

Environmental
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EI



PHASE I ENVIRONMENTAL SITE ASSESSMENT

**Haul Away (Residential and Commercial Clean Up)
1450 West Hatcher Road
Phoenix, Arizona**

**EI Project Number: ENMO091730.00
Wachovia Account Number: 110431723**

Prepared for:

**Wachovia Small Business Capital
1620 East Roseville Parkway, Suite 100
Roseville, California 95661**

**Date of Site Visit:
September 17, 2009 and December 10, 2009**

**Date Issued:
December 29, 2009**

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Conducted on:

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1450 West Hatcher Road
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Prepared for:

Mr. Thomas Arriaga
Wachovia Small Business Capital
1620 East Roseville Parkway, Suite 100
Roseville, California 95661

EI Project No.: **ENMO091730.00**
Wachovia Account Number: **110431723**
Issue Date: **12/29/2009**

This assessment has been performed in accordance with the scope and limitations of the American Society for Testing and Materials (ASTM) Standard Practice E 1527-05 specifications for “*All Appropriate Inquiries*” Phase I Environmental Site Assessments.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in § 312.10 of 40 CFR 312.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Bob Likins
Senior Geologist



Signature

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Executive Summary

A Phase I Environmental Site Assessment (ESA) was conducted on the property located at 1450 West Hatcher Road in Phoenix, Maricopa County, Arizona. The subject property consists of a 0.33-acre, rectangular-shaped parcel of developed land. The property currently is owned by Evert and Rhonda Crouner and is occupied by one commercial building. The property operates as Haul Away (Residential and Commercial Clean Up) and has since 2005. Prior to 2005 and back to at least 1955, the property was occupied by an automotive service facility and gasoline station. This ESA has indicated the following:

<i>Concern</i>	<i>Significant Concern</i>	<i>REC</i>	<i>Comment</i>
Current tenant of concern	----	----	----
Past tenant of concern	----	----	----
Current owner of concern	----	----	----
Past owner of concern	----	----	----
Data Failure	----	----	----
Data Gap	----	----	----
Hazardous Substances and Petroleum Products in Connection with Identified Uses	----	----	----
Hazardous Substances and Petroleum Products Not in Connection with Identified Uses	----	----	----
Underground Storage Tanks	No	Yes	See Below
Aboveground Storage Tanks	----	----	----
Odors	----	----	----
Pools of Liquid	----	----	----
Drums/Containers	----	----	----
Unidentified Substance Containers	No	Yes	See Below
Polychlorinated Biphenyls	Yes	No	See Below
Heating/Cooling	----	----	----
Stains or Corrosion	----	----	----
Drains or Sumps	Yes	No	See Below
Pits, ponds, or lagoons	----	----	----
Stained soil or pavement	----	----	----
Stressed vegetation	----	----	----
Solid waste	----	----	----
Indications of burial activities	----	----	----
Waste water	----	----	----
Wells	----	----	----
Septic systems	----	----	----
Federal Listings	----	----	----
State Listings	----	----	----
Adjoining concerns	----	----	----
Non-Scope Considerations	----	----	----
Other	----	----	----

A 35-gallon drum was observed at the base of a Safety-Kleen parts washing station, located along the east wall of the service bay area. Based on its use, the 35-gallon drum contains parts cleaning fluid. However, it could not be determined if the cleaning fluid is solvent based. Three 5-gallon buckets of liquids were observed in a compressor room. One bucket was labeled as parts cleaner and the remaining two buckets were not labeled.

Additionally, eight 5-gallon plastic containers of paint were observed inside the building along with other smaller containers of various chemicals. Staining was noted to be associated with these containers, however, no cracks in the concrete floor was observed in the vicinity of the containers. However, because the content of the containers was not known, it is possible that hazardous substances or petroleum products are stored in these containers. Based on the above information, until the contents of the containers can be determined, these materials indicate a material threat of a release of hazardous substances or petroleum products onto the subject property and into the subject property groundwater. As such, a *recognized environmental condition* in connection with the subject property is indicated.

Information in the regulatory database report and from the subject property owners indicates that the subject property does not contain active USTs. Both sources disclose that two USTs were removed from the ground in 1993, but with no information regarding the capacity or contents of the tanks. EI noted two fill pipes along the west, exterior wall of the building that were reportedly connected to the two removed USTs. The subject property as not listed as a LUST site. As such, the former presence of the removed USTs on the subject property is of no immediate concern to the subject property. However, given the use of the subject property as a gasoline/service station dating back to the 1950s, the presence of additional historic tanks at the subject property is possible. Based on this consideration, the possibility of additional on-site historic USTs indicates a material threat of a release of petroleum products onto the subject property and into the subject property groundwater. As such, a *recognized environmental condition* in connection with the subject property is indicated.

Five double piston in-ground lifts were observed in the concrete floor of the service bay area. According to the subject property owners the lifts are inactive. However, there is no indication that the contents of the lifts have been removed. Patched concrete was noted near the southernmost lift, which may relate to the removal of a reservoir or a mechanism associated with a lift. However, patched concrete indicative of removed lifts was not noted. The installation date of the lifts was not reported. As such, it is possible they date back to the 1950s, and therefore possibly store PCB-containing oils. As such, the long-term presence of the lifts represents a significant environmental concern to the subject property. Within the scope of this investigation, no evidence of a current, past, or material threat of a release of petroleum products or hazardous substances onto the subject property or into subject property groundwater associated with the use or presence of the lifts was discovered. As such, the presence of the lifts does not indicate a *recognized environmental condition* in connection with the subject property.

Two sumps were noted inside the building at the time of the site reconnaissance. A sump was observed in the vicinity of one of the hydraulic lifts inside the service bay area; and a second sump was observed near an old part washer in a storage room at the northwest end of the building. The purpose of the sump in the service bay area was not reported, but it is possibly an oil/water separator. A roll off bin was located above the service bay sump at the time of the site reconnaissance, and therefore it could not be accessed. The sump at the northwest end of the building reportedly receives water from outside and was observed to contain unknown fluids at the time of the site reconnaissance. The subject

property owners stated that it had been at least four years since the sumps were pumped out, and they did not know if the sumps connect directly to the sanitary sewer system. Because the sumps have not been regularly serviced and it is not known if they connect directly to the sanitary sewer system, these sumps represent a significant environmental concern to the subject property. Within the scope of this investigation, no evidence of a current, past, or material threat of a release of petroleum products or hazardous substances onto the subject property or into subject property groundwater associated with the use or presence of the sumps was discovered. As such, the presence of the sumps does not indicate a *recognized environmental condition* in connection with the subject property.

We have performed an ESA in conformance with the scope and limitations of ASTM Practice E 1527-05 of 1450 West Hatcher Road in Phoenix, Maricopa County, Arizona, the subject property. Any exceptions to, or deletions from, this practice are described in Section 1.0 or Appendix F of this report. **This assessment has revealed evidence of two *recognized environmental conditions* and two significant environmental concerns in connection with the subject property.** Specifically, it is possible that additional USTs beyond the two USTs that were removed in 1993 are present on site. Additionally staining was noted on the concrete floor inside the building in the vicinity of unlabeled containers, which represent a material threat of a release of petroleum product onto the subject property or into the subject property groundwater. Furthermore, the presence of hydraulic lifts and sumps associated with automotive servicing activities at the subject property while not indicative of *recognized environmental conditions* remain a significant environmental concern to the subject property. As such, EI recommends a subsurface study to search for additional USTs. This study can be done by the non-invasive technique of combined electromagnetic survey and ground penetrating radar. Following that survey, EI recommends a subsurface investigation to address the concern with the staining in the vicinity of the unlabeled containers and the hydraulic lifts and sumps associated with the long-term use of the subject property for automotive and equipment servicing. Specifically, sampling and analysis are to include at a minimum, constituents to cover gasoline, diesel, lead, used oil, hydraulic oil, PCBs, and solvents associated with automotive servicing. In addition, if tanks are found, proper closure is recommended.

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1.0 Introduction

1.1 Purpose

EI was retained by Wells Fargo/Wachovia (hereinafter Client or User) to conduct a Phase I Environmental Site Assessment (ESA) of Haul Away (Residential and Commercial Clean Up) located at 1450 West Hatcher Road in Phoenix, Maricopa County, Arizona.

This report will be used to identify *recognized environmental conditions (RECs)* of the subject property in conjunction with the ASTM E 1527-05 Standard Practice for Environmental Site Assessments. A *recognized environmental condition* is defined as “the presence or likely presence of any *hazardous substances* or *petroleum products* on a *property* under conditions that indicate an existing release, a past release, or a *material threat* of a release of any *hazardous substances* or *petroleum products* into structures on the *property* or into the ground, groundwater, or surface water of the *property*.”

This ASTM standard practice is designed to “define good commercial and customary practice in the United States of America for conducting an *environmental site assessment* of a parcel of *commercial real estate* with respect to the range of contaminants within the scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and *petroleum products*.” As such, this practice is “intended to permit a *user* to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or *bona fide prospective purchaser* limitations on CERCLA liability; that is, the practice that constitutes *all appropriate inquiry* into the previous ownership and uses of the *property* consistent with good commercial or customary practice” (42 U.S.C. § 9601 (35) (B)).

There is a possibility that even with the proper application of these methodologies property conditions may exist that could not be identified within the scope of the assessment or which were not reasonably identifiable from the available information. EI believes that the information obtained from the historical document review and interviews concerning the site are reliable. However, EI cannot and does not warrant or guarantee that the information provided by these other sources is accurate or complete. The methodologies of this assessment are not intended to produce all inclusive or comprehensive results, but rather to provide the client with information relating to the property. Site conditions reported in this report reflect conditions observed at the time of the site reconnaissance.

1.2 Scope of Services

The methodology used in the completion of this report is specified under the Scope of Services set forth by Wells Fargo/Wachovia and according to the provisions of the ASTM Practice E 1527-05.

1.3 Significant Assumptions

Any assumptions made about apparent shallow groundwater flow are based on area topography as depicted on the topographic map described in Section 4.3 of this report and surface features observed during the site reconnaissance. Within the scope of this investigation, no subsurface data was obtained to determine the actual groundwater flow direction or hydraulic gradient beneath the subject property. Local factors, such as underground structures, seasonal fluctuations, soil and bedrock geology, water supply wells, utility lines, and other features may influence the actual direction of groundwater flow at and near the subject property. Site-specific groundwater flow can only be ascertained through the installation of at least three groundwater wells into the given transmissive zone being evaluated.

1.4 Special Terms and Conditions, Limitations, and Exceptions

Special Terms and Conditions, Limitations, and Exceptions are presented in Appendix F.

1.5 User Reliance

This report is provided for the sole use of Wells Fargo/Wachovia. Use of this report by any third parties will be at the party's sole risk, and EI disclaims any liability for any such use or reliance by third parties.

1.6 Certification, Limitations, and Statement of Independence

This report has been prepared by the staff of The EI Group for Wells Fargo/Wachovia under the professional supervision of the principal and/or senior staff whose signatures appear hereon. Neither EI nor any staff member assigned to this investigation has any interest or contemplated interest, financial or otherwise, in the subject or surrounding properties, or in any entity which owns, leases, or occupies the subject or surrounding properties or which may be responsible for environmental issues identified during the course of this investigation, and has no personal bias with respect to the parties involved.

The information contained in this report has received appropriate technical review and approval. The conclusions represent professional judgments founded upon the findings of the investigations identified in the report and the interpretation of such data based on our experience and expertise according to the existing standard of care. No other warranty or limitation exists, either expressed or implied.

The investigation was prepared in accordance with the scope of work provided by the client for the use and benefit of Wells Fargo/Wachovia, its successors, and assignees. It is based, in part, upon documents, writings, and information owned, possessed, or secured by Wells Fargo/Wachovia. Neither this report, nor any information contained herein shall be used or

relied upon for any purpose by any other person or entity without the express written permission of Wells Fargo/Wachovia.

Anyone seeking defenses to CERCLA liability must take independent action to perfect their position.

2.0 Subject Property Description

2.1 Location and Legal Description

The subject property is located in Phoenix, Maricopa County, Arizona. The subject property is addressed at 1450 West Hatcher Road and is located at the northeast corner of the West Hatcher Road and North 15th Avenue intersection. An additional address for the subject property is 9411 North 15th Avenue, which is the address referenced on parcel information at the county assessor's office.

The subject property is referred to as Parcel Numbers 158-33-014 and 158-33-015, Lot 21 in the Foothill Acres Subdivision. Lot 21 is described as "Foothill Ac Lot 21 S 90' EX W 8' and "Foothill AC Lot 21 N 160' & EX S 90' & EX W 8'." The subject property is better described in Deed Number 051889297 at the Maricopa County Deed Room.

The current owner of the subject property is recorded as Evert and Rhonda Crowner.

Property information, including the most recent deed, is provided in Appendix A.

2.2 Site and Vicinity General Characteristics

The subject property is located in a mixed-use area consisting primarily of commercial and residential developed properties.

2.3 Current Use of the Subject Property

Haul Away (Residential and Commercial Clean Up), a cleanup service, currently occupies the subject property.

Heavy equipment is stored in the exterior areas. The building contains offices, storage space, and service bays for the maintenance and repair of trucks and equipment.

2.4 Descriptions of Subject Property Structures and Improvements

The subject property contains a single-story, slump block and mortar building constructed on a concrete slab. The building reportedly was constructed in the early to mid-1950s and contains 3,817 square feet of floor space. An addition was added to the north end of the building, but it is not known when the addition was completed. The remainder of the subject property consists of asphalt-paved and concrete-paved parking and a graveled area.

Salt River Project (SRP) supplies electricity and natural gas is provided by Southwest Gas. The City of Phoenix provides drinking water and sewage service.

2.5 Current Use of Adjoining Properties

The subject property is adjoined as follows:

<i>Direction</i>	<i>Occupant/Use</i>
North	Single-family residence
South, beyond West Hatcher Road	Pioneer Roofing
Southwest, beyond West Hatcher Road and North 15 th Avenue intersection	Albuquerque Tortilla Co. and Chili Products
East	Alps of Arizona (apartments)
West, beyond North 15 th Avenue	JMC Custom Wheels & Tires

The southern adjoining property is of some concern due to inclusion on the State Underground Storage Tank (UST) and Leaking UST (LUST) database listings. However, within the scope of this investigation, no actual or threatened release to the subject property from this facility was identified. This facility is discussed again in Section 4.2.

3.0 User Provided Information

3.1 User Questionnaire

In order to qualify for one of the *Landowner Liability Protections (LLPs)* offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the “*Brownfields Amendments*”), the *user* should provide the following types of information (if available) to the *environmental professional* (see Appendix G). Failure to provide this information could result in a determination that “*all appropriate inquiry*” is not complete.

The User Questionnaire was not completed by the party ordering this report. However, based on the information gathered during completion of the other components of this Phase I, the lack of information provided by the User is not considered an environmentally significant *data gap*.

3.2 Title Records

As per the client’s foreclosure requirements, EI engaged FirstSearch to perform a chain-of-title review (see Appendix A). The title report, which includes ownership information back to 1955, does not indicate owners of environmental concern.

3.3 Environmental Liens or Activity and Use Limitations

As per the client’s foreclosure requirements, EI engaged FirstSearch to perform a chain-of-title review (see Appendix A) to include an environmental lien search and a search for activity and use limitations (AULs). The title report does not indicate environmental liens or AULs recorded against or relating to the property.

3.4 Specialized Knowledge

The User did not report any specialized knowledge or experience that is material to *recognized environmental conditions* in connection with the subject property.

3.5 Commonly Known or Reasonably Ascertainable Information

The User did not report any commonly known or reasonable ascertainable information within the local community about the property that is material to *recognized environmental conditions* in connection with the property.

3.6 Valuation Reduction for Environmental Issues

The User must report a significantly lower purchase price that does not reasonable reflect fair market value of an uncontaminated property. Based on information provided to EI by the User, this Phase I ESA was not requested relative to a purchase or sale of the subject property. Consequently, the portion of the All Appropriate Inquiry (AAI) rule examining the relationship of purchase price and fair market value is not relevant and was not included in this investigation.

3.7 Owner, Property Manager, and Occupant Information

The owner, property manager, and/or occupant did not provide information regarding the historic use of the subject property indicative of significant environmental concern.

3.8 Reason for Performing Phase I

According to ASTM 1527-05, either the User shall make known to the environmental professional the reason why the User wants to have the Phase I Environmental Site Assessment performed or, if the User does not identify the purpose of the Phase I Environmental Site Assessment, the environmental professional shall assume the purpose is to qualify for the Landowner Liability Protections under the Brownfields Amendments.

The User identified the reason for conducting this Phase I as “pre-foreclosure”

4.0 Records Review

4.1 Standard Environmental Record Sources

A Regulatory Database Report for the site vicinity was obtained from Environmental FirstSearch (EFS). The database listings were reviewed based on minimum search distances as defined in ASTM E 1527-05. Criteria for being listed on each database and definitions of the databases, along with specific facility information are available within the EFS database provided in Appendix E.

The following information is noted in the database:

<i>Database</i>	<i>ASTM Search Radius</i>	<i>EI Adjusted Search Distance</i>	<i>Site</i>	<i>Adjoining</i>	<i>Within the Search Radius</i>
FEDERAL					
NPL	1 mile		N/A	N/A	0
Delisted NPL	0.5 mile		N/A	N/A	0
CERCLIS	0.5 mile		No	No	2
NFRAP	0.5 mile		No	No	1
CORRACTS	1 mile		N/A	N/A	0
RCRA TSD	0.5 mile	1 mile	N/A	N/A	0
RCRA Generator	Site or adjoining	0.12 mile	N/A	N/A	0
Federal IC/EC	Site	0.05 mile	N/A	N/A	0
ERNS	Site	0.05 mile	N/A	N/A	0
STATE/TRIBAL					
State/Tribal Sites	1 mile		N/A	N/A	0
State Spills 90	N/A	0.12 mile	No	No	7
SWL	0.5 mile		N/A	N/A	0
LUST	0.5 mile		No	Yes	8, see below
UST	Site or adjoining	0.12 mile	Yes	Yes	4, see below
IC/EC	Site	0.05 mile	No	No	0
State/Tribal VCP	0.5 mile		N/A	N/A	1
Brownfield	0.5 mile		N/A	N/A	0

The subject property is noted on the UST List, as “Wellman’s Transmission.” Wellman’s is registered with two underground storage tanks. The database report does not list the capacity or contents of the tanks, but they are listed with a “perm removal” status and a removal date of July 16, 1993. The subject property is not listed as a LUST site. Therefore, it appears that the Arizona Department of Environmental Quality (ADEQ) is not requesting further action regarding the removal of these tanks. As such, the former presence of these tanks appears to be of minimal environmental concern to the subject property. The former presence of USTs at the subject property along with the historical use of the subject property is discussed further in Sections 4.4.1, 5.3, and 7.0.

Pioneer Roofing Company-Storage Yard, which occupies the southern adjoining property beyond West Hatcher Road, is listed as a UST facility and one LUST incident. Both listings are related to the removal of one UST. The database report does not list the capacity or contents of

the tank, but is listed with a “perm removal” status. The LUST incident and removal date of March 12, 1997 are the same. According to the database report, this incident achieved “closed” status with the ADEQ on August 5, 1999. Therefore, this facility appears to be of minimal environmental concern to the subject property.

