Voluntary Investigation and Remediation Plan Application Form and Checklist

		VRP A	PPLICANT INFOR	MATION						
COMPANY NAME	Diamond Crystal Duluth, I	Diamond Crystal Duluth, LLC								
CONTACT PERSON/TITLE	Michael J. Putnam	Michael J. Putnam								
ADDRESS	3245 North Berkeley Lake	Road, Dulut	th, GA 30096							
PHONE	770.622.1500 FAX 770.814.0046 E-MAIL miputnam@dcbrands.com									
GEORGIA CER	TIFIED PROFESSION	AL GEOL	OGIST OR PROF	ESSIONAL	ENGINEEF	R OVE	RSEEING CLEANUP			
NAME	Mark Taylor			GA PE/PG N	UMBER	1766				
COMPANY	SynTerra Corporation									
ADDRESS	148 River Street #220, Gr	eenville, SC	29601							
PHONE	864.527.4629	FAX	864.421.9099	E-MAIL	mtaylor@syr	nterraco	rp.com			
		APPL	CANT'S CERTIFI	CATION						
 The property must have a mean The property shall not be: (A) Listed on the federal Section 9601. (B) Currently undergoing (C) A facility required to Mean (3) Qualifying the property under similar authorization from the field under subsection by the director pursuant to Cod In order to be considered a part (1) The participant must be action. 	 In order to be considered a qualifying property for the VRP: (1) The property must have a release of regulated substances into the environment; (2) The property shall not be: (A) Listed on the federal National Priorities List pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601. (B) Currently undergoing response activities required by an order of the regional administrator of the federal Environmental Protection Agency; or (C) A facility required to have a permit under Code Section 12-8-66. (3) Qualifying the property under this part would not violate the terms and conditions under which the division operates and administers remedial programs by delegation or similar authorization from the United States Environmental Protection Agency. (4) Any lien filed under subsection (e) of Code Section 12-8-96 or subsection (b) of Code Section 12-13-12 against the property shall be satisfied or settled and released by the director pursuant to Code Section 12-8-94 or Code Section 12-13-6. In order to be considered a participant under the VRP: (1) The participant must be the property owner of the voluntary remediation property or have express permission to enter another's property to participant or code Section 12-13-6. 									
 (1) The participant must be the poperty of this formation property of nave express permission to enter automars property to pentitive the term of the section. (2) The participant must not be in violation of any order, judgment, statute, rule, or regulation subject to the enforcement authority of the director. 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 property 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. I also certify that this property is eligible for the Voluntary Remediation Program (VRP) as defined in Code Section 12-8-105 and I am eligible as a participant as defined in Code Section 12-8-105. APPLICANT'S SIGNATURE 										
APPLICANT'S NAME/TITLE (PRINT)	Michael	J. Putnar	n / Plant Manager	r	DATE	E	5-11-15			

QUALIFYING P	ROPERTY INFORMATION (For additional qua	lifying properties, please refer to the	last page of applicatior	ı form)			
	HAZARDOUS SITE INVENT	ORY INFORMATION (if applicable)					
HSI Number	10844	Date HSI Site listed	February 14, 2014				
HSI Facility Name	Diamond Crystal Duluth, LLC	NAICS CODE	311941				
	PROPERT	Y INFORMATION					
TAX PARCEL ID	6267-050	PROPERTY SIZE (ACRES)	4.72				
PROPERTY ADDRESS	3245 North Berkeley Lake Road		·				
CITY	Duluth	COUNTY	Gwinnett				
STATE	GA	ZIPCODE	30096				
LATITUDE (decimal format)	33° 59' .73" N	LONGITUDE (decimal format)	84° 10' .98" W				
	PROPERTY OV	VNER INFORMATION					
PROPERTY OWNER(S)	Diamond Crystal Duluth, LLC	PHONE #	770.622.1500				
MAILING ADDRESS	3245 North Berkeley Lake Road	•					
CITY	Duluth	STATE/ZIPCODE	GA 30096				
ITEM #		QUIREMENT	Location in VRP (i.e. pg., Table #, Figure #, etc.)	For EPD Comment Only (Leave Blank)			
1.	\$5,000 APPLICATION FEE IN THE FORM OF GEORGIA DEPARTMENT OF NATURAL RES (PLEASE LIST CHECK DATE AND CHECK NU "LOCATION IN VRP." PLEASE DO NOT INCL IN ELECTRONIC COPY OF APPLICATION.)	A CHECK PAYABLE TO THE OURCES. JMBER IN COLUMN TITLED UDE A SCANNED COPY OF CHECK	Pending Approval of Environmental Covenant				
2.	WARRANTY DEED(S) FOR QUALIFYING PRO	OPERTY.	Attachment A				
3.	TAX PLAT OR OTHER FIGURE INCLUDING C BOUNDARIES, ABUTTING PROPERTIES, AN NUMBER(S).	QUALIFYING PROPERTY D TAX PARCEL IDENTIFICATION	Attachment B				
4.	ONE (1) PAPER COPY AND TWO (2) COMPA VOLUNTARY REMEDIATION PLAN IN A SEA FORMAT (PDF).	CT DISC (CD) COPIES OF THE RCHABLE PORTABLE DOCUMENT	Enclosed				
5.	The VRP participant's initial plan and applic reasonably available current information to application, a graphic three-dimensional pr (CSM) including a preliminary remediation standards, brief supporting text, charts, and total) that illustrates the site's surface and s suspected source(s) of contamination, how the environment, the potential human healt the complete or incomplete exposure paths preliminary CSM must be updated as the in progresses and an up-to-date CSM must b status report submitted to the director by the MILESTONE SCHEDULE for investigation after enrollment as a participant, must update annual status report to the director describin during the preceding period. A Gantt chart	cation must include, using all the extent known at the time of eliminary conceptual site model plan with a table of delineation d figures (no more than 10 pages, subsurface setting, the known or v contamination might move within th and ecological receptors, and ways that may exist at the site; the nvestigation and remediation be included in each semi-annual ne participant; a PROJECTED and remediation of the site, and ate the schedule in each semi- ing implementation of the plan t format is preferred for the	Application Sections 1, 2, 3 and 4, Attachment C				

nilestone schedule.	
The following four (4) generic milestones are required in all initial plans with the results reported in the participant's next applicable semi-annual reports to the director. The director may extend the time for or waive these or other milestones in the participant's plan where the director determines, based on a showing by the participant, that a longer time period is reasonably necessary:	
Within the first 12 months after enrollment, the participant must complete norizontal delineation of the release and associated constituents of concern on property where access is available at the time of enrollment;	Application Section 4
Within the first 24 months after enrollment, the participant must complete norizontal delineation of the release and associated constituents of concern extending onto property for which access was not available at the time of enrollment;	Application Section 4
Within 30 months after enrollment, the participant must update the site CSM to include vertical delineation, finalize the remediation plan and provide a breliminary cost estimate for implementation of remediation and associated continuing actions; and	Application Section 4
Within 60 months after enrollment, the participant must submit the compliance status report required under the VRP, including the requisite certifications.	Application Section 4
Signed And Sealed PE/PG CERTIFICATION AND SUPPORTING DOCUMENTATION: I certify under penalty of law that this report and all attachments were prepared by me or under my direct supervision in accordance with the Voluntary Remediation Program Act (O.C.G.A. Section 12-8-101, et seq.). am a professional engineer/professional geologist who is registered with the Georgia State Board of Registration for Professional Engineers and Land Surveyors/Georgia State Board of Registration for Professional Geologists and I have the necessary experience and am in charge of the investigation and remediation of this release of regulated substances. Furthermore, to document my direct oversight of the Voluntary Remediation Plan development, implementation of corrective action, and long term monitoring. I have attached a monthly summary of hours invoiced and description of services provided by me to the Voluntary Remediation Program participant since the previous submittal to the Georgia Environmental Protection Division. 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 mprisonment for knowing violations." Mark Taylor GA PG 1766 Printed Name and GA/PE/PG fumber Signature and Stamp	
	The following four (4) generic milestones are required in all initial plans with the results reported in the participant's next applicable semi-annual reports to the director. The director may extend the time for or waive these or other nilestones in the participant's plan where the director determines, based on a howing by the participant, that a longer time period is reasonably necessary: Vithin the first 12 months after enrollment, the participant must complete torizontal delineation of the release and associated constituents of concern on property where access is available at the time of enrollment; Vithin the first 24 months after enrollment, the participant must complete torizontal delineation of the release and associated constituents of concern extending onto property for which access was not available at the time of enrollment; Vithin 30 months after enrollment, the participant must update the site CSM to include vertical delineation, finalize the remediation plan and provide a reliminary cost estimate for implementation of remediation and associated continuing actions; and Vithin 60 months after enrollment, the participant must submit the compliance status report required under the VRP, including the requisite tertifications. EGNED AND SEALED PE/PG CERTIFICATION AND SUPPORTING DOCUMENTATION: certify under penalty of law that this report and all attachments were prepared by me or under my direct upervision in accordance with the Voluntary Remediation Program Act (O.C.G.A. Section 12-8-01, 4:seg.). an a professional engineers and Land Surveyors/Georgia State Board of Registration for refersional declogists and 1 have the necessary experience and am in charge of the investigation and mediation of this release of regulated substances. Ark Taylor GA PG 1766 mitted hagne and GA PE/PG furmber ignature and Stamp

