SECONDS EAST 491.81 FEET A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 77 DEGREES 25 MINUTES 06 SECONDS EAST 1748.29 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP AT THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 57375.78 FEET, A CENTRAL ANGLE OF 00 DEGREES 15 MINUTES 46 SECONDS AND A CHORD BEARING AND DISTANCE OF SOUTH 77 DEGREES 32 MINUTES 58 SECONDS EAST 263.12 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE 263.12 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF STUMBO ROAD; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE SOUTH 00 DEGREES 07 MINUTES 54 SECONDS WEST 1563.54 FEET TO A SET 5/8 INCH IRON ROD WITH ASM CAP; THENCE SOUTH 01 DEGREES 09 MINUTES 52 SECONDS WEST 2.51 FEET TO THE POINT OF BEGINNING, CONTAINING THEREIN 265.052 ACRES MORE OR LESS, OF WHICH 27.234 ACRES MORE OR LESS LIES IN THE SOUTHEAST QUARTER OF SECTION 14; 126.264 ACRES MORE OR LESS LIES IN THE SOUTHWEST QUARTER OF SECTION 14; 6.581 ACRES MORE OR LESS LIES IN THE NORTHEAST QUARTER OF SECTION 23; 104.973 ACRES MORE OR LESS LIES IN THE NORTHWEST QUARTER OF SECTION 23 SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY OF RECORD AND RECORDS IN THEIR RESPECTIVE UTILITY OFFICES.

THIS DESCRIPTION IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED DECEMBER 06, 2011 AND IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE 4733-37. BASIS OF BEARINGS IS THE NORTHERLY LINE OF THE VILLAGE OF ONTARIO TRACT, AS SOUTH 88 DEGREES 54 MINUTES 10 SECONDS WEST, AS PER DEED VOLUME 848, PAGE 463 THROUGH 465 AND IS FOR ANGULAR PURPOSES ONLY.