Based on distance, status, and/or topography, none of the remaining listings are environmentally significant for purposes of this assessment.

None of the non-geocoded (unmappable) sites listed in the EFS report appear to be located in the immediate vicinity of the subject property.

4.2 Additional Environmental Record Sources

The following State agency representatives were contacted and asked to complete an open records search for any information that may be on file regarding permits, Notices of Violation (NOVs), environmental reports, or environmental conditions for the subject property at the time of request:

- Mr. Daniel Borns of the ADEQ did not respond to the information request by the time this report was submitted. If information indicative of a *recognized environmental condition* in connection with the subject property is received, the client will be notified.

4.3 Physical Setting Source(s)

Topography

The subject property is shown on the United States Geological Survey (USGS) 7.5 Minute Series (Topographic) map of Phoenix North, Arizona (1988; Figure 1 in Appendix B). The map shows the elevation of the subject property to be approximately 1235 feet above mean sea level. Topography at the site appears to be relatively flat with a slight slope south, toward Arizona Canal.

Soils

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the predominant soil at the subject property is Estrella loam. This soil type is typically found at elevations of 800 to 1,400 feet above mean sea level and forms from recent medium textured alluvium over older mixed alluvium. This soil is well-drained, has greater than 80 inch depth to the water table, and has a high available water capacity of approximately 10.9 inches.

Geology

According to *The Geologic Map of Arizona* (Reynolds, 2000), the site is in Arizona’s Basin and Range physiographic province. The Phoenix area is referred to as the Valley of the Sun within the drainage basins of the Salt, Aqua Fria, and Gila Rivers, which are characterized by generally flat stream terraces surrounded by mountain ranges. Geologic mapping of the Phoenix area indicates that the subject property is underlain by Late and Middle Pliocene age alluvial deposits.

Hydrogeology

As groundwater typically flows in a subdued replica of topography, groundwater flow in the immediate vicinity of the subject property is estimated to be generally to the south toward Arizona Canal. However, a precise and thorough site-specific groundwater study is beyond the scope of this Phase I ESA.

Wetlands

Based upon field observations, including the lack of on-site surface water bodies and/or hydrophytic vegetation, as well as a review of U.S. Fish and Wildlife wetland mapping, jurisdictional wetlands do not appear to be present at the subject site. Furthermore, the subject property is fully developed and therefore, wetlands are not of significance.

4.4 Historical Resources

The following standard historical sources were researched for completion of this report:

<i>Record</i>	<i>Date/s</i>	<i>Source/Comments</i>
Aerial Photographs	2009	Bing.com
	1998	Terraserver-USA.com
	2007, 2004, 2002, 1993, 1986, 1978, 1970, and 1958	HistoricAerials.com
Local City Directories	2008, 2006, 2004, 2002, 2000, 1995, 1990, 1986, 1981, 1976, 1971, 1966, 1958, 1955, and 1949-50	Arizona State Capitol Archives Library – downtown Phoenix
Sanborn Fire Insurance Maps	N/A	Not available according to Environmental FirstSearch
Property Tax Files/Property Cards	Current and past	Maricopa County Assessor's Office
Recorded Land Title Records	2005, 2004, 1985, 1978, 1965, 1958, 1957, and 1955	Environmental FirstSearch
USGS 7.5 Minute Topographic Map	1988	Terraserver-USA.com

4.4.1 Historical Use of Subject Property

The following uses/occupants of the subject property were identified from the historical review, interviews, and/or other information obtained within the scope of this investigation:

<i>Past Use of Subject Property</i>	<i>Year From</i>	<i>Year To</i>
commercial (currently Haul Away [Residential and Commercial Cleanup])	between 2005 and 2006	present
commercial (vacant building)	between 2002 and 2005	between 2005 and 2006
commercial (Wellman's Transmission)	between 1971 and 1976	between 2002 and 2005
commercial (gasoline/service station and grocery)	between 1950 and 1955	between 1971 and 1976
residential	prior to 1940	between 1950 and 1955

4.4.2 Historical Use of Adjoining Properties

The following uses/occupants of the adjoining properties were identified to the extent that the information was revealed in the course of researching the subject property itself:

<i>Use of Property (north of subject property)</i>	<i>Year From</i>	<i>Year To</i>
residential (single-family dwelling)	prior to 1955	present

<i>Use of Property (south of subject property, beyond West Hatcher Road)</i>	<i>Year From</i>	<i>Year To</i>
commercial (Pioneer Roofing Company)	between 1963 and 1966	present
undeveloped	prior to 1955	between 1963 and 1966

<i>Use of Property (southwest of subject property, beyond West Hatcher Road and North 15th Avenue intersection)</i>	<i>Year From</i>	<i>Year To</i>
commercial (currently Albuquerque Tortilla Co. and Chili Products and formerly Interpipe, Inc., Chapman's New and Used Clothing & Jewelry, Lon of Arizona Dress Shop, and Grube Construction Company)	between 1958 and 1963	present
residential (single-family dwelling)	prior to 1955	between 1958 and 1963

<i>Use of Property (east of subject property)</i>	<i>Year From</i>	<i>Year To</i>
residential (currently Alps of Arizona apartments, and formerly Foothill Acres Apartments)	prior to 1955	present

<i>Use of Property (west of subject property, beyond North 15th Avenue)</i>	<i>Year From</i>	<i>Year To</i>
commercial (currently JMC Custom Wheels and Tires and formerly HA Auto Repair, Dasmat Company, Durham Automotive, S&S Custom Cycle)	between 1971 and 1976	present
commercial (Phillip 66 gasoline station)	between 1958 and 1963	between 1971 and 1976
undeveloped	prior to 1955	between 1958 and 1963

4.5 Data Failure

ASTM 1527-05 defines a data failure as a failure to achieve the historical research objectives of AAI even after reviewing the *standard historical sources* that are *reasonably ascertainable* and likely to be useful. Specifically, the historical research objectives include identifying all obvious uses of the property from the present, back to the property's first developed use, or back to 1940, whichever is earlier.

Usage of the subject property was identified back to 1940, at which time the subject property appears to be used for residential purpose. Historical sources prior to 1940 were not *reasonably ascertainable* within the scope of this investigation, and as such, a data failure is indicated. However, since the subject property was used for residential purposes in 1940 and surrounding properties are mostly undeveloped or used for residential purposes, it is unlikely that prior uses of the property, including uses of significant environmental concern, exist. As such, the data failure is not of environmental significance.

4.6 Data Gaps

ASTM 1527-05 defines a data gap as a lack of or an inability to obtain information required by this practice despite *good faith* efforts by the *environmental professional* to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance, interviews, data failure, or lack of a User Questionnaire.

Other than the data failure noted above and the lack of a User Questionnaire, which are not significant, one data gap was encountered within the scope of this investigation. Specifically, EI was not able to conduct a subject property owner interview as such an interview was denied. However, within the scope of this investigation, including observations made during the site reconnaissance and the historical review, the lack of a subject property owner interview does not indicate an environmentally-significant data gap.

4.7 Prior Environmental Reports

The User did not provide prior environmental reports and such reports were not obtained from other sources.

5.0 Information from Subject Property Reconnaissance

Two site walkovers were conducted at the subject property. Mr. Bob Likins, an EI Project Manager, conducted the first site reconnaissance on September 17, 2009. The first site walkover included an exterior inspection of the subject building and surrounding properties. EI was not allowed access to the building's interior on September 17. Therefore, a second site visit was performed once access was obtained from the property owner. Mr. Stephen Sutherland, an EI Project Manager, conducted the interior inspection on December 10, 2009. Mr. Sutherland interviewed and was accompanied by Mr. Evert Crowner and Ms. Rhonda Crowner, subject property owners. At the time of both site walkovers, the weather was clear, sunny, and warm.

A site plan is provided as Figure 3 in Appendix B. Photographs taken during the reconnaissance are included in Appendix C.

5.1 Methodology and Limiting Conditions

Mr. Likins and Mr. Sutherland used a systematic approach to view all the subject property building and the exteriors of the building. The office area and work bays were divided into separate functional spaces. A grid pattern was used to inspect remaining areas of the property, including the asphalt pavement on the southern and western sides of the building.

5.2 Hazardous Substances and Petroleum Products

5.2.1 Hazardous Substances and Petroleum Products in Connection with Identified Uses

A 35-gallon drum was observed at the base of a Safety-Kleen parts washing station, located along the east wall of the service bay area. Based on its use, the 35-gallon drum contains parts cleaning fluid. However, it could not be determined if the cleaning fluid is solvent based. Three 5-gallon buckets of liquids were observed in a compressor room. One bucket was labeled as parts cleaner and the remaining two buckets were not labeled. Additionally, eight 5-gallon plastic containers of paint were observed inside the building along with other smaller containers of various chemicals. Staining was noted to be associated with these containers, however, no cracks in the concrete floor was observed in the vicinity of the containers. However, because the content of the containers was not known, it is possible that hazardous substances or petroleum products are stored in these containers. Based on the above information, until the contents of the containers can be determined, these materials indicate a material threat of a release of hazardous substances or petroleum products onto the subject property and into the subject property groundwater. As such, a *recognized environmental condition* in connection with the subject property is indicated.

5.2.2 Hazardous Substances and Petroleum Products Not in Connection with Identified Uses

Hazardous substances or petroleum products not necessarily in connection with identified uses indicating a *REC* were not observed at the subject property at the time of the site reconnaissance. In addition, such items were not identified from interviews or records review.

5.3 Storage Tanks

5.3.1 Underground Storage Tanks (USTs)

Mr. and Ms. Crowner stated to the best of their knowledge, that the subject property does not contain active USTs. They were aware of the two USTs that (as previously discussed in Section 4.1) were removed from the ground in 1993, but had no knowledge of the capacity or contents of the tanks. EI noted two fill pipes along the west, exterior wall of the building that are reportedly connected to the two removed USTs. As previously stated, the subject property is not listed as a LUST site. As such, the former presence of the removed USTs on the subject property is of no immediate concern to the subject property. However, given the use of the subject property as a gasoline/service station dating back to the 1950s, the presence of additional historic tanks at the subject property is possible. Based on this consideration, the possibility of additional on-site historic USTs indicate a material threat of a release of petroleum products onto the subject property and into the subject property groundwater. As such, a *recognized environmental condition* in connection with the subject property is indicated.

5.3.2 Aboveground Storage Tanks (ASTs)

Aboveground storage tanks were not observed at the subject property at the time of the site reconnaissance. In addition, no evidence of saddles, berms or secondary containment structures indicating the past presence of ASTs was observed at the time of the site reconnaissance.

5.4 Odors

Strong, pungent, or noxious odors were not observed during the site reconnaissance. In addition, such odors were not identified from interviews or the records review.

5.5 Pools of Liquid

Standing surface water was not noted. One sump containing liquid likely to be hazardous substances or petroleum products was observed at the northwest end of the building. This sump reportedly receives water from outside, but was observed to contain unknown fluids at the time of the site reconnaissance. This sump is discussed further in Section 5.11.

5.6 Drums/Containers

As previously discussed in Section 5.2.1, drums or smaller containers indicating a *REC* were observed during the site reconnaissance.

5.7 Unidentified Substance Containers

As previously discussed in Section 5.2.1, three unlabeled 5-gallon buckets of liquids and a 35-gallon container of part cleaning liquid with no knowledge whether the material in the drum was solvent-based were observed inside the subject property building. Until the contents of the containers can be determined, these materials indicate a material threat of a release of hazardous substances or petroleum products onto the subject property and into the subject property groundwater. As such, a *recognized environmental condition* in connection with the subject property is indicated.

5.8 Polychlorinated Biphenyls (PCBs)

Five double piston in-ground lifts were observed in the concrete floor of the service bay area. Mr. and Ms. Crowner indicated that the lifts are inactive. However, there is no indication that the contents of the lifts have been removed. Patched concrete was noted near the southernmost lift, which may relate to the removal of a reservoir or a mechanism associated with lift. However, patched concrete indicative of removed lifts was not noted. The installation date of the lifts was not reported. As such, it is possible they date back to the 1950s, and therefore possibly store PCB-containing oils. As such, the long-term presence of the lifts represents a significant environmental concern to the subject property. These lifts are discussed further in Section 7.0.

5.9 Heating/Cooling

Heating is not provided to the subject property building. The office area of the building is cooled by wall-mounted air conditioning units. The service bays and storage rooms are not air-conditioned.

5.10 Stains or Corrosion

Staining or corrosion on floors, walls, ceilings, or elsewhere, indicating a *REC* were not observed at the subject property at the time of the site reconnaissance. In addition, such conditions were not identified from interviews or records review.

5.11 Drains or Sumps

Two sumps were noted inside the building at the time of the site reconnaissance. A sump was observed in the vicinity of one of the hydraulic lifts inside the service bay area, and a second sump was observed near an old part washer in a storage room at the northwest end of the building. The purpose of the sump in the service bay area was not reported, but it is possibly an oil/water separator. A roll off bin was located above the service bay sump at the time of the site reconnaissance, and therefore it could not be accessed. The sump at the northwest end of the building reportedly receives water from outside and was observed to contain unknown fluids at the time of the site reconnaissance. Mr. and Ms. Crowner stated that it had been at least four years since the sumps were pumped out, and they did not know if the sumps connect directly to the sanitary sewer system. Because the sumps have not been regularly serviced and it is not known if they connect directly to the sanitary sewer system, these sumps represent a significant environmental concern to the subject property. These sumps are discussed further in Section 7.0.

5.12 Pits, Ponds, or Lagoons

Pits, ponds, or lagoons were not observed at the subject property at the time of the site reconnaissance. In addition, such features were not identified from interviews or records review.

5.13 Stained Soil or Pavement

Areas of stained soil or pavement indicating a *REC* were not observed at the subject property at the time of the site reconnaissance. In addition, such staining was not identified from interviews or records review.

5.14 Stressed Vegetation

Stressed vegetation indicating a *REC* was not observed at the subject property at the time of the site reconnaissance. In addition, such vegetation was not identified from interviews or records review.

5.15 Solid Waste

Filled areas, graded areas, mounds, or depressions suggesting the on-site disposal of construction debris, demolition debris, or other solid waste disposal, were not observed at the subject property at the time of the site reconnaissance. In addition, such areas were not identified from interviews or records review.

5.16 Indications of Burial Activities

Indications of burial activities were not observed at the subject property at the time of the site reconnaissance. In addition, such activities were not identified from interviews or records review.

5.17 Waste Water

Waste water or other liquid (including storm water) or any discharge into a drain, ditch, underground injection system, or stream on or adjacent to the property were not identified. In addition, such conditions were not identified from interviews or records review.

5.18 Wells

Dry wells, irrigation wells, injection wells, abandoned wells, or other wells of significance were not observed at the subject property at the time of the site reconnaissance. In addition, such wells were not identified from interviews or records review.

5.19 Septic Systems

Indications of on-site septic systems or cesspools were not observed at the subject property at the time of the site reconnaissance. In addition, such systems were not identified from interviews or records review.

5.20 Other Areas of Concern

No other areas of environmental concern were noted within the scope of this investigation.

5.21 Non-Scope Considerations

Non-scope considerations, as defined by ASTM 1527-05, were requested by the client as follows:

Asbestos-Containing Materials (ACMs)

A visual screening for suspect asbestos-containing materials was conducted at the time of the site reconnaissance. Suspect materials observed include, but may not be limited to, vinyl floor tiles, textured drywall and joint compound, slump block and mortar, and window caulking. This inspection did not include observations for hidden materials such as materials under existing floors or behind walls. Also, roofing materials were not observed. The floor tiles were observed to be in poor condition with evidence of water damage. The remaining observed materials are in

good condition. Given the 1950s construction date of the subject property building, it is likely that asbestos is present in some of these materials. In addition, the absence of asbestos can only be confirmed through sampling and laboratory analysis. As such, all suspect materials should be presumed to contain asbestos until testing proves otherwise. In the event of renovation or demolition, which would disturb suspect materials, a certified asbestos building inspector should perform an asbestos survey.

Lead-Based Paint

Paint chip samples were not collected and analyzed for lead for this study. Observed painted interior and exterior surfaces appear to be intact. Lead was banned for residential use in the United States in 1978. Given the 1950s construction date of the original building, it is possible that lead is present on painted surfaces. In addition, the presence of lead can only be confirmed through bulk or wipe sampling and laboratory analysis or by an XRF survey. Given the non-residential use of the subject property building, lead-based paint studies are not suggested.

Lead-in-Drinking Water

Drinking water samples were not collected and analyzed for lead for this study. Lead-containing materials were banned from use in public water systems, including plumbing connections, in 1986. Given the 1950s construction date of the building, it is possible that lead-containing materials were used. However, drinking water is provided to the subject property by the local municipality and the subject property is not used for residential purposes. As such, lead-in-drinking water does not appear to be a significant environmental concern to the subject property.

Radon

Maricopa County, Arizona, is classified in Zone Two, which indicates predicted levels between 2 and 4 picoCuries per liter (pCi/L) of air. The EPA “Action Level” is 4 pCi/L. The subject property structure is positioned on a concrete slab and does not contain a basement, the area where radon levels generally are highest. Based on construction and predicted indoor levels for the County, radon does not appear to be a significant environmental concern at the subject property. However, testing is required to determine site-specific radon levels.

Mold

During the course of this investigation, EI completed a limited survey to identify obvious visual indications of mold. Within the scope of this inspection, obvious indications of mold were not observed to be associated with the subject property building (see Appendix J).

This inspection did not include observations under existing floors, behind walls, within the ventilation system or on the roof of the structures. This is not an engineering inspection. Thus, other obvious sources of potential moisture or water might not have been observed, such as improper internal drainage features or malfunctioning heating/ventilation systems.

6.0 Interviews

6.1 Interview with Owner

Mr. Sutherland interviewed and was accompanied by Mr. Evert Crowner and Ms. Rhonda Crowner, current subject property owners, during the second site reconnaissance. Mr. and Ms. Crowner indicated that they have owned the subject property for four years.

6.2 Interview with Key Site Manager

Mr. and Ms. Crowner also were interviewed as the *Key Site Managers*.

6.3 Interview with Occupants

Mr. and Ms. Crowner also were interviewed as the occupants. They have owned the subject property for four years and except for knowledge of the two UST removals did not provide any information regarding the historical use of the subject property as a gasoline/service station.

6.4 Interviews with Past Owners, Operators, or Occupants

EI did not interview past owners, operators, or occupants.

6.5 Interviews with State and/or Local Government Officials

Ms. Rosa Arguelles of the Phoenix Fire Department responded by telephone and indicated that records were not located for the subject property.

The Maricopa County Health Department did not respond to the request by the time this report was submitted. If information indicative of a *recognized environmental condition* in connection with the subject property is received, the client will be notified.

6.6 Interviews with Neighboring or Nearby Property Owners or Occupants

According to ASTM 1527-05, if the subject property is abandoned and there is evidence of potential unauthorized uses of the *abandoned property* or evidence of uncontrolled access to the *abandoned property*, an interview with one or more owners or occupants of neighboring or nearby properties must be conducted.

