

MONITORING AND **MAINTENANCE PLAN**

South Skylark Apartments – Tax Parcel 14 004200090259 (Formerly Boulevard Parcel Assemblage Brownfield) 1099 Boulevard

Atlanta, Fulton County, Georgia

Prepared For: CV QOZP Skylark, LLC 701 8th Street NW, Suite 800 Washington, DC 20001

Prepared By: Wood Environment & Infrastructure Solutions, Inc. 2677 Buford Highway NE Atlanta, GA 30324

29 October 2021

Wood Project No. 6121-21-1857



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29 October 2021

www.woodplc.com

Monitoring and Maintenance Plan South Skylark Apartments – Tax Parcel 14 004200090259 1099 Boulevard, Atlanta, Fulton County, Georgia

Attention:

The following Monitoring and Maintenance Plan sets forth the obligations of the property manager and/or the property owner for the monitoring and maintenance of engineered controls at the South Skylark Apartments. This document is kept on the premises at the office of the property manager. Any comments or questions regarding this document should be directed to the property manager.

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1.0 INTRODUCTION

The property subject to this Monitoring and Maintenance Plan (the "Property") is the 3.397-acre portion of the Skylark Apartments south of Schuyler Street in Atlanta, Fulton County, Georgia as shown on Figure 1A in Appendix A. The Property consists of tax parcel 14 004200090259 located at 1099 Boulevard. The Property legal description and survey is on Figure 1B in Appendix A.

The Property has been redeveloped with three multi-family residential structures designated Building 1000, Building 4000 and Building 7000 shown on Figure 1B. The Property was previously used as an unregistered landfill in the 1950s and later for the manufacture of clay pipe and for staging and storage of equipment and vehicles.

During the recent redevelopment of the Property from 2018-2020, environmental corrective action was performed under the Georgia Brownfield Program in accordance with an approved Corrective Action Plan (CAP) and CAP Amendments. Engineered controls have been applied as a remedy consistent with a Type 5 risk reduction standards (RRS.) The intent of the remedy is to (1) prevent exposure to regulated substances in soil on the Property via dermal absorption, inhalation and ingestion and (2) manage the intrusion of organic vapors into buildings at the Property to disrupt the exposure pathway consistent with residential occupancy.

The purpose of this Monitoring and Maintenance Plan (M&M Plan) is to establish routine continuing care of engineered controls installed at the Property to ensure that future Property use will maintain incomplete exposure pathways for soil and soil vapor.

In addition, a Uniform Environmental Covenant (UEC) has been recorded as an institutional control as required to meet the approved Type 5 RRS in accordance with Brownfield Program requirements. The UEC prohibits the use of groundwater for drinking water on the Property, prevents activities on the Property that may interfere with the Type 5 remedy and requires implementation of this M&M Plan.

2.0 ENGINEERED CONTROLS

The engineered controls implemented at the Property were designed to prevent or control exposure to impacted soils and subsurface vapors present in the underlying landfill materials.

Surface Barriers

The Property has been capped to prevent direct exposure of occupants to impacted soil. Exterior surface barriers consist of hardscape (i.e., concrete or asphalt pavement) or a nominal one-foot layer of clean soil in landscaped areas topped with landscape vegetation or similar materials. Interior surface barriers are the building's concrete floor slabs. Figure 2 in Appendix A depicts the areas of hardscape, landscape and building slabs.

Vapor Intrusion Mitigation System

A sub-slab vapor intrusion barrier system combined with a passive sub-slab depressurization system were incorporated into the new occupied structures on the Property as an engineering control. The vapor barrier consists of two layers of high density polyethylene with a spray applied asphalt latex layer between. The sub-slab vapor collection system utilizes horizontal vapor collection pipes laid within a gravel base just under the barrier which are connected to vertical risers which extend to the building rooves for "passive" venting to the atmosphere. System details are shown on the figures in Appendix A.

3.0 CONTINUING CARE REQUIREMENTS

The following items are subject to continuing care, to include inspection and maintenance:

- Hardscape and Landscaped Surface Barriers (Cap); and
- Vapor Intrusion Barrier System (VIBS) and Building Slabs.

Inspection and maintenance of the cap and VIBS must be performed by person(s) experienced in the inspection and maintenance of the engineered controls at the Property through both professional training, education and experience sufficient to evaluate the condition of the Property as it relates to the requirements set forth below.

Hardscape and Landscaped Surface Barriers (Cap)

Activities and uses of the Property must not damage or disturb the integrity of the surface barriers.

The Property has been capped with various materials. The exterior caps are either hardscape (concrete or asphalt pavement) or a nominal one-foot layer of clean soil in landscaped areas topped with landscape vegetation or mulch. The exterior caps prevent direct exposure to underlying soil/landfill material. The interior caps are concrete slabs in the buildings, which are also an integral component of the VIBS. The three types of surface barriers are depicted on Figure 2 in Appendix A.

