

This instrument was prepared by:
Pulvair Site Group
c/o de maximis, inc.
450 Montbrook Lane
Knoxville, TN 37919

NOTICE OF LAND USE RESTRICTIONS

Notice is hereby given that pursuant to Tennessee Code Annotated (T.C.A.) Section 68-212-225 (Notice of Land Use Restrictions - updated in 2012) under Title 68 Health Safety and Environmental Protection - Chapter 212 Hazardous Waste Management Part 2 - the *Hazardous Waste Management Act of 1983*, the Commissioner of the Tennessee Department of Environment and Conservation ("TDEC") has determined that land use restrictions are an appropriate remedial action to supplement the remediation and closure at the below-described property. Pursuant to T.C.A. Section 68-212-225(d) the register of deeds shall record this Notice and index it in the grantor index under the names of the owners of the land.

Witnesseth:

WHEREAS, the City of Millington, Tennessee, a Tennessee municipal corporation, (herein referred to as the "City") became the owner through a tax foreclosure sale of certain real property described as Exhibit 18129, Exhibit 18134, and Exhibit 18135 in Clerk and Master's Tax Deed recorded as Instrument 03092657 in the Register's Office of Shelby County, Tennessee, which property is more particularly described in Exhibit A attached hereto and made a part hereof by reference (hereinafter referred to as the Property); and

WHEREAS, the Property has been the subject of Federal and State environmental compliance actions; and

WHEREAS, the City, as owner of said Property, desired to impose certain covenants and restrictions as to the use of said Property as set out herein;

WHEREAS, the Property to be restricted is further identified in the Register's Office of Shelby County, Tennessee as Parcel Identification Numbers M0126-00041, M0126-00148, and M0126-00149,

WHEREAS, the City, as owner of said Property, established a Restrictive Covenant that imposed restrictions to limit the Property use to open space and also restricted the installation of water wells and the use of groundwater. These restrictions are described and recorded as Instrument 06096507, dated July 15, 2006, in the Register's Office of Shelby County, Tennessee, which are particularly described in Exhibit B;

Notice of Land Use Restrictions for:
Pulvair Site # 79-742
4599 Big Creek Church Road
Millington, Tennessee 38053

WHEREAS, the City, as owner of said Property, established a correction to the Restrictive Covenant as described and recorded as Instrument 08143818 and dated November 5, 2008 in the Register's Office of Shelby County, Tennessee. This instrument addressed an erroneous survey call in the description of Parcel I from Instrument 06096507 and the same erroneous call in the description of Exhibit 18129 from Instrument 03092657. The corrected Restrictive Covenant is particularly described in Exhibit C.

NOW, THEREFORE, in consideration of the premises and for the benefit to be derived therefrom, the City does hereby create and impose the additional land use restrictions on said Property pursuant to T.C.A. § Section 68-212-225. Said land use restrictions shall run with the land and shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner thereof and to TDEC and the respective successors and assigns of such parties:

Location of Contamination

The Property is comprised of three separate parcels/exhibits as described above. The land use restrictions below, relative to the Property, are based on reported concentrations of arsenic in certain areas of the Property as defined in the *Phase 1/2/3 Remedial Investigation Report* dated July 13, 2011 and approved by TDEC on August 4, 2011. Remedial options for the Property, including the arsenic-impacted soils, were identified and evaluated in the *Engineering Evaluation / Cost Analysis (EE/CA) Report* dated August 5, 2011 and approved by TDEC on November 18, 2011. The remedial approach for the Property was presented in a public meeting held on February 14, 2012. Pursuant to the proposed remedial approach, areas of the Property that exceeded risk-based criteria for direct contact were to be covered with imported soil fill to reduce the potential for contact with arsenic-impacted soil. Lateral extents of arsenic-impacted soil that were to remain on the Property- were to be surveyed by a licensed surveyor in the State of Tennessee such that additional restrictions could be placed on the Property pursuant to. T.C.A. § Section 68-212-225

The *Final Interim Remedial Action Work Plan (FIRAWP)* dated February 24, 2014, and approved by TDEC on May 12, 2014, described remedial activities to occur at the Property, including construction of a soil cover ("Cover") that was applied to the Property over the locations shown in Exhibit D (Figure 1). Furthermore, areas with arsenic-impacted soil exceeding direct contact risk-based criteria (an area of approximately 288,000ft²) had a "witness barrier" installed over the top of the arsenic-impacted soil. The witness barrier, a permanent material that marks the vertical location of the 32,000yd³ of arsenic-impacted soil that underlies the imported clean soil fill, was placed on top of the affected areas prior to construction of the Cover.

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Pursuant to T.C.A. Section § 68-212-225 (b) (2), the surveyed coordinates of this witness barrier are identified and presented in Exhibit D (Figure 1). An 18-inch thick Cover (12 inches of imported fill and 6 inches of topsoil) was placed atop the witness barrier / arsenic-impacted soil as shown in Figure 1. The *FIRAWP* also provided for an End Use for the Site pursuant to the *Alternate Final Site End Use Plan* dated February 4, 2014 that was adopted by the City of Millington's Board of Mayor and Aldermen via Resolution 41-2014 on September 8, 2014. As part of the completion of the *FIRAWP*, the *Final Interim Remedial Action (FIRA) Report* was submitted to TDEC on March 15, 2016 and was approved by TDEC on July 27, 2016.

Land Use Restrictions

The City agrees that the use of Property will be restricted as follows:

1. The use of the Property shall be restricted to use as open space land as defined in T.C.A. § 67-5-1004(7), that is, land other than agricultural and forest land, of not less than three acres, characterized principally by open or natural condition, whose preservation would tend to provide the public with one or more of the benefits enumerated in T.C.A. § 67-5-1002.
2. Prior to any part of the Property being used for any other use (e.g., a residence, domicile, daycare, school, recreational development, church, or any other development), the Property owner at that time must notify the Commissioner of TDEC and must demonstrate to the satisfaction of the Commissioner of TDEC that any such proposed use will not pose a danger to public health, safety, or the environment. In addition, the Property owner must also notify a representative of the Pulvair Site Group via the Law Offices of Black McLaren Jones Ryland & Griffiee, P.C. Future activities shall not modify the Cover for the Property as shown in Exhibit D (Figure 1). Any approval granted by the Commissioner of TDEC for such uses shall be in writing, must contain a reference to this instrument, and shall be filed with the Shelby County Register of Deeds.
3. The installation of groundwater wells and use of groundwater at, on, under, or from the Property is strictly prohibited, except for monitoring or remediation approved by TDEC. Prior to the installation of any well(s) for any reason, the Grantor, its successors, and/or assigns must obtain approval in writing from TDEC.
4. Arsenic-impacted soil has been surveyed and is covered beneath a witness barrier, which in-turn underlies eighteen inches of imported and compacted clean soil fill and topsoil. Vegetation has been established in this area and throughout the Property and is to be maintained to ensure the long-term sustainability of the cover system. Areas of impacted soil are depicted by survey coordinates on Exhibit D (Figure 1) as surveyed by a licensed surveyor in the State of Tennessee. The Cover must be

Notice of Land Use Restrictions for:
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properly maintained in accordance with a TDEC-approved Operation and Maintenance Plan (Exhibit E). The Cover shall not be damaged or removed unless replaced by structural surfaces and/or hardscape with similar integrity. Any replacement of the Cover must be reviewed and approved prior to any work commencing by TDEC.

5. Prior to (a) any intrusive activity (i.e., any activity, such as digging, excavation, or mining that penetrates or otherwise disturbs the Property), (b) any activities that may adversely affect the Cover (including removal or harm to vegetation), or (c) any such action that involves the off-site removal and/or any resulting exposure or excavation of soils from the Property, the Property Owner at the time of such action must notify the Commissioner of TDEC of such planned action and demonstrate to the Commissioner of TDEC's satisfaction that such action will be managed in accordance with applicable regulatory requirements and will not compromise the Cover. Any approval granted by TDEC for the proposed disturbance shall be in writing. In addition, the Property owner must also notify a representative of the Pulvair Site Group via the Law Offices of Black McLaren Jones Ryland & Griffee, P.C.

6. Prior to the installation of any enclosed structure [i.e., an occupied (or potentially occupied) structure on a slab foundation (or on enclosed piers) that has a roof and walls on all sides which prevent the free exchange of indoor air with outdoor (ambient air)] on the Property, the Property Owner shall evaluate whether environmental conditions pose a threat of vapor intrusion into the new building(s), and shall share its findings with TDEC. If warranted based upon the data obtained, any new building(s) shall be equipped with one or more effective vapor mitigation features (e.g., membrane or other barrier) approved by TDEC. No one will disturb, modify, damage or remove any vapor mitigation barrier at any structure at the Property, unless first approved in writing by TDEC and pursuant to an approved work plan.

7. Prior to the transfer of title of the Property, the Property owner shall notify the Commissioner of TDEC of such transfer. In addition, the Property owner must also notify a representative of the Pulvair Site Group via the Law Offices of Black McLaren Jones Ryland & Griffee, P.C.

Any person or entity that petitions the Department for approval of restricted uses or seeks to cancel or make a Restriction less stringent shall be responsible for any costs incurred by the Department in the review and oversight of work associated with the restriction modification.

Enforcement

Any owner of the Property or any unit of local government having jurisdiction over any part of the Property may enforce this Notice of Land Use Restrictions by means of a civil action. The Commissioner of TDEC may enforce this Notice of Land Use Restrictions through the issuance of an Administrative Order or by means of a civil

Notice of Land Use Restrictions for:
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action, including one to obtain an injunction against present or threatened violations of the restriction. TDEC is granted full right of access to the Property for the purpose of implementation or enforcement of this Notice of Land Use Restriction. Pursuant to T.C.A. Section § 68-212-213, any person who fails, neglects, or refuses to comply with a land use restriction commits a Class B misdemeanor and is subject to the assessment of a civil penalty of up to ten thousand dollars (\$10,000) per day.

Term

This Notice of Land Use Restrictions shall run with and bind the Property and shall be binding upon all holders and their grantees, lessees, authorized agents, employees, or persons acting under their direction or control unless/until this Declaration shall be made less stringent or canceled as set forth under the paragraph entitled "Amendment and Termination."

Amendment and Termination

This Notice of Land Use Restrictions may be made less stringent or canceled by the Commissioner of TDEC subject to the requirements of TCA 68-212-225 if the risk has been eliminated or reduced so that less restrictive land use controls are protective of human health and the environment. No amendment to or termination of this Notice of Land Use Restrictions shall be effective until such amendment or instrument terminating this Notice of Land Use Restrictions is recorded by the Shelby County Register's Office. Any such cancellation or amendment shall be made after public notice and an opportunity for public input as provided in T.C.A. Section § 68-212-225. An amendment or termination of this land use restriction is subject to TDEC approval and must be approved in writing before any amendment or termination is made.

Severability

Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

[Signature pages follow]

Notice of Land Use Restrictions for:
Pulvair Site # 79-742
4599 Big Creek Church Road
Millington, Tennessee 38053

Approved by:

Tennessee Department of Environment and Conservation, Division of Remediation

Name: Steve Goins

Title: Director

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Steve Goins with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Director of the Division of Remediation and is authorized to execute this instrument on behalf of the Department.

WITNESS my hand, at office, this _____ day of _____, 2016

Notary Public

My Commission Expires: _____

Name: _____

Notice of Land Use Restrictions for:
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Millington, Tennessee 38053

IN WITNESS WHEREOF, the undersigned has executed this instrument this ____ day
of _____, 2016.