Because the subject property is not categorized as an *abandoned property*, interviews with owners or occupants of neighboring or nearby properties were not conducted.

6.7 Interviews with Others

Other interviews were not conducted as part of this assessment.

7.0 Findings, Opinions, Conclusions, and Recommendations

7.1 Findings and Opinions

EI has performed a Phase I ESA in conformance with the scope and limitation of ASTM Practice E 1527-05 of the subject property. This assessment has revealed evidence of two *recognized environmental conditions* and two significant environmental concerns in connection with the subject property, as follows:

- A 35-gallon drum was observed at the base of a Safety-Kleen parts washing station, located along the east wall of the service bay area. Based on its use, the 35-gallon drum contains parts cleaning fluid. However, it could not be determined if the cleaning fluid is solvent based. Three 5-gallon buckets of liquids were observed in a compressor room. One bucket was labeled as parts cleaner and the remaining two buckets were not labeled. Additionally, eight 5-gallon plastic containers of paint were observed inside the building along with other smaller containers of various chemicals. Staining was noted to be associated with these containers, however, no cracks in the concrete floor was observed in the vicinity of the containers. However, because the content of the containers was not known, it is possible that hazardous substances or petroleum products are stored in these containers. Based on the above information, until the contents of the containers can be determined, these materials indicate a material threat of a release of hazardous substances or petroleum products onto the subject property and into the subject property groundwater. As such, a *recognized environmental condition* in connection with the subject property is indicated.
- Mr. and Ms. Crouner stated to the best of their knowledge, that the subject property does not contain active USTs. They were aware of the two USTs that were removed from the ground in 1993, but had no knowledge of the capacity or contents of the tanks. EI noted two fill pipes along the west, exterior wall of the building that reportedly are connected to the two removed USTs. The subject property is not listed as a LUST site. As such, the former presence of the removed USTs on the subject property is of no immediate concern to the subject property. However, given the use of the subject property as a gasoline/service station dating back to the 1950s, the presence of additional historic tanks at the subject property is possible. Based on this consideration, the possibility of additional on-site historic USTs indicate a material threat of a release of petroleum products onto the subject property and into the subject property groundwater. As such, a *recognized environmental condition* in connection with the subject property is indicated.
- Five double piston in-ground lifts were observed in the concrete floor of the service bay area. Mr. and Ms. Crouner indicated that the lifts are inactive. However, there is no indication that the contents of the lifts have been removed. Patched concrete was noted near the southernmost lift, which may relate to the removal of a reservoir or a mechanism associated with lift. However, patched concrete indicative of removed lifts was not noted. The installation date of the lifts was not reported. As such, it is possible they date back to the 1950s, and therefore possibly store PCB-containing oils. As such, the long-term presence of the lifts represents a significant environmental concern to the subject property. Within the

scope of this investigation, no evidence of a current, past, or material threat of a release of petroleum products or hazardous substances onto the subject property or into subject property groundwater associated with the use or presence of the lifts was discovered. As such, the presence of the lifts does not indicate a *recognized environmental condition* in connection with the subject property.

- Two sumps were noted inside the building at the time of the site reconnaissance. A sump was observed in the vicinity of one of the hydraulic lifts inside the service bay area, and a second sump was observed near an old part washer in a storage room at the northwest end of the building. The purpose of the sump in the service bay area was not reported, but it is possibly an oil/water separator. A roll off bin was located above the service bay sump at the time of the site reconnaissance, and therefore it could not be accessed. The sump at the northwest end of the building reportedly receives water from outside and was observed to contain unknown fluids at the time of the site reconnaissance. Mr. and Ms. Crowner stated that it had been at least four years since the sumps were pumped out, and they did not know if the sumps connect directly to the sanitary sewer system. Because the sumps have not been regularly serviced and it is not known if they connect directly to the sanitary sewer system, these sumps represent a significant environmental concern to the subject property. Within the scope of this investigation, no evidence of a current, past, or material threat of a release of petroleum products or hazardous substances onto the subject property or into subject property groundwater associated with the use or presence of the sumps was discovered. As such, the presence of the sumps does not indicate a *recognized environmental condition* in connection with the subject property.

7.2 Conclusions and Recommendations

EI has performed a Phase I Environmental Site Assessment in conformance with the scope of limitations of ASTM Practice E 1527-05 of 1450 West Hatcher Road in Phoenix, Maricopa County, Arizona the *property*. Any exceptions to, or deletions from, this practice are described in Section 1.0 or Appendix F of this report.

This assessment has revealed evidence of two *recognized environmental conditions* and two significant environmental concerns in connection with the subject property associated with the historical use of UST and automotive servicing activities conducted on site dating back to the 1950s as indicated above in Section 7.0. As such, **EI recommends a subsurface study to search for additional USTs.** This study can be done by the non-invasive technique of combined electromagnetic survey and ground penetrating radar. **Following that survey, EI recommends a subsurface investigation to address the concern with the staining in the vicinity of the unlabeled containers and the hydraulic lifts and sumps associated with the long-term use of the subject property for automotive and equipment servicing.** Specifically, sampling and analysis should include at a minimum, constituents to cover gasoline, diesel, lead, used oil, hydraulic oil, PCBs, and solvents associated with automotive servicing. In addition, if tanks are found, proper closure is recommended.

APPENDIX A
PROPERTY INFORMATION AND HISTORICAL DOCUMENTS

FirstSearch Technology Corporation

Environmental Chain of Title Report

TARGET PROPERTY:

9411 N 15th Avenue

Phoenix, AZ 85021

Job Number: EBNMO091730

FirstSearch #: 212962

PREPARED FOR:

El, Inc.

3240 Office Point Place

Louisville, KY 40220

Date 10/23/09



Tel: (781) 551-0470

Fax: (781) 551-0471

FirstSearch Technology Corporation

SOURCES & LIMITATIONS

This report has been produced from a limited search of the public land records and/or real property deed records of the county and state as defined in the legal description below for a 50-year period up through the indicated date as shown on this report. This limited search includes only the recorded deeds and most easements and surface leases affecting the ownership history of the subject property. This report is being provided for use only as a limited part of an overall Phase I Environmental Site Assessment as performed by a qualified Environmental Engineer/Consultant as specified in the ASTM Standard E 1527-05, AAI, and as specified in the Comprehensive Environmental Response, Compensation and Liabilities Act of 1980, as amended, and may not be relied upon for any other purpose.

This report is not to be considered an Abstract, a Title Commitment, Title Opinion, Title Guaranty, or a representation of the legal status of the property. The information presented is simply a report of instruments filed of record pertaining to the above property and was obtained from the county public records. No guaranty as to the integrity or correctness of said records is implied. In the process of compiling the information presented in this report, the public records were accessed primarily by the name(s) shown in the vesting instrument only and although reasonable care was taken to provide accuracy, this report and provider does not claim responsibility for instruments filed under any variation of name(s) and/or legal description.

Although great care has been taken by FirstSearch in compiling and verifying the information contained in this report to insure that it is accurate, FirstSearch disclaims any and all liability for any errors, omissions, or inaccuracies in such information and data.

FirstSearch Technology Corporation

Environmental Chain of Title Report

TABLE SUMMARY

DATE	DOCUMENT TYPE	GRANTOR (Seller/Lessor)	GRANTEE (Buyer/Lessee)	PARCEL or LOT #	DOCUMENT NUMBER
12/14/2005	Deed	Paul E. Vercoe	Evert Crowner and Rhonda Crowner	158-33-014; 158-33-015	Document #: 05-1889297
10/8/2004	Deed	Alauria Investments, LLC	Paul E. Vercoe	158-33-014; 158-33-015	Document #: 04-1187094
10/8/2004	Deed	John W. Wellman, as Trustee of the John W. Wellman & Norma B. Wellman Revocable Trust	Alauria Investments, LLC	158-33-014; 158-33-015	Document #: 04-1187093
Re-recorded December 14, 2005 at Document Number 05-1889296 to add the legal description					
12/5/1978	Deed	John W. Wellman and Norma B. Wellman	John W. Wellman, as Trustee of the John W. Wellman & Norma B. Wellman Revocable Trust	158-33-014; 158-33-015	Document #: 13314/181
Death Certificate recorded for Norma B. Wellman on February 4, 2003 at document number 03-137474					
2/6/1985	Deed	Clarence J. Sells and Pauline Sells	John W. Wellman and Norma B. Wellman	158-33-014; 158-33-015	Document #: 85-0053734
3/16/1965	Deed	N. C. Barton	Clarence J. Sells and Pauline Sells	158-33-014; 158-33-015	Document #: 5467/127
10/14/1958	Deed	The estate of Florence Barton, deceased	N. C. Barton	158-33-014; 158-33-015	Document #: 2624/478
5/7/1958	Deed	Max L. West	N. C. Barton	158-33-014; 158-33-015	Document #: 2475/526
2/4/1957	Deed	Leslie W. Webster and Margaret M. Webster	Max L. West	158-33-014; 158-33-015	Document #: 2094/84
3/16/1955	Deed	Paul Alben and Josephine Alben	Leslie W. Webster and Margaret M. Webster	158-33-014; 158-33-015	Document #: 1571/83
3/16/1955	Deed	George Coroneos and Mary Coroneos	Paul Alben and Josephine Alben	158-33-014; 158-33-015	Document #: 1571/84

FirstSearch Technology Corporation

Environmental Chain of Title Report

TABLE SUMMARY

George Coroneos and Mary Coroneos acquired this property prior to 1940
No Environmental Liens were found during the course of this search
No AUL's were found during the course of this search
No Easements were found during the course of this search

FirstSearch Technology Corporation

Environmental Chain of Title Report

TITLE RESEARCH NOTES:

ASTM Notes: ASTM E 1527-05, Section 8.3 on Historical Use Information requires a review of “*Reasonably Ascertainable standard historical sources.*”

“Reasonably Ascertainable means information that is publicly available, obtainable from a source with reasonable time and cost constraints, and practically reviewable.”

This task requires reviewing only as many of the standard historical sources as are necessary, and that are reasonably ascertainable and likely to be useful.

AAI Notes: The Environmental Protection Agency published a final rule setting federal standards for the conduct of all appropriate inquiries (AAI). The final rule establishes specific regulatory requirements for conducting all appropriate inquiries into ***the previous ownership***, uses, and environmental conditions of a property for the purposes of qualifying for certain landowner liability protections under CERCLA.

After November 1, 2006, parties must comply with the requirements of All Appropriate Inquiries Final Rule, to satisfy the statutory requirements for conducting all appropriate inquiries. All appropriate inquiries must be conducted to obtain protection from potential liability under CERCLA as an innocent landowner, a contiguous property owner, or a bona fide prospective purchaser.

Inquiries conducted by or for the prospective landowner or grantee:

- ***environmental liens***
- ***easements***
- ***restrictions***
- ***activity and use limitations***

FirstSearch Technology Corporation

ENVIRONMENTAL CHAIN OF TITLE SEARCH GLOSSARY

There are certain terms used in Chain of Title searches, which may require clarification. This glossary is designed to provide definitions for some of the most common terms.

1. ENVIRONMENTAL LIEN:	The Environmental Lien is a record of a document/instrument filed by the City, County, State or Federal Government that prevents the conveyance of a property because of severe environmental problems existing on the premises.
2. BREAK IN CHAIN:	<p>There may appear to be a break in the chain of title as indicated when the sequential tracing of ownership fails. An example of a break would be: <i>Samson to James. . .James to Watson. . .Black to White</i>. The missing link is from Watson to Black. There are several possible reasons for this occurrence.</p> <ul style="list-style-type: none">• Due to the size or other physical characteristics of the property, there could be multiple owners at any time when tracing the history of the ownership of the property.• There could be an “easement title” over some portion of the property, allowing for use of that portion for a specific purpose.• There could be a “multi-percentage interest” in the property, with concurrent multiple owners making up 100% of the fee title. Then, a percentage owner deeds out his particular interest or a percentage of this interest to one or more parties. This causes a perceived break in the chain.
3. EASEMENT:	An easement is the right to enter and use another person’s property: a non-possessor right to use another person’s real property. Traditionally easements are granted to utility companies and other service organizations or as a right of access to another property.
4. MULTIPLE OWNERS:	<p>When “others” or “et al” appears on the report in the owner category, it indicates multiple ownership of a single parcel, with too many names to record in summary. It is frequently used to denote more than a single owner. If the owners are a married couple, both names may appear on the report or may be denoted by “et ux”.</p> <p>The term “owners” is usually used to indicate owners of multiple parcels, all recorded under a document that covers the multiple parcels.</p>
5. MULTIPLE PARCELS:	Some properties are created by combining several adjoining parcels into one large parcel. When this occurs; there might be several different owners until the time of unification of the property. Sometimes the ownership appears to be cloudy until each owner conveys his/her interest to the single owner of the new larger parcel.
6. INSTITUTIONAL CONTROLS:	Institutional controls are a form of “deed restriction” placed on a property by a governing authority to reduce exposure to contaminants. A common deed restriction might be to prohibit residential or school use on a property.

EXHIBIT A

Unofficial
Document

Recorded at the request of:
Arizona Escrow & Financial
When recorded, mail to:
Evert and Rhonda Crowner
5705 East Aire Libre
Scottsdale, AZ 85254

2044

Escrow Number: 25-5152

TSA FILE NO 15051501

SPECIAL WARRANTY DEED
(as Community Property with Right of Survivorship)

For the consideration of Ten Dollars, and other valuable consideration, the receipt of which is hereby acknowledged, I or we, **PAUL E. VERCOE, an unmarried man**, (the "GRANTOR") do(es) hereby convey to **EVERT CROWNER AND RHONDA CROWNER, husband and wife**, (the "Grantee") all right title and interest in and to the following real property located in MARICOPA COUNTY, ARIZONA, and more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

Lot 21 of FOOTHILL ACRES, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 28 of Maps, Page 30; EXCEPT the North 160.00 feet; and EXCEPT the West 8.00 feet thereof.

Subject to current taxes and other assessments, reservations, in patents and all easements, right-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against all persons whomsoever.

And Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters above set forth.

Dated: December 14, 2005

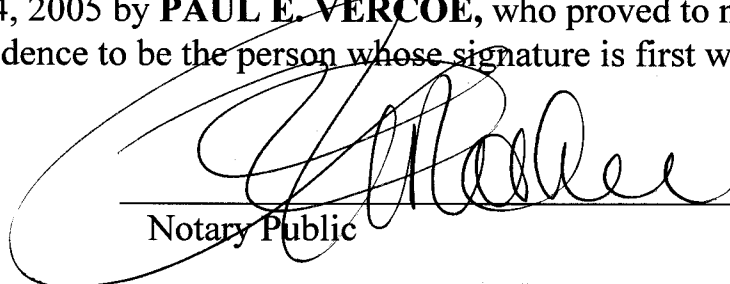
GRANTOR:

By:


PAUL E. VERCOE

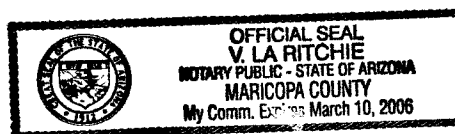
STATE OF ARIZONA)
)
 County of Maricopa) ss.

The foregoing instrument was acknowledged before me, the undersigned Notary Public, on December 14, 2005 by **PAUL E. VERCOE**, who proved to me on the basis of satisfactory evidence to be the person whose signature is first written above.



 Notary Public

My Commission Expires:



Unofficial Document

NOTE: The parties are cautioned that completing and executing this document create legal rights, duties and obligations. By signing, the parties acknowledge that they have been advised to seek and obtain independent legal counsel as to all matters contained within this document prior to signing same and that said parties have obtained advice to choose to proceed without same.

ACCEPTANCE OF COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP BY GRANTEE:

The Grantees by signing the acceptance below, individually and jointly hereby assert and affirm that it is our intention to accept said premises as community property with right of survivorship and to acquire any interest in, or any proceeds arising out of said property as community property with right of survivorship.

GRANTEE:

By: *Evert Crowner*
EVERT CROWNER

By: *Rhonda Crowner*
RHONDA CROWNER

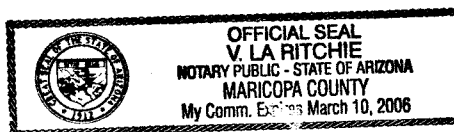
STATE OF ARIZONA)
) ss.
County of Maricopa)

Unofficial Document

On December 13, 2005, the foregoing instrument was acknowledged before me, the undersigned Notary Public, by **Evert Crowner and Rhonda Crowner**, and proved to me on the basis of satisfactory evidence to be the persons whose signatures are first written above.

[Signature]
Notary Public

My Commission Expires:



NOTE: The parties are cautioned that completing and executing this document create legal rights, duties and obligations. By signing, the parties acknowledge that they have been advised to seek and obtain independent legal counsel as to all matters contained within this document prior to signing same and that said parties have obtained advice to choose to proceed without same.

