



As part of their acquisition and planned development of the approximate 0.890-acre vacant property, addressed as 990 W. Auburn Road, City of Rochester Hills, Oakland County, Michigan (subject property), OYK Rochester, LLC (OYK) has conducted extensive environmental due diligence investigations and reporting, including the following:

- Phase I Environmental Site Assessment (ESA).
- Phase II ESA.
- Baseline Environmental Assessment (BEA).
- Section 7a Compliance Analysis/Due Care Plan.

Throughout the environmental due diligence portion of the project, OYK and their environmental consultant G2 Consulting Group, LLC (G2), focused their investigative activities not only on OYK's potential risks for acquiring a former gasoline station property with known soil and groundwater contamination, but also how the existing contamination may affect the proposed future use of the subject property and the current use of surrounding properties. Following an extensive subsurface investigation of the subject property, including the laboratory analysis of soil, groundwater, and soil gas samples, it was determined that only soil contamination from residual constituents of petroleum products exists on a small area of the southern portion of the subject property, immediately adjacent to former underground storage tank (UST) excavation cavities, at concentrations in excess of State of Michigan criteria. No contaminants were identified in groundwater samples collected at the subject property, and a singular detection of n-Hexane in one soil as sample was determined to be well below the Michigan Department of Environment, Great Lakes and Energy (MDEGLE) Recommended Interim Action Screening Levels (RIASLs) available at the time of the investigations. Furthermore, the Phase II ESA investigation encountered groundwater (likely contaminant migration mechanism) only within the former UST excavation cavities and indicated the underlying and surrounding soils to be comprised of cohesive clays; which, restrict the movement of groundwater. Thus, it was determined that the existing, residual petroleum contamination in soil is limited to the southern portion of the subject property and does not pose a threat to any adjoining properties or their occupants. The residual contamination is expected to naturally attenuate over time, without any plausible threat to the community.

Based on the residual soil contamination on the subject property, a contaminant compliance analysis in accordance with Section 7a of Part 201 of the Natural Resources and Environmental Protection Act (NREPA), PA 451 of 1994, as amended, was prepared for the subject property by G2. The analysis evaluated the concentrations of contaminants identified on the subject property, in relation to the proposed site development and occupancy and the following potential exposure pathways: (1) groundwater ingestion; (2) groundwater enclosed space (indoor) vapor inhalation; (3) subsurface soil ambient (outdoor) vapor inhalation; (4) subsurface soil enclosed space (indoor) vapor inhalation; (5) soil direct contact, and (6) particulate soil inhalation. Upon completion of the exposure analysis, it was determined that the residual soil contamination does not pose a threat to future site occupants.

Never-the-less, OYK recognizes that they have a due care obligation not to exacerbate the existing contamination and as such, they will be implementing the following actions for the subject property:

- Groundwater (if any) will not be used for any purpose at the subject property.
- Excavation on the subject property will be restricted except for the purpose of remediation, construction, utility installation/repair, or property maintenance. Excavation activities will be conducted under a Health and Safety Plan (HASP). Any contractors working with materials containing potentially hazardous substances will prepare a site-specific HASP, which shall include, at a minimum, emergency contact numbers, hospital locations, appropriate personal protective equipment, and decontamination procedures. HASPs prepared for this work will be delivered to all workers assigned to the project.
- Soil will not be removed from the subject property unless it is characterized to determine if it can be relocated without posing a threat to the public health, safety, welfare, or the environment at the new location. Excavated soil may be returned to the excavation on the subject property after completion of work. During excavation of areas of known contamination, the soil will be segregated to ensure no contaminated soil is mixed with non-impacted surficial soil or left on the ground surface. When excavated soil cannot be returned to the excavation, the soil will be properly characterized and disposed at a licensed disposal facility in accordance with local, state, and federal regulations. If necessary, proper disposal arrangements will be made prior to initiating work to avoid stockpiling contaminated soil on the subject property. In the event contaminated soil is removed from the subject property, proper notification must be provided to the MDEGLE within 48 hours of the removal activities.
- Open excavations will be properly maintained and barricaded when excavated soil cannot be returned to the excavation. Prompt filling of excavations, below grade areas, or voids from construction activities will be done to ensure water does not collect within excavated areas.
- Groundwater (if any) encountered in excavations and requiring removal will be properly characterized and/or disposed in accordance with applicable rules and regulations. It is generally not permissible to pump groundwater to storm or sanitary sewers without proper permits and monitoring required by the local unit of government and/or the state. It is also generally not permissible to pump groundwater onto the ground surface of the subject property or other properties. In the event that excavations require dewatering, the groundwater will be containerized and characterized for off-site disposal or a permit for pretreating and discharge to the sanitary sewer shall be obtained (if necessary).
- Should soil and/or groundwater be removed from the subject property, OYK's contractor(s) will provide OYK written documentation (e.g., waste manifests, bills of lading, load tickets, etc.) of the media removed, the quantities removed, and the licensed disposal facilities where the media was placed. OYK will keep this information on file as a demonstration of due care compliance.
- Following construction, the grounds of the subject property are anticipated to be maintained by a combination of on-site staff and hired contractors. Periodic inspections of the subject property will be conducted to ensure the integrity of any potential barriers (i.e., paving, concrete flooring, etc.) to the soil contaminated by residual petroleum

constituents. Maintenance activities requiring digging, trenching, planting, etc., should be conducted in accordance with the soil and groundwater management techniques described above.

OYK's thoughtful environmental evaluation of the subject property and dedication to the specialized construction considerations outlined above will provide for a much needed redevelopment of a brownfield site that is sure to benefit the surrounding neighborhood and overall community.