ADDITIONAL QUALIFYING PROPERTIES (COPY THIS PAGE AS NEEDED)

PROPERTY INFORMATION										
TAX PARCEL ID		PROPERTY SIZE (ACRES)								
PROPERTY ADDRESS										
CITY		COUNTY								
STATE		ZIPCODE								
LATITUDE (decimal format)		LONGITUDE (decimal format)								
	PROPERTY OW	NER INFORMATION								
PROPERTY OWNER(S)		PHONE #								
MAILING ADDRESS										
CITY		STATE/ZIPCODE								

PROPERTY INFORMATION										
TAX PARCEL ID	PR	ROPERTY SIZE (ACRES)								
PROPERTY ADDRESS										
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LATITUDE (decimal format)	LO	DNGITUDE (decimal format)								
	PROPERTY OWNER INFORMATION									
PROPERTY OWNER(S)	PH	HONE #								
MAILING ADDRESS										
CITY	ST	TATE/ZIPCODE								

PROPERTY INFORMATION									
TAX PARCEL ID	PROPERTY SIZE (ACRES)								
PROPERTY ADDRESS									
CITY	COUNTY								
STATE	ZIPCODE								
LATITUDE (decimal format)	LONGITUDE (decimal format)								
	PROPERTY OWNER INFORMATION								
PROPERTY OWNER(S)	PHONE #								
MAILING ADDRESS									
CITY	STATE/ZIPCODE								

1. Introduction

Diamond Crystal Duluth, LLC (Diamond Crystal Duluth) was advised that its manufacturing site at 3245 North Berkeley Lake Road in Gwinnett County (Figure 1 in Attachment B) was subject to notification requirements under the Georgia Hazardous Site Response Act (HSRA) in a letter from the Georgia Department of Natural Resources Environmental Protection Division (EPD) dated October 28, 2013. EPD has incorporated the Diamond Crystal Duluth parcel into its Hazardous Site Inventory (HSI) Site No. 10844.

HSI Site No. 10844 was initially identified in 2006 on property known as the "Gwinnett Regional Distribution Center" located across North Berkeley Lake Road from the Diamond Crystal Duluth property. Preliminary results from that property indicated that concentrations of arsenic in excess of the HSRA Notification Concentrations (NC) were detected in both soil and groundwater. Subsequent testing demonstrated that arsenic detected in groundwater samples was due to improper sample collection. Additional testing on three adjacent parcels (Gwinnett County Fire Department, Suzanna's Kitchen, Inc., and Greater Atlanta Montessori School) has also detected concentrations of arsenic in excess of the NC for soil. At this time, arsenic in soil is the only contaminant known to occur at HSI Site No. 10844.

a. Diamond Crystal Duluth Site

In compliance with the requirements under the October 2013 notification, Diamond Crystal Duluth conducted soil sampling on its property and reported the results to EPD on December 12, 2013. Samples from six of eight locations contained arsenic in soil at concentrations in excess of the NC.

b. Arsenic Distribution in Soils within HSI 10844

Arsenic in excess of the NC for soils on the tracts identified in HSI Site No. 10844 has been detected in samples collected at the ground surface to depths of 15 feet below ground surface. Elevated concentrations of arsenic in soil occur over a relatively large area (roughly 70 acres) with no apparent pattern to the distribution of concentrations.

No apparent source for the arsenic has been identified. Responses under the HSRA include speculation that arsenic contamination is associated with imported fill dirt, but there has been no substantiation of this possibility. Published data from a nearby site documents elevated concentrations of naturally occurring arsenic in soils and underlying bedrock (Schroeder, 2010).

Lacking a definitive explanation of the source of the arsenic, EPD is pursuing action under HSRA to protect human health within HSI Site No. 10844.

2. Conceptual Site Model

The three dimensional conceptual site model (CSM) for HSI Site No. 10844, including the Diamond Crystal Duluth parcel, is based on the following sources of information:

• An understanding of the formation of saprolitic soils by the chemical weathering of rock;

- Interpretation of site development activities based on USGS topographic maps;
- Published descriptions of the geology of the Brevard Zone and Inner Piedmont provinces;
- Published data on the geochemistry of an Inner Piedmont site five miles southwest of HSI Site No. 10844;
- Data from the VRP Application for the Gwinnett Regional Distribution Center; and
- Data from on-site sampling and analysis.

With the exception of small quantities of alluvial soils along streams and rivers, soils in the humid, subtropical Piedmont region of Georgia form from the *in-situ* chemical weathering of rock. Chemical weathering entails decomposition of the original rock forming minerals in response to infiltration of mildly acidic, oxygenated surface water to form saprolite. Many silicate minerals are converted to clays by this process, and sulfide minerals would be converted to oxides. Oxidation of minerals that contain reduced iron (typical of the bedrock types described in the vicinity) results in the typical reddish color of most Piedmont saprolites.

Synopses of these sources of information are contained in the following paragraphs. In summary, the three-dimensional site conceptual model is that the distribution of arsenic in soil (and presumably rock) beneath the site is random and widespread in three dimensions.

a. Development Activities

Conversion of the rural landscape in the vicinity of HSI Site No. 10844 entailed moving large quantities of soil to establish level ground for construction of buildings, roads, and rail lines. Insight into these activities can be gained by comparing predevelopment United States Geologic Survey (USGS) topographic maps with post development maps.

The 1956 and 1968 (photorevised – new roads and structures were superimposed on the 1956 topography) maps were examined to evaluate changes in topography that accompanied construction of the industrial parks along North Berkeley Lake Road (Figures 2 and 3 in Attachment B). These maps show that portions of the Distribution Center site were higher than the current elevation between 1060 and 1080 feet above mean sea level (MSL) and other areas were lower. Current USGS mapping (Figure 1 in Attachment B) shows that the knoll north of the distribution center building is no longer there and is now the route of Peachtree Industrial Boulevard. This indicates that grading of the site in preparation for construction could have been accomplished by relocating existing site soils rather than filling with imported material.

The Diamond Crystal Duluth site lies close to 1080 MSL according to the current USGS topographic map of the area (Figure 1 in Attachment B). Prior to construction, the building site was close to its current elevation. Comparison of the current topography to the 1956 topography (Figures 2 and 3 in Attachment B) shows that the location of Peachtree Industrial Boulevard west of the Diamond Crystal Duluth site

is at an elevation lower than the original grade. This again suggests that local soils were used to level the building sites prior to construction.

b. Regional Geology

HSI Site No. 10844 is situated immediately adjacent to the Brevard Zone, a complex geologic structure that strikes northeast – southwest and separates the Blue Ridge Geologic Province on the northwest from the Inner Piedmont Geologic Province on the southeast (Horton and McConnell, 1991). The Brevard Zone extends from the Virginia / North Carolina state line across South Carolina and Georgia into northeastern Alabama (Hatcher and Bream, 2004). Horton and McConnell, 1991, describe the Brevard fault zone as "a linear southeast-dipping belt of mylonitic and cataclastic rocks…"

The Chauga River and Poor Mountain Formations of the Inner Piedmont Geologic Province that lie immediately southeast of the Brevard Zone are comprised of sillimanite-grade metamorphic rocks (Butler, 1991). These rocks are interpreted to be metamorphosed sedimentary and volcanic rock intermixed with metamorphosed remnants of both continental and oceanic crust (Horton and McConnell, 1991). Facies of these two formations are interfingered along strike in the Inner Piedmont, and are interpreted to have been derived from interlayered marine sedimentary and volcanic sequences deposited offshore from an island arc chain. Base metal (iron, lead, zinc, copper, arsenic) sulfide mineralization frequently occurs in rocks deposited in this geologic environment.

c. Local Geology

Schroeder (2010) conducted a detailed study of an Inner Piedmont site on the western Gwinnett County line with DeKalb County (Figure 4 in Attachment B). Geologic information from the USGS (2005) is superimposed on the aerial photograph of western Gwinnett County. Schroeder documented concentrations of arsenic in saprolite (soil formed in place by chemical weathering of underlying rock) ranging from 56 to 1,712 mg/kg. He notes that these values are significantly higher than the reported conterminous United States baseline value of approximately 7 mg/kg in soil (Shacklette and Boerngen, 1984). These soils were developed on mafic (silica deficient) schist. An anthroprogenic source of arsenic, such as pesticides or wood-preserving chemicals, was rejected. Arsenopyrite, a sulfide mineral with the formula FeAsS, was identified as the primary source of arsenic. Evidence indicated that arsenopyrite had partially weathered to amorphous oxides in the saprolite.