APPENDIX B

FIGURES

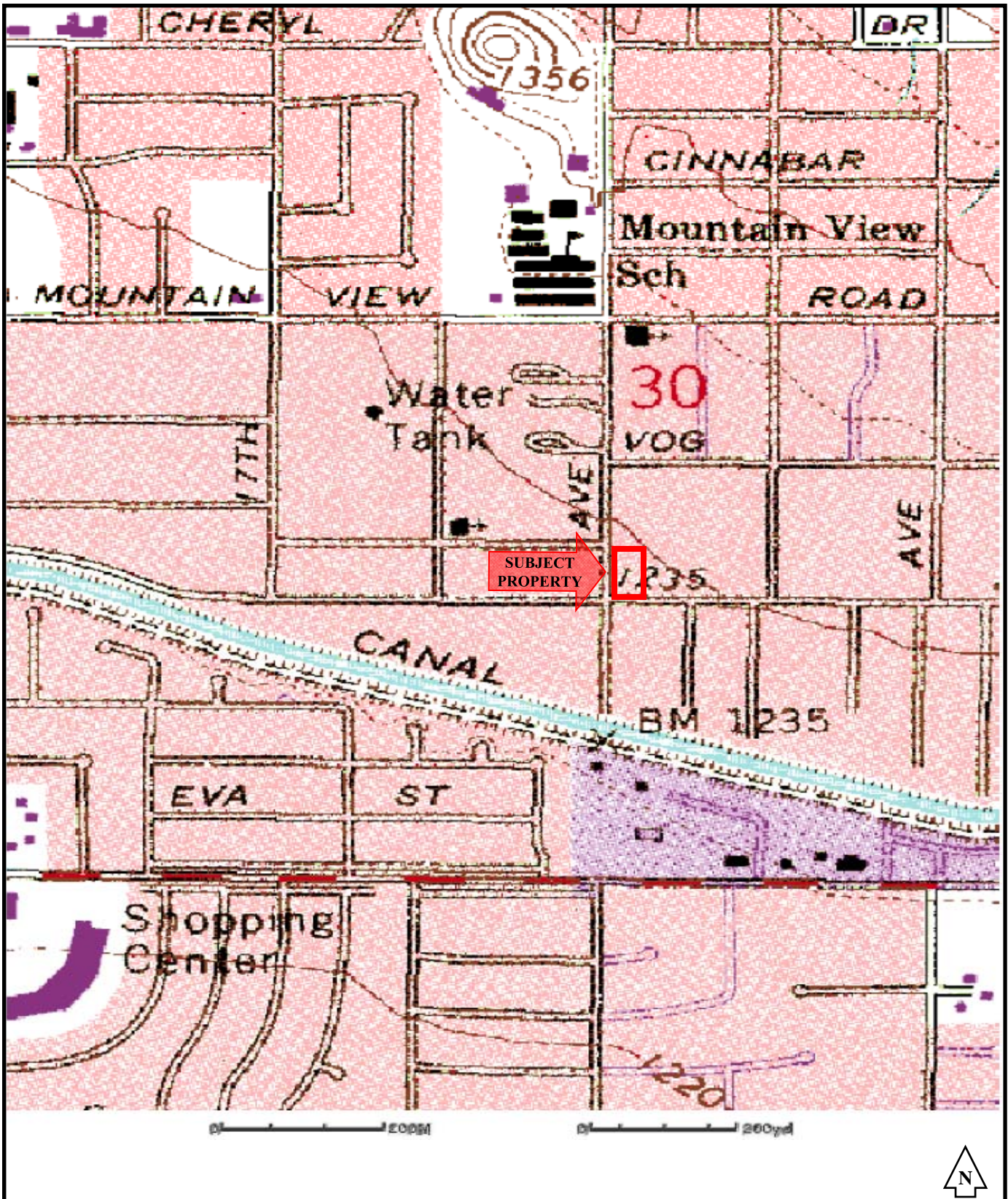



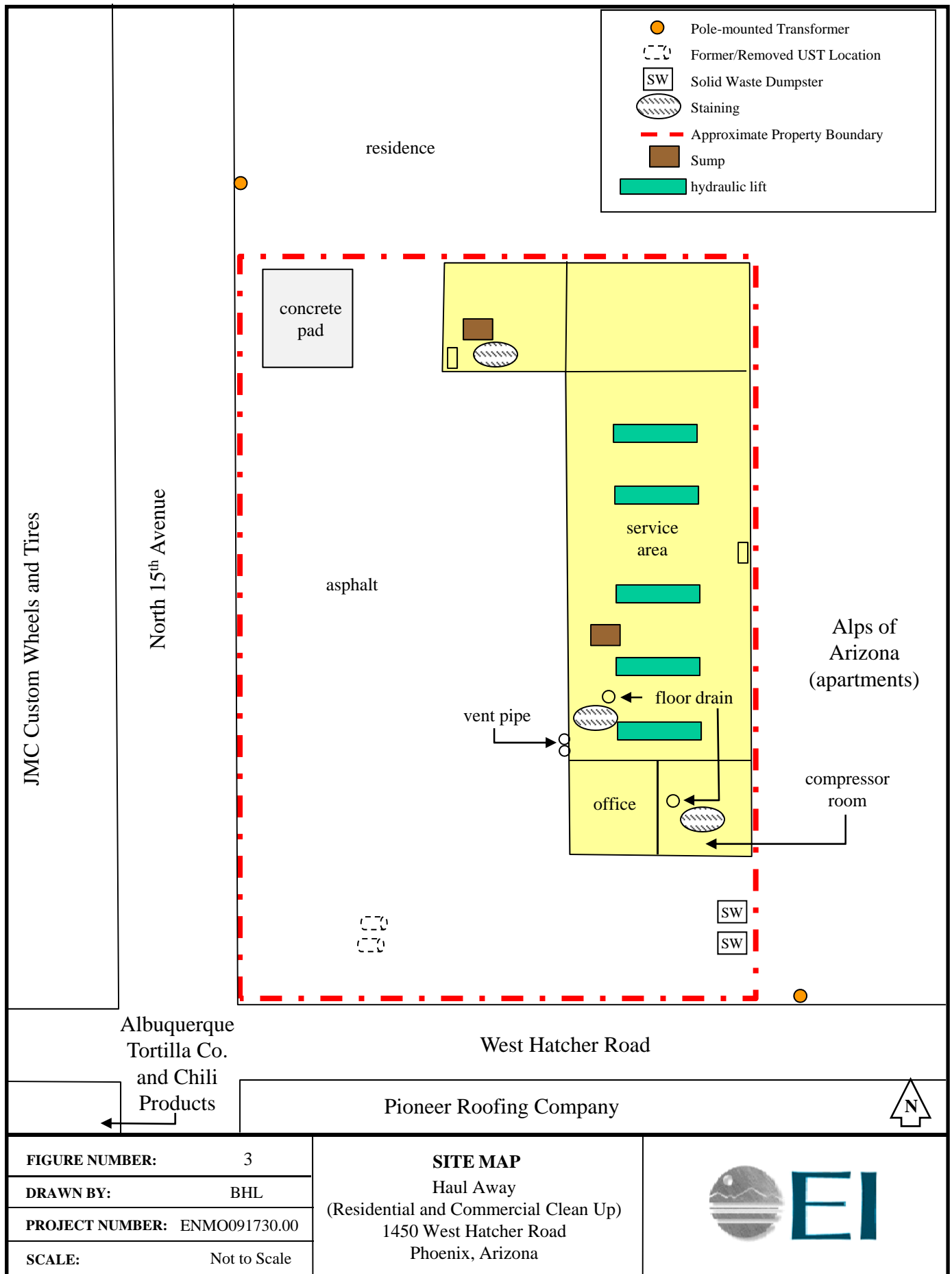
FIGURE NUMBER:	1
QUAD:	1988, Phoenix, Arizona
PROJECT NUMBER:	ENMO091730.00
SCALE:	As Shown

SITE LOCATION MAP
Haul Away
(Residential and Commercial Clean Up)
1450 West Hatcher Road
Phoenix, Arizona





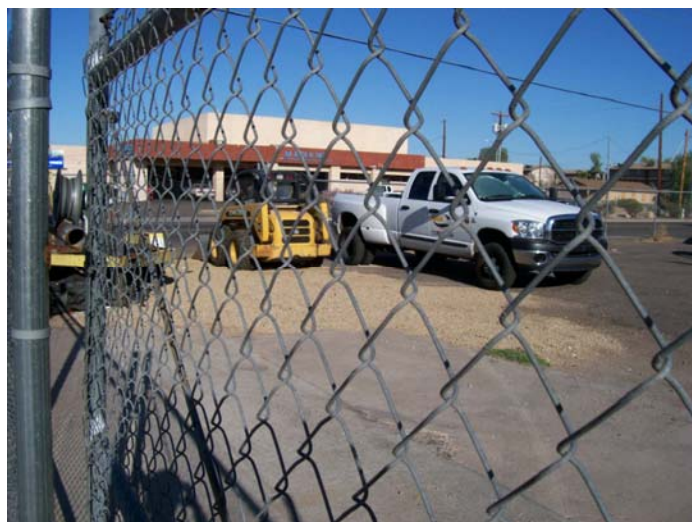
FIGURE NUMBER: 2	AERIAL PHOTOGRAPH Haul Away (Residential and Commercial Clean Up) 1450 West Hatcher Road Phoenix, Arizona	
SOURCE: Google Maps		
PROJECT NUMBER: ENMO091730.00		
SCALE: As Shown		



APPENDIX C
SITE PHOTOGRAPHS



Subject property building, looking northeast



Gravel pit (possible former location of two removed USTs)



Equipment parked on subject property inside chain-link fence



Two solid waste dumpsters at southeast corner of subject property



Main office area. Additional office through door in background



Southern portion of automotive repair area. Note hydraulic lifts, staining on ground, and drain



Remaining portion of automotive repair area, looking north



Unknown sump beneath roll off bin in second bay



Southern hydraulic lift and drain, looking southwest. West door leads to office and east door leads to compressor room



Staining in and around drain by hydraulic lift. It is unknown where the drain leads



Heavily stained compressor and floor. Looking east



West side of compressor room. Note stained flooring. One bucket of parts cleaner and two unknown liquids observed



Label on parts cleaner. Fluid type not labeled



Stained floor and floor drain beneath sink



Parts cleaner in automotive repair area. Drum is full of unknown cleaning fluid



Storage area in eastern portion of addition. Looking northeast



Storage area in western portion of addition. Note floor drainage into full sump by the pallet. Looking west.



Large parts washer systems adjacent to sump. Note floor staining. Both washers appeared to be dry

APPENDIX D
USER QUESTIONNAIRE

User Questionnaire Not Provided

APPENDIX E
REGULATORY DATABASE REPORT

FirstSearch Technology Corporation

Environmental FirstSearch™ Report

Target Property: HAUL AWAY (RESIDENTIAL AND COMMERCIAL CLEAN UP)

1450 WEST HATCHER ROAD

PHOENIX AZ 85021

Job Number: ENMO091730

PREPARED FOR:

El, Inc.

3240 Office Pointe Place

Louisville, KY 40220

10-13-09



Tel: (407) 265-8900

Fax: (407) 265-8904

Environmental FirstSearch Search Summary Report

Target Site: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

FirstSearch Summary

Database	Sel	Updated	Radius	Site	1/8	1/4	1/2	1/2>	ZIP	TOTALS
NPL	Y	09-11-09	1.00	0	0	0	0	0	0	0
NPL Delisted	Y	09-11-09	0.50	0	0	0	0	-	0	0
CERCLIS	Y	07-28-09	0.50	0	0	0	2	-	0	2
NFRAP	Y	07-28-09	0.50	0	0	0	1	-	0	1
RCRA COR ACT	Y	07-14-09	1.00	0	0	0	0	0	0	0
RCRA TSD	Y	07-14-09	1.00	0	0	0	0	0	0	0
RCRA GEN	Y	07-14-09	0.12	0	0	-	-	-	0	0
ERNS	Y	09-13-09	0.05	0	0	-	-	-	0	0
Tribal Lands	Y	12-01-05	1.00	0	0	0	0	0	3	3
State/Tribal Sites	Y	06-01-08	1.00	0	0	0	0	0	0	0
State Spills 90	Y	12-11-01	0.25	0	0	7	-	-	2	9
State/Tribal SWL	Y	04-30-05	0.50	0	0	0	0	-	1	1
State/Tribal LUST	Y	03-18-09	0.50	0	2	4	2	-	0	8
State/Tribal UST/AST	Y	03-18-09	0.12	1	3	-	-	-	0	4
State/Tribal EC	Y	NA	0.05	0	0	-	-	-	0	0
State/Tribal IC	Y	06-02-08	0.05	0	1	-	-	-	0	1
State/Tribal VCP	Y	06-07-06	0.50	0	0	0	0	-	0	0
State/Tribal Brownfields	Y	07-18-07	0.50	0	0	0	0	-	0	0
FI Map Coverage	Y	06-30-09	0.12	0	0	-	-	-	0	0
Federal IC/EC	Y	07-02-09	0.05	0	0	-	-	-	0	0
- TOTALS -				1	6	11	5	0	6	29

Notice of Disclaimer

Due to the limitations, constraints, inaccuracies and incompleteness of government information and computer mapping data currently available to FirstSearch Technology Corp., certain conventions have been utilized in preparing the locations of all federal, state and local agency sites residing in FirstSearch Technology Corp.'s databases. All EPA NPL and state landfill sites are depicted by a rectangle approximating their location and size. The boundaries of the rectangles represent the eastern and western most longitudes; the northern and southern most latitudes. As such, the mapped areas may exceed the actual areas and do not represent the actual boundaries of these properties. All other sites are depicted by a point representing their approximate address location and make no attempt to represent the actual areas of the associated property. Actual boundaries and locations of individual properties can be found in the files residing at the agency responsible for such information.

Waiver of Liability

Although FirstSearch Technology Corp. uses its best efforts to research the actual location of each site, FirstSearch Technology Corp. does not and can not warrant the accuracy of these sites with regard to exact location and size. All authorized users of FirstSearch Technology Corp.'s services proceeding are signifying an understanding of FirstSearch Technology Corp.'s searching and mapping conventions, and agree to waive any and all liability claims associated with search and map results showing incomplete and or inaccurate site locations.

***Environmental FirstSearch
Site Information Report***

Request Date: 10-13-09
Requestor Name: bob likins
Standard: ASTM-05

Search Type: COORD
Job Number: ENMO091730
Filtered Report

Target Site: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

Demographics

Sites: 29	Non-Geocoded: 6	Population: NA
Radon: 0 - 16.4 PCI/L		

Site Location

	<u>Degrees (Decimal)</u>	<u>Degrees (Min/Sec)</u>		<u>UTMs</u>
Longitude:	-112.091168	-112:5:28	Easting:	398725.002
Latitude:	33.571328	33:34:17	Northing:	3714967.585
Elevation:	1236		Zone:	12

Comment

Comment:

Additional Requests/Services

Adjacent ZIP Codes: 1 Mile(s)

Services:

ZIP		ST	Dist/Dir	Sel
Code	City Name			
85020	PHOENIX	AZ	1.00 NE	Y
85029	PHOENIX	AZ	0.61 NW	Y

	Requested?	Date
Fire Insurance Maps	No	
Aerial Photographs	No	
Historical Topos	No	
City Directories	No	
Title Search/Env Liens	Yes	10-13-09
Municipal Reports	No	
Online Topos	No	

Environmental FirstSearch

Sites Summary Report

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

TOTAL: 29 **GEOCODED:** 23 **NON GEOCODED:** 6 **SELECTED:** 1

Map ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	ElevDiff	Page No.
1	UST	WELLMAN S TRANSMISSION 0-008082/PERM REMOVAL	1450 W HATCHER RD PHOENIX AZ 85021	0.00 --	0	1
2	LUST	PIONEER ROOFING CO - STORAGE YARD 0-003931/CLOSED	9221 N 15TH AVE PHOENIX AZ 85021	0.02 SW	0	1
2	UST	PIONEER ROOFING CO - STORAGE YARD 0-003931/PERM REMOVAL	9221 N 15TH AVE PHOENIX AZ 85021	0.02 SW	0	2
3	INSTCONTROL	TERMINEX INTERNATIONAL DEURS2728	1527 W HATCHER RD PHOENIX AZ 85021	0.09 SW	- 2	3
3	LUST	TERMINEX INTERNATIONAL 0-004193/CLOSED	1527 W HATCHER RD PHOENIX AZ 85021	0.09 SW	- 2	4
3	UST	TERMINEX INTERNATIONAL 0-004193/PERM REMOVAL	1527 W HATCHER RD PHOENIX AZ 85021	0.09 SW	- 2	4
4	UST	RELIABLE ROOFING 0-006921/PERM REMOVAL	9216 N 14TH AVE PHOENIX AZ 85021	0.12 SE	- 2	5
5	SPILLS	BALDWIN METAL PROCESSING 88-020	9240 NO. 13TH AVE. PHOENIX AZ 85021	0.13 SE	0	5
6	LUST	A DEAL CONCRETE 0-007565/CLOSED	9300 N 12TH AVE PHOENIX AZ 85021	0.14 SE	+ 2	6
7	SPILLS	A and B INDUSTRIES 89-055	9233 NO. 12TH AVE. PHOENIX AZ 85021	0.15 SE	0	6
8	SPILLS	ARROW HEAD CUSTOM WOODWORK 97-015-C	9213 NO. 13 AVE. PHOENIX AZ 85021	0.15 SE	0	7
9	SPILLS	UNKNOWN/DEA 98-117-E	9631 N. 14 AVE. PHOENIX AZ	0.18 NE	+ 10	7
10	LUST	PROGRESSIVE CONCRETE WORKS 0-003976/CLOSED	1102 W HATCHER RD PHOENIX AZ 85021	0.18 SE	+ 4	8
13	LUST	CIRCLE K 2700530 0-001250/CLOSED	1049 W HATCHER RD PHOENIX AZ 85021	0.21 SE	+ 5	8
12	SPILLS	ADMIRAL SCRAP METALS 93-058-A	9232 NO. 11TH AVE. PHOENIX AZ 85021	0.21 SE	+ 4	9
11	SPILLS	ADMIRAL SCRAP METAL CO., INC. 88-381	11TH AVE and HATCHER PHOENIX AZ 85021	0.21 SE	+ 4	9
14	LUST	PARCEL 158-32-016 0-007706/CLOSED	9229 N 11TH AVE PHOENIX AZ 85021	0.22 SE	+ 4	10
15	SPILLS	UNKNOWN/COP 01-028-C	9232 N. 11 AVE. PHOENIX AZ	0.25 SE	0	10
16	NFRAP	REDS TOOL and DYE AZD980886402/NFRAP-N	9201 N 9TH AVE PHOENIX AZ 85021	0.38 SE	+ 4	11
17	CERCLIS	NORTH 19TH AVENUE MERCURY SPILL AZN000908551/NOT PROPOSED	9400 N. 19TH AVE PHOENIX AZ	0.49 NW	- 6	11
17	CERCLIS	19TH AVENUE PHEONIX HG SPILL AZN000908555/NOT PROPOSED	9400 NORTH 19TH AVENUE PHOENIX AZ	0.49 NW	- 6	12

Environmental FirstSearch
Sites Summary Report

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

TOTAL: 29 **GEOCODED:** 23 **NON GEOCODED:** 6 **SELECTED:** 1

Map ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	ElevDiff	Page No.
19	LUST	U-HAUL - 19TH AVE CENTER 0-005225/CLOSED	9435 N 19TH AVE PHOENIX AZ 85021	0.50 NW	- 2	13
18	LUST	CARIOCA 33 0-000947/CLOSED	701 W DUNLAP AVE PHOENIX AZ 85021	0.50 SE	- 5	15

***Environmental FirstSearch
Sites Summary Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

TOTAL: 29 **GEOCODED:** 23 **NON GEOCODED:** 6 **SELECTED:** 1

Map ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	ElevDiff	Page No.
	SPILLS	DAD S TRUCKING 99-171-D	16TH ST, S OF MARICOPA FWY. PHOENIX AZ	NON GC	N/A	N/A
	SPILLS	PHOENIX, CITY OF 98-027-C	7696 NO. RED MOUNTAIN RD. PHOENIX AZ	NON GC	N/A	N/A
	SWL	29TH ST. LANDFILL SW311/CLOSED	29TH ST. (AKA SILVERLAKE RD PHOENIX AZ	NON GC	N/A	N/A
	TRIBALLAND	BUREAU OF INDIAN AFFAIRS CONTACT I BIA-85021	UNKNOWN AZ 85021	NON GC	N/A	N/A
	TRIBALLAND	BUREAU OF INDIAN AFFAIRS CONTACT I BIA-85029	UNKNOWN AZ 85029	NON GC	N/A	N/A
	TRIBALLAND	BUREAU OF INDIAN AFFAIRS CONTACT I BIA-85020	UNKNOWN AZ 85020	NON GC	N/A	N/A

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

UST

SEARCH ID: 14 **DIST/DIR:** 0.00 -- **ELEVATION:** 1236 **MAP ID:** 1

NAME: WELLMAN S TRANSMISSION
ADDRESS: 1450 W HATCHER RD
PHOENIX AZ 85021
MARICOPA
CONTACT:
SOURCE: AZ DEQ

REV: 03/18/09
ID1: 0-008082
ID2:
STATUS: PERM REMOVAL
PHONE:

TANK NUMBER: 1
CLOSURE TYPE: Perm Removal
DATE CLOSED OR REMOVED: 1/16/1993
OWNER NAME: WELLMAN, JOHN

TANK NUMBER: 2
CLOSURE TYPE: Perm Removal
DATE CLOSED OR REMOVED: 1/16/1993
OWNER NAME: WELLMAN, JOHN

LUST

SEARCH ID: 19 **DIST/DIR:** 0.02 SW **ELEVATION:** 1236 **MAP ID:** 2

NAME: PIONEER ROOFING CO - STORAGE YARD
ADDRESS: 9221 N 15TH AVE
PHOENIX AZ 85021
CONTACT:
SOURCE: AZ DEQ

REV: 03/18/09
ID1: 0-003931
ID2:
STATUS: CLOSED
PHONE:

FACILITY ID: 0-003931
LEAK ID: 1060.02
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 3/12/1997
DATE CLOSED: 8/5/1999

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

UST

SEARCH ID: 11	DIST/DIR: 0.02 SW	ELEVATION: 1236	MAP ID: 2
----------------------	--------------------------	------------------------	------------------

NAME: PIONEER ROOFING CO - STORAGE YARD
ADDRESS: 9221 N 15TH AVE
PHOENIX AZ 85021
MARICOPA

REV: 03/18/09
ID1: 0-003931
ID2:
STATUS: PERM REMOVAL
PHONE:

CONTACT:
SOURCE: AZ DEQ

<u>TANK NUMBER:</u>	1
CLOSURE TYPE:	Perm Removal
DATE CLOSED OR REMOVED:	3/12/1997
OWNER NAME:	PIONEER ROOFING COMPANY

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

INSTCONTROL

SEARCH ID: 23	DIST/DIR: 0.09 SW	ELEVATION: 1234	MAP ID: 3
----------------------	--------------------------	------------------------	------------------

NAME: TERMINEX INTERNATIONAL
ADDRESS: 1527 W HATCHER RD
PHOENIX AZ 85021
MARICOPA
CONTACT:
SOURCE:

REV: 03/07/06
ID1: DEURS2728
ID2:
STATUS:
PHONE:

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DEURS PROGRAM SITE INFORMATION:

GENERAL INFORMATION

Program:	<i>LEAKING UNDERGROUND STORAGE TANK PROGRAM</i>
Program File Number:	<i>UST2460.01</i>
Site Type:	<i>OTHER</i>
Remediation Level Achieved:	<i>HBGL Residential</i>
Remediation Start Date:	<i>08/20/1992</i>
Remediation End Date:	<i>11/23/1993</i>
DEUR Record Date:	
WPD Approval Date for DEUR:	
VEMUR Record Date:	

CONTAMINANT INFORMATION

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Standard Type:

Contaminant:

Concentration (in Mg/Kg):

Depth (in ft):

Further Contamination:

NO

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

LUST

SEARCH ID: 21 **DIST/DIR:** 0.09 SW **ELEVATION:** 1234 **MAP ID:** 3

NAME: TERMINEX INTERNATIONAL
ADDRESS: 1527 W HATCHER RD
PHOENIX AZ 85021

REV: 03/18/09
ID1: 0-004193
ID2:
STATUS: CLOSED
PHONE:

CONTACT:
SOURCE: AZ DEQ

FACILITY ID: 0-004193
LEAK ID: 2460.01
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 9/9/1992
DATE CLOSED: 11/23/1993

UST

SEARCH ID: 13 **DIST/DIR:** 0.09 SW **ELEVATION:** 1234 **MAP ID:** 3

NAME: TERMINEX INTERNATIONAL
ADDRESS: 1527 W HATCHER RD
PHOENIX AZ 85021
MARICOPA

REV: 03/18/09
ID1: 0-004193
ID2:
STATUS: PERM REMOVAL
PHONE:

CONTACT:
SOURCE: AZ DEQ

TANK NUMBER: 1
CLOSURE TYPE: Perm Removal
DATE CLOSED OR REMOVED: 8/21/1992
OWNER NAME: AMERICAN BUILDING MAINTENANCE

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

UST

SEARCH ID: 12 **DIST/DIR:** 0.12 SE **ELEVATION:** 1234 **MAP ID:** 4

NAME: RELIABLE ROOFING
ADDRESS: 9216 N 14TH AVE
PHOENIX AZ 85021
MARICOPA
CONTACT:
SOURCE: AZ DEQ

REV: 03/18/09
ID1: 0-006921
ID2:
STATUS: PERM REMOVAL
PHONE:

TANK NUMBER: 1
CLOSURE TYPE: Perm Removal
DATE CLOSED OR REMOVED: 11/1/1988
OWNER NAME: FLOOD CONTROL DIST OF MARICOPA

SPILLS

SEARCH ID: 8 **DIST/DIR:** 0.13 SE **ELEVATION:** 1236 **MAP ID:** 5

NAME: BALDWIN METAL PROCESSING
ADDRESS: 9240 NO. 13TH AVE.
PHOENIX AZ
MARICOPA
CONTACT:
SOURCE:

REV: 05/13/98
ID1: 88-020
ID2:
STATUS:
PHONE:

SPILL INCIDENT DATE: 01/15/88
DATE SPILL REPORTED: 01/15/88
SPILL RESPONSE DATE: N/A

PROPERTY MANAGEMENT TYPE: Private

REFERRED TO: HWIU
REFERRAL DATE: 1/15/1988

SPILL TYPE: Threat
CHEMICAL MATERIAL OF SPILL: Containers

SPILL QUANTITY: Unknown

Environmental FirstSearch
Site Detail Report

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

LUST

SEARCH ID: 15 **DIST/DIR:** 0.14 SE **ELEVATION:** 1238 **MAP ID:** 6

NAME: A DEAL CONCRETE
ADDRESS: 9300 N 12TH AVE
PHOENIX AZ 85021

REV: 03/18/09
ID1: 0-007565
ID2:
STATUS: CLOSED
PHONE:

CONTACT:
SOURCE: AZ DEQ

FACILITY ID: 0-007565
LEAK ID: 2105.01
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 1/6/1997
DATE CLOSED: 12/22/1997

SPILLS

SEARCH ID: 4 **DIST/DIR:** 0.15 SE **ELEVATION:** 1236 **MAP ID:** 7

NAME: A and B INDUSTRIES
ADDRESS: 9233 NO. 12TH AVE.
PHOENIX AZ
MARICOPA

REV: 05/13/98
ID1: 89-055
ID2:
STATUS:
PHONE:

CONTACT:
SOURCE:

SPILL INCIDENT DATE: 02/21/89
DATE SPILL REPORTED: 02/21/89
SPILL RESPONSE DATE: 2/21/1989

PROPERTY MANAGEMENT TYPE: Private

REFERRED TO: HWIU/HWCU
REFERRAL DATE: 2/21/1989

SPILL TYPE: Release
CHEMICAL MATERIAL OF SPILL: Unknown

SPILL QUANTITY: Unknown

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

SPILLS

SEARCH ID: 7 **DIST/DIR:** 0.15 SE **ELEVATION:** 1236 **MAP ID:** 8

NAME: ARROW HEAD CUSTOM WOODWORK
ADDRESS: 9213 NO. 13 AVE.
PHOENIX AZ
MARICOPA
CONTACT:
SOURCE:

REV: 05/13/98
ID1: 97-015-C
ID2:
STATUS:
PHONE:

SPILL INCIDENT DATE: 02/24/97
DATE SPILL REPORTED: 02/24/97
SPILL RESPONSE DATE: N/A

PROPERTY MANAGEMENT TYPE: Private

REFERRED TO: Maricopa County
REFERRAL DATE: 3/6/1997

SPILL TYPE: Threat
CHEMICAL MATERIAL OF SPILL: Unknown

SPILL QUANTITY: Unknown

SPILLS

SEARCH ID: 10 **DIST/DIR:** 0.18 NE **ELEVATION:** 1246 **MAP ID:** 9

NAME: UNKNOWN/DEA
ADDRESS: 9631 N. 14 AVE.
PHOENIX AZ
MARICOPA
CONTACT:
SOURCE:

REV: 05/13/98
ID1: 98-117-E
ID2:
STATUS:
PHONE:

SPILL INCIDENT DATE: 03/11/98
DATE SPILL REPORTED: 03/11/98
SPILL RESPONSE DATE: 3/11/1998

PROPERTY MANAGEMENT TYPE: Private

REFERRED TO: N/A
REFERRAL DATE: N/A

SPILL TYPE: Threat
CHEMICAL MATERIAL OF SPILL: Containers

SPILL QUANTITY: .25 lbs.

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

LUST

SEARCH ID: 20 **DIST/DIR:** 0.18 SE **ELEVATION:** 1240 **MAP ID:** 10

NAME: PROGRESSIVE CONCRETE WORKS
ADDRESS: 1102 W HATCHER RD
PHOENIX AZ 85021

REV: 03/18/09
ID1: 0-003976
ID2:
STATUS: CLOSED
PHONE:

CONTACT:
SOURCE: AZ DEQ

FACILITY ID: 0-003976
LEAK ID: 2378.01
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 7/1/1992
DATE CLOSED: 11/9/1993

LUST

SEARCH ID: 17 **DIST/DIR:** 0.21 SE **ELEVATION:** 1241 **MAP ID:** 13

NAME: CIRCLE K 2700530
ADDRESS: 1049 W HATCHER RD
PHOENIX AZ 85021

REV: 03/18/09
ID1: 0-001250
ID2:
STATUS: CLOSED
PHONE:

CONTACT:
SOURCE: AZ DEQ

FACILITY ID: 0-001250
LEAK ID: 3724.01
Status: Closed
CASE PRIORITY: 5R1D
DATE INCLUDED: 9/20/1994
DATE CLOSED: 8/6/2003

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

SPILLS

SEARCH ID: 6 **DIST/DIR:** 0.21 SE **ELEVATION:** 1240 **MAP ID:** 12

NAME: ADMIRAL SCRAP METALS
ADDRESS: 9232 NO. 11TH AVE.
PHOENIX AZ
MARICOPA
CONTACT:
SOURCE:

REV: 05/13/98
ID1: 93-058-A
ID2:
STATUS:
PHONE:

SPILL INCIDENT DATE: 10/28/93
DATE SPILL REPORTED: 10/28/93
SPILL RESPONSE DATE: 10/28/1993

PROPERTY MANAGEMENT TYPE: Private

REFERRED TO: Used Oil Prog.
REFERRAL DATE: 10/28/1993

SPILL TYPE: Release
CHEMICAL MATERIAL OF SPILL: Drums

SPILL QUANTITY: None

SPILLS

SEARCH ID: 5 **DIST/DIR:** 0.21 SE **ELEVATION:** 1240 **MAP ID:** 11

NAME: ADMIRAL SCRAP METAL CO., INC.
ADDRESS: 11TH AVE and HATCHER
PHOENIX AZ
MARICOPA
CONTACT:
SOURCE:

REV: 05/13/98
ID1: 88-381
ID2:
STATUS:
PHONE:

SPILL INCIDENT DATE: 12/10/88
DATE SPILL REPORTED: 12/12/88
SPILL RESPONSE DATE: 12/12/1988

PROPERTY MANAGEMENT TYPE: Private

REFERRED TO: HWIU
REFERRAL DATE: 12/12/1988

SPILL TYPE: Release
CHEMICAL MATERIAL OF SPILL: Transform.

SPILL QUANTITY: Unknown

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

LUST

SEARCH ID: 18 **DIST/DIR:** 0.22 SE **ELEVATION:** 1240 **MAP ID:** 14

NAME: PARCEL 158-32-016
ADDRESS: 9229 N 11TH AVE
PHOENIX AZ 85021

REV: 03/18/09
ID1: 0-007706
ID2:
STATUS: CLOSED
PHONE:

CONTACT:
SOURCE: AZ DEQ

FACILITY ID: 0-007706
LEAK ID: 2891.01
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 6/25/1993
DATE CLOSED: 1/27/1994

SPILLS

SEARCH ID: 9 **DIST/DIR:** 0.25 SE **ELEVATION:** 1236 **MAP ID:** 15

NAME: UNKNOWN/COP
ADDRESS: 9232 N. 11 AVE.
PHOENIX AZ
MARICOPA

REV: 12/11/01
ID1: 01-028-C
ID2:
STATUS:
PHONE:

CONTACT:
SOURCE:

SPILL INCIDENT DATE: 03/12/01
DATE SPILL REPORTED: 03/12/01
SPILL RESPONSE DATE: N/A

PROPERTY MANAGEMENT TYPE: City

REFERRED TO: N/A
REFERRAL DATE: N/A

SPILL TYPE: Dumping
CHEMICAL MATERIAL OF SPILL: Cans/Drums

SPILL QUANTITY: 24can/2 drums

Environmental FirstSearch
Site Detail Report

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

NFRAP

SEARCH ID: 3 **DIST/DIR:** 0.38 SE **ELEVATION:** 1240 **MAP ID:** 16

NAME: REDS TOOL and DYE
ADDRESS: 9201 N 9TH AVE
PHOENIX AZ 85013

REV: 9/1/09
ID1: AZD980886402
ID2: 0900750
STATUS: NFRAP-N
PHONE:

CONTACT:
SOURCE: EPA

DESCRIPTION:

ACTION/QUALITY	AGENCY/RPS	START/RAA	END
ARCHIVE SITE	EPA In-House		12-01-1987
DISCOVERY	State, Fund Financed		08-01-1985
PRELIMINARY ASSESSMENT NFRAP: No further Remedial Action planned	EPA Fund-Financed		12-01-1987

CERCLIS

SEARCH ID: 2 **DIST/DIR:** 0.49 NW **ELEVATION:** 1230 **MAP ID:** 17

NAME: NORTH 19TH AVENUE MERCURY SPILL
ADDRESS: 9400 N. 19TH AVE
PHOENIX AZ
MARICOPA
CONTACT: JIM HANSON
SOURCE: EPA

REV: 7/28/09
ID1: AZN000908551
ID2: 0908551
STATUS: NOT PROPOSED
PHONE:

ACTION/QUALITY	AGENCY/RPS	START/RAA	END
potentially responsible party emergency removal Cleaned up	Responsible Party Primary	10-16-2007	10-16-2007

DESCRIPTION:

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

CERCLIS

SEARCH ID: 1	DIST/DIR: 0.49 NW	ELEVATION: 1230	MAP ID: 17
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NAME: 19TH AVENUE PHEONIX HG SPILL
ADDRESS: 9400 NORTH 19TH AVENUE
PHOENIX AZ
MARICOPA
CONTACT:
SOURCE: EPA

REV: 12/9/07
ID1: AZN000908555
ID2: 0908555
STATUS: NOT PROPOSED
PHONE:

DESCRIPTION:

ACTION/QUALITY	AGENCY/RPS	START/RAA	END
POTENTIALLY RESPONSIBLE PARTY EMERGENCY REMOVAL Cleaned up		Responsible Party	10-16-2007 10-16-2007

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

LUST

SEARCH ID: 22	DIST/DIR: 0.50 NW	ELEVATION: 1234	MAP ID: 19
----------------------	--------------------------	------------------------	-------------------

NAME: U-HAUL - 19TH AVE CENTER
ADDRESS: 9435 N 19TH AVE
PHOENIX AZ 85021

REV: 03/18/09
ID1: 0-005225
ID2:
STATUS: CLOSED
PHONE:

CONTACT:
SOURCE: AZ DEQ

FACILITY ID: 0-005225
LEAK ID: 3388.01
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 2/25/1994
DATE CLOSED: 5/11/1995

FACILITY ID: 0-005225
LEAK ID: 3388.02
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 2/25/1994
DATE CLOSED: 5/11/1995

FACILITY ID: 0-005225
LEAK ID: 3388.03
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 2/25/1994
DATE CLOSED: 5/11/1995

FACILITY ID: 0-005225
LEAK ID: 3388.04
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 2/25/1994
DATE CLOSED: 5/11/1995

FACILITY ID: 0-005225
LEAK ID: 3388.05
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1
DATE INCLUDED: 2/25/1994
DATE CLOSED: 5/11/1995

- Continued on next page -

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

LUST

SEARCH ID: 22	DIST/DIR: 0.50 NW	ELEVATION: 1234	MAP ID: 19
----------------------	--------------------------	------------------------	-------------------

NAME: U-HAUL - 19TH AVE CENTER
ADDRESS: 9435 N 19TH AVE
PHOENIX AZ 85021

REV: 03/18/09
ID1: 0-005225
ID2:
STATUS: CLOSED
PHONE:

CONTACT:
SOURCE: AZ DEQ

***Environmental FirstSearch
Site Detail Report***

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

LUST

SEARCH ID: 16	DIST/DIR: 0.50 SE	ELEVATION: 1231	MAP ID: 18
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NAME: CARIOCA 33 ADDRESS: 701 W DUNLAP AVE PHOENIX AZ 85021 CONTACT: SOURCE: AZ DEQ	REV: 03/18/09 ID1: 0-000947 ID2: STATUS: CLOSED PHONE:
---	---

FACILITY ID: 0-000947
LEAK ID: 672.01
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1, RECORDED VEMUR
DATE INCLUDED: 3/20/1989
DATE CLOSED: 1/14/1998

FACILITY ID: 0-000947
LEAK ID: 672.02
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1, RECORDED VEMUR
DATE INCLUDED: 10/21/1994
DATE CLOSED: 1/14/1998

FACILITY ID: 0-000947
LEAK ID: 672.03
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 1, RECORDED VEMUR
DATE INCLUDED: 10/21/1994
DATE CLOSED: 1/14/1998

FACILITY ID: 0-000947
LEAK ID: 672.04
Status: Closed
CASE PRIORITY: CLOSED SOIL LEVELS MEET RBCA TIER 2
DATE INCLUDED: 7/21/1995
DATE CLOSED: 4/2/1996

Environmental FirstSearch Descriptions

NPL: EPA NATIONAL PRIORITY LIST - The National Priorities List is a list of the worst hazardous waste sites that have been identified by Superfund. Sites are only put on the list after they have been scored using the Hazard Ranking System (HRS), and have been subjected to public comment. Any site on the NPL is eligible for cleanup using Superfund Trust money.

A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment.

FINAL - Currently on the Final NPL

PROPOSED - Proposed for NPL

NPL DELISTED: EPA NATIONAL PRIORITY LIST Subset - Database of delisted NPL sites. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

DELISTED - Deleted from the Final NPL

CERCLIS: EPA COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY INFORMATION SYSTEM (CERCLIS)- CERCLIS is a database of potential and confirmed hazardous waste sites at which the EPA Superfund program has some involvement. It contains sites that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL.

PART OF NPL- Site is part of NPL site

DELETED - Deleted from the Final NPL

FINAL - Currently on the Final NPL

NOT PROPOSED - Not on the NPL

NOT VALID - Not Valid Site or Incident

PROPOSED - Proposed for NPL

REMOVED - Removed from Proposed NPL

SCAN PLAN - Pre-proposal Site

WITHDRAWN - Withdrawn

NFRAP: EPA COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY INFORMATION SYSTEM ARCHIVED SITES - database of Archive designated CERCLA sites that, to the best of EPA's knowledge, assessment has been completed and has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

NFRAP – No Further Remedial Action Plan

P - Site is part of NPL site

D - Deleted from the Final NPL

F - Currently on the Final NPL

N - Not on the NPL

O - Not Valid Site or Incident

P - Proposed for NPL

R - Removed from Proposed NPL

S - Pre-proposal Site

W – Withdrawn

RCRA COR ACT: EPA RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM SITES - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984.

