



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

October 31, 2007

Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

CERTIFIED MAIL

Scott Ramer, President and CEO
Scott Paint Company, Inc.
7839 Fruitville Road
Sarasota, Florida 34240

Re: Voluntary Cleanup Program
No Further Requirements Determination
South Haven Properties
Baltimore, Maryland 21224

Dear Mr. Ramer:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has completed a review of the application package submitted by Scott Paint Company, Inc. for the 2.52-acre South Haven property located at 601 South Haven Street in Baltimore City, Maryland. The Department approves the application and the property for participation in the VCP and confirms the responsible person status of Scott Paint Company, Inc. for this property pursuant to Title 7, Subtitle 5 of the Environment Article, Annotated Code of Maryland (1996).

The Department has also determined there are no further requirements related to the investigation or remediation of controlled hazardous substances or oil identified in the environmental assessments at the South Haven property provided it is used for restricted commercial (Tier 2B) or restricted industrial (Tier 3B) purposes in the future and compliance is maintained with the land use requirements set forth in the enclosed No Further Requirements Determination ("NFRD"). In accordance with Section 7-506(i)(1) of the Environment Article, the enclosed NFRD must be recorded in the land records of Baltimore City within 30 days of receipt. Upon completion of the recording requirement, you are requested to submit written verification to my attention that the process has been completed and include a copy of the completed Owner's Certification and Statement of Intent found on Page 8 of 8 of the NFRD. If the recording process for the NFRD is not initiated within 30 days of receipt, the NFRD shall become void in accordance with Section 7-506(i)(2) of the Environment Article.

If the enclosed NFRD becomes void because of failure to initiate the recording process within 30 days of receipt or it is lost, misplaced or otherwise not available for recording purposes, a replacement NFRD may be obtained from the Department upon request. Please do not return the original NFRD document to the Department.



In accordance with Maryland law, please note that issuance of the NFRD does not prevent the Department from: 1) taking action against any person to prevent or abate an imminent and substantial endangerment to the public health or the environment at the eligible property; 2) taking action against a responsible person concerning previously undiscovered contamination; or 3) requiring additional cleanup for future activities at the site that result in contamination by controlled hazardous substances or oil. This NFRD will not remain valid if use of the property is inconsistent with restricted commercial or restricted industrial purposes, compliance with the land use requirements is not maintained, or if the NFRD was obtained through fraud or material misrepresentation.

If the property owner wants to alter a record of determination in the land records for an eligible property, the owner shall obtain approval from the Department and submit a \$2,000 fee in accordance with Section 7-506.1(c) of the Environment Article. In addition, the owner will be responsible for the cost of any necessary further remediation of the property to the appropriate standard.

Please note that all participants in the Voluntary Cleanup Program are charged a \$2,000 fee upon issuance of a NFRD conditioned on certain uses of the property or on the maintenance of certain conditions. The Department will therefore issue an invoice under separate cover for payment of the \$2,000 fee to the "Voluntary Cleanup Fund."

It is important to the Department that you fully understand the terms and conditions of the NFRD, particularly the land use controls and requirements, requirements to record the NFRD as Exhibit A of an environmental covenant on the property, certain requirements for maintenance and inspection asphalt, requirements for disturbance of surface and subsurface soils, prohibition on the use of groundwater beneath the property, and the requirement to forward a copy of the NFRD to a one-call system as defined in Section 12-101 of the Public Utility Companies Article. Accordingly, you are requested to complete the enclosed one-page Certification and return it to my attention within ten (10) days of receipt of this letter.

Please use the attached template for incorporating the NFRD as Exhibit A as part of an Environmental Covenant for the property. Thank you for participating in the VCP. If you have any questions or comments, please do not hesitate to call Chris Hartman, the project manager at 410-537-3493.