Arsenic concentrations were observed to be "highly variable" with depth in the samples retrieved from two borings cored through saprolite into bedrock. In addition, "arsenic values in saprolite exceed those in the bedrock." Schroeder concluded that arsenic is conserved during the weathering process, to the extent that it is concentrated in the saprolite relative to the underlying rock from which the saprolite formed.

d. Distribution of Arsenic in Subsurface Soils

Data collection on the Regional Distribution Center property indicate that arsenic at concentrations above the NC occurs in subsurface soils to depths of 15 feet below ground surface. Horizontally, the location of samples with arsenic at concentrations above the NC is distributed randomly across the site. These data do not support a source from a typical environmental release that can be characterized by discharge from a source at an elevated concentration and subsequent distribution into an environmental media (soil at this site) that results in diminishing concentrations with increasing distance/depth from the source.

Subsurface soil sampling and analysis on the Diamond Crystal Duluth portion of HSI Site No. 10844 produced results similar to those reported for the Regional Distribution Center. More recent surface soil sample collection on the Diamond Crystal Duluth tract (data evaluation in process) confirms this distribution pattern. For purposes of the CSM, it is assumed that *the distribution of elevated concentrations of arsenic in soil is random in all three dimensions*.

e. Environmental exposure, receptors, and pathways

Human occupants of the site are the primary potential receptors of exposure to elevated concentrations in site soils. Diamond Crystal Duluth employees spend the vast majority of their time on site inside the building. Service personnel, including delivery and shipping truck drivers, landscape maintenance personnel, and construction workers spend limited, episodic amounts of time on the site outside the building.

Forty-one percent of the Diamond Crystal Duluth site is occupied by a building constructed on a concrete slab that is used for manufacturing and warehousing operations. An estimated 25 percent of the area outside the building is paved for parking and shipping or delivery access. Because arsenic is not volatile, *no exposure pathway exists for soils beneath the building or pavement* unless the pavement is breached for subsurface construction work.

The majority of the unpaved areas outside the building are stabilized with grass, forest vegetation, or mulch. Limited human activity in these areas includes:

- Walking to and from parked vehicles;
- Short work breaks;
- Mowing or other landscaping work; and
- Construction.

Humans might be exposed to arsenic in windblown dust, exposed soil, or mud from the unpaved areas outside the building. Inhalation, ingestion and dermal contact are the primary potential exposure pathways. Atypical activities, such as subsurface construction and landscaping, would place individuals at the highest risk of limited inhalation, ingestion, and dermal contact exposures to soils that contain concentrations of arsenic that might present a health hazard.

A graphic presentation of the conceptual exposure model for the site identifying potential exposure routes/pathways and potential receptors is provided in Attachment C.

3. Corrective Action Plan

Based on the CSM, elevated concentrations of arsenic could be encountered in surface and shallow subsurface soils at any location on the site. To address the potential exposure risk to individuals who would work on the site only sporadically, Diamond Crystal Duluth anticipates that the Corrective Action Plan (CAP)) for the site might include a combination of the following:

- Engineering Controls Stabilization of surface materials through capping (*i.e.*, placement of asphalt or other appropriately designed cover material) or installation of security fencing to eliminate potential exposure,
- Institutional Controls Development of a Soil Management Plan (SMP) to be followed during future ground disturbance activities, and
- Administrative Controls Placement of deed restrictions on the property.

Diamond Crystal Duluth requests limited modification of EPD's model environmental covenant in conjunction with this application. A copy of the proposed covenant language is included with the submittal of this application.

4. Schedule

Diamond Crystal Duluth anticipates that activities related to VRP implementation will occur on the following schedule:

- Within First 6 Months
 - Provide results of additional horizontal delineation of arsenic in surface soil
 - Update on subsurface conditions on adjacent County property
 - Adjustments to CSM and CAP, if necessary
 - Submit site Soil Management Plan
 - Submit preliminary paving and site controls plan
- Within First 12 Months
 - Report on progress with site paving and controls
 - Update on subsurface conditions on adjacent County property
 - Adjustments to CSM and CAP, if necessary
- Within First 18 Months
 - Report on progress with site paving and controls
 - Update on subsurface conditions on adjacent properties
 - Adjustments to CSM and CAP, if necessary
- Within First 24 Months
 - Report on progress with site paving and controls
 - Update on subsurface conditions on adjacent properties

- Adjustments to CSM and CAP, if necessary
- Within First 30 Months
 - Report on progress with site paving and controls
 - Update on subsurface conditions on adjacent properties
 - Adjustments to CSM and finalize CAP, if necessary
- Within First 60 Months
 - Report on progress with site paving and controls
 - Submit the final Compliance Status Report certifying completion of the CAP

References

Butler, J. R., 1991, Metamorphism, in Horton, J.W., Jr., and Zullo, V.A., eds., 1991, *The Geology of the Carolinas*: Carolina Geological Society, pp. 127 - 141.

Hatcher, R.D., Jr., and Bream, B.R., 2004, *New tectonic map of the southern and central Appalachians* (*v. 3.5*): Geological Society of America Abstracts with Programs (Annual Meeting), v. 36, no. 5, p. 502.

Horton, J.W., Jr., and McConnell, K.I., 1991, The Western Piedmont, in Horton, J.W., Jr., and Zullo, V.A., eds., 1991, *The Geology of the Carolinas*: Carolina Geological Society, pp. 36 - 58.

Schroeder, P.A., 2010, Natural Occurrence of Elevated Arsenic and Selenium in Georgia Regolith: Implications for Their Relative Mobility in Piedmont Soils: Southeastern Geology, v. 47, No. 1, pp. 15 – 26.

Shacklette, H.T., and Boerngen, J.G., 1984, *Element Concentrations in Soils and Other Surficial Materials on the Conterminous United States*: US Geological Survey Professional Paper 1270, 105 p.

Attachments:

- A. Warranty Deed
- B. Figures
- C. Supporting Documents
- D. Environmental Covenant

Please return to Charles C. Benedict Womble Carlyle Sandridge 4 Rice, PLLC 1275 Peachtree Street, N.E., Suite 700 Atlanta, Georgia 30309

STATE OF GEORGIA

COUNTY OF FULTON

BK 13922 PG0203

LIMITED WARRANTY DEED

THIS INDENTURE, made as of the _____ day of March, 1997, between

EDWARD A. GROVE

as party of the first part (hereinafter called "Grantor"), and

MODERN PACKAGING, INC. a Georgia corporation

as party of the second part (hereinafter called "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of the sum of Ten Dollars $\{\$10,00\}$ and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, and confirmed, and by these presents does hereby grant, bargain, sell, alien, and confirm unto the said Grantee:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 267, 16th District, Gwinnett County, Georgia, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

This conveyance is made subject to those matters set forth on <u>Exhibit "B"</u> attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons claiming by, through, or under Grantor.

GWINNETT CO. GEORGIA REAL ESTATE TRANSFER TAX

SUPERIL, COURT

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IN WITNESS WHEREOF, Grantor has signed and sealed this Deed, the day and year written above.

