

Georgia Department of Natural Resources

Environmental Protection Division

2 Martin Luther King, Jr. Dr., S.E., Suite 1462 East, Atlanta, Georgia 30334

Judson H. Turner, Director

Land Protection Branch

Keith M. Bentley, Chief

Phone: 404/657-8600 FAX: 404/657-0807

May 24, 2013

FILE COPY

GMBR, LLC
c/o Ajay North America, LLC
Mr. Tim Graham
1400 Industry Road, SW
Powder Springs, Georgia 30127

Re: Revised Monitoring and Maintenance Plan
Corrective Action Completion Report
Silver Seam Removal and Building Cleaning Completion Report
Tax Parcel 19 0941 0 002 0
4000 Industry Road, SW
Powder Springs, Cobb County
Georgia Metals Site- HSI # 10116

Dear Mr. Graham:

The Georgia Environmental Protection Division (EPD) has completed its review of the Revised Monitoring and Maintenance Plan (M&MP), dated May 13, 2013, the Corrective Action Completion Report (CACR), dated December 27, 2012, and the Silver Seam Removal and Building Cleaning Completion Report, dated May 23, 2012. The documents were submitted for the above-referenced Property by ERM on behalf of GMBR, LLC. The CACR certifies that soil at the Property is in compliance with Type 5 Risk Reduction Standards (RRS) in accordance with Section 391-3-19-.07(10)(b) of the Rules for Hazardous Site Response (Rules). The M&MP describes the long-term monitoring and maintenance activities that will be performed at the Property to ensure on-going compliance with those standards. EPD has determined that the documents are complete and will concur with the compliance certification once the proposed Uniform Environmental Covenant has been recorded. The Revised Monitoring and Maintenance Plan is hereby approved subject to the following condition:

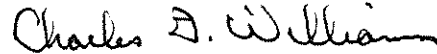
1. EPD has included additional language in the Land-Use Certification Form regarding potential exposure to on-site workers from contact with contaminated soil. Please use the enclosed Land Use Certification Form for annual reporting.

EPD's approval of these documents extends only to those technical aspects of the documents that expressly require EPD approval under applicable rules and statutes. This approval is not an endorsement by EPD that it accepts as conclusive any representations made in the documents. Nor does EPD guarantee or warrant that the documents are free of errors or omissions. EPD may later withdraw approval of these documents, in whole or in part, if EPD determines that withdrawal is necessary to ensure compliance with the applicable rules and statutes.

GMBR, LLC
May 24, 2013
Page 2

Please return the signed Uniform Environmental Covenant, including proof of delivery to required entities, to EPD by June 28, 2013. If you have any questions or concerns regarding this matter, please contact John Maddox at 404-657-8600.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles D. Williams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles D. Williams
Program Manager
Response and Remediation Program

Encl: Example Land-Use Certification Form

File: HSI # 10116

S:\RDRIVE\JMaddox\HSINGA Metals\M&M Plan Revision Apvl.doc

LAND-USE CERTIFICATION FORM
GEORGIA METALS SITE, HSI No. 10116

TYPE	No.	CRITERIA RESPONSE	YES	NO
Land Use	1	Does this property meet the definition of non-residential property as defined in HSRA Rule 391-3-19.02(2)? "Non-residential property means any property or portion of a property not currently being used for human habitation or for other purposes with a similar potential for human exposure, at which activities have been or are being conducted that can be categorized in one of the 1987 Standard Industrial Classification major group..."		
	1a	If no to 1, attach a written explanation to this form.		
Exposure	2	Has excavation, construction, utility installation or maintenance, or similar land disturbing activities been conducted in the Type 5 Area within the last year?		
	2a	If yes to 2, was work performed using appropriate personal protective equipment (PPE)?		
	2b	Are site workers exposed directly to soils that do not meet the residential RRS at this HSRA site in excess of 250 days per year?		
	2c	If yes to 2b, are these same workers exposed to soils at this HSRA site in excess of 25 years throughout their career?		
Institutional Controls	3	Do all leases or other property instruments for the site have the applicable deed notice language inserted into them.		
	3a	If no to 3, attach a written explanation to this form.		
Inspection	4	Date of Inspection and Name of Inspector:		
	4a	Photographs showing current land use (attached)		

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME (Please type or print)

TITLE

SIGNATURE

DATE

**Environmental
Resources
Management**

3200 Windy Hill Road
Suite 3200W
Atlanta, GA 30339
678-486-2700
404-745-0103 (fax)

May 13, 2013
0173895

Mr. Jason Metzger
Land Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Drive, SE
Suite 1154, East Tower
Atlanta, Georgia 30334-9000



Subject: Submittal of the Revised Monitoring and Maintenance Plan for
the Type 5 RRS Area at the GMBR Site, Powder Spring, Georgia
HSI Site No. 10116

Dear Mr. Metzger:

Please find enclosed one hard copy and two electronic copies of the Revised Monitoring and Maintenance Plan for the Type 5 RRS Area at the GMBR Site. This plan is being submitted on behalf of GMBR, LLC (GMBR) for the referenced property located at 4000 Industry Road, SW, Powder Springs, Georgia. This plan was prepared in accordance with the Uniform Environmental Covenants Act.

We look forward to your approval of this plan. Please contact us with any questions or comments you may have.

Sincerely,

Amy Griswold, E.I.T.
Project Manager

Jeffrey N. Bilkert
Principal

cc: Tim Graham, Ajay North America



Revised Monitoring and Maintenance Plan for Type 5 RRS Area

**GMBR, LLC Site
4000 Industry Road
Powder Springs, Georgia
HSI Site No. 10116**

May 13, 2013

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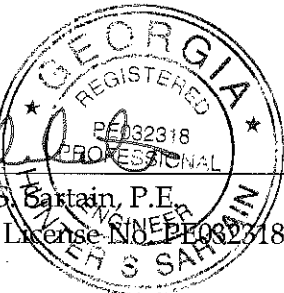
APPENDICES

- A** *Uniform Environmental Covenant*
- B** *Photographs*
- C** *Inspection and Maintenance Logs*

GROUND WATER SCIENTIST STATEMENT

I certify that I am a qualified ground water scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and have sufficient training and experience in ground water hydrology and related fields, as demonstrated by state registration and completion of accredited university courses, that enable me to make sound professional judgments regarding ground water monitoring and contaminant fate and transport. I further certify that this report was prepared by me and appropriate qualified individuals working under my direction.