The cap may be penetrated in order to perform work necessary to install improvements and to maintain or repair engineering controls. Cap disturbing activities must be performed in a manner to minimize the release of, or exposure to, the regulated substances beneath the cap in accordance with this M&M Plan.

If impacted soil or landfill material is excavated from beneath the cap, the removed soil/material will be properly handled and disposed off-site in accordance with all applicable local, state and federal rules and regulations. Repair and/or restoration of the cap is necessary. Intrusive activities must be performed by personnel with proper training and knowledge of the conditions underlying the cap.

Annual inspections of the external capped areas on the Property must be performed by persons familiar with this M&M Plan. An Evaluation Form, located in Appendix B, must be completed during each annual inspection by the inspector. Completed original forms must be kept on the premises in the management office.

Property management is to be informed by the inspector of deficiencies recorded during the annual inspection. Corrective actions must be taken by the Property manager and/or owner to restore the capped areas to their pre-existing condition or an equivalent level of protection. Once complete, a record of the corrective actions must be recorded on the Evaluation Form and stored on the premises.

Asphalt and concrete pavement (including curbing) must be inspected along the entire capped surface to look for:

- Potholes;
- Pavement cracks larger than 1/2" wide; and

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• Other damage that exposes underlying material.

Inspection of the landscaped areas must be performed to look for:

- Ground surface erosion; and
- Excessively disturbed ground cover (vegetation, mulch, etc.).

Deficient cap conditions must be corrected within <u>60 days</u>. Any disturbed landscaped area may be capped by hardscape (asphalt, concrete, pavers) as a repair option. Details of the corrective action taken will be recorded on the Evaluation Form and stored on the premises.

Regular inspections by maintenance personnel are encouraged. In the event distressed conditions of the cap are observed by maintenance personnel, they must promptly advise Property management of their observations so appropriate action may be taken.

Vapor Intrusion Barrier System (VIBS) and Building Slabs

Activities and uses of the Property must not damage or disturb the integrity and proper operation of the VIBS, including the building floor slabs which are an integral component of the VIBS. The VIBS in each building must remain intact and maintained for proper operation according to manufacturer's recommendations. It is imperative the floor slabs remain intact.

The VIBS in each building will be inspected annually to ensure that associated exterior vent pipes remain open and the floor areas in each building are intact. A visual inspection will be made for signs of floor penetrations or breaches that may compromise the operation of the passive sub-slab depressurization system or the sub-slab vapor barrier. System details from the July 19, 2018 Design and Specification Plan are attached as Figures 3A, 3B, 4A, 4B, 4C, 4D, 4E and 4F.

Annual inspections of the VIBS in each building must be performed by a person knowledgeable of the VIBS design and familiar with this M&M Plan. The Evaluation Form in Appendix B must be completed during each annual inspection by the inspector. Completed original forms must be kept on the premises.

Property management is to be informed by the inspector of VIBS deficiencies observed during the annual inspection. Necessary corrective actions must be taken by Property management to ensure each VIBS operates properly. Deficiencies observed during the inspection are to be corrected within <u>60 days</u>.

Regular inspections by maintenance personnel are encouraged. In the event impediments to the proper operation of the VIBS are observed by maintenance personnel, they must promptly advise Property management of their observation so appropriate action may be taken.

4.0 CONTINGENCY WORK

Property management must investigate reported cap damage and make any necessary corrective actions within <u>60 days</u> of the observed issue. Property management will document actions taken and maintain written records that are kept on the premises.

For activities that disturb, rupture, or negatively affect the cap or vapor intrusion barrier system, Property Management is responsible to verify that proper function is restored. Property management must ensure workers follow the procedures in this M&M Plan.

Corrective action to repair deficiencies must be completed within the schedules designated herein. If it is impracticable to complete the repair(s) within the specified timeframe, then Georgia EPD will be notified in writing of the deficiencies and include a proposed schedule for completing the corrective action.

Scheduled work may include, but is not necessarily limited to, utility installations or repairs and additional construction. The approved Corrective Action Plan (CAP) will be amended if significant, intentional improvements to the property are made, such as removal, modification, or addition of building foundations and caps.

Before scheduled work is performed that has the potential to disturb soils below the building slabs, hardscape or landscaped areas, Property management must provide the utility workers a copy of this M&M Plan and ensure that they follow the procedures herein.

Each contractor is required to prepare its own separate site-specific Health and Safety Plan prepared by a qualified professional. Any intrusive activities that will cause workers to come in contact with contaminated soils at the Property must be performed by personnel with appropriate training per OSHA's Hazardous Waste Operations and Emergency Response (HAZWOPER) Standard 29 CFR 1910.120.