City of Millington, a Tennessee municipal
corporation, as fee owner

By: _____
Title: _____

STATE OF _____)

COUNTY OF _____)

Personally appeared before me, the undersigned, a Notary Public having
authority within the State and County aforesaid, _____, with whom I
am personally acquainted, and who acknowledged that he executed the within
instrument for the purposes therein contained, and who further acknowledged that he
is the/a(n) _____ of the City of Millington, a Tennessee municipal
corporation (the "City"), and is authorized by the City to execute this instrument on
behalf of the City.

WITNESS my hand, at office, this ____ day of _____, 2016.

Notary Public

My Commission Expires: _____

Name: _____

Notice of Land Use Restrictions for:
Pulvair Site # 79-742
4599 Big Creek Church Road
Millington, Tennessee 38053

Exhibit A

Property Description
Shelby County Register Office - Instrument 03092657



Tom Leatherwood
Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



03092657

05/13/2003 - 01:38 PM

5 PGS : R - QUIT CLAIM	
STEVEJ	133738-3092657
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	20.00
TOTAL AMOUNT	47.00

TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by:
Barbara B. Lapidés
Hanover, Walsh, Jalenak & Blair, PLLC
22 N. Front Street, Fifth Floor
Memphis, Tennessee 38103-2156

CLERK AND MASTER'S TAX DEED

This deed is made by Kenny W. Armstrong, Clerk and Master of the Chancery Court of Shelby County, Tennessee to:

*The City of Millington, Tennessee
7930 Nelson, Millington, Tennessee 38053*

Whereas, a bill was filed in the Chancery Court of Shelby County, Tennessee, on March 31, 2000 by the State of Tennessee in its own behalf and for the use and benefit of Shelby County, Tennessee and if applicable, the City of Memphis, Tennessee; the Incorporated Municipality of Arlington, Tennessee; the Incorporated Municipality of Millington, Tennessee; the Incorporated Municipality of Collierville, Tennessee, Plaintiffs, against Delinquent Taxpayers according to the 1998 Delinquent Tax Records of the Shelby County Trustee, Defendants, being Cause Number 9461-3 T.R.D., and Consolidated Causes of the Chancery Court of Shelby County, Tennessee, to recover taxes due the Complainants from said Defendants; and

Whereas, a decree was duly rendered in said cause by said Court on January 27, 2003, recorded in Tax Minute Book 103, Page 189, commanding the Clerk and Master to sell certain Exhibits in Tax Sale Number 98.01B thereof, namely Exhibits Number 18129, 18135, 18136, and 18137 assessed in the name of Robert H. Odabashian, their unknown heirs or assigns; Exhibit Number 18134 in the name of Kevin A. McDonell, their unknown heirs or assigns; and Exhibit Number 18138 in the names of Robert H. and Muriel R. Odabashian, their unknown heirs or assigns, which are the tracts of land situated in Shelby County, Tennessee, and described as follows:

Property Descriptions

Exhibit 18129:

Beginning part of the E.A. Harrold's (now Robert Porter and wife, Julia Porter) 90.25 acres of Lots 2 and 6 of the Subdivision of G.W.L. Holmes' Big Creek Plantation in Hargis' 2100 acre tract, and being more particularly described as follows:

Beginning at an iron stake at the intersection of the Illinois Central Railroad west right-of-way line and the south line of Big Creek Church

Road; thence south 25 degrees 45 minutes west 346.62 feet along west right-of-way of Illinois Central Railroad to stake in Porter's southeast corner and Brandon Jarrett's northeast corner; thence north 90 degrees 0 minutes west 540.58 feet along Porter south line and Jarrett north line to an iron stake, thence north 25 degrees 45 minutes east 938.97 feet to an iron stake in south line of Big Creek Church Road; thence south 80 degrees 35 minutes east to the point of beginning.

Being the same property conveyed to Robert H. Odabashian by deed of record as Instrument E7 0042 in the Shelby County Register's office.

Exhibit 18135:

Beginning at an iron pipe in the south line of Big Creek Church Road a measured distance of 653.41' west of the west right-of-way line of the Illinois Central Railroad; said iron pipe or beginning point being monumented by a nail driven in the center line of Big Creek Church Road; thence from said beginning point south 24° and 24' west a distance of 302.71' to an iron pipe; thence south 80° and 59' east a distance of 150' to an iron pipe, said last course being parallel with the center line of Big Creek Church Road; thence south 24° and 29' west a measured distance of 619' to an iron pipe in an existing fence line; thence due west a measured distance of 477.97' to a stake in the said fence line; thence north 14° and 09' east a measured distance of 975.30' to an iron pipe in the south line of Big Creek Church Road; thence south 80° and 59' east and running with the south line of Big Creek Church Road a distance of 481.50' to the point of beginning.

Being the same property conveyed to Robert H. Odabashian by deed of record as Instrument E7 0039 in the Shelby County Register's Office.

Exhibit 18136:

Beginning at a stake set in the south line of Big Creek Church Road (50' wide) a measured distance of 1348.64' west of the west right-of-way line of the Illinois Central Railroad, said measurement being along the south line of Big Creek Church Road, said beginning point being monumented by a nail driven in the center line of Big Creek Church Road; thence from said beginning point south 14° and 09' west a measured distance of 209.0' to a stake; thence south 80° and 59' west a measured distance of 203.73' to a stake, said stake being 209' from an iron pipe located in the south line of Big Creek Church Road; thence south 14° and 09' west a measured distance of 766.30' to a stake set in an existing fence row; thence due west a measured distance of 501.95' to a stake in the aforementioned fence row; thence north 12° and 35' east a distance of 1052.09' to a stake set in the

south line of Big Creek Church Road; thence south 80° and 59' east and running with the south line of Big Creek Church Road a distance of 308.82' to the point of beginning.

Being the same property conveyed to Robert H. Odabashian by deed of record as Instrument E7 0037 in the Shelby County Register's Office.

Exhibit 18137:

Beginning at a stake set in the south line of Big Creek Church Road (50' wide) a measured distance of 1657.46' west of the west right-of-way line of the Illinois Central Railroad, said beginning point being monumented by a spike driven in the center line of Big Creek Church Road; thence south 12° and 35' west a measured distance of 1052.09' to a stake set in an existing fence row; thence due west a measured distance of 349.3' to a point in the center line of an existing ditch, said point being monumented by a wooden stake driven in the fence row 47.3' to the east; thence from said point in the center line of the existing ditch north 3° and 29' east a measured distance of 1110.25' to a stake set in the south line of Big Creek Church road, said stake being monumented by a spike found in the center line of Big Creek Church Road; thence south 80° and 59' east and running with the south line of a 50' wide Big Creek Church Road a distance of 517.55 feet to the point of beginning. The above description in accordance with survey of L.W. Murphy dated May 21, 1967.

Being the same property conveyed to Robert H. Odabashian by deed of record as Instrument E7 0041 in the Shelby County Register's Office.

Exhibit 18134:

Certain property located on the South side of Big Creek Church Road, 509.42 feet West of the West line of the Illinois Central Railroad in Shelby County, Tennessee, being part of the property referenced in Instrument Nos. E7 0039, E9 3498 and G5 2616 as recorded in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows: BEGINNING at a point in the South right of way line of Big Creek Church Rd. (50 foot right of way) 509.42 feet west of the west line of the Illinois Central Railroad; thence along existing fence South 25° 16' 41" West 440.0 feet to a point; thence North 64° 43' 19" West 180.0 feet to a point; thence North 25° 16' 41" East 388.36 feet to a point in the South right of way line of Big Creek Church Road; thence along said South right of way line South 80° 43' 49" East, 187.26 feet to the point of beginning.

Subject to easements of record as Instruments No. S1 4434, F2 0169 and

in Book 2115, Page 101 in said Register's office.

Exhibit 18138:

Part of Robert Porter's 90.25 acres of Lots 2 and 6, of G & L Holmes Big Creek Plantation, in Shelby County, Tennessee, more particularly described as follows:

Beginning at an iron pin; the south west corner of said Porter tract; thence with the south line of said tract north 89 degrees 13 minutes east 340.6 feet to an iron pin in the center of a ditch; thence with the center of said ditch north 1 degree 56 minutes east 800 feet to a point; thence continuing with center of said ditch north 5 degrees 53 minutes east 343.3 feet to a P.K. Nail in the center of Big Creek Church road; thence with the center of said road north 81 degrees 05 minutes west 338.6 feet to a point with said west line south 3 degrees 13 minutes west 1200.8 feet to the beginning, containing 8.88 acres of land.

Being the same property conveyed to Robert H. Odabashian and sife Muriel R. Odabashian by deed of record as Instrument F6 8492 in the Shelby County Register's office.

And, whereas, said tracts of land were accordingly sold by me, and the City of Millington, Tennessee, became the purchaser; and said sale was duly confirmed by the Court on March 17, 2003 by Decree recorded in Tax Minute Book 103, Page 306; and, all right, title and interest of the said Robert H. Odabashian, Muriel R. Odabashian and Kevin A. McDonell, their unknown heirs or assigns, was divested out of said defendants and vested in the CITY OF MILLINGTON, TENNESSEE as an indefeasible inheritance in fee simple forever, subject only to the right of defendant owners of the said property to redeem the same within one year and any taxes hereinafter mentioned.

And, whereas, the Clerk and Master was by said decree directed to execute and deliver a deed conveying the said property subject to the equity of redemption of one year and subject to all taxes not sued for herein which are now due and payable and which remain unpaid after the application of the proceeds as provided in said Decree. The one year equity of redemption period commenced to run on March 17, 2003.

Now, therefore, in consideration of the premises and of following sums paid by the CITY of MILLINGTON, TENNESSEE:

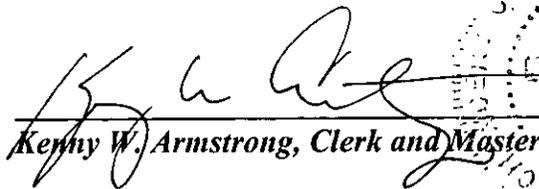
- Exhibit 18129.....\$196,547.70
- Exhibit 18135.....\$ 80,883.34
- Exhibit 18136.....\$ 49,110.57
- Exhibit 18137.....\$ 32,246.39

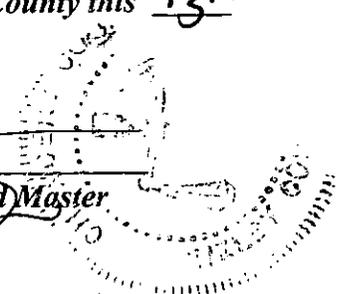
Exhibit 18134.....\$ 51,932.41

Exhibit 18138.....\$ 10,598.74

I, **Kenny W. Armstrong, Clerk and Master of the Chancery Court of Shelby County, Tennessee** by virtue of the power and authority conferred upon me by said decree do, by this deed grant, convey and confirm unto the said **CITY OF MILLINGTON, TENNESSEE** all right, title and interest of the said defendants and all parties claiming through, from or under them in and to the aforesaid tracts of land and every part thereof with the appurtenances thereto attached as an indefeasible inheritance in fee simple, subject to the lien of all taxes not sued for herein which are now due and payable and which remain unpaid after the application of the proceeds as provided in said Decree and further subject to the statutory equity of redemption of the said defendant owners.

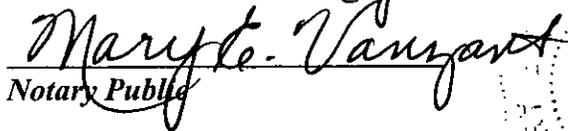
Witness my hand and seal of the Chancery Court of Shelby County this 13th day of MAY, 2003.