RCRAInfo facilities that have reported violations and subject to corrective actions.

RCRA TSD: EPA RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM TREATMENT, STORAGE, and DISPOSAL FACILITIES. - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984.

Facilities that treat, store, dispose, or incinerate hazardous waste.

RCRA GEN: EPA/MA DEP/CT DEP RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM GENERATORS - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984.

Facilities that generate or transport hazardous waste or meet other RCRA requirements.

LGN - Large Quantity Generators

SGN - Small Quantity Generators

VGN – Conditionally Exempt Generator.

Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List) facilities.

CONNECTICUT HAZARDOUS WASTE MANIFEST – Database of all shipments of hazardous waste within, into or from Connecticut. The data includes date of shipment, transporter and TSD info, and material shipped and quantity. This data is appended to the details of existing generator records.

MASSACHUSETTES HAZARDOUS WASTE GENERATOR – database of generators that are regulated under the MA DEP.

VQN-MA = generates less than 220 pounds or 27 gallons per month of hazardous waste or waste oil.

SQN-MA = generates 220 to 2,200 pounds or 27 to 270 gallons per month of waste oil.

LQG-MA = generates greater than 2,200 lbs of hazardous waste or waste oil per month.

ERNS: EPA/NRC EMERGENCY RESPONSE NOTIFICATION SYSTEM (ERNS) - Database of incidents reported to the National Response Center. These incidents include chemical spills, accidents involving chemicals (such as fires or explosions), oil spills, transportation accidents that involve oil or chemicals, releases of radioactive materials, sightings of oil sheens on bodies of water, terrorist incidents involving chemicals, incidents where illegally dumped chemicals have been found, and drills intended to prepare responders to handle these kinds of incidents. Data since January 2001 has been received from the National Response System database as the EPA no longer maintains this data.

Tribal Lands: DOI/BIA INDIAN LANDS OF THE UNITED STATES - Database of areas with boundaries established by treaty, statute, and (or) executive or court order, recognized by the Federal Government as territory in which American Indian tribes have primary governmental authority. The Indian Lands of the United States map layer shows areas of 640 acres or more, administered by the Bureau of Indian Affairs. Included are Federally-administered lands within a reservation which may or may not be considered part of the reservation.

BUREAU OF INDIAN AFFIARS CONTACT - Regional contact information for the Bureau of Indian Affairs offices.

State/Tribal Sites: AZ DEQ WQARF REGISTRY LIST & SITE BOUNDARIES- Sites that are currently being addressed by the State's Water Quality Assurance Revolving Fund (WQARF) Program are listed on the WQARF Registry. Sites are represented as polygonal boundary areas as outlined by the Arizona Department of Environmental Quality. The Program addresses sites that are scored and placed on the Registry, utilizing an approved eligibility and evaluation (E&E) model for evaluating risk and other environmental factors. The information provided includes the E&E score (out of a possible total score of 120), the Site Name, the City and County where the Site is located, and the date the Site was added to the Registry, and other information obtained from the ADEQ Web page. For more information regarding a specific site contact the ADEQ Project Manager or Community Involvement Coordinator identified in the details of the body of this report regarding that specific site titled CONTACTS. Each site may have a different project manager.

Note: In order to quickly identify Registry Sites in the Site Summary List of the First Search Reports. The Registry Sites will be labeled SP instead of State, but reside within the record count totals of the State (State) sites. Site Id's are identified as WQARF_REGISTRY_#/WQARF.

ARIZONA SUPERFUND PROGRAM LIST- (State Database Type in FirstSearch Reports) The Arizona Superfund Program List contains sites and potential sites within the jurisdiction of the Superfund Programs Section (SPS) since April 1997 (the date of the new Water Quality Assurance Revolving Fund statute). Track Info Services removed duplicate listings from this list and has included only the Potential WQARF Registry Sites that have a Program Status of Pending PI. DOD, NPL and current WQARF Registry Sites are not included in the Arizona Superfund Program List as they are listed in NPL and the State registry List. Site ID's are identified as SUPERFUND_TISID#.

Potential WQARF sites that are included in the FirstSearch Reports are those cases which are awaiting or undergoing a WQARF preliminary investigation (PI). Possible outcomes of a PI are:

- 1) No further investigation or action
- 2) Registry listing
- 3) Referral to the ADEQ voluntary remediation program
- 4) Referral to another ADEQ program.

According to the Arizona Department of Environmental Quality (ADEQ), prior to July 5, 2000 the ADEQ Superfund Programs Section (SPS) published a list of sites entitled Arizona CERCLIS Information Data System (ACIDS). The ACIDS list has been replaced as an active list by the Arizona Superfund Program List. It has been archived and will no longer be distributed or updated.

Information regarding specific sites on the ADEQ Superfund Program List may be obtained by calling the ADEQ Superfund Information Hotline at (602) 207-4360 or toll free in Arizona at 1 800 234-5677, ext. 4360.

Note: ADEQ maintains map boundaries of NPL sites & DOD sites. They may vary from those maintained by the US EPA and respective regions. Information regarding NPL and DOD site boundaries provided by ADEQ utilized in First Search Reports will be included in the State (ST) database category to supplement the US EPA's NPL information in the federal database categories.

State Spills 90: *AZ DEQ* HAZARDOUS MATERIALS INCIDENT LOGBOOK-The ADEQ Emergency Response Unit documents chemical spills and incidents, which are referred to the unit.

State/Tribal SWL: *AZ DEQ* SOLID WASTE LANDFILLS- The ADEQ Waste Programs Division Recycling and Data Management Unit maintains a list of solid waste facilities (SWATS) identified as active or closed.

State/Tribal LUST: *AZ DEQ* LEAKING UNDERGROUND STORAGE TANKS- ADEQ maintains a list of leaking underground tanks (LUST).

State/Tribal UST/AST: *AZ DEQ/EPA* UNDERGROUND STORAGE TANKS- Under State (A.R.S. 49-1001 to 1014) and federal RCRA Subtitle laws, persons who own or have owned underground storage tanks (UST's) which contain regulated substances are required to complete a notification form and submit it to the State. More than 6500 facilities have notified the State of more than 19,000 underground tanks.

INDIAN LANDS UST LIST- A listing of underground storage tanks currently on Indian lands under federal jurisdiction. Arizona Indian Lands USTs are administered by US EPA Region 9.

State/Tribal IC: *AZ DEQ* ADEQ DEURS AND VEMURS PROGRAM LIST- According to the ADEQ a DEUR (Declaration of Environmental Use Restriction) is a restrictive covenant that must be recorded when the owner of a site with known contamination elects to use either institutional or engineering controls to prevent or minimize exposure to contaminants on the property, or when an owner elects to leave contamination on the property that exceeds the applicable residential soil remediation standard for the property. A previous program, known as VEMUR (Voluntary Environmental Mitigation Use Restriction) has been replaced by the DEUR program but VEMUR record dates and associated data are still provided by the ADEQ for historic purposes.

State/Tribal VCP: *AZ DEQ* ARIZONA VOLUNTARY REMEDIATION PROGRAM LIST- The ADEQ Waste Programs Division maintains a list of Voluntary Remediation Program (VRP) sites. A VRP is an eligible contaminated site on which voluntary investigation and cleanup measures are taken by property owners, prospective purchasers and other interested parties in cooperation with ADEQ.

State/Tribal Brownfields: *AZ DEQ/EPA* ARIZONA BROWNFIELDS PROGRAM LIST- The ADEQ Waste Programs Division maintains a list of Brownfields sites as part of its Voluntary Remediation Program. To be listed by the ADEQ as a Brownfield a site must meet the following three criteria: it must be an underutilized

commercial or industrial site, it must possess redevelopment potential, and that redevelopment potential must be complicated by known or perceived contamination with a hazardous substance as defined by CERCLA

Brownfields Management System (BMS) is an analytical database designed to assist EPA in collecting, tracking, and updating information, as well as reporting on the major activities and accomplishments of the various Brownfield grant Programs.

RADON: *NTIS* NATIONAL RADON DATABASE - EPA radon data from 1990-1991 national radon project collected for a variety of zip codes across the United States.

FI Map Coverage: *PROPRIETARY* FIRE INSURANCE MAP AVAILABILITY - Database of historical fire insurance map availability.

Environmental FirstSearch Database Sources

NPL: EPA Environmental Protection Agency

Updated quarterly

NPL DELISTED: EPA Environmental Protection Agency

Updated quarterly

CERCLIS: EPA Environmental Protection Agency

Updated quarterly

NFRAP: EPA Environmental Protection Agency.

Updated quarterly

RCRA COR ACT: EPA Environmental Protection Agency.

Updated quarterly

RCRA TSD: EPA Environmental Protection Agency.

Updated quarterly

RCRA GEN: EPA/MA DEP/CT DEP Environmental Protection Agency, Massachusetts Department of Environmental Protection, Connecticut Department of Environmental Protection

Updated quarterly

ERNS: EPA/NRC Environmental Protection Agency

Updated annually

Tribal Lands: DOI/BIA United States Department of the Interior

Updated annually

State/Tribal Sites: AZ DEQ ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Updated when available

State Spills 90: AZ DEQ ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Updated when available

State/Tribal SWL: *AZ DEQ* ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Updated annually

State/Tribal LUST: *AZ DEQ* ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY:

Updated biannually

State/Tribal UST/AST: *AZ DEQ/EPA* ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY:
File Room (602) 207-4345.
US EPA Region 9:

Updated annually

State/Tribal IC: *AZ DEQ* ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY.

Updated Updated archived/when available

State/Tribal VCP: *AZ DEQ* AZ DEQ ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Updated Updated when available

State/Tribal Brownfields: *AZ DEQ/EPA* ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
For further information contact Arcelious Stephens, Brownfields Coordinator at (602) 771-4401.

Updated when available

RADON: *NTIS* Environmental Protection Agency, National Technical Information Services

Updated periodically

FI Map Coverage: *PROPRIETARY* Library of Congress
Catalogue of Maps Published by Sanborn Mapping and Geographic Information Service in February 1988®
ProQuest
Other internally produced datasets

Updated quarterly

Environmental FirstSearch
Street Name Report for Streets within .25 Mile(s) of Target Property

Target Property: 1450 WEST HATCHER ROAD
PHOENIX AZ 85021

JOB: ENMO091730

Street Name	Dist/Dir	Street Name	Dist/Dir
N 10th Dr	0.22 SE		
N 11th Ave	0.16 SE		
N 12th Ave	0.09 SE		
N 13th Ave	0.07 -E		
N 14th Ave	0.02 SE		
N 14th Dr	0.21 SW		
N 15th Ave	0.06 SW		
N 15th Dr	0.20 SW		
N 16th Ave	0.18 SW		
N 16th Dr	0.22 SW		
N 17th Ave	0.24 SW		
W Dunlap Ave	0.25 S-		
W Eva St	0.24 SW		
W Hatcher Rd	0.00 --		
W Mission Ln	0.18 SW		
W Mountain View Rd	0.25 NE		
W Palmer Dr	0.08 NW		
W Purdue Ave	0.20 NE		
W Sunnyslope Ln	0.24 SW		
W Vogel Ave	0.13 N-		



HISTORICAL FIRE INSURANCE MAPS

NO MAPS AVAILABLE

10-13-09

ENMO091730

1450 WEST HATCHER ROAD

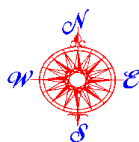
PHOENIX AZ 85021

A search of FirstSearch Technology Corporation's proprietary database of historical fire insurance map availability confirmed that there are NO MAPS AVAILABLE for the Subject Location as shown above.

FirstSearch Technology Corporation's proprietary database of historical fire insurance map availability represents abstracted information from the Sanborn® Map Company obtained through online access to the U.S. Library of Congress via local libraries.

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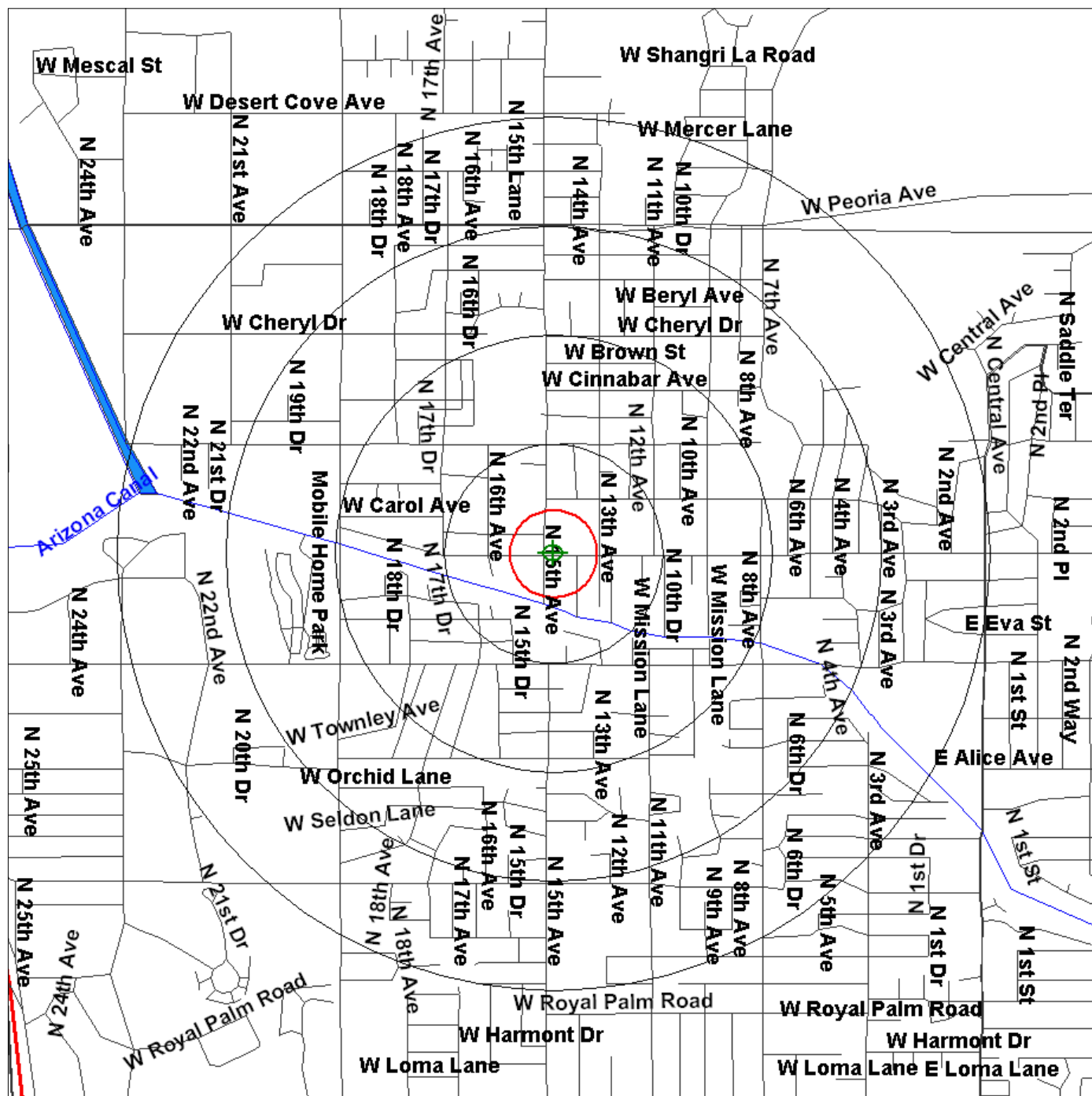


Environmental FirstSearch

1 Mile Radius
ASTM Map: NPL, RCRACOR, STATE Sites



1450 WEST HATCHER ROAD, PHOENIX AZ 85021



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 33.571328 Longitude: -112.091168)

Identified Site, Multiple Sites, Receptor

NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste

Triballand.....

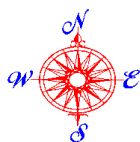
Railroads

Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius





Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius



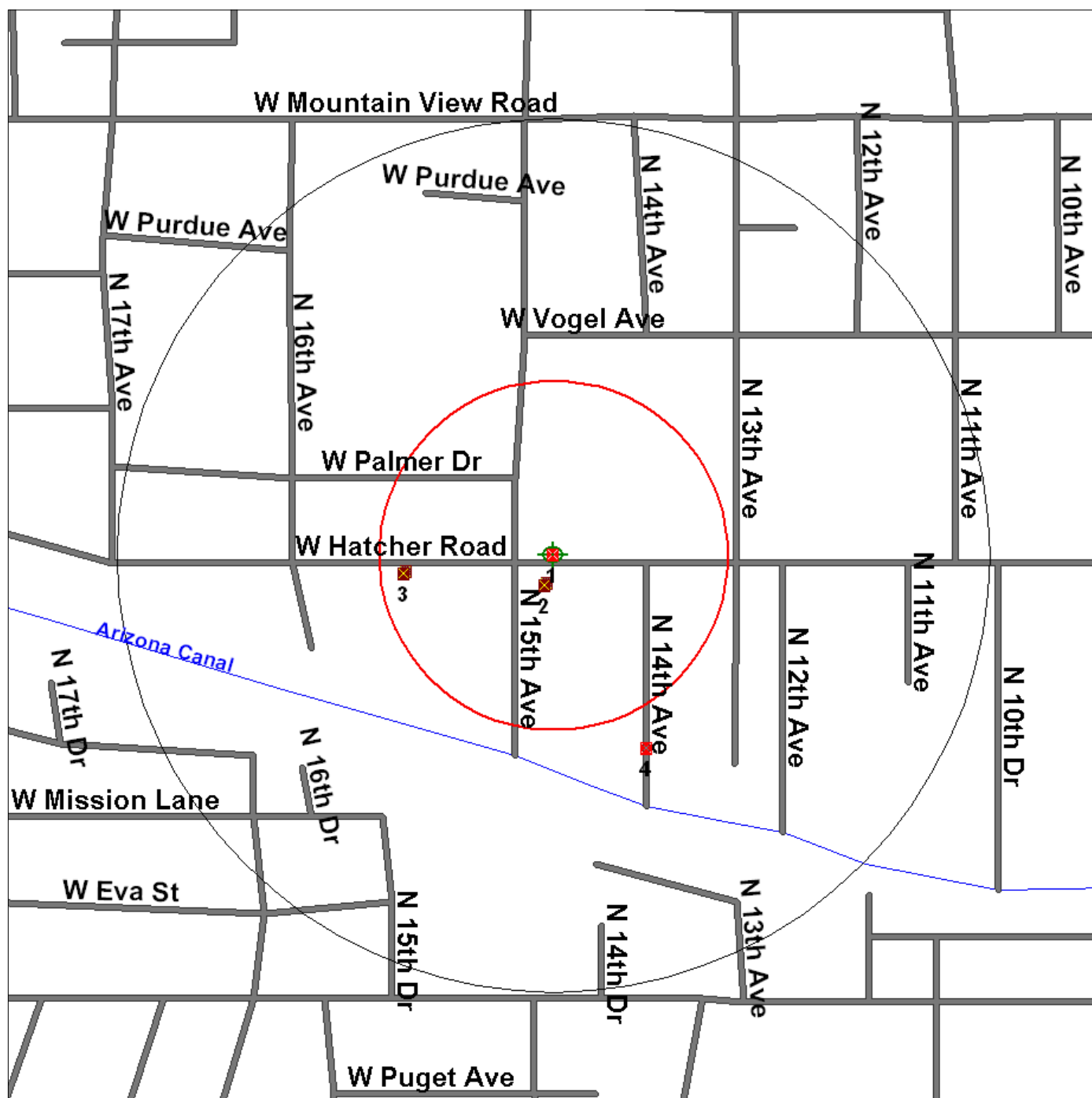
Environmental FirstSearch

.25 Mile Radius

ASTM Map: RCRAGEN, ERNS, UST, FED IC/EC, METH LABS



1450 WEST HATCHER ROAD, PHOENIX AZ 85021



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 33.571328 Longitude: -112.091168)

Identified Site, Multiple Sites, Receptor

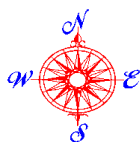
NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste

Triballand.....