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Signed, sealed, and delivered in the presence of: Charle Conedict Unofficial Witness

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Fand-BEAL) Fire EDWARD A. GROVE

Dowth L' Reyelta

[Notarial Seal] Му C 70485 Rev. 1 0042246 01 COBB

EXHIBIT "A"

BK 13922 PG0205

All that tract or parcel of land lying and being Land Lot 267 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

To arrive at THE TRUE POINT OF BEGINNING, commence at the intersection of the northerly right-of-way line of Blue Ridge Parkway (120' right-of-way) and the westerly right-of-way line North Berkeley Lake Road (70' right-of-way); thence, along the. westerly right-of-way line of North Berkeley Lake Road, North 30 degrees 30 minutes 30 seconds West for a distance of 477.38 feet to a point on said westerly right-of-way line; thence, along said westerly right-of-way line North 30 degrees 22 minutes 00 seconds West for a distance of 404.31 feet to a point on said westerly right-of-way line, said point being THE TRUE POINT OF BEGINNING; thence, South 59 degrees 27 minutes 45 seconds West for a distance of 580.00 feet to a point; thence North 30 degrees 27 minutes 45 seconds West for a distance of 362.38 feet to a point; thence, North 59 degrees 05 minutes 30 seconds East for a distance of 580.64 feet to a point on the westerly right-of-way line of North Berkeley Lake Road; thence along said westerly right-of-way line South 30 degrees 22 minutes 00 seconds East for a distance of 366.14 feet to a point on said right-of-way line, said point being THE TRUE POINT OF BEGINNING.

Said tract or parcel containing 4.8523 acres more or less and being derived from a plat of survey for Edward A. Grove by B. L. Bruner & Associates, Inc., bearing a certification of Benny L. Bruner, Georgia Registered Land Surveyor No. 1646, dated April 4, 1994, lastly revised August 10, 1994.

TOGETHER WITH a sewer easement over the following described property:

All that tract or parcel of land lying and being in Land Lot 267 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

To arrive at THE TRUE POINT OF BEGINNING commence at the northwest intersection of Blueridge Parkway [120' R/W] and North Berkeley Lake Road [70' R/W] thence N 30 degrees 30 minutes 30 seconds W 477.38 feet to a point; thence N 30 degrees 22 minutes 30 seconds W 770.45 feet to a point; thence S 59 degrees 05 minutes 30 seconds W 523.00 feet to THE TRUE POINT OF BEGINNING: thence S 59 degrees 05 minutes 30 seconds W 23.28 feet to a point; thence N 61 degrees 41 minutes 06 seconds W 28.92 feet to a point; thence N 59 degrees 32 minutes 15 seconds E 5.63 feet to a point; thence N 59 degrees 32 minutes 15 seconds E 5.63 feet to a point; thence N 59 degrees 32 minutes 15 seconds E 5.63 feet to a point; thence N 59 degrees 32 minutes 15 seconds E 5.63 feet to a point; thence S 51 degrees 41 minutes 06 seconds E 5.10 feet to THE TRUE POINT OF BEGINNING; all as shown in detail on survey prepared for Edward A.

BK 13922 PG0206

Grove by Benny L. Bruner, Georgia R.L.S. #1646 dated April 4, 1994 and last revised August 10, 1994.

The terms and conditions of that certain Sewer Easement from Gwinnett County, Georgia to Edward A. Grove dated August 11, 1994 and recorded in Deed Book 10593, Pages 82-86, Gwinnett County Records are hereby incorporated by reference.

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BK 13922 PG0207

EXHIBIT "B"

- All taxes for the year 1997 and subsequent years, not yet due and payable.
- 2. Final Subdivision Map for Blue Ridge Industrial Park, Phase II, Part II, prepared by Urban Engineers, Inc., Nelson F. Goetz, G.R.L.S. 1879, and recorded on November 18, 1980, at Plat Book 14, Page 91, aforesaid records, shows a 50 foot building setback line along the northwest boundary of subject property and 20 foot building setback lines along the northwest and southwest boundaries of subject property.
- All matters shown on that certain plat of survey prepared for Edward A. Grove by Benny L. Bruner of B. L. Bruner & Associates, G.R.L.S. No. 1646, dated April 4, 1994, and last revised August 10, 1994.
- 4. Railway Easement in Limited Warranty Deed from Morprop Incorporated to Phillip D. Daniels and Donald H. Hug, dated December 18, 1980, and recorded in Deed Book 2087, Page 124 and excepted in Limited Warranty Deed from Equifax, Inc. to Edward A. Grove, dated April 12, 1994, and recorded in Deed Book 10200, Page 277, Gwinnett County, Georgia records.
- Deed to Secure Debt from Edward A. Grove to Shoptaw-James, Inc. dated August 16, 1994, recorded at Deed Book 10614, Page 133, aforesaid records.

32141.0029.0*1ADOCSOPEN/PROGS/DOCS/C_BENED/0042665.01 Rev. March 6, 1997











Site Conceptual Exposure Model Diamond Crystal Brands 3245 North Berkeley Lake Road Duluth, Georgia



Notes:

+ This route is a primary source of exposure.

- There is no exposure by this route.



TABLE 1

ANALYTICAL SOIL DATA SUMMARY DIAMOND CRYSTAL BRANDS DULUTH, GEORGIA

Sample	Date	Depth	Arsenic	Lead	Cadmium
Location		(feet bgs) ⁽¹⁾	$(mg/kg)^{(2)}$	(mg/kg)	(mg/kg)
GP-01	11/18/2013	1-2	75.1	20.9	BRL
	11/18/2013	4-5	24.4	BRL	BRL
GP-2	11/18/2013	1-2	221	31.4	BRL
	11/18/2013	4-5	271	9.98	BRL
GP-3	11/18/2013	1-2	32.6	39.4	BRL
	11/18/2013	4-5	8.45	65	BRL
GP-4	11/18/2013	1-2	44.6	13.4	BRL
	11/18/2013	4-5	54.8	19.3	BRL
GP-5	11/18/2013	1-2	122	56.9	BRL
	11/18/2013	4-5	73.6	57.3	BRL
GP-6	11/18/2013	1-2	158	45.3	BRL
	11/18/2013	4-5	49.8	47.7	BRL
GP-7	11/18/2013	1-2	118	29	BRL
	11/18/2013	4-5	113	28.4	BRL
GP-8	11/18/2013	1-2	12.3	15.8	BRL
	11/18/2013	4-5	28.9	11.7	BRL
Notification					
Concentration ⁽³⁾			41	400	39
Type 4 RRS ⁽⁴⁾			38 (surf.)/130 (subs.)	400	77

Notes:

Analytical method used for testing was SW-846 Method 6010C.

1) bgs - below ground surface

2) mg/kg - milligrams per kilogram

3) HSRA Notification Concentrations

4) EPD Type 4 Risk Reduction Standards

ANALYTICAL ENVIRONMENTAL SERVICES, INC.



November 27, 2013

Brent Cortelloni Environmental Management Associates, LLC 5262 Belle Wood Court Buford Georg30518

TEL: (770) 271-4628 FAX: (770) 271-8944

RE: DCB

Dear Brent Cortelloni:

Order No: 1311E89

Analytical Environmental Services, Inc. received 16 samples on 11/19/2013 10:45:00 AM for the analyses presented in following report.

No problems were encountered during the analyses. Additionally, all results for the associated Quality Control samples were within EPA and/or AES established limits. Any discrepancies associated with the analyses contained herein will be noted and submitted in the form of a project Case Narrative.

AES' certifications are as follows:

-NELAC/Florida Certification number E87582 for analysis of Environmental Water, soil/hazardous waste, and Drinking Water Microbiology, effective 07/01/13-06/30/14. -AIHA-LAP, LLC Laboratory ID: 100671 for Industrial Hygiene samples (Organics, Inorganics), Environmental Lead (Paint, Soil, Dust Wipes, Air), and Environmental Microbiology (Fungal) effective until 09/01/15.

These results relate only to the items tested. This report may only be reproduced in full.

If you have any questions regarding these test results, please feel free to call.

Kararic

Mirzeta Kararic Project Manager



ANALYTICAL ENVIRONMENTAL SERVICES, INC

3785 Presidential Parkway, Atlanta GA 30340-3704

CHAIN OF CUSTODY

Work Order:	BILES	9
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AES TEL: (770) 457-8177 / TOLL-FREE (800) 972-4889 / FAX: (770) 457-8188

E 1 / 1	ADDRESS:					<u> </u>									Date:		Page		
LWA/BC						-	-1	7-	<u> </u>		ALYSIS TT	s req	UESTE				Visit our we	bsite	
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ES RECEIVED AFTER 3PM OR ON SATURDAY ARE COI ES ARE DISPOSED 30 DAYS AFTER REPORT COMPLET	SIDERED REC	HOUND OTH	ER	INESS DA	Y. IF TU	QUOTE	: #:	TIME	IS N4	OT IN	DICAT	PO#:	C IVIT -	pnoc		E-mail DATA	? Y/N; Fax? PACKAGE: I II		v
X CODES: A = Air GW = Groundwater SE = Sediment $VATIVE$ CODES: H+I = Hydrochloric acid + ice I = ice or	SO = Soil SW	V = Surface Wate	GEMENT	SARE M. Vater (Bla	ADE.	= Drip	king 14	Vator (B	lonka			ED, AF	S WILL	PROCE	ED WITH	STAND/	ARD TAT OF SAMP	LES.	