Hunter S. Sartain, P.E.
Georgia License No. PE032318



5/13/13
Date

1.0 INTRODUCTION

This Monitoring and Maintenance Plan (M&M Plan) has been prepared by Environmental Resources Management (ERM) on behalf of GMBR, LLC (GMBR). GMBR retained ERM to implement corrective action measures at the GMBR property (the "Site") located in Powder Springs, Cobb County, Georgia. The Site is listed on Georgia's Hazardous Sites Inventory (HSI) as Site Number 10116.

A Prospective Purchase Corrective Action Plan (PPCAP) for the Site was submitted to the Georgia Environmental Protection Division (GAEPD) in October 2011. It described areas of the Site having soils and sediment in need of remediation due to the presence of elevated concentrations of lead. The selected method of remediation for the soils was excavation, stabilization (as necessary), and off-Site disposal. The PPCAP was approved by GAEPD in a letter dated December 2, 2011.

The approved corrective action for soils at the Site has been completed. A Corrective Action Completion Report (CACR) that describes the work was submitted to GAEPD on December 27, 2012. In addition, the CACR describes an area of the GMBR facility that will be managed in accordance with the Type 5 Risk Reduction Standards (hereafter referred to as the "Type 5 Area" or "the Area"). The Type 5 Area includes the soils beneath Building 1 and adjoining concrete pads. A restrictive covenant that is consistent with the requirements of the Georgia Uniform Environmental Covenants Act has been developed for the Area and is provided in Appendix A.

This M&M Plan describes the steps that GMBR will take to monitor and maintain the appropriate conditions in the Type 5 Area, and the steps GMBR will take if and when it becomes necessary to disturb portions of the Area. The M&M Plan also describes the reporting that GMBR will make annually to GAEPD concerning the Type 5 Area.

2.0 SITE LOCATION AND TYPE 5 AREA DESCRIPTION

The GMBR facility (hereafter referred to as the “Site”) is located at 4000 Industry Road, SW, Powder Springs, Cobb County, Georgia. A Site Location Map is shown on Figure 1. The proposed extent of the Type 5 Area is shown on Figure 2. Soils in this Area have concentrations of lead that exceed the Risk Reduction Standards (RRS) established for the Site.

As described in the CACR dated December 27, 2012, the Type 5 Area includes the soils beneath the entire footprint of Building 1 and contiguous concrete pads.

2.1 ENGINEERING CONTROLS

As shown on Figure 2, Building 1 and the congruent concrete pads cover the Type 5 area. Building 1 is a concrete-slab-on-grade structure. The thickness of the concrete in the building is typical for industrial buildings used for warehousing (estimated to be between 8- and 10-inches). The concrete pad is estimated to be between 8 and 10 inches thick.

2.2 PERMANENT MARKERS AND SIGNAGE

Four (4) permanent markers have been placed around the perimeter of the Type 5 Area shown on Figure 2. The markers identify the area as being part of the Type 5 Area. Photographs of the installed markers are provided in Appendix B. Specifically the markers read:

*RESTRICTED TYPE 5 AREA SUBJECT TO ENVIRONMENTAL COVENANT HSI # 10116 CONTACT GMBR
MANAGEMENT OR THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION PRIOR TO DIGGING OR
COMMENCING ANY OTHER LAND DISTURBING ACTIVITY*

3.0 TYPE 5 AREA INSPECTION AND MAINTENANCE

This section of the M&M Plan describes the procedures that will be undertaken to maintain the integrity of the Engineering Controls described in Section 2.1. At a minimum, this will include Type 5 Area inspections that will be conducted semi-annually. At least one of those inspections per 2-year period will be conducted by a registered professional engineer. The results of the inspections will be recorded on the M&M Inspection Log shown in Appendix C. Similarly, all repairs to damaged portions of the Type 5 Area must be recorded on the M&M Maintenance Record Log, which is also provided in Appendix C.

3.1 CONCRETE-PAVED AREAS

The concrete-paved portions of the Type 5 Area, including the floor of Building 1 and congruent concrete pads will be inspected semi-annually. The inspection must visually evaluate the adequacy of the concrete to:

- Prevent direct contact between human receptors and the underlying soil or potential inhalation hazards.
- Minimize surface water infiltration.
- Promote positive drainage.
- Prevent ponding.

Major damage to the concrete-paved areas includes the following:

- Gross cracks (i.e., > 0.5-inch wide) located outside of the building footprint.
- Subsidence that results in ponded water.
- Broken or removed sections or concrete that have exposed the underlying soil.
- Significant soil erosion from around or under Type 5 Area concrete slabs.

The results of the semi-annual calendar inspections, including any major damage, will be recorded on the M&M Inspection Log (Appendix C). GA EPD will be notified within 30 days of major damage being identified, and major damage will be repaired within 30 days of being identified. Repairs must be made by a qualified contractor and must be adequate to allow the repaired area to perform in a manner consistent with its location (i.e., building floor space, traffic area, walkway, etc.). A description of the repairs must be entered into the M&M Maintenance Record Log (see Appendix C).

3.2 PERMANENT MARKERS AND SIGNAGE

Type 5 Area permanent markers and signage will be inspected semi-annually. The inspection must visually evaluate the adequacy of the markers and signs to alert all persons of the presence of the Type 5 Area. The following conditions are considered major damage to the markers and signage:

- Crushed, broken, defaced or worn markers/signs making them illegible.
- Markers/signs that have been removed.