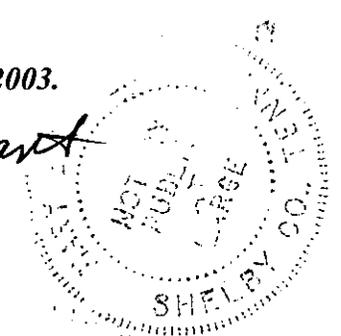

Kenny W. Armstrong, Clerk and Master



State of Tennessee
County of Shelby

Subscribed and sworn to before me this 13th day of May, 2003.


Notary Public



My Commission Expires:
10/12/04

Tax Bills to Be Sent To (Property Owner's Name and Address):
City of Millington, Tennessee
P.O. Box 247
Millington, Tennessee 38083

This deed is exempt from recording tax pursuant to T.C.A. Sec.67-4-409(f) as a conveyance to a municipality.

Notice of Land Use Restrictions for:
Pulvair Site # 79-742
4599 Big Creek Church Road
Millington, Tennessee 38053

Exhibit B

Restrictive Covenant

Shelby County Register Office - Instrument 06096507



Tom Leatherwood
Shelby County Register

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Office of the Shelby County Register.

	
06096507	
06/15/2006 - 03:28 PM	
5 PGS : R - SUB RESTRICTION	
DEBBIES 410033-6096507	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	27.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Prepared by and Returnable to:

LLOYD C. KIRKLAND, JR.
Attorney at Law
5050 Poplar Avenue, Suite 1632
Memphis, Tennessee 38157

RESTRICTIVE COVENANT

WHEREAS, the City of Millington, Tennessee, a Tennessee municipal corporation, (herein referred to as the "City") became the owner through a tax foreclosure sale of certain real property described as Exhibit 18129, Exhibit 18134, and Exhibit 18135 in Clerk and Master's Tax Deed recorded as Instrument 03092657 in the Register's Office of Shelby County, Tennessee, which property is more particularly described on Exhibit A attached hereto and made a part hereof by reference (hereinafter referred to as the Property); and

WHEREAS, the Property has been the subject of Federal and State environmental compliance actions; and

WHEREAS, the City, as the owner of said Property, desires to impose certain covenants and restrictions as to the use of said Property as set out herein;

NOW, THEREFORE, in consideration of the premises and for the benefit to be derived therefrom, the City does hereby create and impose the following restrictive covenant on said Property;

The use of the Property shall be restricted to use as open space land as defined in T.C.A. § 67-5-1004(8), that is, land

other than agricultural and forest land, of not less than three acres, characterized principally by open or natural condition, whose preservation would tend to provide the public with one or more of the benefits enumerated in T.C.A. § 67-5-1002, which benefits are stated below:

- (1) The use, enjoyment, and economic value of surrounding residential, commercial, industrial, or public use lands.
- (2) The conservation of natural resources, water, air and wildlife.
- (3) The planning and preservation of land in an open condition for the general welfare.
- (4) A relief from the monotony of continued urban sprawl.
- (5) An opportunity for the study and enjoyment of natural areas by urban and suburban residents who might not otherwise have access to such amenities.

Open space land includes land primarily devoted to recreational use, and such use is expressly permitted by this Restrictive Covenant.

No water wells shall be drilled or constructed on the Property for the purposes of domestic, lawn and garden and/or other human contact uses. This restriction does not prohibit construction or drilling of water wells to be used for ground water monitoring or for product or contaminated ground water recovery or other remediation activities. Wells shall not be used for human contact uses.

This covenant and restriction shall constitute a covenant running with the land in perpetuity as to the Property and shall be binding upon the City and its successors and assigns.

IN WITNESS WHEREOF, the City has caused this instrument to be executed this 26 day of May, 2006.

CITY OF MILLINGTON, TENNESSEE

By: *Terry G. Jones*
Terry G. Jones, Mayor

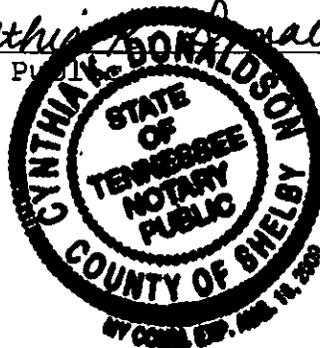
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public of the state and county aforesaid, personally appeared Terry G. Jones, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Mayor of the City of Millington, the within named grantor, a Tennessee municipal corporation, and that he as such Mayor, executed the foregoing instrument for the purposes therein contained, by signing the name of the City of Millington by himself as Mayor.

WITNESS my hand and seal at office on this day of May 26, 2006.

Cynthia Donaldson
Notary Public

My Commission Expires:
August 16, 2009



Parcel Identification Number:
Parcel I - M01-026-41
Parcel II - M01-026-149
Parcel III - M01-026-148

EXHIBIT A — PROPERTY

Parcel I

Exhibit 18129:

Beginning part of the E.A. Harrold's (now Robert Porter and wife, Juia Porter) 90.25 acres of Lots 2 and 6 of the Subdivision of G.W.L. Holmes' Big Creek Plantation in Hargis' 2100 acre tract, and being more particularly described as follows:

Beginning at an iron stake at the intersection of the Illinois Central Railroad west right-of-way line and the south line of Big Creek Church Road; thence south 25 degrees 45 minutes west 346.62 feet along west right-of-way of Illinois Central Railroad to stake in Porter's southeast corner and Brandon Jarrett's northeast corner; thence north 90 degrees 0 minutes west 540.58 feet along Porter south line and Jarrett north line to an iron stake; thence north 25 degrees 45 minutes east 938.97 feet to an iron stake in the south line of Big Creek Church Road, thence south 80 degrees 35 minutes east to the point of beginning.

Being the same property conveyed to Robert H. Odabashian by deed of record as Instrument E7 0042 in the Shelby County Register's office.

Parcel II

Exhibit 18134:

Certain property located on the South side of Big Creek Church Road, 509.42 feet West of the West line of the Illinois Central Railroad in Shelby County, Tennessee, being part of the property referenced in Instrument Nos. E7 0039, E9 3498, and G5 2616 as recorded in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows: BEGINNING at a point in the South right of way line of Big Creek Church Rd. (50 foot right of way) 509.42 feet west of the west line of the Illinois Central Railroad; thence along existing fence South 25° 16' 41" East 388.36 feet to a point in the South right of way line of Big Creek Church Road; thence along said South right of way line South 80° 43' 49" East 187.26 feet to the point of beginning.

Subject to easements of record as Instruments No. S1 4434, F20169 and in Book 2115, Page 101 in said Register's office.

Parcel III

Exhibit 18135:

Beginning at an pipe in the south line of Big Creek Church Road, a measured distance of 653.41' west of the west right-of-way line of the Illinois Central Railroad; said iron pipe or beginning point being monumented by a nail driven into the center line of Big Creek Church Road; thence from said beginning point south 24° and 24' west a distance of 302.71' to an iron pipe; thence south 80° and 59' east a distance of 150' to an iron pipe,

said last course being parallel with the center line of Big Creek Church Road; thence south 24° and 29' west a measured distance of 619' to an iron pipe in an existing fence line; thence due west a measured distance of 477.97' to a stake in the said fence line; thence north 14° and 09' east a measured distance of 975.30' to an iron pipe in the south line of Big Creek Road; thence south 80° and 59' east and running with the south line of Big Creek Church Road a distance of 481.50' to the point of beginning.

Being the same property conveyed to Robert H. Odabashian by deed of record as Instrument E7 0039 in the Shelby County Register's Office.

Notice of Land Use Restrictions for:
Pulvair Site # 79-742
4599 Big Creek Church Road
Millington, Tennessee 38053

Exhibit C

Corrected Restrictive Covenant

Shelby County Register Office - Instrument 08143818



Tom Leatherwood
Shelby County Register

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Office of the Shelby County Register.

	
08143818	
11/05/2008 - 12:53 PM	
5 PGS : R - SUB RESTRICTION	
KATHY 608225-8143818	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	27.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Prepared by and Returnable to:

LLOYD C. KIRKLAND, JR.
Attorney at Law
5050 Poplar Avenue, Suite 1632
Memphis, Tennessee 38157-1632

CORRECTED RESTRICTIVE COVENANT

WHEREAS, the City of Millington, Tennessee, a Tennessee municipal corporation (herein referred to as the "City"), became the owner through a tax foreclosure sale of certain real property described as Exhibit 18129, Exhibit 18134, and Exhibit 18135 in the Clerk and Master's Tax Deed recorded as Instrument 03092657 in the Register's Office of Shelby County, Tennessee, which property is more particularly described on Exhibit A attached hereto and made a part hereof by reference (hereinafter referred to as the "Property"); and

WHEREAS, the Property has been the subject of Federal and State environmental compliance actions; and

WHEREAS, the City, as the owner of said Property, desires to impose certain covenants and restrictions as to the use of said Property as set out herein;

NOW, THEREFORE, in consideration of the premises and for the benefit to be derived therefrom, the City does hereby create and impose the following restrictive covenant on said Property;

The use of the Property shall be restricted to use as open space land as defined in T.C.A., § 67-5-1004(8), that is, land other than agricultural and forest land, of not less than three acres, characterized principally by open or natural condition, whose preservation would tend to provide the public with one or more of the benefits enumerated in T.C.A., § 67-5-1002, which benefits are stated below:

- (1) The use, enjoyment, and economic value of surrounding residential, commercial, industrial, or public use lands
- (2) The conservation of natural resources, water, air, and wildlife

- (3) The planning and preservation of land in an open condition for the general welfare
- (4) A relief from the monotony of continued urban sprawl
- (5) An opportunity for the study and enjoyment of natural areas by urban and suburban residents who might not otherwise have access to such amenities

Open space land includes land primarily devoted to recreational use, and such use is expressly permitted by this Restrictive Covenant.

No water wells shall be drilled or constructed on the Property for the purposes of domestic, lawn and garden, and/or other human contact uses. This restriction does not prohibit construction or drilling of water wells to be used for ground water monitoring or for product or contaminated ground water recovery or other remediation activities. Wells shall not be used for human contact uses.

This covenant and restriction shall constitute a covenant running with the land in perpetuity as to the Property and shall be binding upon the City and its successors and assigns.

This Restrictive Covenant is being re-recorded for the purpose of correcting an erroneous call in the description of Parcel I as shown on Exhibit A. The correct call in said description should be "846.62 feet," not "346.62 feet."

This Restrictive Covenant is also being re-recorded for the purpose of restoring an inadvertently omitted portion of the legal description of Parcel II as shown on Exhibit A, to wit: ". . . thence along existing fence South 25° 16' 41" West 440.0 feet to a point; thence North 64° 43' 19" West 180.0 feet to a point; thence North 25° 16' 41" East 388.36 feet to a point"

IN WITNESS WHEREOF, the City has caused this instrument to be executed this 23rd day of October, 2008.

CITY OF MILLINGTON, TENNESSEE

By: *Terry G. Jones*
Terry G. Jones, Mayor

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public of the state and county aforesaid, personally appeared Terry G. Jones, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Mayor of the City of Millington, the within-named grantor, a Tennessee municipal corporation, and that he as such Mayor, executed the foregoing instrument for the purposes therein contained, by signing the name of the City of Millington by himself as Mayor.

WITNESS my hand and seal at office on this 23rd day of October, 2008.

Laura E. De Luca
Notary Public
My Commission Expires: 5/31/2010



Parcel Identification Numbers:
Parcel I - M01-026-41
Parcel II - M01-026-149
Parcel III - M01-026-148

EXHIBIT A — PROPERTY

Parcel I

Exhibit 18129:

Beginning part of the E. A. Harold's (now Robert Porter and wife, Julia Porter) 90.25 acres of Lots 2 and 6 of the Subdivision of G.W.L. Holmes' Big Creek Plantation in Hargis' 2100-acre tract, and being more particularly described as follows:

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Subject to easements of record as Instruments No. S1 4434, F2 0169, and in Book 2115, Page 101 in said Register's Office.