If worker activities disturb the integrity of the surface barriers or the proper operation of the VIBS, Property Management is responsible to ensure the engineered controls are properly restored and functioning as designed, in accordance with the requirements of this M&M Plan.

Emergency utility repairs that can't wait (e.g., natural gas leaks, sewage backups, etc.) shall follow the following work additional procedures.

- If any surficial barriers overlying the residual impacted soil are accidentally breached, then repairs shall be made within 24 hours.
- An Incident Report documenting the breach shall be made to the EPD by the Property owner, documenting the breach and repairs within 30 days of the incident.
- A knowledgeable representative of the Property owner shall be on-site to document the repairs and oversee the emergency situation.

Any soil generated by excavation work that is planned for off-site disposal will be tested for regulated substances suspected at the Property and, if affected with concentrations exceeding a

Monitoring and Maintenance Plan 1099 Boulevard, Atlanta, Fulton County, Georgia 29 October 2021 Page 6

residential RRS, will be disposed of at an approved offsite landfill or disposal site in accordance with applicable local, state and federal rules and regulations governing disposal of such material.

5.0 ANNUAL INSPECTION AND CERTIFICATION

Property management is responsible to ensure annual inspections are conducted by a person with proper training and knowledge (inspector) who is familiar with the design and intent of the engineered controls at the Property and the requirements of this M&M Plan. Property management is responsible for reviewing the completed Engineered Controls Evaluation Form and Incident Reports and obtaining information and feedback from the inspector regarding their observations.

Property Management will create a file for storage of records on the premises for a minimum of <u>three years</u> that will include a copy of the most recent EPD-approved M&M Plan, completed inspections and associated corrective action documentation.

The Annual Inspection and Certification Report must confirm the following during the previous twelve months:

- The VIBS (inclusive of concrete floor slab) installed in each of the buildings on the Property remain in good condition and continue to operate as designed;
- The cap covering the Property continues to remain secure and intact; and
- There continues to be no potable use of groundwater at the Property.

The first annual inspection will be performed within <u>90 days</u> of approval of this M&M Plan by Georgia EPD. An Annual Inspection and Certification Report (the "Report") will be submitted to the Georgia EPD's Brownfield Program within <u>30 days</u> of the inspection.

Subsequent annual inspections will be performed by <u>June 1st</u> of the year following the previous inspection with the Report submitted within <u>30 days</u> of the inspection.

The Report will include copies of the inspector's completed Engineered Controls Evaluation Form, Incident Reports for the year and a transmittal letter containing approved compliance and certification language signed by the owner of the Property (or by its designated representative). The Report will identify any breaches of the engineered controls that were repaired since the previous inspection and, if warranted, the schedule for restoration of any breaches that need maintenance or repair.

The Owner is responsible to ensure the Report has been received by Georgia EPD.

APPENDIX A FIGURES







LEGEND

WHITE = HARDSCAPERED = BUILDINGSGRAY = LANDSCAPE

SOUTH SKYLARK APARTMENTS 1099 BOULEVARD ATLANTA. GA wood.

Environment & Infrastructure Solutions, Inc.

2677 BUFORD HWY ATLANTA, GEORGIA 30324 (404) 873–4761



















APPENDIX B INSPECTION RECORDS

South Skylark Apartments 1099 Boulevard, Atlanta, Georgia Engineered Controls Evaluation Form											
INSPECTION ITEM	Yes	No	NA	MN		LOCATION	CORRECTIVE ACTION				
EXTERIOR HARDSCAPE OBSERVATIONS											
Large Pavement Crack											
Pothole											
Action Taken											
LANDSCAPE OBSERVATIONS											
Disturbed Ground Cover											
Soil Erosion											
Action Taken											
VAPOR BARRIER OBSERVATIONS											
Building Floor Penetration											
Bldg 1000											
Bldg 4000											
Bldg 7000											
Roof Vent Damage											
Bldg 1000											
Bldg 4000											
Bldg 7000											
Action Taken											
Bldg 1000											
Bldg 4000											
Bldg 7000											
OTHER OBSERVATIONS											
DATE OF INSPECTION INSPECTOR						INSPECTOR					
NA – No Action Needed MN – Maintenance Needed							(Print Name)				
Modify form to add inspection as	needed	(ex. vapo	or barrier	system re	epair)		(Signature)				

South Skylark Apartments 1099 Boulevard, Atlanta, Georgia Incident Report											
NON-COMPLIANT ITEM	ACTION PLANNED		ACTION TAKEN			DESC					
	Yes	No	INV	RRR	TBD	(In	dicate Location)				
Exterior Hardscape Issue											
Landscape Issue											
Vapor Barrier Issue											
DATE OF INSPECTION INSPECTOR											
INV – Investigate RRR- Repair, Replace, Restore	(Print Name)										
TBD – To Be Determined							(Signature)				

APPENDIX C TRANSMITTAL LETTER

Transmittal Letter for the "Annual Inspection and Certification Report"

[Date]

Georgia Department of Natural Resources EPD – Land Protection Branch, Brownfield Program 2 Martin Luther King, Jr. Drive, SE, Suite 1056, East Tower Atlanta, Georgia 30334

Subject:Annual Inspection and Certification ReportSouth Skylark Apartments – Tax Parcel 14 0042000902591099 Boulevard, Atlanta, Fulton County, Georgia

This document, with attachments, serves as the Annual Inspection and Certification Report for the South Skylark Apartments at 1099 Boulevard in Atlanta, Fulton County, Georgia (the "Property").