The results of the semi-annual calendar inspections, including any major damage, will be recorded on the M&M Inspection Log (Appendix C). GA EPD will be notified within 30 days of major damage being identified, and major damage will be repaired within 30 days of being identified. Repairs may include the complete replacement of individual markers and signs. A description of the repairs must be entered into the M&M Maintenance Record Log (see Appendix C).

4.0 REPORTING

A Type 5 Area inspection and maintenance report will be submitted annually to GAEPD. The annual inspection and maintenance report will include copies of the M&M Inspection Logs and M&M Maintenance Record Logs for the reporting period. If the professional engineer's inspection of the Type 5 Area is conducted during the reporting year, the report should also include the professional engineer's certification (provided in Appendix C) for the inspection (required every two years). The annual report must also include a statement from GMBR that the land use at the Site remains non-residential (see Land Use Certification Form in Appendix C).

5.0 TYPE 5 AREA DISTURBANCE POLICY AND MONITORING PROCEDURES

This section establishes GMBR's policy relative to disturbance of the Type 5 Area. It also establishes procedures for monitoring disturbance activities in the Type 5 Area to ensure that contaminated materials are managed appropriately and that repairs to the concrete-paved areas are made correctly.

5.1 DISTURBANCE POLICY

It shall be the policy of GMBR to minimize activities that result in the disturbance of the concrete pavement in the Type 5 Area. Such disturbance shall include:

- Removal of concrete pavement.
- Excavation.

These activities will only be permitted under the following circumstances:

- Manufacturing process changes or upgrades.
- Utility repairs or upgrades.
- Repair or replacement of paved surfaces.

Permission to conduct such activities will be obtained from GMBR facility management prior to the start of the work.

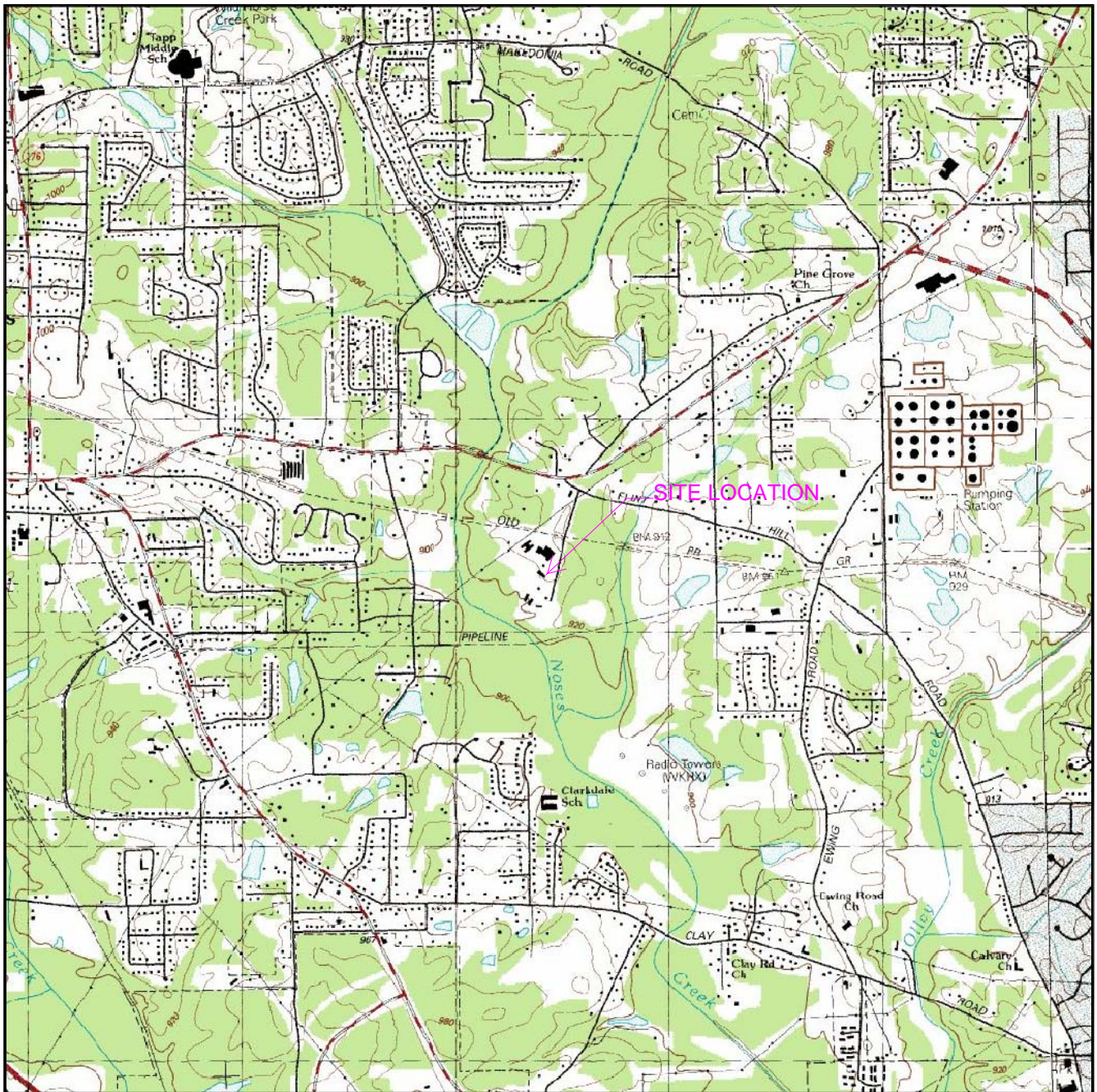
5.2 MONITORING PROCEDURES

Disturbance in the Type 5 Area that includes the excavation of soil shall be overseen by a qualified Georgia Registered Professional Geologist or Engineer. Prior to the start of the work, soils to be excavated shall be sampled and analyzed for the RCRA metals. The results of the analyses shall be used to prepare a Health and Safety Plan and advise workers of appropriate personal protective equipment (PPE) that should be worn and procedures that should be taken to minimize exposure to elevated metals concentrations. In addition, the results will be used to determine appropriate waste soil disposal options, if necessary.