Railroads

Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius



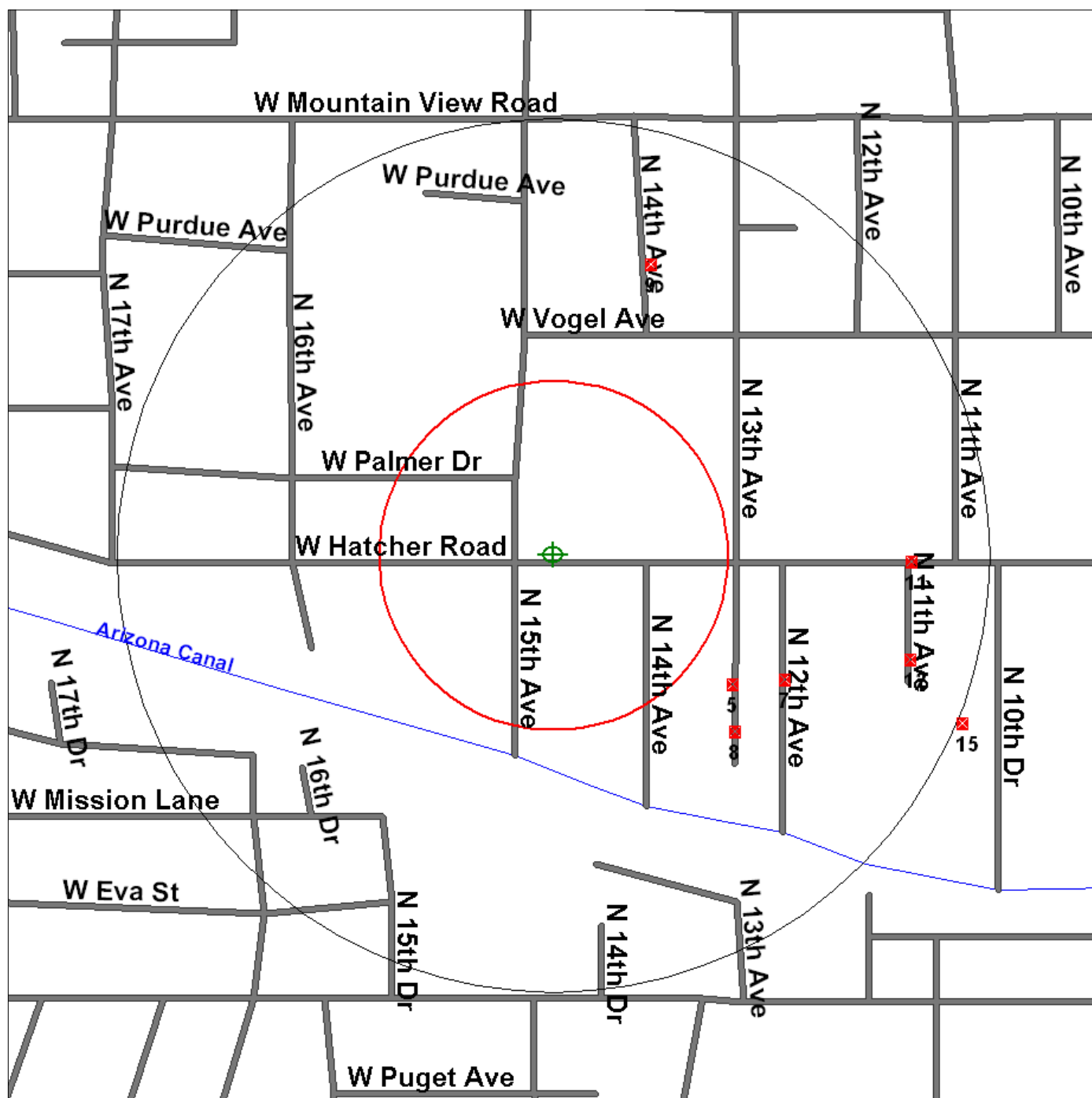


Environmental FirstSearch

.25 Mile Radius
Non-ASTM Map: Spills 90



1450 WEST HATCHER ROAD, PHOENIX AZ 85021



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 33.571328 Longitude: -112.091168)

Identified Site, Multiple Sites, Receptor

NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste

Triballand.....

National Historic Sites and Landmark Sites

Railroads

Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius



APPENDIX F
SPECIAL TERMS AND CONDITIONS, LIMITATIONS, AND EXCEPTIONS

The following Special Terms and Conditions, Limitations, and Exceptions apply to the completion of this Phase I Environmental Site Assessment:

- *Not Exhaustive* – *All appropriate inquiry* does not mean an exhaustive assessment of a clean property. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an *environmental site assessment* and the reduction of uncertainty about unknown conditions resulting from additional information.
- *Recognized environmental condition* means the presence or likely presence of a hazardous substance or petroleum product on a property under conditions that indicate an existing release, past release, or material threat of release into structures on the property or into the ground, groundwater, or surface water of the property. The term *recognized environmental condition* is not intended to include any *de minimis* condition that generally does not present a material risk of harm to public health or the environment and that generally would not be the subject of enforcement action if brought to the attention of appropriate governmental agencies.
- Invasive investigation of any kind has not been performed. Observation under floors, above ceilings, behind walls, within surface or subsurface soils, within confined spaces, or within any surface or groundwaters has not been performed.
- No subsurface investigation of groundwater gradients has been performed. While discussion of apparent topographic gradient may be included in this report, this apparent surface gradient may not necessarily correspond with actual groundwater gradients on, or in the vicinity of, the subject property. Site specific groundwater gradients may only be determined through subsurface potentiometric investigation.
- No sampling or analysis of air, soil or water was performed to determine their constituents.
- The investigation for underground storage tanks (USTs) consisted of a visual inspection of the site, interviews with site representatives, and a regulatory records review. No techniques were employed to detect the presence of buried tanks.
- The consultant and its representatives shall not be responsible for determining the validity or truthfulness of answers received during interviews or of information and records obtained from government agencies. If records are not reasonably ascertainable, or if the client requests that the report be finalized prior to receiving all responses to information requests, any information relevant to recognized environmental conditions on the subject property subsequently received will be forwarded to the client.
- Conclusions in this report are based upon visual observations made at the site and information received prior to the date of this report. Since site conditions may change

significantly over a short period of time and additional data may become available, data reported and conclusions drawn in this report are limited to current conditions and may not be relied upon on a significantly later date.

- EI makes no warranties, express or implied, regarding any statements, conclusions, data or other information contained in referenced reports that are not prepared by EI. It is understood that EI does not independently verify the information contained therein.
- This document does not address requirements of any State or local laws or of any Federal laws, including the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), other than the *all appropriate inquiry* standard.
- This investigation is not an environmental compliance audit. While some observations and discussion in this report address conditions, which may be regulated, the regulatory compliance of those conditions is outside the scope of this investigation.
- This document does not address issues raised in other transactions such as purchases of business entities, their assets, or any other interest therein, that may involve environmental liabilities pertaining to properties previously owned or operated or other off-site environmental liabilities.
- E 1527 excludes certain hazards due to their exclusion from Superfund. Therefore, this report does not include investigation for asbestos, radionuclides such as radon or for lead in drinking water and lead-based paint, unless otherwise specified by the client.
- This document may include slight deviations in the exact format specified in E 1527 in order to account for site specific conditions and to improve the readability and usefulness of the report.
- If performed within the scope of E 1527, the chain-of-title review is completed for the sole purpose of characterizing past site usage. The consultant is not a professional title company and makes no guarantee, warranty, or other representation, expressed or implied, that the resulting listing represents a comprehensive delineation of past site ownership or tenancy for title conveyance purposes.
- No environmental site assessment can wholly eliminate uncertainty regarding the potential for *recognized environmental conditions* in connection with a property. Similarly, no *environmental professional* can be expected to visually observe every detail within a property or every record concerning a property. Therefore, the completion of this investigation in conjunction with E 1527 and the professional judgment of the contributors to this report is intended to reduce, but not eliminate, uncertainty regarding the potential for *recognized environmental conditions* in connection with the subject property.

- Nothing in this report constitutes a legal opinion or legal advice. Consultation with independent legal counsel is recommended for information regarding specific individual or organizational liability.

APPENDIX G
TERMS AND CONDITIONS

EI TERMS AND CONDITIONS FOR ENVIRONMENTAL SITE ASSESSMENTS

- 1. GENERAL.** The Terms and Conditions contained apply to specific services to be provided to CLIENT as indicated in the attached EI Project report. CLIENT is defined as that person or entity who has contracted with The EI Group, Inc. (EI) by accepting this report. EI agrees to perform an EI Phase One Environmental Site Assessment and provide project support services included in the Scope of Services in Appendix D of this report. CLIENT agrees to fully cooperate and to provide necessary information and required written approvals in a timely manner to ensure continuous execution of the work by EI to completion.
- 2. TERMINATION.** Except as otherwise set out herein either party may terminate this Agreement without cause upon seven days written notice. In the event CLIENT requests termination prior to completion of the services, CLIENT agrees to pay EI for all services performed to the date termination notice is received by EI plus reasonable charges associated with the termination of the work.
- 3. PAYMENT TERMS.** Invoices typically are issued when the final report is submitted to the CLIENT, but might be issued monthly if the work is done over a period of time or otherwise halted during the course of the project. Invoices are due and payable in full upon receipt. If collected through an attorney or other third party agent, the amount due will include the invoice plus reasonable attorney's fees and other costs. If CLIENT disputes any amounts invoiced, CLIENT shall give EI prompt written notice thereof, including the item or items disputed and the basis for the dispute. CLIENT shall in any event pay all amounts invoiced that CLIENT does not dispute as provided herein. A late payment finance charge will be charged at the rate of 2.0% per month (or the maximum allowed by law) on any balance remaining unpaid thirty days after the date of the invoice.
- 4. CHANGES IN THE SCOPE OF WORK.** CLIENT may authorize changes in the Scope of Services by requesting alterations, additions, or reductions in that Scope of Work in writing, subject to approval by EI.
- 5. UNFORESEEN CONDITIONS OR OCCURRENCES.** If unforeseen conditions or occurrences are encountered which alter the necessary services or the risks involved in completing the Contract services, EI will promptly notify and consult with CLIENT. However, CLIENT authorizes EI to take measures that, based on EI's sole judgment, are justified to preserve and protect the health and safety of EI's personnel and the public. CLIENT agrees to compensate EI for the additional reasonable cost of working to protect its employees' and the public's health and safety. Possible actions could include, but are in no way limited to:
- (a) Complete the Scope of Services in accordance with the procedures originally intended;
 - (b) Agree in writing with CLIENT to modify the Scope of Services and the estimate of charges to reflect the unforeseen conditions or occurrences, or study the unforeseen conditions and occurrences, and determine an alternative course of action; or
 - (c) Terminate the services effective on the date specified by EI in writing.
- 6. STANDARD OF CARE.** EI will perform its services using that degree of care and skill ordinarily exercised under similar conditions by reputable members of EI's profession practicing in the same or similar locality. NO OTHER WARRANTY, EXPRESS OR IMPLIED, IS MADE OR INTENDED BY THE EI PROPOSAL OR BY EI'S ORAL OR WRITTEN REPORTS OR REPRESENTATIONS.
- 7. SITE OPERATIONS.** CLIENT represents that it has the requisite permits and licenses required for its activities on the site, copies of which will be made available to EI upon request. Although EI personnel will make a reasonable investigation of readily available documentation, EI is not responsible for any damage or loss due to site conditions, whether known or unknown, disclosed or undisclosed, including surface or subsurface conditions, owned by CLIENT or third parties. Except as such damage or loss is a result of EI's gross negligence or intentional misconduct, CLIENT agrees to indemnify EI from any costs associated with claims, suits, or losses, (including reasonable attorney's fees), resulting therefrom. Unless otherwise stated, EI's fee does not include cost of the restoration of any property damaged as a result of the work performed under this Agreement. If CLIENT requests EI to repair such damage, EI will do so at an additional cost estimated in a separate written proposal. Location of structures, equipment, and other site items and characteristics described in the EI report or shown on sketches are based on specific information furnished by others or estimates made in the field by EI personnel. Such dimensions, depths, or elevations should be considered as approximations unless otherwise stated.
- 8. WORK HAZARDS.** CLIENT agrees to inform EI of on-site threats or hazards to the health and/or safety known to CLIENT which may affect EI employees. CLIENT shall provide EI with information available to CLIENT concerning the toxicity, health effects, and hazardous nature of materials, wastes, waste components, or specific compounds with which EI employees, subcontractors, or agents may come into contact during the course of the work performed for CLIENT.
- 9. FIELD REPRESENTATIVE.** The presence of field personnel, employed by EI shall be for the purpose of providing project administration and/or observation of specific aspects of the project as authorized by CLIENT. Should a contractor(s), not retained by EI, be involved in the project, unless previously agreed to otherwise in writing, CLIENT will advise contractor(s) that EI's services do not include supervision or direction of or responsibility for the actual work of the contractor(s), its employees or agents. CLIENT will also inform contractor that the presence of our field representative for project administration and/or observation shall not relieve the contractor of the responsibilities for performing the work in accordance with the plans and specifications. If a contractor (not a subcontractor of EI) is involved in the project, CLIENT agrees, in accordance with generally accepted construction practices, that the contractor will be solely responsible for working conditions on the job site, including safety of all persons and property during performance of the work, and compliance with OSHA regulations. These requirements will apply continuously and will not be limited to normal working hours. It is agreed that EI will not be responsible for job or site safety on the project, other than for EI employees and subcontractors, and that EI does not have the duty or right to stop the work of the contractor unless express written authorization to do so is obtained from CLIENT.
- 10. HAZARDOUS SUBSTANCES.** "Hazardous Substances" for the purposes of this Agreement shall have the meaning ascribed in and shall include those substances listed under the ASTM Standard (E 1527) as a *hazardous substance*. This includes substances defined as a hazardous substance pursuant to CERCLA 42 USC § 9601(14), as interpreted by EPA regulations and the courts: "(A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 USC § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC § 6901 *et seq.*) has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317(a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 USC § 7412), and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas)."
- 11. HAZARDOUS WASTES.** "Hazardous Wastes" for the purposes of this Agreement shall have the meaning ascribed in and shall include those substances listed under the ASTM Standard (E 1527) as a *hazardous waste*. This includes any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 USC § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC § 6901 *et seq.*) has been suspended by Act of Congress). The Solid Waste Disposal Act of 1980 amended RCRA. RCRA defines a hazardous waste in 42 USC § 6903 as: "a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may - (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed."
- 12. CLIENT DISCLOSURE.** EI does not assume control of or responsibility for the site or the person in charge of the site, or undertake responsibility for reporting to any federal, state, or local public agencies any conditions at the site that may present a potential danger to public health, safety, or the environment. CLIENT agrees to notify the appropriate federal, state, and/or local public agencies as required by law, or otherwise to disclose, in a timely manner, any information that may be necessary to prevent damage to human health, safety, or the environment. CLIENT shall furnish documents or information reasonably within CLIENT's control and deemed necessary by EI for proper performance of EI's services. EI may rely upon CLIENT-provided documents or information (verbal or otherwise) in performing the services required under this Agreement; however, EI assumes no responsibility or liability for their accuracy. CLIENT-provided documents will remain the property of CLIENT, but EI may retain one confidential file copy as needed to support the project report.
- 13. INSURANCE.** EI maintains insurance coverage as follows:
- (a) Workers Compensation Insurance - minimum amount;
 - (b) Employer's Liability Insurance General Aggregate - \$1,000,000

*Phase I Environmental Site Assessment
Haul Away (Residential and Commercial Clean Up), Phoenix, Arizona
EI Project ENMO091730.00*

(c) Professional Liability Insurance - Errors and Omissions - \$1,000,000

14. INDEMNITY.

(a) General. To the fullest extent permitted by law, CLIENT agrees to defend, indemnify, and hold EI, its directors, officers, employees, subcontractors, agents, shareholders and independent contractors harmless from and against any and all claims, defense costs, including attorneys' fees, damages and other liabilities arising out of or in any way related to the work performed by EI under this Agreement, unless such injury or damage is caused by the gross negligence or intentional misconduct of EI.

The total liability, in the aggregate, of EI, its officers, directors, employees, agents, subcontractors, shareholders and independent contractors to CLIENT, and anyone claiming by, through, or under CLIENT, for any and all injuries, claims, losses, expenses or damages whatsoever arising out of, resulting from, or in any way relating to, EI's services, the project, or the site, including, but not limited to, claims or causes of action arising from alleged professional errors and omissions, material breach of contract, breach of warranty, strict liability, negligence or willful misconduct by EI, shall be limited to an amount not to exceed the lesser of (a) the total fee payable to EI, or (b) \$250,000. In the event a claim is made by CLIENT against EI for gross negligence or willful misconduct, and subsequent investigation reveals that the claim is unfounded, the reasonable cost of such investigation, including outside consultant and attorneys' fees, shall be deemed a change of the Scope of Work and will be reimbursable to EI. Neither EI nor its officers, directors, employees, agents, shareholders, or independent contractors shall be liable to CLIENT for any special, indirect or consequential damages (including, but not limited to, lost profits) whatsoever, whether caused by negligence, errors, omissions, strict liability, breach of contract, breach of warranty or other cause or causes whatsoever. CLIENT agrees that EI will assume no responsibility resulting from the implementation of instructions by CLIENT with which EI is in disagreement, provided EI has communicated the objections in writing to CLIENT.