Parcel III

Exhibit 18135:

Beginning at an iron pipe in the south line of Big Creek Church Road, a measured distance of 653.41' west of the west right-of-way line of the Illinois Central Railroad; said iron pipe or beginning point being monumented by a nail driven into the center line of Big Creek Church Road; thence from said beginning point South 24° and 24' West a distance of 302.71 feet to an iron pipe; thence South 80° and 59' East a distance of 150 feet to an iron pipe, and said last course being parallel with the center line of Big Creek Church Road; thence South 24° and 29'

West a measured distance of 619 feet to an iron pipe in an existing fence line; thence due west a measured distance of 477.97 feet to a stake in the said fence line; thence North 14° and 09' East a measured distance of 975.30 feet to an iron pipe in the south line of Big Creek Church Road; thence South 80° and 59' East and running with the south line of Big Creek Church Road a distance of 481.50 feet to the point of beginning.

Being the same property conveyed to Robert H. Odabashian by deed of record as Instrument E7 0039 in the Shelby County Register's Office.

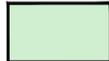
Notice of Land Use Restrictions for:
Pulvair Site # 79-742
4599 Big Creek Church Road
Millington, Tennessee 38053

Exhibit D

Figure 1 – Property Map with Survey of Impacted Soil Limits

Latitude	Longitude	Point
35° 19' 19.3831"	89° 54' 33.1165"	A
35° 19' 18.9250"	89° 54' 33.5110"	B
35° 19' 18.4021"	89° 54' 33.8653"	C
35° 19' 17.8559"	89° 54' 34.2407"	D
35° 19' 17.3639"	89° 54' 34.5738"	E
35° 19' 16.9287"	89° 54' 34.8706"	F
35° 19' 16.4871"	89° 54' 35.1718"	G
35° 19' 16.0530"	89° 54' 35.4704"	H
35° 19' 15.6325"	89° 54' 35.7601"	I
35° 19' 15.0385"	89° 54' 36.1641"	J
35° 19' 15.0370"	89° 54' 36.4170"	K
35° 19' 14.3492"	89° 54' 36.6629"	L
35° 19' 14.2308"	89° 54' 36.7131"	M
35° 19' 14.2717"	89° 54' 37.4987"	N
35° 19' 14.3183"	89° 54' 38.3507"	O
35° 19' 14.3481"	89° 54' 39.0289"	P
35° 19' 14.3882"	89° 54' 39.6222"	Q
35° 19' 14.4242"	89° 54' 40.2659"	R
35° 19' 14.4335"	89° 54' 40.4034"	S
35° 19' 14.4720"	89° 54' 40.9738"	T
35° 19' 14.5282"	89° 54' 42.2094"	U
35° 19' 14.5619"	89° 54' 42.8415"	V
35° 19' 14.5692"	89° 54' 42.9461"	W
35° 19' 14.8917"	89° 54' 43.9973"	X
35° 19' 16.2585"	89° 54' 43.3730"	Y
35° 19' 15.2353"	89° 54' 40.0372"	Z
35° 19' 17.4575"	89° 54' 37.1205"	AA
35° 19' 18.8245"	89° 54' 36.4962"	BB
35° 19' 19.3362"	89° 54' 38.1641"	CC
35° 19' 17.9693"	89° 54' 38.7884"	DD
35° 19' 18.4810"	89° 54' 40.4563"	EE
35° 19' 21.3464"	89° 54' 39.1475"	FF

LEGEND

-  SITE BOUNDARY
-  PROPERTY BOUNDARY
-  IMPACTED SOIL LIMITS GRIDS
-  WITNESS BARRIER



SOURCE: McCASKILL & ASSOCIATES, INC. LAND SURVEYING
MAP NO. 040268; DATED 11-10-2004.

Environmental Resources Management

FIGURE 1
PROPERTY MAP WITH SURVEY OF IMPACTED SOIL LIMITS
Pulvair Corporation Site
Millington, Tennessee

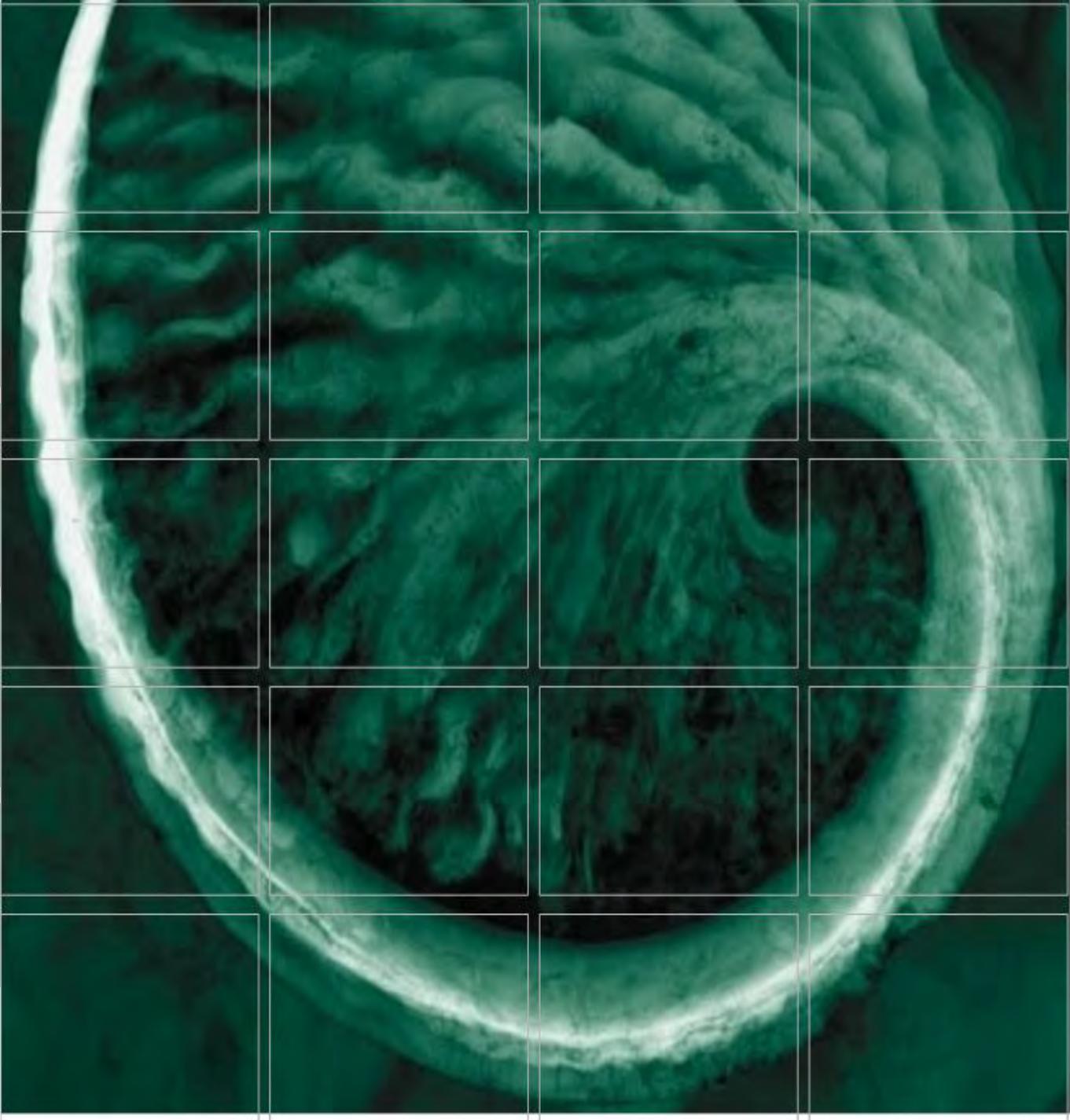
DESIGN: MS	DRAWN: MHB	CHKD.: MS/KAH
DATE: 4/13/2016	SCALE: AS SHOWN	REV.:
W.O.NO.: T:\DWG\2016\1610346527B202.dwg, 4/13/2016 9:55:37 AM		



Notice of Land Use Restrictions for:
Pulvair Site # 79-742
4599 Big Creek Church Road
Millington, Tennessee 38053

Exhibit E

Operation and Maintenance Plan



Post-Remediation Operation and Maintenance Plan

**Pulvair Corporation Site
Millington, Tennessee**

November 8, 2016

www.erm.com

ERM's New Orleans Office

3838 North Causeway Boulevard, Suite 3000
Metairie, Louisiana 70002

T: 504-831-6700

F: 504-407-2098

www.erm.com

Pulvair Corporation Site

Post-Remediation Operation and Maintenance Plan

November 8, 2016

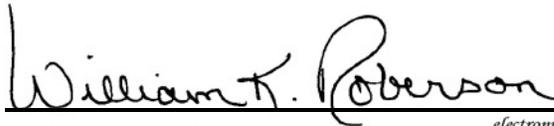
Project No. 0346527



Phil D. Patey
Partner-In-Charge



Kelli A. Hardesty
Project Manager



William K. Roberson
Senior Consultant

electronic

Environmental Resources Management Southwest, Inc.
3838 North Causeway Boulevard, Suite 3000
Metairie, Louisiana 70002
504-831-6700

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5.0	TRAINING, REPORTING, RECORD KEEPING, AND MANAGEMENT OF CHANGE	7

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1	Site Location
2	Site Areas for Inspection
3	½ Mile Radius Around Site

ATTACHMENTS

A	FINAL SITE END-USE PLAN
B	COMPLETED AND BLANK INTERIM O&M INSPECTION FORMS
C	INSPECTION FORM FOR USE DURING LONG-TERM O&M

1.0 INTRODUCTION

This *Operations and Maintenance (O&M) Plan* describes activities to maintain the integrity of the end use features at the Pulvair Corporation Site (“Site”) in Millington, Tennessee. Figure 1 shows the location of the Site.

1.1 BACKGROUND

The Site was reportedly used by the Pulvair Corporation from approximately 1970 to 1985 to formulate agricultural and industrial chemicals. From 1985 to 2003, Phoenix Zinc, Inc. operated a manufacturing facility at the Site that reportedly extracted zinc compounds for use as a micronutrient in fertilizer. The City of Millington is the current owner of record of the Site.

An Order requiring the implementation of a Remedial Investigation/Feasibility Study (RI/FS) was entered into voluntarily by and between the Tennessee Department of Environment and Conservation (“TDEC”) and the Pulvair Site Group (“Group”), effective March 2004. The Group is comprised of representatives from various corporate entities identified by TDEC (under State Superfund) as potentially responsible parties (PRPs) for the Site. Activities performed under the Order have been consistent with TDEC Rule 1200-1-13-.09 and the National Contingency Plan. As part of the RI/FS, the Group performed interim actions (e.g., above-ground waste and structure removal) at the Site from April 2005 to October 2006 to eliminate and/or reduce potential hazards at the Site and to provide a partial clean-up of the Site.

The *Revised Phase 1/2/3 Remedial Investigation Report* (herein referred to as the *Phase 1/2/3 RI Report*) was prepared on behalf of the Group to document site investigative and risk assessment activities conducted at the Site. Activities were performed in an iterative manner with TDEC review, oversight and approval to assess the extent of potentially impacted environmental media (i.e., soil, ground water, surface water, and sediment) at the Site, and to assess risks to potential human receptors and the environment. The *Phase 1/2/3 RI Report* was approved by TDEC on August 4, 2011.