Sincerely,



James W. Metz, Chief
Voluntary Cleanup/Brownfields Division

Enclosures

cc: Mr. Ron Nelson, Nelson & Associates
Mr. Leonard G. Rafalko, Environmental Resources Management, Inc.
Mr. Ronald Cuffie, Baltimore City Health Department
Mr. C. John Sullivan, Jr., Maryland Department of Assessments and Taxation
Mr. Horacio Tablada
Mr. Saeid Kasraei



MARYLAND DEPARTMENT OF THE ENVIRONMENT

Waste Management Administration Voluntary Cleanup Program

No Further Requirements Determination

Date of Issue: October 31, 2007

Description of Property

Name: South Haven Property
Address: 601 South Haven Street
Baltimore, Maryland 21224

Voluntary Cleanup Program Participant

Name: Scott Paint Company, Inc.
Contact: Doug Ramer, President and CEO
Status: Responsible Person

This No Further Requirements Determination is issued pursuant to Maryland law authorizing a Voluntary Cleanup Program for properties contaminated by controlled hazardous substances or oil (Section 7-501 et seq. of the Environment Article, Annotated Code of Maryland).

The Maryland Department of the Environment, hereinafter referred to as “the Department,” determines it has no further requirements related to the investigation of controlled hazardous substances or oil identified at the 2.52-acre South Haven property, located at 601 South Haven Street, Baltimore, Maryland, if the property is used for restricted commercial (Tier 2B) or restricted industrial (Tier 3B) purposes and compliance is maintained with the land use requirements specified herein.

THE MARYLAND DEPARTMENT OF THE ENVIRONMENT CERTIFIES THAT:

The Department may not bring an enforcement action against Scott Paint Company, Inc. at the eligible property.

Scott Paint Company, Inc. is released from further liability for the remediation of the eligible property for those contaminants identified in the environmental assessment of the eligible property. Pursuant to Section 7-506 of the Environment Article, Annotated Code of Maryland, the environmental assessment of the property includes established site assessment standards and follows principles established by the American Society of Testing and Materials that demonstrates to the satisfaction of the Department that the assessment has been conducted in accordance with those standards and principles.

Scott Paint Company, Inc. is not subject to a contribution action instituted by a responsible person for the contamination identified in the environmental assessments of the property.

This No Further Requirements Determination does not:

1. Subject to the provisions of Section 7-505 of the Environment Article, Annotated Code of Maryland, prevent the Department from taking action against any person to prevent or abate an imminent or substantial endangerment to the public health or the environment at the above property;
2. Remain in effect if the No Further Requirements Determination is obtained through fraud or material misrepresentation;
3. Affect the authority of the Department to take any action against a responsible person concerning undiscovered contamination; or
4. Affect the authority of the Department to require additional cleanup for future activities at the site that result in contamination by hazardous substances or oil.

LAND USE CONTROLS

If this No Further Requirements Determination is conditioned on certain uses of the property or on the maintenance of certain conditions, the participant shall record this No Further Requirements Determination in the land records of the local jurisdiction within 30 days of receipt.

Check one:

- This No Further Requirements Determination is not conditioned on certain uses of the property or on the maintenance of certain conditions.
- This No Further Requirements Determination is conditioned on certain uses of the property (Tier 2A or 3A) or on the maintenance of certain conditions (Tier 1B, 2B or 3B).

Tier 1 (Residential): Planned use of the property that allows exposure and access by all populations including infant, children, elderly, and infirmed populations.

- **A (Unrestricted):** No land use controls are imposed on the property. Tier 1A properties typically include single and multi-family dwellings.
- **B (Restricted):** One or more land use controls are imposed as a condition of residential use of the property. Tier 1B properties also include hospitals and health care facilities, education facilities, day care facilities, playgrounds and other recreational areas.

Tier 2 (Commercial): Planned use of the property that allows exposure and access by the general public, workers, and other expected users, including customers, patrons, or visitors. Commercial purposes allow access to the property and duration consistent with a typical business day. Tier 2 properties typically include shopping centers, retail businesses, vehicle service stations, medical offices, hotels, office space, religious institutions and restaurants.

- **A (Unrestricted):** No land use controls are imposed on the property for commercial use.
- **B (Restricted):** One or more land use controls are imposed as a condition of commercial use of the property.

Tier 3 (Industrial): Planned use of the property by workers over the age of 18, adult workers and construction workers, and other potential expected users. Industrial purposes allow access to the property at a frequency and duration consistent with a typical business day. Tier 3 properties typically include manufacturing facilities, maritime facilities, metal working shops, oil refineries, chemical and other material plants.