ANALYTICAL ENVIRONMENTAL SERVICES, INC

3785 Presidential Parkway, Atlanta GA 30340-3704

CHAIN OF CUSTODY

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Work Order:	Work Order:		199
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AES TEL.: (770) 457-8177 / TOLL-FREE (800) 972-4889 / FAX: (770) 457-8188

	ADDRESS:		Page of
EMA/BC		ANALYSIS REQUESTED	Visit our website
HONE:	FAX:		www.aesatlanta.com to check on the status of
D. Corfe (SIGNATURE:	VICE LEVE	your results, place bottle orders, etc.
\$ SAMPLE ID	SAMPLED 32 (so go where the second se	PRESERVATION (See codes)	
Gl8-1-2	DATE TIME See U		REMARKS
Gl 8-4-5	4 10:90 4 5		
QUISHED BY DATE/TIME	RECEIVED BY DATE/TIME	PROJECT INFORMATION	
17 1-19/13/Mile	<i>flat / 1/11/13</i>	ROJECT NAME:	Total # of Containers
	3: 10545 PT	ROJECT #: 585	Tumaround Time Request Standard 5 Business Dave
L INSTRUCTIONS/COMMENTS:	SLIDA GAIT A GETTION	END REPORT TO:	2 Business Day Rush Next Business Day Rush
	OUT / VIA: (II	IVOICE TO: F DIFFERENT FROM ABOVE)	O Same Day Rush (auth req.) O Other
ES RECEIVED AFTED 10M OD ON OTHER	CLIENT FedEx UPS MAIL COURIER	UOTE #: DO#.	STATE PROGRAM (if any): E-mail? Y/N; Fax? Y/N
ES ARE DISPOSED 30 DAYS AFTER REPORT COMPLET X CODES: A = Air GW = Groundwater SE = Sediment	NSIDERED RECEIVED THE NEXT BUSINESS DAY. IF TURN TON UNLESS OTHER ARRANGEMENTS ARE MADE: SO = Soil SW = Surface Water W = W = W	VAROUND TIME IS NOT INDICATED, AES WILL PROCEE	DATA PACKAGE: 1 II (III) IV D WITH STANDARD TAT OF SAMPLES.
EAVAILVE CODES: H+I = Hydrochloric acid + ice I = Ice o	nly N = Nitric acid S+I = Sulfuric acid + ice S/M+I = Sodium	Drinking Water (Blanks) $O = Other (specify)$ WW = Waste W Bisulfate/Methanol + ice $O = Other (specify)$ NA = None	/ater

Analytical En	vironmenta	l Services, Inc						Date:	27-Nov-13	
Client:	Environmenta	l Management Asso	ociates, LLC			Client Sar	nple ID:	GP1-1-2	2 8.00.00 AM	
Lab ID:	DCB 1311E89-001					Matrix:	Date:	Soil	5 8.00.00 AM	
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analyst
METALS, TO	TAL SW	6010C				(SV	V3050B)			
Arsenic			75.1	6.06		mg/Kg-d	ry 183991	1	11/22/2013 19:38	JL
Cadmium			BRL	3.03		mg/Kg-d	ry 183991	1	11/22/2013 19:38	JL
Lead			20.9	6.06		mg/Kg-d	ry 183991	1	11/22/2013 19:38	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ıre		20.0	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironment	tal Services, Inc						Date:	27-Nov-13	
Client:	Environmen	ntal Management As	sociates, LLC			Client Sar	nple ID:	GP1-4-5		
Project Name:	DCB					Collection	Date:	11/18/201	13 8:00:00 AM	
Lab ID:	1311E89-00)2				Matrix:		Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analyst
METALS, TO	TAL SV	W6010C				(SV	V3050B)			
Arsenic			24.4	5.88		mg/Kg-d	ry 183991	1	11/22/2013 19:42	JL
Cadmium			BRL	2.94		mg/Kg-d	ry 183991	1	11/22/2013 19:42	JL
Lead			BRL	5.88		mg/Kg-d	ry 183991	1	11/22/2013 19:42	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ire		15.9	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical Env	vironmental	Services, Inc						Date:	27-Nov-13	
Client:Environmental Management AProject Name:DCBLab ID:1311E89-003			ociates, LLC			Client Sam Collection Matrix:	ple ID: Date:	GP2-1-2 11/18/201 Soil	3 8:00:00 AM	
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	TAL SW6	5010C				(SW	'3050B)			
Arsenic			221	5.90		mg/Kg-dry	183991	1	11/22/2013 19:46	ЛL
Cadmium			BRL	2.95		mg/Kg-dry	183991	1	11/22/2013 19:46	ЛL
Lead			31.4	5.90		mg/Kg-dry	183991	1	11/22/2013 19:46	JL
PERCENT MO	DISTURE	D2216								
Percent Moistur	re		19.6	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironment	al Services, Inc						Date:	27-Nov-13	
Client:Environmental Management AProject Name:DCBLab ID:1311E89-004			ociates, LLC			Client Sam Collection Matrix:	ple ID: Date:	GP2-4-5 11/18/201 Soil	3 8:00:00 AM	
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	TAL SV	W6010C				(SW	3050B)			
Arsenic			271	5.64		mg/Kg-dry	183991	1	11/22/2013 19:51	JL
Cadmium			BRL	2.82		mg/Kg-dry	183991	1	11/22/2013 19:51	JL
Lead			9.98	5.64		mg/Kg-dry	183991	1	11/22/2013 19:51	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ire		19.0	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironmen	tal Services, Inc						Date:	27-Nov-13	
Client:	Environme	ntal Management As	sociates, LLC			Client Sam	ple ID:	GP3-1-2		
Project Name:	DCB					Collection 1	Date:	11/18/201	3 8:00:00 AM	
Lab ID:	1311E89-00	05				Matrix:		Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	TAL S	W6010C				(SW	3050B)			
Arsenic			32.6	5.14		mg/Kg-dry	183991	1	11/22/2013 19:05	JL
Cadmium			BRL	2.57		mg/Kg-dry	183991	1	11/22/2013 19:05	JL
Lead			39.4	5.14		mg/Kg-dry	183991	1	11/22/2013 19:05	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ıre		5.28	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironmen	ntal Services, Inc	2					Date:	27-Nov-13	
Client:	Environme	ental Management A	ssociates, LLC			Client Sam	ple ID:	GP3-4-5		
Project Name:	DCB					Collection 1	Date:	11/18/201	3 8:00:00 AM	
Lab ID:	1311E89-0	006				Matrix:		Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	TAL S	SW6010C				(SW	3050B)			
Arsenic			8.45	4.94		mg/Kg-dry	183991	1	11/22/2013 19:56	JL
Cadmium			BRL	2.47		mg/Kg-dry	183991	1	11/22/2013 19:56	JL
Lead			65.0	4.94		mg/Kg-dry	183991	1	11/22/2013 19:56	JL
PERCENT M	OISTUR	E D2216								
Percent Moistu	ıre		3.08	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironment	al Services, Inc						Date:	27-Nov-13	
Client:	Environmen	tal Management Ass	sociates, LLC			Client Sar	nple ID:	GP4-1-2		
Project Name:	DCB					Collection	Date:	11/18/201	3 8:00:00 AM	
Lab ID:	1311E89-00	17				Matrix:		Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analyst
METALS, TO	TAL SV	V6010C				(SV	V3050B)			
Arsenic			44.6	5.25		mg/Kg-d	ry 183991	1	11/22/2013 20:00	JL
Cadmium			BRL	2.62		mg/Kg-d	ry 183991	1	11/22/2013 20:00	JL
Lead			13.4	5.25		mg/Kg-d	ry 183991	1	11/22/2013 20:00	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ire		8.25	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironment	tal Services, Inc						Date:	27-Nov-13	
Client:	Environmer	ntal Management As	ssociates, LLC			Client Sar	nple ID:	GP4-4-5		
Project Name:	DCB					Collection	Date:	11/18/201	13 8:00:00 AM	
Lab ID:	Lab ID: 1311E89-008 Matrix:							Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analyst
METALS, TO	TAL SV	W6010C				(SV	V3050B)			
Arsenic			54.8	5.14		mg/Kg-d	ry 183991	1	11/22/2013 20:04	JL
Cadmium			BRL	2.57		mg/Kg-d	ry 183991	1	11/22/2013 20:04	JL
Lead			19.3	5.14		mg/Kg-d	ry 183991	1	11/22/2013 20:04	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ıre		6.53	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironment	al Services, Inc						Date:	27-Nov-13	
Client:	Environmen	tal Management Ass	sociates, LLC			Client San	nple ID:	GP5-1-2		
Project Name:	DCB					Collection	Date:	11/18/201	13 8:00:00 AM	
Lab ID:	1311E89-00	9				Matrix:		Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analyst
METALS, TO	TAL SV	V6010C				(SV	V3050B)			
Arsenic			122	5.93		mg/Kg-di	ry 183991	1	11/22/2013 20:08	JL
Cadmium			BRL	2.97		mg/Kg-di	ry 183991	1	11/22/2013 20:08	JL
Lead			56.9	5.93		mg/Kg-di	ry 183991	1	11/22/2013 20:08	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ıre		18.9	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironmen	tal Services, Inc						Date:	27-Nov-13	
Client:	Environme	ntal Management As	sociates, LLC			Client Sam	ple ID:	GP5-4-5		
Project Name:	DCB					Collection	Date:	11/18/201	3 8:00:00 AM	
Lab ID:	1311E89-0	10				Matrix:		Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	TAL S	W6010C				(SW	(3050B)			
Arsenic			73.6	5.93		mg/Kg-dry	183991	1	11/22/2013 20:19	JL
Cadmium			BRL	2.96		mg/Kg-dry	183991	1	11/22/2013 20:19	Л
Lead			57.3	5.93		mg/Kg-dry	183991	1	11/22/2013 20:19	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ire		18.6	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