(b) Environmental Indemnity. In connection with hazardous substances and to the maximum extent permitted by law, CLIENT agrees to defend, hold harmless, and indemnify EI, its officers, directors, employees, agents, shareholders, or independent contractors from and against any and all claims and liabilities and any costs associated therewith, unless caused by the sole negligence or willful misconduct of EI. The duty to defend, hold harmless, indemnify from and hold harmless shall include, but not be limited to, incidences of:

- (a) CLIENT's violation of any federal, state, or local statute, regulation, or ordinance relating to the management or disposal of hazardous substances;
- (b) CLIENT's undertaking of or arrangement for the handling, removal, treatment, storage, transportation, or disposal of toxic or hazardous substances or constituents found or identified at the site;
- (c) Hazardous substances introduced at the site by CLIENT or third persons before, during, or after the completion of services herein; and
- (d) Allegation(s) that EI is a handler, generator, operator, treater, storer, transporter, or disposer under federal, state, or local regulation or law governing hazardous substances due to the services provided under this Agreement.

15. CONFIDENTIALITY. EI will maintain as confidential any document(s) or information provided by CLIENT indicated to be confidential and will not release, distribute, or publish to any third party without prior permission from CLIENT, except as compelled by order of a court or regulatory body of competent jurisdiction and then only after notice to CLIENT, any document(s) or information provided by CLIENT. Drawings, reports, data, and other project information generated by EI in the execution of this project shall be the property of CLIENT upon receipt of payment of costs and fees earned agreed to herein. EI shall be entitled to keep one copy of all documents unless otherwise agreed. These instruments are furnished for CLIENT's exclusive internal use and reliance, use by CLIENT's counsel and for regulatory submittal in connection with the project or services provided for in this Agreement, and not for advertising, distribution, or general publication. For any other purposes, all documents generated by EI under this Scope of Work shall remain the sole property of EI. CLIENT agrees to obtain EI's written permission for any exception for use not described herein. Any unauthorized use or distribution shall be at CLIENT's and recipient's sole risk and without liability to EI.

16. RELIANCE BY LENDER. Should CLIENT present the Phase One Environmental Site Assessment to a LENDER in connection with a loan transaction involving the subject site, LENDER may rely on the Phase One Environmental Site Assessment for purposes consistent with the loan transaction; provided, however, that (i) the LENDER shall be subject to the same terms and conditions as the CLIENT; (ii) any obligation imposed on the CLIENT by the terms and conditions shall only apply to the LENDER if the LENDER becomes an owner or operator of the subject site; and (iii) any indemnification provision which obligates the CLIENT is assumed by the LENDER only if the LENDER becomes an owner or operator and only with respect to the actions of the LENDER, not those of the CLIENT or EI, it being specifically understood that the LENDER has no responsibility under any circumstances for indemnifying EI for the actions of CLIENT.

17. TESTIMONY. Should EI, or officers, directors, employees, agents, shareholders, or independent contractors of EI, be called or asked by any party to provide testimony or other evidence, whether at deposition, hearing, or trial, in relation to services provided under this Agreement, EI shall be compensated by CLIENT for the associated reasonable expenses and labor at appropriate unit rates to the extent the party compelling or requesting the testimony does not provide such compensation. EI shall provide testimony only upon presentation of a court-issued subpoena and notice to CLIENT.

18. COSTS AND ATTORNEYS FEES. If any legal action is brought by either party against the other hereto in connection with or arising out of this Agreement, the party in whose favor a final judgment or order is entered shall be entitled to recover the costs of the action, including reasonable attorneys' fees in addition to any other relief which may be awarded.

19. COUNTERPARTS. This Agreement may be executed in any number of counterparts, and each such counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute one Agreement.

20. NOTICES. All notices and other communications required or permitted to be served by either party hereto upon the other shall be deemed to have been properly given only if such notice is in writing and either personally delivered or sent certified mail, return receipt required, with postage prepaid, and addressed as follows:

To CLIENT: Wachovia Small Business Capital, 1620 East Roseville Parkway, Suite 100, Roseville, California 95661

To EI: The EI Group, Inc., 3240 Office Pointe Place, Suite 200, Louisville, Kentucky 40220, Attention: Mr. Alan R. Grosheider

In like manner, either party from time to time may change the address to which notices to it are to be sent by notifying the other party in writing.

21. FORCE MAJEURE. Any delays in or failure of performance by either CLIENT or EI shall not constitute default or give rise to any claims for damages if and to the extent such delays or failures of performance are caused by occurrences which, by the exercise of reasonable diligence, are beyond the control of EI or CLIENT.

22. SEVERABILITY. In the event that any provision of this Agreement is found to be unenforceable, the remaining provisions shall remain in full force and effect.

23. SURVIVAL. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between CLIENT and EI shall survive the completion of the services and the termination of this Agreement.

24. INTEGRATION. This Agreement, the attached documents and those incorporated herein constitute the entire Agreement between the parties and cannot be changed except by a written instrument signed by both parties. The Parties agree that the provisions of these Terms and Conditions shall control over and govern as to any form, writings signed by the Parties, such as CLIENT Purchase Orders, Work Orders, etc., and that such forms may be issued by CLIENT to EI as a matter of convenience to the Parties without altering any of the terms or provisions hereof.

25. GOVERNING LAW AND VENUE. This Agreement shall be governed in all respects by the laws of the state of North Carolina. Any litigation arising from the terms of this contract or work performed or actions taken hereunder shall be brought in the courts of the state of North Carolina.

END OF AGREEMENT

APPENDIX H
QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS



Bobby Likins, P.G.
Environmental Scientist

Professional Summary

Mr. Likins has been a part of the environmental consulting business since the need for such services expanded in the late 1980s. He has gained a variety of experience in all areas of a Phase I, Phase II, and Phase III Environmental Site Assessments that involve due diligence practice in real estate transfers; regulatory compliance issues involving underground storage tanks, aboveground storage tanks, asbestos, lead, and storm water permitting; and remediation of sites that have been environmentally impacted. Mr. Likins has been intimately involved with National Environmental Policy Act investigations for telecommunications clients throughout his 25 year career.

Education & Training

B.S., Geology, University of Kentucky

Licenses & Registrations

Professional Geologist (P.G.), KY

Certified Professional Geologist (CPG), IN

UST Corrective Action Certified Contractor

Licensed Asbestos Inspector

Lead Paint Risk Assessor

His clientele in the private sector have included the petroleum and chemical industry, coal industry, solid waste management industry, utility companies, commercial and residential developers, hotel and rental property management, restaurateurs, car dealerships, and the U.S. Postal Service. Mr. Likins has gained knowledge in all phases of such projects including hands on field experience, project oversight, project management, and continuing development of client and regulatory agency relationships. He has also written proposals, written reports, reviewed reports, and supervised personnel in the environmental field. His portfolio includes involvement with over 50 underground storage tank closures, some of which required remediation prior to achieving "No Further Action" statuses with the state regulatory agency, performance of numerous Phase Ones, Transaction Screens, Environmental Audits, Asbestos Surveys, Lead Inspections and Lead Risk Assessments. He has received training including OSHA Hazardous Waste Site Operations Training, 29 CFR 1910.120 (40-hour) and (8-hour refresher courses) since 1989; AHERA Asbestos Building Inspector and annual refresher courses; and Lead Inspector and Risk Assessor Ohio Core Training Curriculum.

Specific Project Experience

Hydro geologic studies for landfill facilities

Involved on on-site remediation project that includes installation of several shallow well hydrocarbon recovery systems.

Preformed UST removal programs including supervision, excavation, UST removal, soil and groundwater samplings and analysis.

Conducted Phase I Environmental Site Assessments in industrial, commercial, and residential developments.

Performed asbestos and lead survey of 500,000 square foot United States Postal Service facility.



David M. Furin

Environmental Scientist/Project Manager

Professional Summary

Mr. Furin has over five years of professional experience working as a project manager and technical consultant in the environmental industry. Mr. Furin's professional specialties include: Phase I and Phase II Environmental Site Assessments (ESAs) for individual and commercial clients; conducting groundwater assessments, including development and sampling of monitoring wells to determine type and extent of contamination; NEPA compliance evaluations for existing and new telecommunications tower facilities; soil sampling/on-site soil screening; development of Spill Prevention Control and Countermeasure Plans (SPCC); stormwater, wastewater, and solid/hazardous waste compliance and permitting for industry at local, state, and federal levels; property condition assessments (PCAs).

Education & Training

B.A., English, University of Georgia
M.A., Physical Geography (emphasis on geomorphology), University of Wyoming

Licenses & Registrations

OSHA 40 Hour HAZWOPER Certified
NITON XRF Lead Paint Testing Certified
Completed North Carolina Environmental Health and Safety School

Professional Associations

Association of American Geographers

Publications

Furin, David M. and Dr. Richard A. Marston, 2003, Geomorphic Adjustment of Reclaimed Channels and Hillslopes at a Surface Coal Mine in Northwest Colorado, Worldminds.

Since joining EI in the fall of 2002, Mr. Furin has completed over 200 Phase I Environmental Site Assessments, and reviewed many more. Mr. Furin has worked with industrial facilities on stormwater, wastewater, and solid and hazardous waste compliance and permitting. Prior to joining EI, Mr. Furin was employed as an environmental auditor/project manager with Environmental Resources Management in Atlanta, Georgia. His responsibilities at ERM included participation in a nationwide telecommunications acquisition, conducting and reviewing Phase I and Phase II Site Assessments and NEPA evaluations for property transfers of over 1,500 cell tower facilities and landline facilities. He was also involved in groundwater and soil sampling projects as part of corrective action plans for hazardous and non-hazardous industrial sites.

Specific Project Experience

Regions Bank-Account Manager, National Due Diligence

Mr. Furin serves as the Account Manager for Regions Bank on pre-foreclosure and origination projects. The Special Assets Group relies on EI to conduct environmental due diligence for pre-foreclosure properties throughout the United States, particularly in the Southeast. EI has been providing these services for many years and has continuously attempted to meet the special needs of at-risk property managers. Specifically, EI's approach to environmental due diligence includes doing research necessary to find answers and bring closure to potential issues.

Various Phase I ESAs – Project Manager and Staff

EI provides due diligence services for many individual clients for commercial and industrial real estate deals. As project staff, Mr. Furin performs site visits and writes Phase I ESAs, which include recommendations for recognized environmental conditions and other environmental concerns observed. As a Project Manager, Mr. Furin insures projects are completed to EI's high standards. Relevant to Phase I ESAs, Mr. Furin has completed Comprehensive Environmental Surveys and Site Location Analyses when client scope requires such services.

Carolina Color Corporation-Project Manager, Regulatory Compliance and Permitting for Industrial Facilities

Mr. Furin has managed this project where EI has provided comprehensive environmental regulatory compliance consulting service to Carolina Color Corporation's facilities in Texas, North Carolina, and Ohio. As part of these services, Mr. Furin completed and reviewed regulatory requirements for stormwater, wastewater, and solid/hazardous waste compliance. Evaluations of existing environmental practices at the facilities were made, and Mr. Furin constructed programs to address each facility's individual needs. In addition, various permits were applied for and obtained where necessary.

Sprint Corporation-SPCC Plan Development

Mr. Furin has developed numerous SPCC plans for Sprint telecommunications facilities throughout the country. These plans are based on a thorough inspection of the facilities operations and property vicinity and feature an analysis of potential fuel spills and procedures to minimize the impact of spills. The plans are developed in accordance with existing regulations and standards.

Various Clients and Sites-Property Condition Assessments

Mr. Furin has performed numerous PCAs for lenders to evaluate current physical conditions, values, and depreciation of properties. As a part of the PCAs, immediate and potential deficiencies of properties are noted, and projected costs of maintaining/replacing value on properties are calculated. With these assessments, preliminary capital reserves are recommended for the future. The PCAs focus on building and property envelopes and include assessments of building structure, electrical and mechanical systems, paved areas, utilities, and site improvements.

ALLTEL Communications-Auditor, FCC NEPA Compliance Evaluations/Phase I ESAs

As part of a nationwide project at ERM involving various telecommunications companies, Mr. Furin was part of a team that conducted NEPA evaluations and Phase I ESAs on over 1,500 cell tower and land line facilities throughout the country. For the NEPA evaluations, in addition to a site visit and regulatory database review, the project coordinated with regulatory agencies to address potential effects of these facilities on nearby conservation areas, critical wildlife habitat, endangered and protected species, migratory bird routes, wetlands, etc. The NEPA evaluations also assessed project effects on humans from tower lighting and radiofrequency radiation.

Sprint, Nationwide Facilities-Potable Water Sampling Project

EI provided sampling services to Sprint in an effort to identify sources of elevated lead in water levels in nonresidential facilities. Mr. Furin sampled over 100 of these facilities and submitted results to a lab for analysis. Data received from the analysis was later used in making recommendations for individual facilities to eliminate or improve lead-in-water levels.

APPENDIX I
QA/QC-1 AND QA/QC-2 CHECKLISTS

QA/QC - 1

Specific Issues - Indicate whether your investigation identified **CURRENT OR PAST** environmental concerns relating to any of the following specific environmental issues.

Y/N	Issue	Y/N	Issue
N	Above Ground Storage Tank(s)	Y	Underground Storage Tank(s)
N	Clarifiers	N	Fill or Evacuation Ports
N	Vent Pipes	N	Fuel Islands
Y	Drums	N	Other Containers
N	Surface Staining	N	Solid Waste Disposal
Y	Sumps	N	Pits
N	Ponds	N	Lagoons
N	Stockpiled Soils	N	Distressed Vegetation
N	Oil or Gas Wells	N	Monitoring Wells
N	Domestic Water Wells	N	Dry Wells
N	Underground Pipelines	N	Chemical Processes
N	Waste Treatment	N	Hazardous Waste Storage
N	Septic Systems	N	Waste Water Discharge
N	Dry Cleaners	N	Repair or Servicing Facilities
N	Photo Processing	N	Manufacturing
N	Distribution Warehouse	N	Asbestos Containing Materials
N	High Radon Levels	N	Suspect Lead Containing Paint
N	Lead in Water	N	Others
N	Is/was heating fuel provided by on-site storage fuel oil?	N	On-site use, disposal, treatment, storage, or emission, of significant quantities of hazardous materials or wastes.
N	Evidence of any <u>on-site</u> release of hazardous materials which could impact the subject site?	Y	Evidence of any <u>off-site</u> release of hazardous materials which could impact the subject site.

QA/QC – 2

Historical Research

Use this form to document the historical sources you consulted.

[illegible]

[illegible]

APPENDIX J
MOLD CHECKLIST

Mold Checklist

NOTE: If visible mold (larger than 10 SF) is observed during the ESA, it should be noted in the report.

The following items should be evaluated to assist in determining the potential for fungi and bacteria contamination. Check YES, NO, NA (Not Applicable), or NI (Inspection Not within the scope of this assignment.) Include a description of answers which result in recommendation for correction or additional evaluation under Wells Fargo's guidelines.

Interview – Is the owner/operator aware of:	YES	NO
1. Current or past flood damage?		
2. Current or past water leaks?		
3. Past abatement or correction mold conditions occurred?		
4. Complaints of symptoms common to mold response?		
5. Current or past allegations of mold-related ailments, sick building syndrome or similar condition?		

Inspection	YES	NO	NA	NI
6.0 Roof				
6.1 Is there any visible mold present?				X
6.2 Is the roof in poor condition?				X
6.3 Are roof vents blocked?				X
7.0 Heating Ventilation and Air Conditioning - Air intake vents				
7.1 Is there any evidence of mold on or around the air intake?		X		
7.2 Is there evidence of standing water near the air intake?		X		
7.3 Is there any accumulation of organic materials near the air intake?		X		
7.4 Is the air intake unscreened?		X		
7.5 Is the air intake blocked?		X		
7.6 Is there a cooling tower located within 25 feet of the air intake?		X		
8.0 Heating Ventilation and Air Conditioning - Air Handling				
8.1 Is there evidence of mold in, on or around an air handling unit?		X		
8.2 Are return air filters moldy, dirty or blocked?		X		
8.3 Is there standing water in or around the air handling units?		X		
9.0 Ductwork and Plenums				
9.1 Are return air ducts and plenum clean?	X			
9.2 Are supply ducts clean?	X			
9.3 Was mold observed in supply or return air ducts or plenum?		X		
10.0 Building Exterior				
10.0 Did you observe staining or discoloration of the building exterior which is not an intended finish and did not appear to result from rust?				X
10.2 Is there a musty smell or strong odor present?		X		
10.3 Does the exterior slope away from the building?				X
10.4 Are crawlspace vents blocked?			X	
11.0 Building Interior				
11.1 Is there any visible mold present?		X		
11.2 Is there a musty smell or strong odor present?		X		
11.3 Did you observe staining or discoloration of the floor, walls, ceiling, fixtures or finish materials?		X		
11.4 Did you observe evidence of current or past water leaks?		X		
11.5 Did you observe crumbling or degrading of walls or ceilings?		X		
11.6 Did you observe bubbling or swelling of painted surfaces?		X		
11.7 Are sewer injectors located in the building?		X		
a) Do they appear to be working properly?			X	

Wells Fargo specifically recognizes that, though the individual completing this inspection is a trained observer of real estate, recognizing, detecting, and measuring the presence of mold may be beyond the scope of her/his expertise. Neither the individual completing this inspection, nor the firm engaged in completion of this assignment has any liability for the identification of mold-related concerns except as defined in applicable industry standards.

APPENDIX K
ENVIRONMENTAL ASSESSOR DATA FORM

ENVIRONMENTAL ASSESSOR DATA

Environmental Assessor Company: EL, Inc. (Morrisville, North Carolina)

Name of Assessor Verifying Form: David M Furin, REM

Property Address: Haul Away Residential and Commercial Clean Up, 1450 West Hatcher Road, Phoenix, Arizona

Description of Assessment Report(s): Phase I Environmental Site Assessment

Please state:

1. Certification and Licensing Information

David Furin – Registered Environmental Manager

2. Length of Experience

David M. Furin – 10 years of professional experience

3. List of Memberships in Environmentally-Related Groups and Associations

David M. Furin: Registered Environmental Manager (REM)

4. List of Assessing Personnel and Their Positions

David M. Furin – Senior Environmental Scientist/Project Manager

5. Description of Standards Complied with in Phase I and Phase II Audits

ASTM E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process

6. Please attach a Cover Sheet for Professional Liability Insurance in the Amount of \$1,000,000 per occurrence, or more

7. Describe Any Prior Environmental Inspections Provided to Buyer or Seller

None

8. Describe Any Previous or Current Affiliations with Buyer or Seller

None

“I certify under penalty for false statements as set forth in 18 USC 1001, et.seq., that the above information is true and correct tot he best of my knowledge., and that I am aware that Wachovia Bank, NA. will be relying on the conclusions and recommendations provided within the Phase I report.”

By: 

Date: December 28, 2009

APPENDIX L
CERTIFICATE OF LIABILITY INSURANCE

ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
10/08/09

PRODUCER Wells Fargo Insurance Services USA-CH,NC 6100 Fairview RD/STE 800 P O Box 220748 Charlotte NC 28222		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED The EI Group, Inc. 2101 Gateway Centre BLVD/STE 200 Morrisville NC 27560		INSURERS AFFORDING COVERAGE	NAIC #
		INSURER A: Hartford Casualty Insurance Company	29424
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$	
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	22UUNJC9703	06/20/09	06/20/10	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$	
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$	
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC22WBAA1147	06/20/09	06/20/10	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000	
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

Wachovia Small Business Capital
1620 East Roseville Parkway
Suite 100
Roseville, CA 95661

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.