The Property is in compliance as follows:

- The Vapor Intrusion Barrier System (VIBS), inclusive of concrete floor slab, installed in each of the three buildings on the Property, remains in good condition and continues to operate as designed.
- The external cap (concrete, asphalt, and landscaped areas) continues to remain secure and intact.
- There continues to be no potable use of groundwater at the Property.

Consultant Certification

I certify that I am a qualified engineer/geologist or a qualified environmental professional who has received a baccalaureate or post-graduate degree in the engineering/geology, and have sufficient training and experience in designing and/or evaluating caps, as demonstrated by State registration and completion of accredited university courses, that enable me to make sound professional judgment regarding the effectiveness of engineering controls at the site. I also certify that this report meets the requirements set for in the Monitoring and Maintenance Plan for the site. I further certify that this report was prepared in conjunction with others working under my direction.

(Qualified Professional Signature)

(Print Name)

Owner Certification

I certify under the 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 Property, 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 fines and imprisonment for knowing violations.

(Property Owner/Representative Signature) (Print Name)

APPENDIX L

EXECUTED UNIFORM ENVIRONMENTAL COVENANT



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

EPD Director's Office 2 Martin Luther King, Jr. Drive Suite 1456, East Tower Atlanta, Georgia 30334 404-656-4713

NOV \$ 0 2021

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. CJ Hardy CV QOZP Skylark, LLC 701 8th Street NW, Suite 800 Washington, DC 20001

Re: Executed Uniform Environmental Covenant – Boulevard Parcel Assemblage 1099 Boulevard, Atlanta, Fulton County, Georgia

Dear Mr. Hardy:

The Georgia Environmental Protection Division (EPD) has approved the Uniform Environmental Covenant submitted for the above-referenced property. The fully executed original (enclosed) is being returned. Within thirty (30) days of receipt, this covenant is to be filed with the clerk of the Superior Court of Fulton County and recorded in the clerk's deed records pursuant to O.C.G.A. 44-16-8.

Within thirty (30) days of recording, please submit a file-stamped copy of the covenant to EPD. The submittal should include a certification that a file-stamped copy has been sent to each of the parties identified in O.C.G.A. 44-16-7.

If you have any questions, please contact Shannon Ridley at 470-604-9456 or Alicia McGill at 470-2-524-0729.

incerely Richard E. Dunn Director

Encl: Fully executed Environmental Covenant - Parcel # 14 004200090259

Boulevard Parcel Assemblage

- 1. The prospective purchaser submitted a Brownfield CAP/application on July 13, 2018 for 8.771 acres at 1075 and 1099 Boulevard. Atlanta, Fulton County. The CAP was approved on August 21, 2018.
- 2. Once acquired, the owner conducted additional investigations and remediation of impacted soil.
- 3. Approximately 4.6 acres at the northern end, parcel #14 004200090317 at 1075 Boulevard was demonstrated to meet the residential Type 1 Risk Reduction Standards (RRS) for soil. An apartment complex has been constructed on this parcel.
- 4. The remaining 3.397 acres of the property at the southern end, parcel # 14 004200090259 at 1099 Boulevard, was remediated to meet Type 5 RRS requirements and is the Property addressed by the UEC. The Property is required to have engineered controls, to prevent exposure to soil contamination, and this Covenant as the institutional control.
- 5. The UEC Property contains apartment buildings, driveways, parking lots, sidewalks, and landscaped areas.
- 6. The UEC Property is capped with concrete building foundations, concrete, asphalt, and a minimum of 1 ft of clean soil in landscaped areas on the entire parcel.
- 7. The residential structures on the UEC Property are equipped with passive vapor vent systems and vapor barriers to prevent migration of methane and VOCs that might be generated from any remaining subterranean organic material.
- 8. A Monitoring and Maintenance Plan (MM Plan) has been developed specifically for the design of engineered controls required at this property and addresses inspections, maintenance and annual reporting of findings to EPD. The MM Plan will be approved by EPD upon approval of the Compliance Status Report for Boulevard Parcel Assemblage.
- 9. The Compliance Status Report (CSR) is still under review, with the final Limitation of Liability (LoL) forthcoming.