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- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical Env	vironmenta	al Services, Inc						Date:	27-Nov-13	
Client:Environmental Management AProject Name:DCBLab ID:1311E89-011			ociates, LLC			Client Sam Collection I Matrix:	ple ID: Date:	GP6-1-2 11/18/201 Soil	3 8:00:00 AM	
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TOT	TAL SW	/6010C				(SW	3050B)			
Arsenic			158	5.56		mg/Kg-dry	183991	1	11/22/2013 20:23	JL
Cadmium			BRL	2.78		mg/Kg-dry	183991	1	11/22/2013 20:23	JL
Lead			45.3	5.56		mg/Kg-dry	183991	1	11/22/2013 20:23	JL
PERCENT MO	DISTURE	D2216								
Percent Moistur	re		13.5	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
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- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironment	al Services, Inc						Date:	27-Nov-13	
Client:	Environmen	tal Management As	sociates, LLC			Client Sai	nple ID:	GP6-4-5		
Project Name:	DCB					Collection	Date:	11/18/201	13 8:00:00 AM	
Lab ID:	1311E89-01	2				Matrix:		Soil		
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analyst
METALS, TO	TAL SV	V6010C				(SV	V3050B)			
Arsenic			49.8	5.70		mg/Kg-d	ry 183991	1	11/22/2013 20:27	JL
Cadmium			BRL	2.85		mg/Kg-d	ry 183991	1	11/22/2013 20:27	JL
Lead			47.7	5.70		mg/Kg-d	ry 183991	1	11/22/2013 20:27	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	ıre		14.2	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical Env	rironmental Servi	ces, Inc					Date:	27-Nov-13	
Client: Project Name:	Environmental Manag DCB	ement Associates, LLC			Client Sam Collection 1	ple ID: Date:	GP7-1-2 11/18/201	3 8:00:00 AM	
Lab ID:	1311E89-013				Matrix:		Soil		
Analyses		Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analyst
METALS, TOT	TAL SW6010C				(SW	3050B)			
Arsenic		118	5.40		mg/Kg-dry	183991	1	11/22/2013 20:32	JL
Cadmium		BRL	2.70		mg/Kg-dry	183991	1	11/22/2013 20:32	JL
Lead		29.0	5.40		mg/Kg-dry	183991	1	11/22/2013 20:32	JL
PERCENT MO	DISTURE D2216								
Percent Moistur	e	8.41	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical Env	vironmenta	al Services, Inc						Date:	27-Nov-13	
Client: Project Name: Lab ID:	Environment DCB 1311E89-014	al Management Ass 1	ociates, LLC			Client Sam Collection I Matrix:	ple ID: Date:	GP7-4-5 11/18/201 Soil	3 8:00:00 AM	
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	FAL SW	/6010C				(SW	3050B)			
Arsenic			113	5.58		mg/Kg-dry	183991	1	11/22/2013 20:36	JL
Cadmium			BRL	2.79		mg/Kg-dry	183991	1	11/22/2013 20:36	JL
Lead			28.4	5.58		mg/Kg-dry	183991	1	11/22/2013 20:36	JL
PERCENT MO	OISTURE	D2216								
Percent Moistur	re		13.0	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical Env	vironment	al Services, Inc						Date:	27-Nov-13	
Client: Project Name: Lab ID:	Environment DCB 1311E89-01:	tal Management Ass 5	ociates, LLC			Client Sam Collection Matrix:	ple ID: Date:	GP8-1-2 11/18/201 Soil	3 8:00:00 AM	
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	TAL SW	V6010C				(SW	3050B)			
Arsenic			12.3	5.69		mg/Kg-dry	183991	1	11/22/2013 20:40	JL
Cadmium			BRL	2.84		mg/Kg-dry	183991	1	11/22/2013 20:40	JL
Lead			15.8	5.69		mg/Kg-dry	183991	1	11/22/2013 20:40	JL
PERCENT M	OISTURE	D2216								
Percent Moistu	re		13.9	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical En	vironment	tal Services, Inc						Date:	27-Nov-13	
Client:	Environmer	ntal Management As	ssociates, LLC			Client Sam	ple ID:	GP8-4-5		
Project Name:	DCB					Collection 1	Date:	11/18/201	3 10:50:00 AM	
Lab ID: 1311E89-016						Matrix:				
Analyses			Result	Reporting Limit	Qual	Units	BatchID	Dilution Factor	Date Analyzed	Analys
METALS, TO	TAL SV	W6010C				(SW	3050B)			
Arsenic			28.9	5.69		mg/Kg-dry	183991	1	11/22/2013 20:44	JL
Cadmium			BRL	2.84		mg/Kg-dry	183991	1	11/22/2013 20:44	JL
Lead			11.7	5.69		mg/Kg-dry	183991	1	11/22/2013 20:44	ЛL
PERCENT M	OISTURE	D2216								
Percent Moistu	ıre		13.4	0		wt%	R256550) 1	11/25/2013 11:30	EH

* Value exceeds maximum contaminant level

- H Holding times for preparation or analysis exceeded
- N Analyte not NELAC certified
- B Analyte detected in the associated method blank
- > Greater than Result value

- E Estimated (value above quantitation range)
- S Spike Recovery outside limits due to matrix
- Narr See case narrative
- NC Not confirmed
- < Less than Result value
- J Estimated value detected below Reporting Limit

Analytical Environmental Services, Inc.

Sample/Cooler Receipt Checklist

Client EMA /IBL		Work Order	Number	1311E89
Checklist completed by	lali3			
Carrier name: FedEx UPS Courier Client US	S Mail Othe	r	_	
Shipping container/cooler in good condition?	Yes	No	Not Present	
Custody seals intact on shipping container/cooler?	Yes	No	Not Present	
Custody seals intact on sample bottles?	Yes	No	Not Present	_
Container/Temp Blank temperature in compliance? (4°C±2)*	Yes	No		,
Cooler #1 Cooler #2 Cooler #3	Cooler #4	Coo	ler#5	Cooler #6
Chain of custody present?	Yes	No		
Chain of custody signed when relinquished and received?	Yes	No		
Chain of custody agrees with sample labels?	Yes _	No		
Samples in proper container/bottle?	Yes _	No		
Sample containers intact?	Yes	No		
Sufficient sample volume for indicated test?	Yes	No		
All samples received within holding time?	Yes	No		
Was TAT marked on the COC?	Yes _	No		
Proceed with Standard TAT as per project history?	Yes	No	Not Applica	able
Water - VOA vials have zero headspace? No VOA vials su	bmitted	Yes	No	
Water - pH acceptable upon receipt?	Yes	No	Not Applica	able
Adjusted?	Che	cked by		
Sample Condition: Good Other(Explain)				· · ·
(For diffusive samples or AIHA lead) Is a known blank includ	led? Yes	N	。	

See Case Narrative for resolution of the Non-Conformance.