- **A (Unrestricted):** No land use controls are imposed on the property for industrial use.
- **B (Restricted):** One or more land use controls are imposed as a condition for industrial use of the property.

Land Use Controls means any restriction or control that serves to protect human health and the environment by limiting use of or exposure to any portion of the property, including water resources. These controls may include:

- Engineering controls are remedial actions directed toward containing or controlling the migration of contaminants through the environment. These include, but are not limited to, stormwater conveyance systems, slurry walls, liner systems, caps, leachate collection systems, pump and treat systems, and groundwater recovery systems.
- Institutional controls are legal or administrative tools designed to prevent or reduce human exposure to remaining contamination and to prevent activities that may result in increased exposure to or spread of such contamination.

LAND USE REQUIREMENTS

As set forth below, the use of the property is for:

- Restricted Residential (Tier 1B) purposes;
- Restricted Commercial (Tier 2B) purposes; or
- Restricted Industrial (Tier 3B) purposes.

The restricted use of the property requires compliance with the following land use requirements:

General Requirements for VCP Participant

1. Scott Paint Company, Inc. shall prepare and submit to the Department within 30 days of issuance of this a legal survey of the property for the purpose of establishing the legal property boundaries for 601 South Haven Street, Baltimore, Maryland
 - a. Scott Paint Company, Inc. shall identify the physical capping mechanisms on the legal survey.
2. Scott Paint Company, Inc. shall record this No Further Requirements as Exhibit A of an environmental covenant with the land records and submit the environmental covenant to the Department and City of Baltimore for signature.

Maintenance and Inspection

1. The property owner shall maintain the integrity of the building slab and asphalt-parking areas at all times to prevent any exposure to contaminated soil by any person on the property at any time.
 - a. The Department shall be notified within ten (10) business days after discovery of any needed repairs to the asphalt covering.
 - b. To evaluate adequacy of the asphalt parking area, the "Asphalt Maintenance Checklist", provided as Attachment 1 of this No Further Requirements Determination shall be used to evaluate the asphalt parking area and conduct the specified maintenance activity.
 - c. The property owner shall maintain written records documenting all maintenance of the building slab and asphalt parking areas. All records documenting such activities shall be available to the Department for inspection during operating business hours.
 - d. All necessary repairs to the building slab or asphalt parking areas on the property shall be completed within five (5) business days of discovery of the needed repairs.
2. The chain link fence surrounding the property shall be maintained at all times.
3. The property owner shall submit a report containing inspection records documenting the maintenance of the asphalt covering during the previous year to the attention of the Division Chief of the Voluntary Cleanup Program, on the date of the anniversary of the recordation of the environmental covenant and this No Further Requirements Determination. This report shall include photo documentation of current site conditions and shall be provided to both the Department and the City of Baltimore no later than 30 days from the anniversary date of recordation.

Disturbance of Surface or Subsurface Soils

1. No excavation or other disturbance of the surface soils shall occur on the property UNLESS the following actions are taken:
 - a. At least two weeks prior to any planned physical disturbance at the property, the property owner shall submit written notification and sampling plan to the attention of the Division Chief of the Voluntary Cleanup Program.
 - b. All areas to be excavated or disturbed shall be sampled prior to the physical disturbance; and
 - c. All excavated soils shall be managed properly and are considered "newly discovered contamination" if the soils exceed the U.S. Environmental Protection Agency Region III, herein after referred to as "USEPA", risk-based criteria ("RBC") in use at the time of the excavation or disturbance.
2. All excavated soil at the property shall be analyzed before disposal and the analytical results shall be the basis for appropriate disposition of the material in accordance with applicable local, State, and federal laws and regulations. All excavated soils exceeding the USEPA RBC criteria shall be removed from the site and disposed of at an appropriate facility. No excavated material from the property shall be disposed in areas with current or proposed residential use. Clean fill, as described in the Voluntary Cleanup Program guidance for clean fill material, shall be brought on site for the purpose of reestablishing the excavated or disturbed area.
3. A health and safety plan, including appropriate dust control measures and air monitoring, must be developed prior to the physical disturbance of any surface or subsurface soils and implemented during the actual activities.
4. In the event of an unplanned emergency excavation on the property, the property owner shall verbally or electronically notify the Department within 24 hours following initiation of the emergency excavation activities. Within ten days following completion of an unplanned emergency excavation, the property owner shall file a detailed written report with the Department.