After Recording Return to: CV QOZP Skylark, LLC 701 8th Street, NW, Suite 800 Washington, DC 20001 Attn: C.J. Hardy CROSS-REFERENCE: County: Fulton Deed Book: 61266 Page(s): 164

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.*, as may be amended from time to time (hereinafter "Act"). This Environmental Covenant is entered into by the entities executing this Environmental Covenant and subjects the property identified below to the activity and/or use limitations and other requirements. This Environmental Covenant further grants such other rights in favor of EPD and CV QOZP Skylark, LLC as set forth herein.

Fee Simple Owner(s)/Grantor(s):	CV QOZP Skylark, LLC 701 8 th Street, NW, Suite 800 Washington, DC 20001							
Grantee/Holder with the								
power to enforce:	CV QOZP Skylark, LLC							
	701 8 th Street, NW, Suite 800							
	Washington, DC 20001							
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 1456 East Tower							
	Atlanta, GA 30334							

Persons with Interests other than Fee Simple:

Property Subject

The property subject to this Environmental Covenant (the "Property") is a tract of 3.397 acres of real property referred to as the South Skylark Apartments (formerly Boulevard Parcel Assemblage Brownfield) and located at 1099 Boulevard, Atlanta, Fulton County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter "Property"). The Property was conveyed on February 21, 2020 to CV QOZP Skylark, LLC; such conveyance is recorded in Deed Book 61226, Page 164, of the Fulton County deed records. The Property is located in Land Lot 42 of the 14th District of Fulton County, Georgia.

The Property consists of tax parcel 14 004200090259 of Fulton County, Georgia.

A legal description of the Property is attached as Exhibit A and a map of the Property is attached as Exhibit B.

A legal description of the Property is attached as Exhibit A. A survey performed by a licensed surveyor showing the Property is attached as Exhibit B.

Environmental Covenant Runs with the Land and is Perpetual

Pursuant to the Act, this Environmental Covenant shall run with the land and shall be perpetual unless terminated or amended pursuant to terms herein or in accordance with provisions of the Act. This Environmental Covenant shall be binding upon CV QOZP Skylark, LLC, and all successors, assigns and transferees of any interest in the Property or any portion thereof.

Administrative Records

This Environmental Covenant imposes activity and/or use limitations and other requirements on the Property that arise under corrective action performed and/or being performed at the South Skylark Apartments.

Records pertaining to this corrective action are available at the following EPD location(s):

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

Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

Activity and Use Limitations. The Property is subject to the following activity and/or use limitations:

- A. Interference with Remedy. Activities on the Property that may interfere with the remedy required by corrective action are prohibited.
- B. Monitoring and Maintenance Plan. The Monitoring and Maintenance Plan (as may be amended from time to time with EPD's approval), associated with the Property is located in the Administrative Records.
- C. Groundwater. The use or extraction of groundwater beneath the Property for drinking water or other potable uses shall be prohibited. The use or extraction of groundwater for any other purpose besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.

Other Requirements. The Property is subject to the following additional requirements.

A. Notice of Limitations and Requirements in Future Conveyances. Each instrument hereafter conveying any interest in the Property or any portion thereof that may affect the activity and use limitations described herein shall include a statement that

the Property is subject to this Environmental Covenant (and any amendments thereto), the location (County, Deed Book and Page) in the deed records where this Environmental Covenant (and any amendments thereto) is recorded and a copy of this Environmental Covenant (and any amendments thereto).

- B. Notice to EPD of Future Conveyances. Within thirty (30) days after each conveyance of a fee simple interest in the Property or any portion thereof, a notice shall be sent to EPD and CV QOZP Skylark, LLC. The notice shall include the new owner's name, address, telephone number and other pertinent contact information, the date of the conveyance and the location (County, Deed Book and Page) where the conveyance is recorded, and, if the conveyance is a portion of the Property, a survey map showing the boundaries of the real property conveyed.
- C. Notice of Change of Use. If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the Property, to apply for a building permit for construction at the Property, or to perform any site work.
- D. Notification of Noncompliance. CV QOZP Skylark, LLC or the then-current owner of the Property shall submit a written notice to EPD within ten (10) days of discovery of noncompliance with the activity and/or use limitations and/or other requirements herein, including the steps taken or to be taken to correct.
- E. Annual Reporting. Annually, by January 31st of each calendar year, CV QOZP Skylark, LLC or the then-current owner of the Property shall submit to EPD an Annual Report including but not limited to inspection of Engineering Controls, and documentation stating whether or not the activity and use limitations in the Environmental Covenant are being abided by.

Environmental Covenant Does Not Authorize Use Otherwise Prohibited

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.

Rights of Access and Enforcement

Authorized representatives of EPD and CV QOZP Skylark, LLC shall have the right to enter the Property at reasonable times in connection with implementation, compliance, or enforcement of this Environmental Covenant, including but not limited to the right to conduct inspections, examine related records, or to take samples.