* Samples do not have to comply with the given range for certain parameters.

\L\Quality Assurance\Checklists Procedures Sign-Off Templates\Checklists\Sample Receipt Checklists\Sample_Cooler_Receipt_Checklists

Date: 27-Nov-13

Client:Environmental Management Associates, LLCProject Name:DCBWorkorder:1311E89

ANALYTICAL QC SUMMARY REPORT

BatchID: 183991

Sample ID: MB-183991	Client ID:				Un	its: mg/Kg	Pre	p Date: 1	11/21/2013	Run No: 256486
SampleType: MBLK	TestCode:	METALS, TOTAL	SW6010C		Bat	chID: 183991	Ana	alysis Date: 1	11/22/2013	Seq No: 5389783
Analyte	Result	RPT Limit	SPK value	SPK Ref Val	%REC	Low Limit	High Limit	RPD Ref V	al %RPD	RPD Limit Qual
Arsenic	BRL	5.00								
Cadmium	BRL	2.50								
Lead	BRL	5.00								
Sample ID: LCS-183991 SampleType: LCS	Client ID: TestCode:	METALS, TOTAL	SW6010C		Un: Bat	its: mg/Kg chID: 183991	Prej Ana	p Date: 1 alysis Date: 1	11/21/2013 11/22/2013	Run No: 256486 Seq No: 5389781
Analyte	Result	RPT Limit	SPK value	SPK Ref Val	%REC	Low Limit	High Limit	RPD Ref V	Val %RPD	RPD Limit Qual
Arsenic	48.40	5.00	50.00		96.8	80	120			
Cadmium	48.06	2.50	50.00		96.1	80	120			
Lead	48.48	5.00	50.00	0.1402	96.7	80	120			
Sample ID: 1211E90 005 AMG	Client ID:	CP3_1_2			Un	its [.] ma/Ka-	drv Pre	n Date: 1	11/21/2013	Run No: 256486
SampleType: MS	TestCode:	METALS, TOTAL	SW6010C		Bat	chID: 183991	Ana	alysis Date: 1	11/22/2013	Seq No: 5389789
Sample Type: MS	TestCode: Result	METALS, TOTAL	sw6010C SPK value	SPK Ref Val	Bat %REC	chID: 183991 Low Limit	High Limit	alysis Date: 1 RPD Ref V	11/22/2013 Val %RPD	Seq No: 5389789 RPD Limit Qual
Sample TD: 1311E89-00SAMS Sample Type: MS Analyte	TestCode: Result 71.90	METALS, TOTAL RPT Limit 5.17	sw6010C SPK value 51.73	SPK Ref Val 32.60	Bat %REC 76.0	chID: 183991 Low Limit	High Limit	RPD Ref V	11/22/2013	RPD Limit Qual
Sample TD: 1311E89-005AIVIS SampleType: MS Analyte Arsenic Cadmium	TestCode: Result 71.90 46.89	METALS, TOTAL RPT Limit 5.17 2.59	SPK value 51.73 51.73	SPK Ref Val 32.60 0.1928	844 845 846 847 847 847 847 847 847 847 847 847 847	chID: 183991 Low Limit 75 75	High Limit 125 125	RPD Ref V	11/22/2013	Req No: 5389789 RPD Limit Qual
Sample TD: TSTTE89-00SAMS Sample Type: MS Analyte Arsenic Cadmium Lead	TestCode: Result 71.90 46.89 91.64	METALS, TOTAL RPT Limit 5.17 2.59 5.17	SPK value 51.73 51.73 51.73	SPK Ref Val 32.60 0.1928 39.36	847 847 847 847 847 847 847 847 847 847	Low Limit 75 75 75	High Limit 125 125 125	RPD Ref V	11/22/2013 Val %RPD	Seq No: 5389789 RPD Limit Qual
Sample ID: 1311E89-005AIMS SampleType: MS Analyte Arsenic Cadmium Lead Sample ID: 1311E89-005AMSD SampleType: MSD	Client ID: TestCode: Result 71.90 46.89 91.64 Client ID: TestCode:	METALS, TOTAL RPT Limit 5.17 2.59 5.17 GP3-1-2 METALS, TOTAL	SW6010C SPK value 51.73 51.73 51.73 SW6010C	SPK Ref Val 32.60 0.1928 39.36	Bat %REC 76.0 90.3 101 Un Bat	Low Limit 75 75 75 itts: mg/Kg-	High Limit 125 125 125 dry Prej Ana	p Date: 1 RPD Ref V p Date: 1 alysis Date: 1	11/22/2013 Val %RPD 11/21/2013 11/22/2013	Run No: 256486 Run No: 256486 Seq No: 5389792
Sample ID: 1311E89-005AMS SampleType: MS Analyte Arsenic Cadmium Lead Sample ID: 1311E89-005AMSD SampleType: MSD Analyte	Client ID: TestCode: Result 71.90 46.89 91.64 Client ID: TestCode: Result	METALS, TOTAL RPT Limit 5.17 2.59 5.17 GP3-1-2 METALS, TOTAL RPT Limit	SW6010C SPK value 51.73 51.73 51.73 SW6010C SPK value	SPK Ref Val 32.60 0.1928 39.36 SPK Ref Val	Bat %REC 76.0 90.3 101 Un Bat %REC	Low Limit 75 75 75 its: mg/Kg - chID: 183991 Low Limit	High Limit 125 125 125 dry Prej Ana High Limit	p Date: 1 RPD Ref V p Date: 1 alysis Date: 1 RPD Ref V	11/22/2013 Val %RPD 11/21/2013 11/22/2013 Val %RPD	Rep Limit Qual Run No: 256486 Seq No: 5389792 RPD Limit Qual
Sample ID: 1311E89-005AMS SampleType: MS Analyte Arsenic Cadmium Lead Sample ID: 1311E89-005AMSD SampleType: MSD Analyte Arsenic	Client ID: TestCode: Result 71.90 46.89 91.64 Client ID: TestCode: Result 66.65	METALS, TOTAL RPT Limit 5.17 2.59 5.17 GP3-1-2 METALS, TOTAL RPT Limit 5.14	SW6010C SPK value 51.73 51.73 51.73 SW6010C SPK value 51.35	SPK Ref Val 32.60 0.1928 39.36 SPK Ref Val 32.60	Bat %REC 76.0 90.3 101 Un Bat %REC 66.3	Low Limit 75 75 75 its: mg/Kg - chID: 183991 Low Limit 75	High Limit 125 125 125 dry Prej Ana High Limit 125	p Date: 1 RPD Ref V p Date: 1 alysis Date: 1 RPD Ref V 71.90	11/22/2013 Val %RPD 11/22/2013 11/22/2013 Val %RPD 7.58	Run No: 256486 RPD Limit Qual Run No: 256486 Seq No: 5389792 RPD Limit Qual 20 S
Sample ID: 1311E89-005AMS SampleType: MS Analyte Arsenic Cadmium Lead Sample ID: 1311E89-005AMSD SampleType: MSD Analyte Arsenic Cadmium	Client ID. TestCode: Result 71.90 46.89 91.64 Client ID: TestCode: Result 66.65 46.31	METALS, TOTAL RPT Limit 5.17 2.59 5.17 GP3-1-2 METALS, TOTAL RPT Limit 5.14 2.57	SW6010C SPK value 51.73 51.73 51.73 SW6010C SPK value 51.35 51.35	SPK Ref Val 32.60 0.1928 39.36 SPK Ref Val 32.60 0.1928	Bat %REC 76.0 90.3 101 Un Bat %REC 66.3 89.8	Low Limit 75 75 75 its: mg/Kg - chID: 183991 Low Limit 75 75	High Limit 125 125 125 dry Prej Ana High Limit 125 125	p Date: 1 RPD Ref V p Date: 1 alysis Date: 1 RPD Ref V 71.90 46.89	II/22/2013 Val %RPD II/22/2013 II/22/2013 Val %RPD 7.58 1.26	Run No: 256486 RPD Limit Qual Run No: 256486 Seq No: 5389792 RPD Limit Qual 20 S 20 S

B Analyte detected in the associated method blank Qualifiers: > Greater than Result value < Less than Result value BRL E Estimated (value above quantitation range) H Holding times for preparation or analysis exceeded Below reporting limit J Estimated value detected below Reporting Limit N Analyte not NELAC certified R RPD outside limits due to matrix Rpt Lim Reporting Limit S Spike Recovery outside limits due to matrix

After Recording Return to:

Georgia Environmental Protection Division Response and Remediation Program 2 Martin Luther King, Jr. Drive, SE Suite 1054 East Atlanta, Georgia 30334

Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, OCGA § 44-16-1, *et seq.* This Environmental Covenant subjects the Property identified below 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 OCGA § 44-16-8(a).