Following the Phase 1/2/3 Remedial Investigation, an *Engineering Evaluation / Cost Analysis (EE/CA)* was prepared and approved by TDEC on November 18, 2011. The Group implemented final Site remedial activities to address impacted media (i.e., soil / sediment) in accordance with a *TDEC-approved Final Interim Remedial Action Work Plan (FIRAWP)*. Those remedial activities included:

- Excavation of soils with potential migration-to-ground water and/or direct contact risks;
- Excavation of impacted soil in the railroad ditch adjacent to the property, backfilling of the ditch area with borrow soil and covering the area with gravel to prevent erosion;
- Disposal of excavated soils in an appropriate, off-site landfill;
- Backfilling of excavated areas with imported fill material from an off-site borrow source approved by TDEC-DOR;

- Installation of a witness barrier over areas with potential direct contact risks;
- Placement and compaction of a cap over soils with potential direct contact risks that remain on-site;
- Placement of additional soils to cover the Site, as necessary, and topsoil to promote vegetative growth;
- Grading the Site for proper drainage; and
- Establishment of appropriate vegetation at the Site to mitigate erosion and provide an additional barrier to direct contact.

Remedial activities defined in the *FIRAWP* have been completed and documented in the *FIRA Report* submitted to TDEC on March 15, 2016. An interim operation and maintenance (O&M) period has been completed to ensure that the components of the remedial activities are stable and functioning in accordance with performance standards.

In conjunction with completion of the final remedy, the TDEC-approved post-closure ground water monitoring program is being implemented. The baseline groundwater sampling event was performed in September 2015. As the performance of post-closure ground water monitoring activities continue and the Notice of Land Use Restrictions (NLUR) is finalized, a *Final Remedial Investigation/Feasibility Study Report* will be prepared and submitted to TDEC.

The *Final RI/FS Report* will lead to a TDEC's issuance of a Record of Decision (ROD) for the Site. Provided that groundwater quality testing verifies that constituents remain below the associated ground water criteria, a no further action remedy will be recommended in the *Final RI/FS Report*. The groundwater monitor wells currently being used in the sampling program are to be properly abandoned after completion of the post-closure monitoring period.

This *O&M Plan* describes activities that will take place at the Site, to maintain the integrity of the closure features as developed and discussed with TDEC. Long-term O&M of the Site will transfer to the City of Millington (City) after training of City personnel is completed and the ROD is issued by TDEC.

1.2 **POST-REMEDATION SITE USE**

There are currently no plans for development of the Site by the City, which owns the property. The document "*Alternate Final Site End-Use Plan and Allocation of Resources for the Pulvair Corporation Site Millington, Tennessee - 2/4/14*" (Final Site End-Use Plan - Attachment A) described the iterative process of evaluating an appropriate end-use for the Site. Ultimately, the City of Millington requested that the Site be allowed to "return to nature". The final remedy and stabilization of the Site incorporated this goal.

Future land use is currently restricted by Restrictive Covenant (Instrument No. 06096507 dated June 15, 2006, and as amended by Instrument No. 08143818 dated November 5, 2008 from the Office of the Shelby County Register of Deeds). These institutional control documents are to be further modified by a Notice of

Land Use Restrictions (NLUR) as consistent with Tennessee Code Annotated (TCA) § 68-212-225. During the post-remediation O&M period, the Site will have a perimeter security fence to discourage trespassing.

1.3

SITE INFORMATION

Site Ownership: City of Millington, Tennessee

Parcel Information/Real Property Descriptions from the Clerk and Master's Tax Deed in the Register of Deeds Office of Shelby County TN [Instrument 03092657]:

- Parcel I - Exhibit 18129
- Parcel II - Exhibit 18134
- Parcel III - Exhibit 18135

Tax Parcel Identification Numbers:

- Parcel I - M01-026-41
- Parcel II - M01-026-149
- Parcel III - M01-026-148

Total Area of Former Pulvair Corporation Site: 22 acres

Total Area Backfilled and Capped: 18.2 acres (Site)

Total Area of Site that is Impervious: 2,000 ft² (approx. area of entrance road and parking remain)

Watershed Basin: Loosahatchie

Watershed Sub-basin: Big Creek

2.0 *POST-REMEDATION STORM WATER RUNOFF CONTROLS*

2.1 *STORM WATER CONTROL MEASURES*

Post-remediation stabilization was accomplished by establishing a vegetative cover over backfilled areas. Planting the vegetative cover followed *Tennessee Erosion and Sediment Control Handbook*, Fourth Edition, Section 7.9 Permanent Vegetation and was applied at a per acre rate of: 4 pounds Little Blue Stem, 15 pounds Browntop Millet, 2 pounds Black-Eyed Susan, 2 pounds Sideoats Gamma, 2 pounds Partridge Pea, and 4 pounds Purpletop. Post-Construction O&M will consist of maintaining the vegetative cover and inspecting the cover system. Figure 2 identifies the areas to be inspected during O&M activities and depicts locations of storm water and erosion control measures that remain subsequent to remedial activities.

The railroad ditch was filled so that its cross-section is similar to its pre-excavation profile. The surface of the ditch was stabilized by placement of six inches of American Association of State Highway and Transportation Officials (AASHTO) #1 crushed stone. Post-Construction O&M of this area consists of inspection of the stone surface and repair of areas of subsidence or wash-out.

2.2 *PERFORMANCE CRITERIA RELATED TO OPERATION AND MAINTENANCE*

Performance criteria related to operation and maintenance are provided in the TDEC-approved *FIRAWP*, which states that newly constructed / vegetated soil cover systems should be inspected more frequently in the first year, with inspections decreasing as the vegetation is established. The Group completed the interim O&M period via monthly inspections through the end of 2015. The inspection tasks, schedule and performance criteria related to the long-term O&M of this Site are summarized below.

- Inspect the soil cover for signs of erosion and/or trespass/vandalism.
- Inspect surface water discharge areas for proper function.
- Confirm that vegetation has been properly established and maintained.
- Remedy any areas of erosion and/or poor vegetation growth in a timely manner.
- Inspections are to be conducted as follows:
 - Quarterly during the post-construction year 1;
 - Semi-annually during post-construction year 2; and
 - Annually (in the Spring) during post-construction years 3 through 5, and/or as modified in the ROD.
- Inspection and O&M activities will transition to the City after the Site has been determined to be stable (i.e., minimal areas of erosion; established vegetation).

In addition to the above activities, TDEC will conduct institutional control/engineering control (IC/EC) inspections annually pursuant to TCA § 68-

212-225 to ensure conformance with NLURs for the Site. The NLURs will be developed and recorded by the City with TDEC input and will contain survey information and figures depicting the location of areas of impact remaining on Site beneath the cover system. The NLURs will focus the IC/EC inspections on the areas of primary concern and identify areas that the City will properly maintain.

2.3 **POST REMEDIATION INSPECTIONS**

2.3.1 **On-Site**

During the implementation of remedial activities, the Site was inspected in accordance with a TDEC-approved *SWPPP*. The Site was seeded with a permanent summer seed mixture, which was spread on Site in late March to early August 2015 as indicated in Table 7.9-1 of *Tennessee Erosion and Sediment Control Handbook*. Inspections during that time period recorded qualitative observation of grass species present, grass health, and surface coverage. Inspections included observation of any areas where concentrated runoff occurred and assessment of the degree of erosion occurring, if present. Observations were recorded on inspection forms, and these forms from the previously completed Site inspections are included in Attachment B to this *O&M Plan*.

Following the completion of remedial activities, monthly inspections were performed until the permanent grass reached 90 percent soil coverage. Four consecutive observations since completion of the remedy indicated no soil erosion areas. Based on the interim O&M period inspections, the Site stabilized in the Fourth Quarter of 2015.

The performance criteria have been met for the interim O&M period and inspections have transitioned to the frequency identified in Section 2.2. The Inspection Form to be used by Group representatives and subsequently by the City of Millington for Long-Term O&M is provided in Attachment C.

2.3.2 **Railroad Ditch**

The Canadian National railroad ditch was inspected concurrently with the on-site inspections during the interim O&M period. Those inspections were focused on potential rock undermining or subsidence as well as other areas of potential degradation. These inspections indicated no conditions of concern over the interim O&M period.

2.3.3 **Maintenance**

Areas where grass coverage is not achieving the performance criterion will be addressed under the *O&M Plan* (e.g., tilling, re-seeding, and mulching).

Areas where soil erosion on the Site, or where degradation of the rock surface in the CN railroad ditch, are occurring will be evaluated and permanent fixes will be devised and implemented.

2.3.4

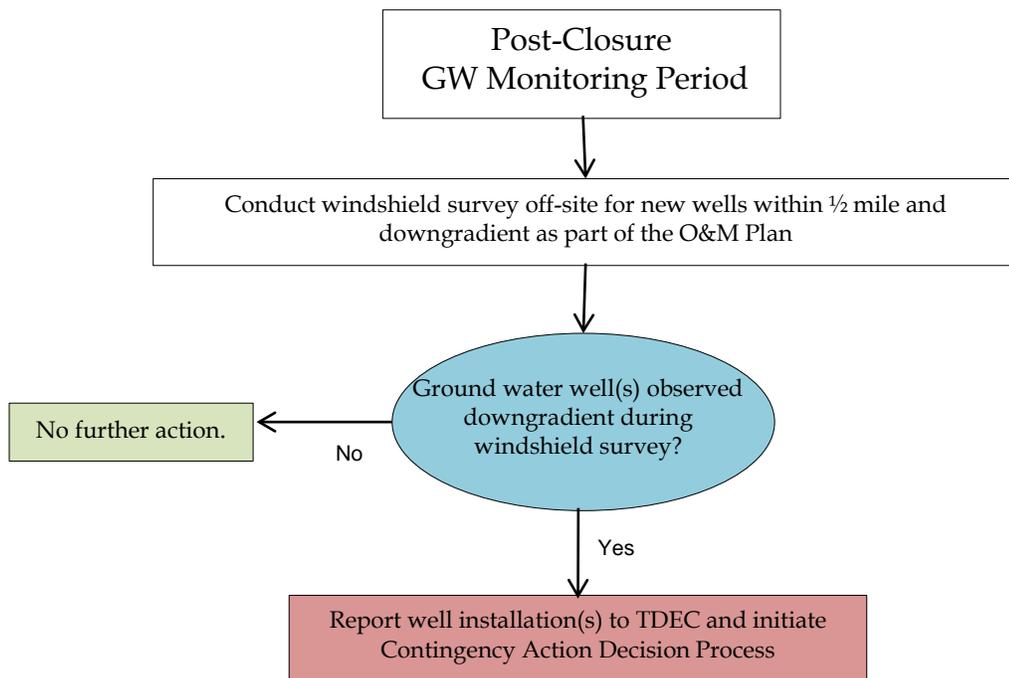
Off-site

As noted in the flow chart below, and as part of this *O&M Plan*, a windshield survey for off-site, downgradient groundwater wells will be conducted during the site inspections as described in Section 2.2 above. These surveys should be performed during the post-closure groundwater monitoring period and cease upon monitoring completion. In accordance with the Memphis and Shelby County Health Department regulations, installation of a groundwater well within 1/2 mile of a State or Federal Superfund site is prohibited.

Windshield surveys should be performed during the O&M period to monitor for potential well installation in areas downgradient (and within the loess / fluvial deposits) of the Site. Figure 3 provides a map depicting a 1/2 mile radius around the Site. Should such a well be found to have been installed during this period of time, the Contingency Action Decision Process (CADP) illustrated below should be implemented and TDEC notified. Wells installed cross- or upgradient of the Site and/or wells installed in a stratigraphic unit below the *Eocene Jackson-Upper Claiborne confining clay* unit will not trigger implementation of the Contingency Action Decision Process; however, these will be reported to TDEC.