This Environmental Covenant shall be enforceable by EPD, CV QOZP Skylark, LLC and other parties as provided in the Act. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable law.

No Interest in Real Property in EPD

EPD's rights under this Environmental Covenant and the Act shall not be considered an interest in real property.

Recording of Environmental Covenant and Service on Other Persons

Within thirty (30) days after execution of this Environmental Covenant by the Director of EPD, CV QOZP Skylark, LLC shall record the Environmental Covenant in every county in which any portion of the Property is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, CV QOZP Skylark, LLC shall provide in a manner deemed acceptable by EPD a copy of the executed, recorded Environmental Covenant to each of the persons or entities identified in O.C.G.A. § 44-16-7.

Representations and Warranties by Grantor(s). CV QOZP Skylark, LLC represents and warrants that all of the following are true and correct:

- A. CV QOZP Skylark, LLC holds fee simple title to the Property.
- B. CV QOZP Skylark, LLC has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, has the ability to carry out the obligations described within and, based upon information and belief after reasonable inquiry, does not know of any anticipated material change in the practices, ownership, or authority of CV QOZP Skylark, LLC that will alter this representation and warranty.
- C. The execution and delivery of this Environmental Covenant and carrying out the obligations described within will not conflict with any of the provisions of the organizational documents, operating agreement of CV QOZP Skylark, LLC nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which CV QOZP Skylark, LLC is a party or by which CV QOZP Skylark, LLC may be bound.
- D. There are no persons with existing interests other than fee simple in the Property;
- E. This Environmental Covenant does not authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.
- F. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, CV QOZP Skylark, LLC served a copy of the proposed final text of this Environmental Covenant on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

Submission of Required Documents and Communications

Documents and communications required by this Environmental Covenant shall be submitted to:

Georgia Environmental Protection Division Branch Chief Land Protection Branch 2 Martin Luther King Jr. Drive SE Suite 1054 East Tower Atlanta, GA 30334 With a copy to:

CV QOZP Skylark, LLC 701 8th Street, NW, Suite 800 Washington, DC 20001

EPD's Environmental Covenants Registry

This Environmental Covenant and any amendment thereto or termination thereof may be included in EPD's registry for environmental covenants.

Severability

Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

Effective Date

This Environmental Covenant shall be effective on the date the fully executed Environmental Covenant is recorded in accordance with O.C.G.A. § 44-16-8(a).

Grantor

CV QOZP Skylark, LLC (Signature

CJ Hardy

Vice President

Signed in the presence of:

Unofficial Witness (*signature*)

Andrea Nolan Unofficial Witness (print name)

State of Georgia District of Columbia, N.T. County of Fulton D.C., N.T.

This instrument was signed or attested before me this <u>27</u> day of <u>October</u>, 20<u>21</u>, by <u>Charles</u> Jason Hardy [Name].

Personally Known Produced Identification

Notary Public (Signature)

My Commission Expires: August 14, 2024.



NÁZIK TURDAKUNOVA NÓTARY PUBLIC DISTRICT OF COLUMBIA My Commission Exeire Constit 14, 2024 Grantee

CV QOZP Skylark, LLC (Signature

CJ Hardy

Vice President

Signed in the presence of:

Unofficial Witness (signature)

Andrea Nolan Unofficial Witness (print name)

State of Georgia District of Columbia, A.T. County of Fulton D.C., N.T.

This instrument was signed or attested before me this <u>27</u> day of <u>October</u>, 20<u>21</u>, by <u>Charles</u> Jason Hardy. [Name].

Personally Known Produced Identification

Notary Public (Signature)

My Commission Expires: August 14, 2024



NAZIK TURDAKUNOVA NOTARY PUBLIC DISTRICT OF COLUMBIA My Commission Expires August 14, 2024

For the Environmental Protection Division, Department of Natural Resources, State of Georgia, 12021 November this 30 day of. . Signed in the presence of: (Signature) [Name] Director, Environmental Protection Division Unofficial Witness (sig hature Witness (print Unofficial name) State of Georgia County of Fulton This instrument was signed or attested before me this 30 day of November, 2021, by [Name]. Personally Known Produced Identification amala Notary Public (Signature) My Commission Expires: 7-27-2022 (NOTARY SEAL) Thauno Dai Q Public AIEJON ETEN 'C

Exhibit A Legal Description of Property

All that tract or parcel of land lying or being in Land Lot 42, 14th district, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a nail set at the intersection of the Southerly right-of-way of Schuyler Street (40 faot right-of-way) with the Westerly right-of-way of Baulevard (60 foot right-of-way), thence along said right-of-way of Boulevard South 00 degrees 47 minutes 15 seconds West, a distance of 220.00 feet to a nail found; thence leaving said right-of-way North 89 degrees 04 minutes 49 seconds West, a distance of 507.63 feet to a 3/4 inch open top pipe found; thence North 89 degrees 28 minutes 11 seconds West, a distance of 167.37 feet to a 3/4 inch open top pipe found; thence North 01 degrees 20 minutes 23 seconds East, a distance of 220.00 feet to 5/8 inch rebar set on the Southerly right-of-way of Schuyler Street; thence along said right-of-way South 89 degrees 10 minutes 41 seconds East, a distance of 672.87 feet to a nail set on the Westerly right-of-way of Boulevard, said point being the True Point of Beginning.