Fee Owner of Property/Grantor:	Diamond Crystal Duluth, LLC 3245 North Berkeley Lake Road Duluth, Georgia 30096
Grantee/Holder:	Diamond Crystal Duluth, LLC 3245 North Berkeley Lake Road Duluth, Georgia 30096
Grantee/Entity with	State of Georgia
express power to enforce:	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:

- 1. Easement to Georgia Power Company, Dated November 22, 2004, recorded in Deed Book, Gwinnett County, Georgia Records.
- 2. Right of Way to Gwinnett County, recorded in Deed Book 41942, aforesaid records.

3. Easement for Ingress-Egress to Georgia Power Company recorded in Deed Book 48269, aforesaid records.

4. Water Metering Device Easement to Gwinnett County recorded in Deed Book 14337, aforesaid records.

- 5. Easement to Georgia Power Company recorded in Deed Book 1623, aforesaid records.
- 6. Easement contained in warranty deed recorded in Deed Book 1916, aforesaid records.
- 7. Clearance Permit to Southern Bell Telephone and Telegraph Company recorded in Deed Book 75, aforesaid records.

8. Clearance Permit to Southern Bell Telephone and Telegraph Company recorded in Deed Book 75, aforesaid records.

- 9. Right of Way to Georgia Power Company recorded in Deed Book 84, aforesaid records.
- 10. Easement to Georgia Power Company recorded in Deed Book 1623, aforesaid records.
- 11. Easement to Georgia Power Company recorded in Deed Book 69, aforesaid records.

- 12. Easement to Georgia Power Company recorded in Deed Book 83, aforesaid records.
- 13. Easement to Georgia Power Company recorded in Deed Book 171, aforesaid records.

Property:

The property subject to this Environmental Covenant is the Diamond Crystal Duluth, LLC (f/k/a Modern Packaging, Inc.) property (hereinafter "Property"), located on 3245 North Berkeley Lake Road in Duluth, Gwinnett County, Georgia. This tract of land was acquired on June 13, 2008. The Property consists of approximately 4.72 acres of land and is developed with one 83,260 square foot commercial/industrial building. A complete legal description of the area is attached as Exhibit A.

Tax Parcel Number(s):

Tax Parcel 6267 050 of Gwinnett County, Georgia

Name and Location of Administrative Records:

The corrective action at the Property that is the subject of this Environmental Covenant is described in the site's Voluntary Remediation Program Application Corrective Action Plan.

These documents are available at the following locations:

Georgia Environmental Protection Division Response and Remediation Program 2 MLK Jr. Drive, SE, Suite 1054 East Tower Atlanta, GA 30334 M-F 8:00 AM to 4:30 PM excluding state holidays

Diamond Crystal Duluth, LLC Attn: Plant Manager 3245 N. Berkeley Lake Rd., N.W. Duluth, GA 30096

Description of Contamination and Corrective Action:

After arsenic was detected in soils on an adjacent property at levels above the Georgia EPD Notification Concentration of 41 mg/kg, Diamond Crystal Duluth retained consulting firm Environmental Management Associates, LLC ("EMA") to conduct a soil investigation on the subject Property in November 2013. Arsenic concentrations in the soil samples taken during this investigation ranged from 12.3 mg/kg to 221 mg/kg in surface samples and from 8.45 mg/kg to 271 mg/kg in subsurface samples. To the best knowledge of Grantor, arsenic has never been used in or released from manufacturing operations conducted at the Property. Arsenic may have been brought on-site with fill material during development of the site or may be naturally occurring.

This Property has been listed on the state's hazardous site inventory 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 Diamond Crystal Duluth, LLC, 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 elevated levels of arsenic are present on the Property. Arsenic is a "regulated substance" 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 installation and maintenance of engineering controls (pavement and fencing) and institutional controls (limitation of use to non-residential and institution of a Soil Management Plan) to protect human health and the environment.

Grantor, Diamond Crystal Duluth, LLC (hereinafter "Diamond Crystal Duluth"), hereby binds Grantor, its successors and assigns to the activity and use restriction(s) for the Property identified herein and grants such other rights under this Environmental Covenant in favor of Diamond Crystal Duluth and 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 excising any authority under applicable law.

Diamond Crystal Duluth makes the following declaration as to limitations, restrictions, and uses to which the Property 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 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 Property (hereinafter "Owner"). Should a transfer or sale of the Property 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).

The Environmental Covenant shall inure to the benefit of Diamond Crystal Duluth, EPD, and their respective successors and assigns and shall be enforceable by the Director or his agents or assigns, Diamond Crystal Duluth or its successors and 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. <u>Registry.</u> 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. <u>Notice.</u> The Owner of the Property must give thirty (30) day advance written notice to EPD of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Corrective Action. The

Owner of the Property must also give thirty (30) day advance written notice to EPD of the Owner's intent to change the use of the Property, apply for building permit(s), or propose any site work that would not conform to the requirements and limitations set forth in the Soil Management Plan, with the exception of emergency site work necessary to protect human health or the environment, for which the Owner shall provide verbal and written notice to EPD as soon as possible.

- 3. <u>Notice of Limitation in Future Conveyances.</u> 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. <u>Activity and Use Limitation(s)</u>. The Property shall be used only for non-residential uses, as defined in Section 391-3-19-.02 of the Rules and defined in and allowed under the Gwinnett County's zoning regulations as of the date of this Environmental Covenant. Any residential use on the Property shall be prohibited. Any activity on the Property 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. Owner shall incorporate these activity and use limitations into any lease agreement Owner executes with respect to the Property.
- 5. <u>Right of Access.</u> In addition to any rights already possessed by EPD and/or Diamond Crystal Duluth, the Owner shall allow authorized representatives of EPD and/or Diamond Crystal Duluth the right to enter the Property at reasonable times for the purpose of evaluating the Corrective Action; to take samples, to inspect the Corrective Action conducted at the Property, to determine compliance with this Environmental Covenant, and to inspect records that are related to the Corrective Action.
- 6. <u>Recording of Environmental Covenant and Proof of Notification.</u> Within thirty (30) days after the date of the Director's signature, the Owner shall file this Environmental Covenant with the Recorders of Deeds for each County in which the Property is located, and 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) each person holding a recorded interest in the Property subject to the covenant, (2) each person in possession of the real property subject to the covenant, (3) each municipality, county, consolidated government, or other unit of local government in which real property subject to the covenant is located, and (4) each owner in fee simple whose property abuts the property subject to the Environmental Covenant.
- 7. <u>Termination or Modification</u>. 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 Property 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 and removes the Property from the Hazardous Site Inventory, 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*.
- 8. <u>Severability.</u> 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.
- 9. <u>No Property Interest Created in EPD</u>. This Environmental Covenant does not in any way create any interest by EPD in the Property 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 Property 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 10 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:

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

Diamond Crystal Duluth, LLC. Attn: Plant Manager 3245 N. Berkeley Lake Rd., N.W. Duluth, GA 30096

Copy (which shall not constitute notice) to: Hormel Foods Corporation Attn: Legal Department-General Counsel 1 Hormel Place Austin, MN 55912 Grantor has caused this Environmental Covenant to be executed pursuant to The Georgia Uniform Environmental Covenants Act, on the _____ day of _____, 20___.

Signed, sealed, and delivered in the presence of:	For the Grantor:	
Unofficial Witness (Signature)	Name of Grantor (Print)	_
Unofficial Witness Name (Print)	Grantor's Authorized Representative (Signature)	_ (Seal)
	Authorized Representative Name (Print)	_
Unofficial Witness Address (Print)		
	Title of Authorized Representative (Print)	
Notary Public (Signature)		
My Commission Expires:	Dated: (NOTARY SEAL)	
Signed, sealed, and delivered in the presence of:	For the State of Georgia Environmental Protection Division:	
		(Seal)
Unofficial Witness (Signature)	(Signature)	
Unofficial Witness Name (Print)	Judson H. Turner Director	
	Dated:	
Unofficial Witness Address (Print)	(NOTARY SEAL)	
Notary Public (Signature)		

My Commission Expires:_____

Exhibit A Legal Description