In addition to a windshield survey, the TDEC Department of Water Resources will be contacted and a request made for them to conduct a water well database search and provide results for review. In the event a well is not visible, this will supplement the windshield survey.

The post-closure groundwater monitoring program will generate groundwater data to be included in the *Final RI/FS Report* and ROD. The ROD could set forth other potential O&M requirements relative to off-site activities beyond the above described program.



Flow Diagram for the Site CADP

3.0 *SITE SECURITY*

Currently, a perimeter security fence limits access to the Site. A TDEC-approved ground water monitoring program is being implemented and the interim O&M period has been completed. The long term operation and maintenance period has begun. The Site is being allowed to return to nature as requested by the City of Millington and outlined in the *Alternate Final Site End-Use Plan*. The perimeter security fence along Big Creek Church Road will remain in place and inspected for the duration of the post-closure ground water monitoring program / O&M period to reduce the potential for trespasser disturbance of the cap and/or monitor wells.

4.0 *LONG-TERM O&M PERIOD*

Subsequent to the post construction O&M period (i.e., vegetative cover established and ROD issued), the Group assumes no long-term responsibilities relative to the O&M of the Site. As per the *Alternate Final Site End-Use Plan* accepted by the City via passage of Resolution 41/2014, the City of Millington (as owner) will be responsible for the long-term maintenance of the Site, the perimeter fence, and for upholding existing restrictive covenants and those restrictions provided in the Notice of Land Use Restrictions (NLURs). In addition, the City is to uphold any other zoning ordinance or restrictions that may be put in place by the City of Millington or Shelby County.

Long-term responsibilities include, but are not limited to, the following:

- Perform thorough inspections of the five areas of the Site (identified in Figure 2)
- Record inspection findings (Attachment C) and report to TDEC
- Repair/perform maintenance of erosion or storm water drainage areas
- Implement and/or maintain appropriate measures for Site security and protection of the designated end-use
- Ensure vegetation growth
 - Use aforementioned seed mixture for replanting
- Maintain vegetation to support the end use designation of the Site for the “Return to Nature” concept in Resolution 41/2014.

5.0 *TRAINING, REPORTING, RECORD KEEPING, AND MANAGEMENT OF CHANGE*

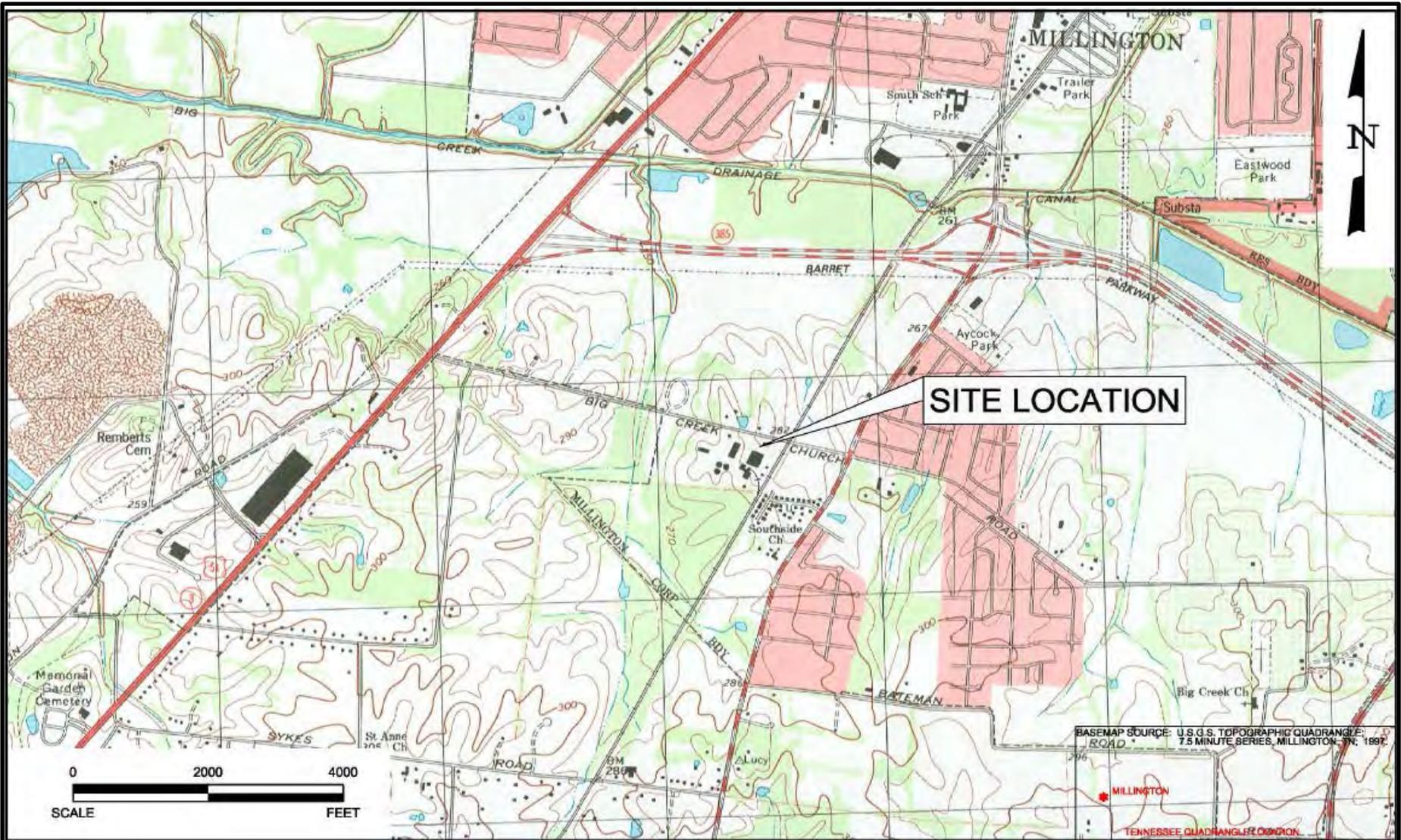
Individuals will be trained and competent prior to conducting O&M inspections at the Site. Appropriate inspection forms (either Attachment B or C) will be completed during each site inspection performed by the City or their designee. Inspection reports, including any photo documentation or supplemental information deemed appropriate, will be submitted to DoR within 30 days of completing the inspection and/or maintenance/corrective action activities. Forms should be maintained electronically and kept for the duration of O&M

activities. Should the City wish to amend the inspection forms in the future, they should submit revisions to ERM, as a courtesy, and to TDEC for their review and concurrence with proposed changes.

Figures

*Project No. 0346527
Pulvair Corporation Site
Millington, Tennessee*

Environmental Resources Management Southwest, Inc.
3838 North Causeway Boulevard, Suite 3000
Metairie, Louisiana 70002
(504) 831-6700



Environmental
Resources
Management

Site Location Map
Pulvair Site
Millington, Tennessee

Figure

1



Legend

- - - Silt Fence
- Rip Rap
- Hay Bales
- ~ ~ ~ Hay Wattles
- — — Inspection Area
- Natural Access Corridor

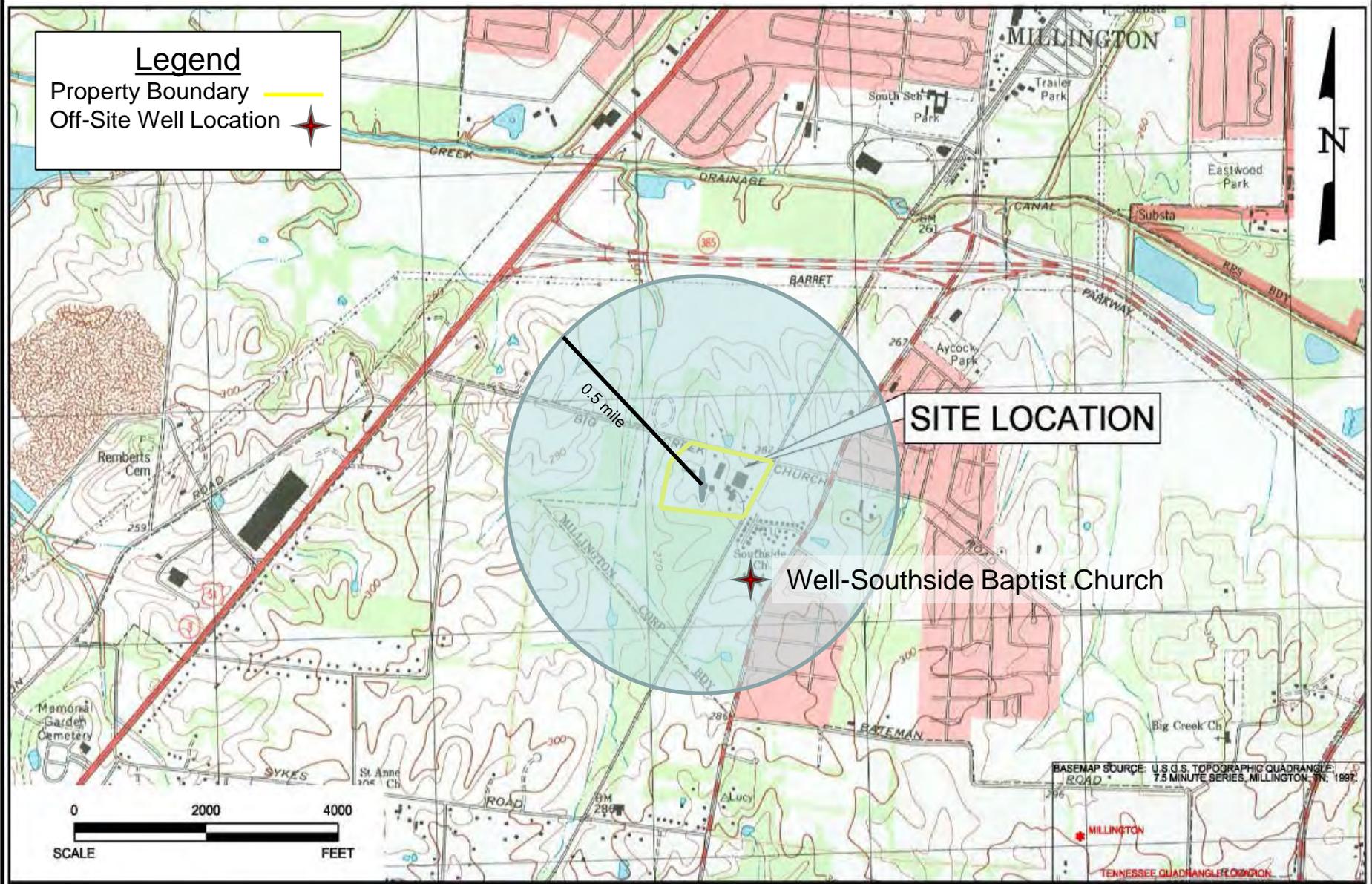
Inspection Areas and Storm Water/Erosion Control Features
 Pulvair Site
 Millington, Tennessee



Environmental
 Resources
 Management

Figure

2



Environmental
 Resources
 Management

½ Mile Radius Around Pulvair Site
 Pulvair Site
 Millington, Tennessee

Figure
 3

Final Site End-Use Plan
Attachment A

Project No. 0346527
Pulvair Corporation Site
Millington, Tennessee

Environmental Resources Management Southwest, Inc.
3838 North Causeway Boulevard, Suite 3000
Metairie, Louisiana 70002
(504) 831-6700

Alternate Final Site End-Use Plan and Allocation of Resources for the Pulvair Corporation Site Millington, Tennessee - 2/4/14

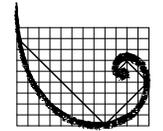
INTRODUCTION

On behalf of the Pulvair Site Group (the Group), this Alternate Final Site End-Use Plan and Allocation of Resources (Plan) was prepared by Environmental Resources Management (ERM) to present details of the Pulvair Site (the Site) end-use as proposed by the City of Millington (the City), including the allocation of resources and materials. The proposed Plan identifies stakeholder responsibility for providing the resources and materials necessary to implement major components of the Site end-use. This Plan reflects the City's current desired end-use as discussed in recent correspondence between the City and the Group, which differs from the previously submitted Plans, including the Plan that the City approved via Resolution 25-2010 on September 7, 2010.