Use of Groundwater

1. There shall be no use of the groundwater beneath this property for any purpose.

DEPARTMENT NOTIFICATION

All notifications to the Department required herein shall be in writing and addressed to the attention of the Division Chief, Voluntary Cleanup Program, Waste Management Administration, Maryland Department of the Environment, currently located at 1800 Washington Boulevard, Baltimore, Maryland 21230.

ONE-CALL SYSTEM NOTIFICATION

If this No Further Requirements Determination is conditioned on certain uses of the property or on the maintenance of certain conditions, the participant shall send a copy of this document to a one-call system, as defined in Section 12-101 of the Public Utility Companies Article. The copy of this No Further Requirements Determination should be sent within 30 days of the effective date to the attention of MISS UTILITY, c/o General Manager, currently located at 7223 Parkway Drive, Suite 100, Hanover, Maryland 21076.

The obligation for the participant to send a copy of the No Further Requirements Determination

does not negate the obligation of the owner, as defined in Section 12-101(f) of the Public Utility Companies Article, to become a member of the one-call system under Title 12 of the Public Utility Companies Article. Additional information may be obtained by calling 410-712-0056.

TRANSFER OF OWNERSHIP

If ownership of the property or any portion thereof is transferred, the property owner shall notify the Department at least five (5) business days prior to the transfer. In addition, any successor in interest must submit a written certification to the attention of the Division Chief of the Voluntary Cleanup Program that the successor in interest has a copy of this No Further Requirements Determination, including the land use requirements for the property.

The owner of the property and any successors in interest in the property subject to this No Further Requirements Determination shall continue to be protected from liability in the event of any violation of the conditions placed on the use of this property, provided the owner of the property and any successors in interest did not cause or contribute to the violation.

This No Further Requirements Determination does not prevent the Department from taking action against any person who uses the property for any use other than the use specified herein.

If an owner of the property wants to change the use of the property to a new use that is consistent with the appropriate planning and zoning authority of the appropriate county or municipality, the owner is responsible for the cost of cleaning up the property to the appropriate standard as determined by the Department.

OWNER'S CERTIFICATION AND STATEMENT OF INTENT

I, _____, as the current owner of the property identified in this No Further Requirements Determination, hereby intend that the restrictions on the use of the South Haven property, as well as the land use requirements set forth in this No Further Requirements Determination, shall run with the land and are binding on all successors and assigns.

_____ Date _____ Property Owner

STATE OF MARYLAND, _____ OF _____, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2007 before me, the undersigned Notary Public of said State, personally appeared _____, who acknowledged himself to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same by signing his name.

WITNESS my hand and Notarial Seal.

_____ Notary Public

My Commission Expires: _____

ATTACHMENT 1
801 SOUTH HAVEN STREET
BALTIMORE, MARYLAND
ASPHALT MAINTENANCE GUIDE

	Do Nothing	Crack Seal	Partial Depth Patch	Full Depth Patch	Skin Patch	Pothole Filling	Apply Heat & Roll Sand	Apply Surface Seal Emulsion	Apply Rejuvenation	Apply Aggregate Seal Coat	Notes
Alligator Cracking			M, H	M, H				L	L		
Bleeding	L						L, M, H				
Block Cracking	L	L, M, H							L	L, M	
Bumps & Sags	L		M, H	M, H	M, H						
Corrugation	L		M, H	M, H							
Depression	L		M, H	M, H	M, H						
Edge Cracking	L	L, M	M, H	M, H							If predominant, level off shoulder and apply aggregate seal coat.
Joint Reflective Cracking	L	L, M, H	H								
Lane/Shoulder Drop Off	L										If predominant, level off shoulder and apply aggregate seal coat.
Longitudinal Transverse Cracking	L	L, M, H	H					L	L	L, M	
Patching & Utility Cut	L	M	H*	H*							*Replace patch
Polished Aggregate	A									A	
Potholes			L	L, M, H		L, M, H					
Railroad Crossing	L				L, M, H						
Rutting	L		L, M, H	M, H	L, M, H						
Shoving	L		M, H								
Slippage Cracking	L	L	M, H								
Swell	L			M, H							
Weathering & Raveling	L		H					L, M	L	M, H	

Note: L = Low severity; M = medium severity; H = high severity; A = has only one severity level

For definitions of low, medium or high severity, please refer to the Department of the Army Technical Manual TM 5-623 Pavement Maintenance Management, November 30, 1982.