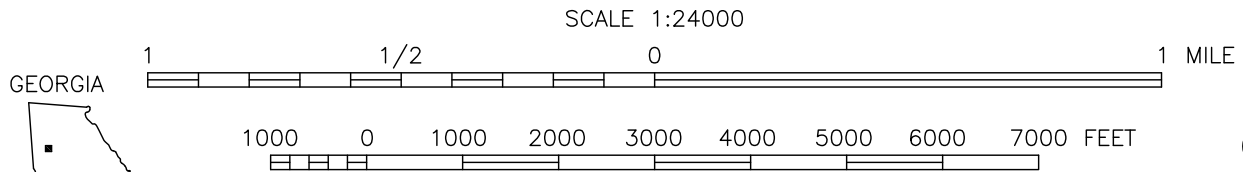
The Geologist or Engineer will monitor the excavation activities as they are implemented. Monitoring shall include the use of an x-ray fluorescent (XRF) unit capable of providing field level screening results for lead concentrations in soil. Based on these results, the Engineer or Geologist shall direct the management of soils and other contaminated materials to be disposed of, as well as provide direction to workers relative to the use of PPE. In the event the extent of the excavation is such that GMBR wishes to remove the excavated area from the Type 5 Area, confirmation sampling and analyses consistent with GAEPD requirements for soil corrective action conducted previously at the Site must be performed. The confirmation sampling must be conducted under the direction of the Geologist or Engineer. In addition, a legal description of the area to be removed from the Type 5 Area must be prepared. Excavated areas will be managed in accordance with the approved Monitoring and Maintenance Plan until GA EPD has approved the removal of that portion of the Type 5 Area.

FIGURES

173895Site0.DWG 11/9/12 SPV 11/30/12 REV



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE: AUSTELL GEORGIA 1991



QUADRANGLE LOCATION

CONTOUR INTERVAL 10 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

173895Site.DWG 12/11/12 WITH NEW SURVEY DATA SPV REV 12/13/12

64

50' X 50' GRID CELL

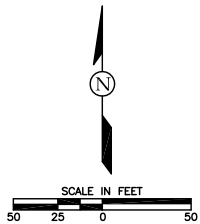
TYPE 5 AREA

APPROXIMATE PROPERTY BOUNDARY

CONSTRUCTION HAUL ROAD

FENCE

DITCH LINE



NO.	DATE	APPR.	REVISION	NO.	DATE	APPR.	REVISION

MONITORING AND MAINTENANCE
PLAN FOR TYPE 5 AREA

4000 INDUSTRY RD.
POWDER SPRINGS, GA

HSI #10116

DRAWN BY
S. VIZUETE

DESIGN ENGINEER

PROJECT ENGINEER
A. GRISWOLD

PROJECT MANAGER
J. BILKERT

NOT
FOR
CONSTRUCTION

TYPE 5 AREA

SCALE AS NOTED
PROJECT NO. 173895

DATE DECEMBER 11, 2012
AutoCAD 2007
173895Site.DWG

DRAWING NO.
2

REV. NO.
0

SHEET 1 OF 1

APPENDIX A

UNIFORM ENVIRONMENTAL COVENANT

After Recording Return to:

Georgia Environmental Protection Division
Response and Remediation Program
2 Martin Luther King, Jr. Drive, SE
Suite 1462 East
Atlanta, Georgia 30334

PLEASE CROSS REFERENCE TO:

Deed Book 14904, Page 5402
Deed Book 14906, Page 458
Cobb County, Georgia Records

+++++

State of Georgia

County of Cobb

Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1, *et seq.* This Environmental Covenant subjects the real property identified below (hereinafter referred to as the “Property”) to the activity and/or use limitations specified in this document. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded in accordance with O.C.G.A. § 44-16-8(a).

Fee Owner of Property/Grantor:

GMBR, LLC

A Georgia Limited Liability Company
4000 Industry Road
Powder Springs, GA 30127
Attn: Mr. Alan Shipp, Manager

**Grantee/Entity with
express power to enforce:**

State of Georgia
Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1152 East Tower
Atlanta, GA 30334

**Parties with interest
in the Property:**

Ajay North America, LLC,
A Georgia Limited Liability Company
(As a tenant of a portion of the property)
1400 Industry Road
Powder Springs, GA 30127
Attn: Mr. Alan Shipp, Manager

Property: The area subject to this environmental covenant is 0.96-acre within that certain tract of property containing approximately 5.676 acres of land located in Land Lots 941 and 942 of the 19th District, 2nd Section, Cobb County, Georgia (hereafter referred to as the Type 5 Area). The 5.676-acre tract was conveyed to GMBR, LLC by Georgia Metals, Inc. by Warranty Deed Dated December 15, 2011, recorded on December 20, 2011, at Deed Book 14904, Page 5402 Georgia Records; and which was further evidenced by that Certain Corrective Warranty Deed to GMBR, LLC from Georgia Metals, Inc, dated December 15, 2012, recorded on December 23, 2012 at Deed Book 14906, Page 458, Cobb County, Georgia Records. A complete legal description of the Type 5 Area is attached as Exhibit A and a map of the area is attached as Exhibit B.

Tax Parcel Number: 19094100020 of Cobb County, Georgia.