Said tract of land contains 3.397 Acres.

Exhibit B Survey of Property

See attached



APPENDIX M

LETTER FROM GA-EPD TO ATLANTA DOT



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Land Protection Branch 2 Martin Luther King, Jr. Drive Suite 1054, East Tower Atlanta, Georgia 30334 404-657-8600

September 8, 2021

Mr. Josh Rowan, Commissioner Atlanta Department of Transportation 55 Trinity Avenue SW Atlanta, Georgia 30303

RE: Brownfield Property – Boulevard Parcel Assemblage-Schuyler Street Atlanta, Fulton County, Georgia

Dear Mr. Rowan:

On July 18, 2018, the Georgia Environmental Protection Division (EPD) received a brownfield application, submitted in the form of a prospective purchaser corrective action plan (CAP) for the above referenced property pursuant to the Georgia Brownfield Act (Act). The CAP was approved on August 21, 2018, which conveyed a provisional limitation of liability, from third party lawsuits and responsibility for groundwater cleanup, to Pollack Shores Real Estate Group.

It is EPD's understanding that the property has since been conveyed to CV QOZP Skylark, LLC, who have implemented the approved CAP and have submitted prospective purchaser compliance status report (CSR) documenting corrective action. The CSR is still under review, but corrective action consisted of excavation and the use of engineered and institutional controls to bring soil and source material into compliance with residential cleanup standards. Institutional controls currently consist of a draft environmental covenant (EC) and a draft monitoring and maintenance (M&M) plan to maintain the integrity of the engineered controls. An engineered control was required on the southern portion of the property due to landfill materials which could not be completely remediated. These materials may also extend onto the Schuyler Street parcel, which was conveyed to the City of Atlanta.

If these landfill materials were not removed during construction Schuyler Street, then EPD encourages the City of Atlanta to consider the use of an EC and M&M plan to prevent human exposure to this material. This would allow EPD to issue the City of Atlanta a final limitation of liability for Schuyler Street.

If you have questions, or need further assistance, please contact Alicia McGill at 470/524-0729 or me at 470/604-9456.

Shannon Ridley Brownfield Coordinator

cc: Jennie Agerton Paul Moisan File: Boulevard Parcel Assemblage **APPENDIX N**

VISL CALCULATIONS

Default VISL Results

/UTMU" co. brof-/tmp/Docident_chem_vicl_270CT2021_vicl2081610_vloveOutput to Spreadsheet

Variable	Value		
Exposure Scenario	Resident		
Temperature for Groundwater Vapor Concentration C	25		
ED _{res} (exposure duration) years			
TR (target risk) unitless	0.00001		
THQ (target hazard quotient) unitless	1		
LT (lifetime) years	70		
EF _{res} (exposure frequency) days/year	350		
ED ₀₋₂ (mutagenic exposure duration first phase) years	2		
ED ₂₋₆ (mutagenic exposure duration second phase) years	4	_	
ED ₆₋₁₆ (mutagenic exposure duration third phase) years	10	_	
ED ₁₆₋₂₆ (mutagenic exposure duration fourth phase) years	10		
EF ₀₋₂ (mutagenic exposure frequency first phase) days/year	350		
EF ₂₋₆ (mutagenic exposure frequency second phase) days/year	350		
EF ₆₋₁₆ (mutagenic exposure frequency third phase) days/year	350		
EF ₁₆₋₂₆ (mutagenic exposure frequency fourth phase) days/year	350		
ET _{res} (exposure time) hours/day	24		
ET ₀₋₂ (mutagenic exposure time first phase) hours/day	24		
ET ₂₋₆ (mutagenic exposure time second phase) hours/day	24		
ET ₆₋₁₆ (mutagenic exposure time third phase) hours/day	24		
ET ₁₆₋₂₆ (mutagenic exposure time fourth phase) hours/day	24		
AF _{gw} (Attenuation Factor Groundwater) unitless	0.001		
AF _{ss} (Attenuation Factor Sub-Slab) unitless	0.03		

Resident Vapor Intrusion Screening Levels (VISL)

Key: I = IRIS; P = PPRTV; O = OPP; A = ATSDR; C = Cal EPA; X = PPRTV Screening Level; H = HEAST; D = DWSHA; W = TEF applied; E = RPF applied; U = user provided; G = see RSL User's Guide Section 5; CA = cancer; NC = noncancer.