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Waste Management Administration
Voluntary Cleanup Program

**AN ENVIRONMENTAL COVENANT
FOR THE RECORDATION OF A
NO FURTHER REQUIREMENTS DETERMINATION**

This notice is filed in the land records of the City of Baltimore pursuant to Section 1-811 of the Environment Article.

This notice and the covenant to which it refers impose significant legal restrictions and obligations with respect to the future use of and activities on the property described below. Those restrictions and obligations are likely to affect all persons having an interest in that property and are described in Exhibit A.

A legally sufficient description of the property is attached as Exhibit B to this notice. The address, if available, of the property that is subject to the environmental covenant is 601 South Haven Street, Baltimore, Maryland 21224-4347 (Ward 26, Section 9, Block 6428A, Lot 1, Parcel D; Tax Account Identification Number 0326096428A001).

The owner of the real estate on the date of this notice is Scott Paint Company, Inc. (formerly known as Bruning Paint Company). The address of the owner is 7839 Fruitville Road, Sarasota, Florida 34240.

The other parties to the covenant and their addresses are:

- Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21320 (c/o Land Restoration Program);
- Scott Paint Company, 7839 Fruitville Road, Sarasota, Florida 34240; and
- Baltimore City, City Hall, 100 Holliday Street, Baltimore, Maryland 21202 (c/o Baltimore City Law Department).

The environmental covenant regarding the real estate was signed by all the parties on December 19, 2007
(insert date on which the last party signed the covenant)

The covenant becomes effective for all purposes on the date this notice is recorded on the land records of all jurisdictions in which the property is located. This notice remains effective for all purposes until a release of this notice is signed by the then owner of the property and by the agency and recorded.

The full text of the covenant is on file and available for inspection and copying in the registry maintained for that purpose by the Maryland Department of the Environment at 1800 Washington Boulevard, Baltimore, Maryland. The covenant may be found

electronically at www.mde.state.md.us/Programs/LandPrograms/ERRP_Brownfields/veca.asp
(insert website link to environmental covenant)

Dated at December 19, 2007 this 19th day of December 2007
[Month, Day, Year] [Day] [Month] [Year]

Witness as to Owner NAME OF OWNER

By Scott paint co -
D-lus S. Ramer
President

Witness as to Agency NAME OF AGENCY

By Maryland Department of the Environment
James Hall

Witness as to Other Parties
NAME OF OTHER PARTIES
By

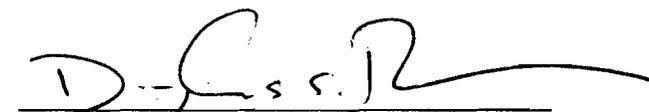
Buzg Nils, Baltimore City
12/14/07 Solicitor

CERTIFICATION

I HEREBY CERTIFY that I have received the No Further Requirements Determination issued to Scott Paint Company, Inc. by the Maryland Department of the Environment, Voluntary Cleanup Program, on October 31, 2007 for the 2.52-acre South Haven property located at 601 South Haven Street, Baltimore City, Maryland 21224.

I FURTHER CERTIFY that I have read the No Further Requirements Determination and understand the use of the property for restricted commercial (Tier 2B) or restricted industrial (Tier 3B) purposes, the prohibition on the use of groundwater beneath the property for any purpose, , certain requirements for disturbance of soil, certain requirements for maintenance and inspection of asphalt covering and the requirement to forward a copy of the No Further Requirements Determination to a one-call system as defined in Section 12-101 of the Public Utility Companies Article.

NOV 6, 07
Date

Doug 
Scott Ramer, President and CEO *DSR*
Scott Paint Company, Inc.
7839 Fruitville Road
Sarasota, Florida 34240

Please return within ten (10) days to:

James W. Metz, Chief
Voluntary Cleanup/Brownfields Division
Waste Management Administration
Maryland Department of the Environment
1800 Washington Boulevard, Suite 625
Baltimore, Maryland 21230