Name and Location of Administrative Records:

The corrective action at the Type 5 Area that is the subject of this Environmental Covenant is described in the following documents or subsequent revisions approved by EPD:

- Prospective Purchaser Corrective Action Plan dated October 31, 2011 (hereinafter referred to as the EPD-approved Prospective Purchaser Corrective Action Plan”);
- Letter dated December 2, 2011 from F. Allen Barnes, Director, Georgia Department of Natural Resources, Environmental Protection Division, to GMBR, LLC approving Corrective Action Plan;
- Corrective Action Completion Report dated December 27, 2012; and
- Monitoring and Maintenance Plan dated December 27, 2012 (hereinafter referred to as the “EPD-approved Monitoring and Maintenance Plan”).

These documents are available for review and consideration at the following locations:

GMBR, LLC
4000 Industry Road
Powder Springs, GA 30127
M-F 8:00 AM to 4:30 PM excluding state holidays

Georgia Environmental Protection Division
Response and Remediation Program
2 MLK Jr. Drive, SE, Suite 1462 East Tower
Atlanta, GA 30334
M-F 8:00 AM to 4:30 PM excluding state holidays

Description of Contamination and Corrective Action:

THIS PROPERTY HAS BEEN LISTED ON THE STATE'S HAZARDOUS SITE INVENTORY (HSI NO. 10116) AND HAS BEEN DESIGNATED AS NEEDING CORRECTIVE ACTION DUE TO THE PRESENCE OF HAZARDOUS WASTES, HAZARDOUS CONSTITUENTS, OR HAZARDOUS SUBSTANCES REGULATED UNDER STATE LAW. CONTACT THE PROPERTY OWNER OR THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION

FOR FURTHER INFORMATION CONCERNING THIS PROPERTY. THIS NOTICE IS PROVIDED IN COMPLIANCE WITH THE GEORGIA HAZARDOUS SITE RESPONSE ACT.

This Declaration of Covenant is made pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 *et seq.* by GMBR, LLC, a Georgia limited liability company, its successors and assigns, and the State of Georgia, Department of Natural Resources, Environmental Protection Division (hereinafter "EPD"), its successors and assigns. This Environmental Covenant is required because a release of lead to soil on the Type 5 Area. This substance is a "regulated substances" as defined under the Georgia Hazardous Site Response Act, O.C.G.A. § 12-8-90 *et seq.*, and the rules promulgated thereunder (hereinafter "HSRA" and "Rules", respectively). The corrective action consists of the maintenance of existing engineering controls (concrete pad) and institutional controls (limit use to non-residential activities) to protect human health and the environment in accordance with the EPD-approved Prospective Purchaser Corrective Action Plan and with the aforesaid EPD-approved Monitoring and Maintenance Plan.

Grantor, GMBR, LLC hereby binds GMBR, LLC, its successors and assigns to the activity and use restriction(s) for the Type 5 Area identified herein and grants such other rights under this Environmental Covenant in favor of the GMBR, LLC and the EPD. EPD shall have full right of enforcement of the rights conveyed under this Environmental Covenant pursuant to HSRA, O.C.G.A. § 12-8-90 *et seq.*, and the rules promulgated thereunder. Failure to timely enforce compliance with this Environmental Covenant or the use or activity limitations contained herein by any person shall not bar subsequent enforcement by such person and shall not be deemed a waiver of the person's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict EPD from exercising any authority under applicable law.

GMBR, LLC makes the following declaration as to limitations, restrictions, and uses to which the Type 5 Area may be put and specifies that such declarations shall constitute covenants to run with the land, pursuant to O.C.G.A. § 44-16-5(a); is perpetual, unless modified or terminated pursuant to the terms of this Covenant in pursuant to O.C.G.A. § 44-16-9; and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Type 5 Area (hereinafter collectively referred to as an "Owner"). Should a transfer or sale of the Type 5 Area occur before such time as this Environmental Covenant has been amended or revoked, then said Environmental Covenant shall be binding on the transferee(s) or purchaser(s).

This Environmental Covenant shall inure to the benefit of GMBR, LLC and EPD, and to its and their respective successors and assigns, and shall be enforceable by the EPD, acting by or through its Director or his agents or assigns and other party(ies) as provided for in O.C.G.A. § 44-16-11 in a court of competent jurisdiction.

Activity and/or Use Limitation(s)

1. Registry. Pursuant to O.C.G.A. § 44-16-12, this Environmental Covenant and any amendment or termination thereof, may be contained in EPD's registry for environmental covenants.
2. Notice. The Owner of the Type 5 Area must give thirty (30) day advance written notice to EPD of the Owner's intent to convey any interest in the Type 5 Area. No conveyance of title, easement, lease, or other interest in the Type 5 Area shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Type 5 Area in accordance with the CAP Documents which are identified above. The Owner of the Type 5 Area

must also give thirty (30) day advance written notice to EPD of the Owner's intent to change the use of the Type 5 Area, apply for building permit(s), or propose any site work that would affect the Property.

3. Notice of Limitation in Future Conveyances. Each instrument hereafter conveying an interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of the Environmental Covenant.
4. Periodic Reporting. Annually, by no later than December 31 following the effective date of this Environmental Covenant, the Owner shall submit to EPD an Annual Report as specified in the EPD approved Revised Monitoring and Maintenance Plan including, but not limited to: maintenance and inspection activities, certification of non-residential use of the Property, and documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by.
5. Activity and Use Limitation(s). The Type 5 Area shall be used only for non-residential uses, as defined in Section 391-3-19-.02 of the Rules and defined in and as allowed under the applicable Cobb County Zoning and development ordinances, rules and regulations as of the date of this Environmental Covenant, and as amended from time to time to the extent that such amendments are applicable to the Type 5 Area. Any residential use on the Type 5 Area shall be prohibited. Any activity on the Type 5 Area that may result in the release or exposure to the regulated substances that were contained as part of the Corrective Action, or create a new exposure pathway, is prohibited, except for maintenance, repair or replacement of engineering controls. Activities that are prohibited include, but are not limited to the following: (a) excavation, construction, utility installation or maintenance, or similar land disturbing activities in all soil beneath the Type 5 Area (see Exhibit B for the location of the Type 5 Area) not meeting Type 1-4 RRS, unless: (i) such work is performed by informed and properly trained personnel using appropriate personal protection equipment ("PPE") such that human exposure to potentially hazardous materials does not occur, and (ii) such controls are replaced in a manner so as to constitute a functionally equivalent engineering control; (b) excavation, construction, utility installation or maintenance, and similar land disturbing activities in soil below the water table, unless: (i) such work is performed by informed and properly trained personnel using PPE such that human exposure to potentially hazardous materials does not occur, and (ii) such activities are backfilled in a manner so as to not create a preferential groundwater flow pathway, and iii) EPD has been notified in accordance with Activity #2 above.