The overarching objective of this Plan is to gain final concurrence from the City on the overall approach to the end-use of the property, describe the resources and materials required by the Group and the City to achieve the final Site end-use, and confirm that both parties are committed to providing and/or funding those resources and materials.

Agreement to this Plan by the City and the Group will be beneficial to all stakeholders. The Group can proceed with site remediation activities pursuant to the Administrative Settlement and Consent Order for Remedial Investigation and Feasibility Study (Order), the Tennessee Department of Environment and Conservation (TDEC) can provide oversight and approval of ongoing environmental clean-up measures to protect human health and the environment, and the City can receive official authorization by the Board of Aldermen and make plans for the redevelopment and reuse of the Site. Pending acceptance by the City, this Plan formalizes the agreed-upon end-use approach.

The sections that follow summarize recent revisions to the final Site end-use, briefly describe its major components and list the components that are anticipated to be funded by the Group and which are to be funded by the City.



ERM®

PROGRESSION OF REVISIONS TO THE FINAL SITE END-USE

The vision for this Site is to create a final Site end-use that is well-defined by a Restrictive Covenant. This vision provides permanence of the Site use such that it will remain protective of human health and the environment in perpetuity.

The existing Restrictive Covenant limits the use of the property to open space land whose preservation would tend to provide the public with one or more of the benefits enumerated in T.C.A. § 67-5-1002 (e.g., relief from the monotony of continued urban sprawl). A draft Site end-use was presented to the City and TDEC in April 2009 that incorporated the requirements of an open space into a plan for redevelopment that included an Recreational Vehicle (RV) Park and/or a walking trail. During a subsequent meeting with the City and TDEC on July 1, 2009, TDEC requested that the existing Restrictive Covenant be modified to add reference to a new State statute such that the future use of the Site could not be modified without TDEC approval. In addition, Mayor Hodges of the City of Millington presented a new end-use concept featuring a Bicycle Motocross (BMX) racing track at the July 2009 meeting, and subsequently a modified BMX track layout to the Group and TDEC on August 25, 2009.

Based on the August 2009 meeting, an end-use plan was submitted to the City for review and approval on February 10, 2010. The City responded on March 10, 2010 requesting a re-evaluation of the cost analysis. On May 13, 2010, a meeting with the City, Group, and members of TDEC was held to review and discuss the end-use plan. It was determined that the proposed BMX track was not feasible for the City, and an alternate plan was to be recommended. The City sent the Group a letter on June 3, 2010 requesting that the Group proceed with the previously proposed plan that included a walking trail and RV Park. That revised plan was submitted to the City on August 9, 2010.

Following submittal of the revised plan, meetings were held with City officials on August 31, 2010 and members of the Millington community on September 1, 2010. Based on those meetings, it was collectively determined that an RV Park at this Site would not be the best option to meet the needs and interests of the community. After discussing several other replacement options for the RV Park, it was decided that a dog park (area for unleashed dogs to play) in conjunction with a multi-use walking trail would be a valuable amenity for the City. This concept (as presented in Attachment 1) was presented to a group of Millington residents, including the Mayor and other City officials, on September 1, 2010, and was well received by everyone. The City passed a resolution (Resolution 25-2010) on September 7, 2010, accepting this proposed end-use.

The End-Use was approved by TDEC on November 18, 2011 via approval of the Engineering Evaluation / Corrective Action Report, and following a public comment period in February 2012 in which no comments were received. Memorandums of Understanding were then drafted by the Group and submitted to TDEC and the City for review. These MOUs outlined responsibilities of all stakeholders relative to the End Use. The Group discussed the City MOU with the newly elected Mayor Jones and the Interim City Manager (Mike Chesney) via a teleconference on September 19, 2013, upon which Mr. Chesney expressed concern in being able to finance the maintenance of the end-use as it was laid out in the End-Use Plan as approved by the Board of Aldermen. Mr. Chesney requested the end-use be modified to reduce the

maintenance burden on the City, and suggested the Group consider completing the remedy and allow the property to “return to nature”.

The Group representatives agreed to evaluate this option, and Mr. Chesney agreed to discuss the matter with City officials prior to their final decision. On October 7, 2013, the City Attorney met with the Board of Aldermen to discuss the end-use, and it was determined to request the Group to allow the Site “to go back to nature” via planting trees, an end-use that the City could financially maintain. This alternate end-use was acceptable to the Group, and the Group discussed the City’s proposed end-use with TDEC via teleconference on October 14, 2013. The Group submitted a letter to TDEC on October 29, 2013, summarizing the project status and path forward relative to the change in proposed end-use and that the “return to nature” end-use would be similar to the previously approved End-Use. TDEC concurred with the proposed end-use via approval letter dated November 8, 2013.

The end-use for the Site proposed in this Plan remains consistent with the existing Revised Restrictive Covenant, as it will be an open space and provide relief from the monotony of continued urban sprawl. The currently proposed end-use will not include the amenities associated with the previous end-use (e.g., off-leash dog park, walking trails, or other facilities), but rather it will allow the Site to return to nature, in which the Group will establish native vegetation via planting of trees and other necessary foliage to foster the desired end-use. There will be no amenities designed nor built by the Group, thus reducing the need for maintenance by the City.

RESOURCE AND MATERIALS ALLOCATION OF THE ALTERNATE FINAL SITE END-USE

The resources and materials necessary for the alternate Site end-use concept (i.e., “return to nature”) along with the remediation requirements have been evaluated and are summarized below.

This end-use concept includes establishing native vegetation at the Site. In addition to soil remediation, major work components include grading the ground surface for erosional controls, re-establishing vegetation in the open space areas, and potentially constructing and/or maintaining a temporary security fence(s) in select areas of the Site while vegetation is established.

In recognition of the Group pursuing this alternate final end-use option, and an understanding of the financial impact on the Group relative to the necessary materials and resources, it is the Group’s understanding that the City will provide certain components of the Site end-use (e.g., soil backfill) as previously agreed and reconfirmed in recent correspondence with City officials. The Group will design and construct the Site remedy in accordance with the agreed plan between the parties and as approved by TDEC. The Group assumes no long-term liabilities relative to operation and maintenance (O&M) of the Site other than as they relate to implementation of remediation activities under the Order.

Work Components Necessary to Facilitate Completion of the Alternate Site End-Use

The major components of the currently proposed Site end-use are listed in Table 1. These components are not all-inclusive, but constitute the major resources/materials currently anticipated as necessary to complete the work. For ease of discussion, they have been separated into two categories:

- Components and materials to be funded and/or provided by the Group – These components are necessary to perform remediation and/or add permanence to the Site end-use.
- Components and materials to be funded and/or provided by the City of Millington (or the City’s designee, such as other stakeholders) – These components are items previously discussed with the City as components that would be provided by the City to facilitate a mutually acceptable end-use. These components include services and/or materials offered to the Group at a discount or no cost to the Group.

Table 1
Major Components of the Currently Proposed Site End-Use and Resource/Funding Strategy

Components to be Funded by the Pulvair Site Group	Components to be Resourced/Funded by City and/or Other Stakeholders
Modification of the Restrictive Covenant; Engineering Evaluation Report; Final Interim Remedial Action Work Plan; Design Documents (design of remedy and Site end-use); O&M Plan	Soil Backfill/Cover Source Material (one-third of the total cubic yards required at no cost; remainder available at \$1.00 per cubic yard)
Site Clearance	Future Site Maintenance per the O&M Plan (e.g., Fence Repair ⁽¹⁾ , etc.) Deemed Necessary by the City Subsequent to the Group Establishing a Vegetative Cover
Establish Temporary Roads, Pathways, and Facilities For On-Site Remediation	Adherence to the Restrictive Covenant and/or Restrictions Placed on the Property via other Legal Documents
Soil Removal and/or Remediation (remedial construction activities)	Fencing ⁽¹⁾
Excavation and Offsite Soil Transportation and Disposal	
Site Grading	
Transportation of Imported Soil, Placement, and Compaction	
Establish Vegetation (e.g., soil cover, trees, etc.)	
Continued Implementation of the Group’s Community Relations Plan during Remediation Activities	
Fencing ⁽¹⁾	

⁽¹⁾ – Fence installation will be implemented and maintained by the Group, as necessary, to secure the Site during implementation of remedial actions / establishment of site vegetation. The City will install and/or maintain other fencing, as deemed necessary by the City, subsequent to the completion of remedial actions that are implemented by the Group.

PATH FORWARD AND SCHEDULE

The vision for the final end-use of the Site is to 1) undertake activities consistent with the Order (Case No. 96-0155) between TDEC and the Pulvair Site Group; 2) provide an end-use for the Site pursuant to the Restrictive Covenant; and 3) establish permanence of the Site end-use to facilitate long-term compliance with the Restrictive Covenant. The currently-proposed final Site end-use will achieve this vision. Once the vegetative cover has been established, the Group will have no responsibility whatsoever for its continued operation or any replacement facility.

Implementation of the alternate end-use has been initiated based on the Group's receipt of concurrence by City officials in October 2013, and concurrence by TDEC in a letter to the Group dated November 8, 2013. The City will be formally reviewing the proposed end use in an upcoming meeting of the Board of Aldermen via presentation of a revised Resolution. Subsequent to the City's formal approval of the current end-use, and the de-resolution/modification of the previously approved end-use, the approach described herein will be the agreed upon Site end-use plan. In addition, this Alternate Final Site End-Use Plan will be integrated into the Final Interim Remedial Action Work Plan (which specifies the general design and construction requirements for implementation of the remedy) and other RI/FS-related documents/activities as required by the Consent Order. Also, these documents will be prepared in concert with the revision and lodging of the Restrictive Covenant with the Office of the Shelby County Register by the City. The existing Restrictive Covenant will be modified by the Group (for TDEC's review/ approval and the City's review/ approval and lodging) to reference Tennessee Code Annotated T.C.A. 68-212-225 and additional details, as necessary, regarding the Site use and Site restrictions (e.g., restrict digging, prohibit changes to Site use, etc.). The modified Restrictive Covenant may be in the form of Land Use Restrictions as specified by T.C.A. 68-212-225.