Chemical	Target Sub-Slab and Near-source Soil Gas Concentration (TCR=1E-05 or THQ=1) C _{sg} ,Target (μg/m ³)	Target Groundwater Concentration (TCR=1E-05 or THQ=1) C _{gw} ,Target (μg/L)	Is Target Groundwater Concentration < MCL? (C _{gw} < MCL?)	Pure Phase Vapor Concentration C _{vp} (25 °C) (μg/m ³)	Maximum Groundwater Vapor Concentration C _{hc} (μg/m ³)	Temperature for Maximum Groundwater Vapor Concentration (℃)	Lower Explosive Limit LEL (% by volume)	LEL Ref	IUR (ug/m ³) ⁻¹	IUR Ref	RfC (mg/m ³)	RfC Ref	Mutagenic Indicator	Carcinogenic VISL TCR=1E-05 C _{ia,c} (µg/m ³)	Noncarcinogenic VISL THQ=1 C _{ia,nc} (µg/m ³)
Benzene	1.20E+02	1.59E+01	No (5)	3.98E+08	4.06E+08	2.50E+01	1.20E+00	CRC	7.80E-06	1	3.00E-02	I	No	3.60E+00	3.13E+01
Carbon Disulfide	2.43E+04	1.24E+03		1.47E+09	1.27E+09	2.50E+01	1.30E+00	CRC	-		7.00E-01	I	No	-	7.30E+02
Chloromethane	3.13E+03	2.60E+02		1.17E+10	1.92E+09	2.50E+01	8.10E+00	CRC	-		9.00E-02	1	No	-	9.39E+01
Dichlorodifluoromethane	3.48E+03	7.44E+00		3.15E+10	3.93E+09	2.50E+01	-		-		1.00E-01	X	No	-	1.04E+02
Dichloroethylene, cis-1,2- Ethyl Chloride	3.48E+05	- 2.30E+04		1.04E+09 3.50E+09	1.07E+09 3.05E+09	2.50E+01 2.50E+01	3.00E+00 3.80E+00	CRC CRC	-			I	No No	-	- 1.04E+04
Ethylbenzene	3.74E+02	3.49E+01	Yes (700)	5.48E+07	5.44E+07	2.50E+01	8.00E-01	CRC	2.50E-06	С	1.00E+00	I	No	1.12E+01	1.04E+03
Hexanone, 2-	1.04E+03	8.21E+03		6.25E+07	6.55E+07	2.50E+01	1.00E+00	CRC	-		3.00E-02	1	No	-	3.13E+01
Methylene Chloride	2.09E+04	4.71E+03	No (5)	1.99E+09	1.73E+09	2.50E+01	1.30E+01	CRC	1.00E-08		6.00E-01	I	Mut	1.01E+03	6.26E+02
Tetrachloroethylene	1.39E+03	5.76E+01	No (5)	1.65E+08	1.49E+08	2.50E+01	-		2.60E-07	I	4.00E-02	I	No	1.08E+02	4.17E+01
Tetrafluoroethane, 1,1,1,2-	2.78E+06	4.08E+04		2.74E+10	4.17E+09	2.50E+01	-		-		8.00E+01	I	No		8.34E+04
Toluene	1.74E+05	1.92E+04	No (1000)	1.41E+08	1.43E+08	2.50E+01	1.10E+00	CRC	-		5.00E+00	I	No	-	5.21E+03
Trichloroethylene	6.95E+01	5.18E+00	No (5)	4.88E+08	5.15E+08	2.50E+01	8.00E+00	CRC	4.10E-06	1	2.00E-03	I	Mut	4.78E+00	2.09E+00
Trimethylbenzene, 1,2,4- Vinyl Chloride	2.09E+03 5.59E+01	2.48E+02 1.47E+00	 Yes (2)	1.36E+07 1.00E+10	1.44E+07 1.00E+10	2.50E+01 2.50E+01	9.00E-01 3.60E+00	CRC CRC	- 4.40E-06	1	6.00E-02 1.00E-01	I	No Mut	- 1.68E+00	6.26E+01 1.04E+02
Xylene, m-	3.48E+03	3.55E+02		4.73E+07	4.73E+07	2.50E+01	1.10E+00	CRC	_		1.00E-01	G	No	-	1.04E+02
Xylene, o-	3.48E+03	4.92E+02		3.77E+07	3.77E+07	2.50E+01	9.00E-01	CRC	-		1.00E-01	G	No	-	1.04E+02
Xylene, p-	3.48E+03	3.70E+02		5.05E+07	4.57E+07	2.50E+01	1.10E+00	CRC	-		1.00E-01	G	No	-	1.04E+02
			1											1	