Should intrusive activities within the Type 5 Area be required, any impacted soil generated should be managed in accordance with all applicable local, state, and federal rules and regulations governing the management of such material. Impacted soil should not be placed back into any excavated area and must be properly characterized in accordance with 40 CFR Part 261 (specifically 40 CFR Parts 261.20-24 regarding characterization of waste) and transported and disposed at an appropriate disposal facility.

6. Groundwater Limitation. The use or extraction of groundwater beneath the Property for drinking water shall be prohibited. Periodic monitoring of groundwater may be required should GMBR decide to utilize groundwater for non-residential purposes. EPD shall be notified thirty (30) days prior to groundwater utilization.
7. Permanent Markers. Permanent markers on each side of the Type 5 Area shall be installed and maintained that delineate the restricted area(s) as specified in Section 391-3-19-.07(10) of the Rules. Disturbance or removal of such markers is prohibited.
8. Right of Access. In addition to any rights already possessed by EPD, the Owner shall allow authorized representatives of EPD the right to enter the Type 5 Area at reasonable times for the purpose of evaluating the implementation of the corrective actions which are required by the aforesaid CAP documentation; to take samples, to inspect the corrective action conducted at the

Type 5 Area, to determine compliance with this Environmental Covenant, and to inspect records that are related to the corrective action.

9. Recording of Environmental Covenant and Proof of Notification. Within thirty (30) days after the date of the Director's signature and receipt of the original of this Environmental Covenant, the Owner shall cause this Environmental Covenant to be filed with the Recorder of Deeds for each County in which the Type 5 Area is located, and shall send a file stamped copy of this Environmental Covenant to EPD within thirty (30) days of recording. Within that time period, the Owner shall also send a file-stamped copy to each of the following: (1) EPD, (2) each person holding a recorded interest in the Type 5 Area subject to this Environmental Covenant, (3) each person in possession of the real property subject to the covenant, (4) each municipality, county, consolidated government, or other unit of local government in which real property subject to the covenant is located, and (5) each owner in fee simple of a property which abuts the property subject to this Environmental Covenant.
10. Termination or Modification. The Environmental Covenant shall remain in full force and effect in accordance with O.C.G.A. § 44-5-60, unless and until the Director determines that the Type 5 Area is in compliance with the Type 1, 2, 3, or 4 Risk Reduction Standards, as defined in Georgia Rules of Hazardous Site Response (Rules) Section 391-3-19-.07, whereupon the Environmental Covenant may be amended or revoked in accordance with Section 391-3-19-08(7) of the Rules and O.C.G.A. § 44-16-1 et seq.
11. 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.
12. No Property Interest Created in EPD. This Environmental Covenant does not in any way create any interest by EPD in the Type 5 Area that is subject to the Environmental Covenant. Furthermore, the act of approving this Environmental Covenant does not in any way create any interest by EPD in the Type 5 Area in accordance with O.C.G.A. § 44-16-3(b).

Representations and Warranties.

Grantor hereby represents and warrants to the other signatories hereto:

- a) That the Grantor 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;
- b) That the Grantor is the sole owner of the Property and holds fee simple title which is free, clear and unencumbered;
- c) That the Grantor has identified all other parties that hold any interest (e.g., encumbrance) in the Property and notified such parties of the Grantor's intention to enter into this Environmental Covenant;
- d) That this Environmental Covenant will not materially violate, contravene, or constitute a material default under any other agreement, document or instrument to which Grantor is a party, by which Grantor may be bound or affected;
- e) That the Grantor has served each of the people or entities referenced in Activity 9 above with an identical copy of this Environmental Covenant in accordance with O.C.G.A. § 44-16-4(d).

- f) That this Environmental Covenant will not materially violate or contravene any zoning law or other law regulating use of the Property; and
- g) That this Environmental Covenant does not authorize a use of the Property that is otherwise prohibited by a recorded instrument that has priority over the Environmental Covenant.

Notices.

Any document or communication required to be sent pursuant to the terms of this Environmental Covenant shall be sent to the following persons:

If to the EPD: Georgia Environmental Protection Division
Branch Chief
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1154 East Tower
Atlanta, GA 30334

If to the Owner: GMBR, LLC
A Georgia Limited Liability Company
Ajay North America, LLC
4000 Industry Road
Powder Springs, GA 30127
Attn: Mr. Alan Shipp, Manager

Grantor has caused this Environmental Covenant to be executed pursuant to The Georgia Uniform Environmental Covenants Act on this the _____ day of _____, 2012.

**Signed, sealed and delivered
in the presence of:**

**GMBR, LLC
A Georgia Limited Liability Company**

Witness

By: _____
Alan Shipp, Manager

Notary Public

[Signatures continue on next page]

[Signatures continued from prior page]

The EPD has and does acknowledge receipt of and accepted this Environmental Covenant in accordance with applicable law on this the _____ day of _____, 2012.

Signed, sealed and delivered
in the presence of:

STATE OF GEORGIA
ENVIRONMENTAL PROTECTION DIVISION

Witness

By: _____
Name: _____
Title: _____

Notary Public

EXHIBIT A – LEGAL DESCRIPTION

All that tract or parcel of land lying in and being portions of Lots 910 and 941 of the 19th District, 2nd Section, Cobb County, Georgia, being more fully and particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at a pk nail found at the intersection of the Southwesterly right of way line of a Georgia Department of Transportation right of way which is also known as The Silver Comet Trail (100-foot right of way) with the Northwesterly right of way line of Industry Road (50-foot right of way); thence South 14 degrees, 18 minutes, 13 seconds West along the said right of way line of Industry Road a distance of 228.20 feet to a 1/2-inch re-rod found; thence leaving the said right of way line North 70 degrees, 46 minutes, 52 seconds West a distance of 82.10 feet to a corner and the TRUE POINT OF BEGINNING; thence South 45 degrees, 15 minutes, 41 seconds East a distance of 12.32 feet to a point; thence South 28 degrees, 57 minutes; 45 seconds East a distance of 19.19 feet to a point; thence South 37 degrees, 10 minutes, 41 seconds West a distance of 161.47 feet to a point; thence North 52 degrees, 46 minutes, 44 seconds West a distance of 35.70 feet to a point; thence North 52 degrees, 54 minutes, 53 seconds West a distance of 56.32 feet to a point; thence North 37 degrees, 05 minutes, 07 seconds East a distance of 9.73 feet to a point; thence North 52 degrees, 25 minutes, 13 seconds West a distance of 29.60 feet to a point; thence North 35 degrees, 54 minutes, 49 seconds East a distance of 19.68 feet to a point; thence North 52 degrees, 54 minutes, 53 seconds West a distance of 62.24 feet to a point; thence South 37 degrees, 05 minutes, 07 seconds West a distance of 25.08 feet to a point; thence North 52 degrees, 54 minutes, 53 seconds West a distance of 80.47 feet to a point; thence North 37 degrees, 05 minutes, 07 seconds East a distance of 116.50 feet to a point; thence North 38 degrees, 14 minutes, 04 seconds East a distance of 24.78 feet to a point; thence South 51 degrees, 57 minutes, 51 seconds East a distance of 27.66 feet to a point; thence North 78 degrees, 48 minutes, 00 seconds East a distance of 34.56 feet to a point; thence South 52 degrees, 18 minutes, 53 seconds East a distance of 35.54 feet to a point; thence South 52 degrees, 54 minutes, 53 seconds East a distance of 148.55 feet to a corner and the TRUE POINT OF BEGINNING. Said tract contains 0.96 acres and is delineated on a plat entitled "Topographic and Asbuilt Survey for AJAY NORTH AMERICA, LLC." prepared by Benjamin W. Crusselle, GA RLS #2841, dated December 3, 2012 and revised January 10, 2013. Said plat, by reference, is incorporated herein.

EXHIBIT B – SURVEY

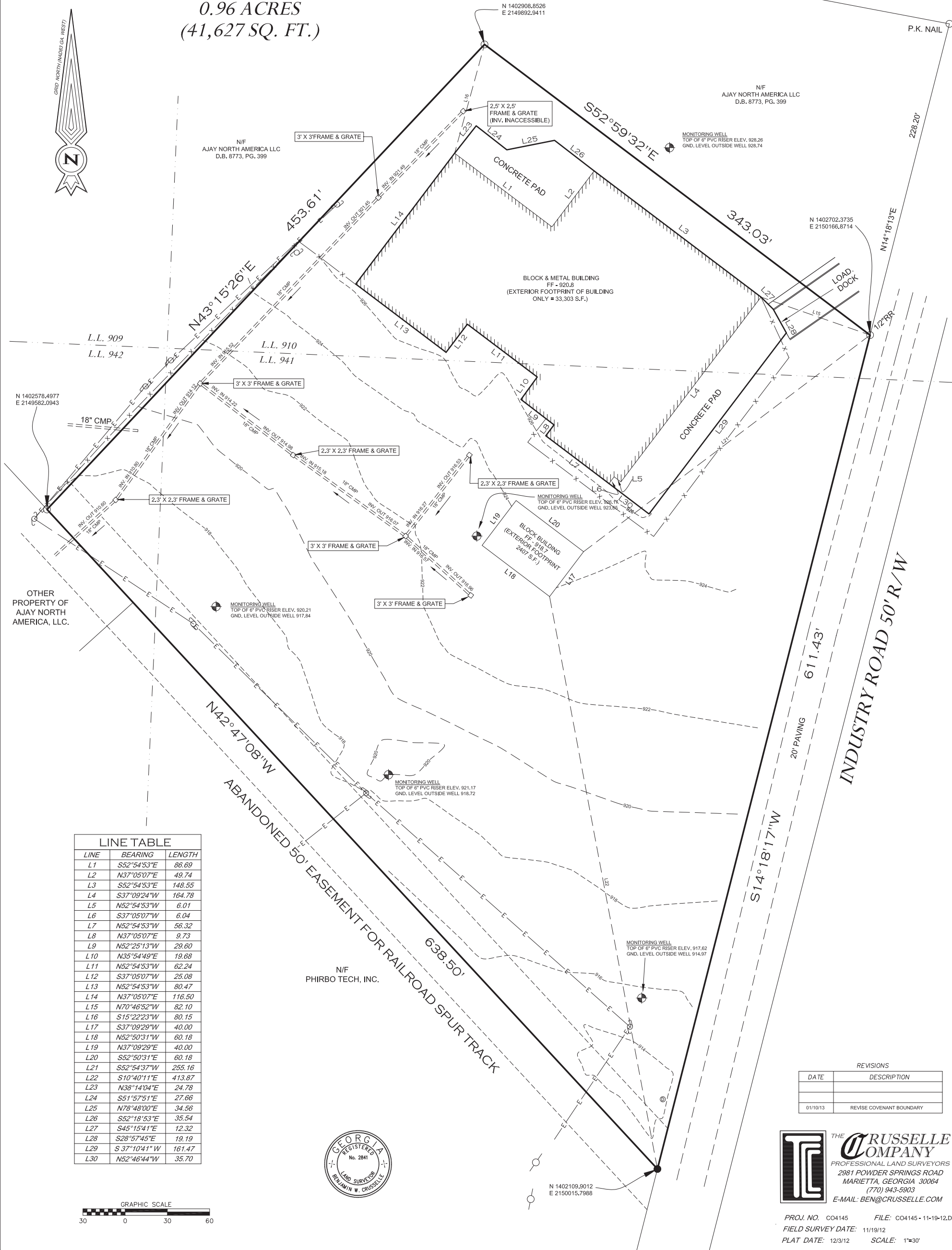
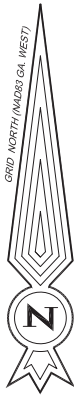
TOPOGRAPHIC AND ASBUILT SURVEY FOR
AJAY NORTH AMERICA, LLC.

LOCATED IN LAND LOTS 910, 941 & 942, 19TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

AREA = 5.538 ACRES

COVENANT BOUNDARY AREA
0.96 ACRES
(41,627 SQ. FT.)

GEORGIA DEPARTMENT OF TRANSPORTATION
A.K.A. THE SILVER COMET TRAIL
100' R/W



LINE TABLE		
LINE	BEARING	LENGTH
L1	S52°54'53"E	86.69
L2	N37°05'07"E	49.74
L3	S52°54'53"E	148.55
L4	S37°09'24"W	164.78
L5	N52°54'53"W	6.01
L6	S37°05'07"W	6.04
L7	N52°54'53"W	56.32
L8	N37°05'07"E	9.73
L9	N52°25'13"W	29.60
L10	N35°54'49"E	19.68
L11	N52°54'53"W	62.24
L12	S37°05'07"W	25.08
L13	N52°54'53"W	80.47
L14	N37°05'07"E	116.50
L15	N70°46'52"W	82.10
L16	S15°22'23"W	80.15
L17	S37°09'29"W	40.00
L18	N52°50'31"W	60.18
L19	N37°09'29"E	40.00
L20	S52°50'31"E	60.18
L21	S52°54'37"W	255.16
L22	S10°40'11"E	413.87
L23	N38°14'04"E	24.78
L24	S51°57'51"E	27.66
L25	N78°48'00"E	34.56
L26	S52°18'53"E	35.54
L27	S45°15'41"E	12.32
L28	S28°57'45"E	19.19
L29	S37°10'41"W	161.47
L30	N52°46'44"W	35.70

REVISIONS	
DATE	DESCRIPTION
01/10/13	REVISE COVENANT BOUNDARY

THE CRUSSELLE COMPANY
PROFESSIONAL LAND SURVEYORS
2981 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064
(770) 943-5903
E-MAIL: BEN@CRUSSELLE.COM

PROJ. NO. CO4145 FILE: CO4145 - 11-19-12.DWG
FIELD SURVEY DATE: 11/19/12
PLAT DATE: 12/3/12 SCALE: 1"=30'

APPENDIX B
PHOTOGRAPHS



Photograph: 1 | *View of Type 5 Area marker placed adjacent to Building 1.*

GMBR Site HSI #10116		4000 Industry Road Powder Springs, Georgia
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Photograph: 2 | *View of Type 5 Area placard placed on Building 1.*

GMBR Site HSI #10116		4000 Industry Road Powder Springs, Georgia
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APPENDIX C

INSPECTION AND MAINTENANCE LOGS

REGISTERED PROFESSIONAL ENGINEER CERTIFICATION

I certify that I am a qualified engineer who has received a baccalaureate or post-graduate degree in engineering, and have sufficient training and experience in design and/or evaluating engineering covers, as demonstrated by state registration and completion of accredited university courses, that enable me to make sound professional judgments regarding the effectiveness of the engineering controls at this site. I further certify that the concrete covers in the Type 5 areas of this Site are of adequate quantity and quality to mitigate human exposure and ensure prevention of erosion, ponding, and surface water infiltration.

Signature and P.E. Seal

Date

LAND USE CERTIFICATION FORM

**GMBR SITE
4000 INDUSTRY ROAD
POWDER SPRINGS, GEORGIA**

TYPE	NO.	CRITERIA RESPONSE	YES	NO
Land Use	1	Does the property meet the definition of non-residential property as defined by HSRA Rule 391-3-19.02(2)? “Non-residential property means any property or portion of a property not currently being used for human habitation or for other purposes with a similar potential for human exposure, at which activities have been or are being conducted that can be categorized in one of the 1987 Standard Industrial Classification major group 01-97 inclusive (except the four-digit codes 4941, 8051, 8059, 8062-3, 8069, 8211, 8221-2, 8351, 8661, and 9223). Non-residential property includes all of the contiguous block(s) and lot(s) controlled by the same owner or operator that are vacant land, or that are used in conjunction with such business. For leased properties, non-residential property includes the leasehold and any external tank, surface impoundment, septic system, or any other structure, vessel, contrivance, or unit that provides, or is utilized for the management of regulated substances to or from the leasehold.”		
	1a	If no to 1, attach a written explanation to this form.		
Institutional Controls	2	Do all leases or other property instruments for the site have the applicable deed notice language inserted into them?		
	2a	If no to 2, attach a written explanation to this form.		
Inspection	3a	Date of inspection and name of inspector		
	3b	Photographs showing current land use (attached)		

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted, to the best of my knowledge and belief, is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (print or typed) and Title

Signature

Date

**GMBR SITE
4000 INDUSTRY ROAD
POWDER SPRINGS, GEORGIA
TYPE 5 AREA INSPECTION LOG**

Date: _____

Weather: _____

Inspector(s) _____

[illegible]

**GMBR SITE
4000 INDUSTRY ROAD
POWDER SPRINGS GEORGIA
TYPE 5 AREA MAINTENANCE RECORD LOG**

Date: _____

Weather: _____

Inspector(s) _____

[illegible]