Completed and Blank Interim O&M Inspection Forms
Attachment B

Project No. 0346527
Pulvair Corporation Site
Millington, Tennessee

Environmental Resources Management Southwest, Inc.
3838 North Causeway Boulevard, Suite 3000
Metairie, Louisiana 70002
(504) 831-6700

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM
 Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

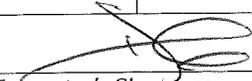
Location: Pulvair Corporation Site

Date of Inspection: 9/11/15

Type of Inspection: Routine Monthly Routine Quarterly Post Rainfall (Rainfall amount:) _____
 Other _____

Area Number or Location	Grass Species Observed	Vegetative Coverage (%)	Signs of Erosion (Yes/No)	Other Observations
1		50	n	Grass is immature 2" 4" tall Sporadic
2		90%	n	roadways still growing.
3		✓50	x	new planting looks same @ Area 1
4		✓50	n	"
5		90	n	Grass Thick

Damian Pile
 Inspector's Name


 Inspector's Signature

Location: Big Creek Church Road, Millington, Tennessee

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site

Date of Inspection:

9/11/15

Other Post-Remediation Storm Water BMPs

Condition and Effectiveness of Erosion and Sediment (E&S) Controls

Type/Location of E&S Control	Repairs or Maintenance Needed? (Yes/No)	Corrective Action Required? (Yes/No)	Date Maintenance or Corrective Action First Identified?	Notes
2C S. Fence	Y	Y	9/11/15	Rails inside waddles
NE Fence Corner	N	N	—	Looks Good Tall grass
SE Fence Corner	N	N	—	"

Daniam Pyle
Inspector's Name

[Signature]
Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM
 Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Railroad Ditch, East Side of Pulvair Corporation Site

Date of Inspection: 9/11/15

Type of Inspection: Post Rainfall (Rainfall amount:) _____

Observation	Location (Distance South of BCCR)	Corrective Action Req'd (Yes/No)	Date Corrective Action First Identified	Notes
RR Ditch Remains Good		N	/	NO Damages

Damian Pike
 Inspector's Name

[Signature]
 Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site

Date of Inspection: 10/7/2015

Type of Inspection: Routine Monthly Routine Quarterly Post Rainfall (Rainfall amount:)
 Other:

Area Number or Location	Grass Species Observed	Vegetative Coverage (%)	Signs of Erosion (Yes/No)	Other Observations
1	Multi T Dec Roadmix	60%	n	✓
2	↑ ↓	60%	n	West Portan 40% / East fence line 100%
3		90%	n	RR access Road @ 60%
4		40%	@ outfall only	outfall has Rills in waddheaven Supplement waddles Rake at Rills Flat
5		100%	n	Lush @ Grow undisturbed
Roadway		Multi T Dec Roadmix	40%	n

Damian Pyle
 Inspector's Name

[Signature]
 Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site

Date of Inspection:

10/7/16

Other Post-Remediation Storm Water BMPs

Condition and Effectiveness of Erosion and Sediment (E&S) Controls				
Type/Location of E&S Control	Repairs or Maintenance Needed? (Yes/No)	Corrective Action Required? (Yes/No)	Date Maintenance or Corrective Action First Identified?	Notes
Wodder / new grass growth	2C X	Yes	10/7/16	Supplements made to woder Rills Raked.

Daniel Pile

[Signature]

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Danivan Pyle
Inspector's Name

[Signature]
Inspector's Signature

Location: Railroad Ditch, East Side of Pulvair Corporation Site

Date of Inspection: 10/7/16

Type of Inspection: Post Rainfall (Rainfall amount:)

Observation	Location (Distance South of BCCR)	Corrective Action Req'd (Yes/No)	Date Corrective Action First Identified	Notes
Ditch Looks Good	n/a	n	n/a	NO Defects

Danivan Pyle
Inspector's Name

[Signature]
Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM
 Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Animal Tracks
 Raccoon some
 Deer some
 Rabbit alot

Location: Pulvair Corporation Site

Date of Inspection: ~~10/7/2015~~ 11/5/15

Type of Inspection: Routine Monthly Routine Quarterly Post Rainfall (Rainfall amount:)
 Other:

Area Number or Location	Grass Species Observed	Vegetative Coverage (%)	Signs of Erosion (Yes/No)	Other Observations
1	Fern 30% Herb 70%	90%	no	
2	90% grass / 10% other	90%	no	Road to Rail access looks good
3	Grass	100%	no	Road is 90% Green Tall established grass, browning w/season
4	50% Fern 50% grass	80%	no @ 2c Ketter made	New Planting Green / Previous Growth Browning with Season change
5	Grass	100%	no	Seasonal Browning Grass coming in slowly along roadway, west haul road has surface coverage in center. North and south sides of west road seem better.
Roadway West	40% Grass 60% bare	40%	no	West haul Road Sparse Coverage From BECR tower / 2c outfall
				Purge water / Drains

Damian Pile
 Inspector's Name


 Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Inspector's Name: Damian RIV

Inspector's Signature: [Signature]

Location: Railroad Ditch, East Side of Pulvair Corporation Site

Date of Inspection: 11/9/15

Type of Inspection: Post Rainfall (Rainfall amount: monthly)

Observation	Location (Distance South of BCCR)	Corrective Action Req'd (Yes/No)	Date Corrective Action First Identified	Notes
Ditch remains in good repair	n/a	no		

Inspector's Name: _____

Inspector's Signature: _____

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM
 Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Big Creek Church Road, Millington, Tennessee
 Location: Pulvair Corporation Site

Date of Inspection: 11/5/15

Other Post-Remediation Storm Water BMPs

Condition and Effectiveness of Erosion and Sediment (E&S) Controls				
Type/Location of E&S Control	Repairs or Maintenance Needed? (Yes/No)	Corrective Action Required? (Yes/No)	Date Maintenance or Corrective Action First Identified?	Notes
2C	NO	NO		Rills Filled with Surtus waddle

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site

Date of Inspection: 1/28/16

Type of Inspection: Routine Monthly Routine Quarterly Post Rainfall (Rainfall amount:)
 Other:

Area Number or Location	Grass Species Observed	Vegetative Coverage (%)	Signs of Erosion (Yes/No)	Other Observations
1		90%	no	wild life
2		90	no	
3		90	outfall (p)	watch outfall over / may need
4		100		Lush thick veg.
5		100%		" " "
Former Roadway		90%	no	Low 1-2" Green Shoots.

Armon Creek Run

Danion Pyle
 Inspector's Name

[Signature]
 Inspector's Signature

Location: Big Creek Church Road, Millington, Tennessee

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM
 Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site

Date of Inspection: 1/28/16

Other Post-Remediation Storm Water BMPs

Condition and Effectiveness of Erosion and Sediment (E&S) Controls

Type/Location of E&S Control	Repairs or Maintenance Needed? (Yes/No)	Corrective Action Required? (Yes/No)	Date Maintenance or Corrective Action First Identified?	Notes
Rd access fence	watch	no	1/28/16 watch	may need Rip Rap if Grass doesn't establish
2c outfall (with barrier)	watch	n	1/28/16	Grass Common in inside outfall
Area 5 west fence	Y	Y	1/28/16	erosion @ fence line Silt fence remains

Dan Allen
 Inspector's Name

[Signature]
 Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM
 Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: **Railroad Ditch, East Side** of Pulvair Corporation Site

Date of Inspection:

1/28/16

Observation	Location (Distance South of BCCR)	Corrective Action Req'd (Yes/No)	Date Corrective Action First Identified	Notes
Good, Gravel in Place		NO		observe silt fence @ RR access
				Fence

Danlan Pile
 Inspector's Name


 Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION BMP INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: **Perimeter Fence** of Pulvair Corporation Site

Date of Inspection: 1/28/16

Observation	Location of Fence (North, East, South, West)	Corrective Action Req'd (Yes/No)	Date Corrective Action First Identified	Notes
erosion by water on animal under fence.	west	y	1/28/16	wash out and over animal traffic under fence

Daniam Rile
Inspector's Name


Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION O&M INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site - Inspection of Vegetation Growth

Date of Inspection: 5-19-16

Type of Inspection: Routine Monthly Routine Quarterly Annual Post-Rainfall _____ (Rainfall amount:)

Other _____

Area Number or Location	Percentage of Grass Observed	Vegetative Coverage (%)	Signs of Erosion (Yes/No)	Other Observations
1	TDOT Mix, clover, fescue, vetch	100	N	remove silt fence & 3 pallets
2	"	100	N	remove weather & stakes
3	"	98	Y	remove hay bales at fence line. Rill at SE corner
4	"	95	Y	Bad soil, barrier toward soil area direct, soil, see trench & silt-rail seed, milk
5	"	98	Y	Fence repair S & W, remove hay bales, silt fence & walls
				Fence repair road ~ 75% coverage

Keith Beahm
Inspector's Name

[Signature]
Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION O&M INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site - Inspection of Erosion and Surface Water/Sediment Controls

Date of Inspection: 5-19-16

Condition and Effectiveness of Erosion and Sediment (E&S) Controls				
Type/Location of E&S Control	Repairs or Maintenance Needed? (Yes/No)	Corrective Action Required? (Yes/No)	Date Maintenance or Corrective Action First Identified?	Notes
Site wide	Y	Y		remove all silt fence, with/ w/ bag 2/10
rill / 3 SE corner	Y	Y		reseed & mulch ~ 20' x 15' x 1(m)
Fence / 5 SW	Y	Y		Fence repair 20' x 20' (2' deep)
rill / 4	Y	Y		seed 20' x 15', soil, mulch & rip-rap
barc 9711 / Former 9000 road	Y	N		observe till Fall; reseed if needed when cooler

P. Keith Deaton
Inspector's Name

[Signature]
Inspector's Signature

Location: Pulvair Corporation Site - Inspection of the CN Railroad Ditch

SITE STABILIZATION AND POST-REMEDATION O&M INSPECTION FORM
Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Date of Inspection: 5-19-16

Type of Inspection: Post-Rainfall (Rainfall amount:) _____

Observation	Location (Distance South of BCCR)	Corrective Action Req'd (Yes/No)	Date Corrective Action First Identified	Notes
OK	NA	N	NA	NA

Ronald D. Binkley
Inspector's Name

[Signature]
Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION O&M INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site - Inspection of Vegetation Growth

Date of Inspection: _____

Type of Inspection: Routine Monthly Routine Quarterly Annual Post-Rainfall _____ (Rainfall amount:)

Other _____

Area Number or Location	Percentage of Grass Observed	Vegetative Coverage (%)	Signs of Erosion (Yes/No)	Other Observations

Inspector's Name

Inspector's Signature

SITE STABILIZATION AND POST-REMEDATION O&M INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site - Inspection of Erosion and Surface Water/Sediment Controls

Date of Inspection: _____

Condition and Effectiveness of Erosion and Sediment (E&S) Controls				
Type/Location of E&S Control	Repairs or Maintenance Needed? (Yes/No)	Corrective Action Required? (Yes/No)	Date Maintenance or Corrective Action First Identified?	Notes

Inspector's Name

Inspector's Signature

Location: Pulvair Corporation Site - Inspection of the CN Railroad Ditch

SITE STABILIZATION AND POST-REMEDATION O&M INSPECTION FORM

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Date of Inspection: _____

Type of Inspection: Post-Rainfall (Rainfall amount:) _____

Observation	Location (Distance South of BCCR)	Corrective Action Req'd (Yes/No)	Date Corrective Action First Identified	Notes

Inspector's Name

Inspector's Signature

Inspection Form for Use During Long-Term O&M
Attachment C

Project No. 0346527
Pulvair Corporation Site
Millington, Tennessee

Environmental Resources Management Southwest, Inc.
3838 North Causeway Boulevard, Suite 3000
Metairie, Louisiana 70002
(504) 831-6700

Long Term O&M Inspection Form

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Location: Pulvair Corporation Site

Date of Inspection: _____

Reason for Inspection: _____

Condition and Effectiveness of Erosion and Sediments (E&S) Controls					
Inspection/Location	Signs of Erosion? (Yes/No)	Repairs or Maintenance Needed? (Yes/No)	Corrective Action Required (Yes/No)	Date Maintenance or Corrective Action First Identified?	Notes
Area 1					
Area 2					
Area 3					
Area 4					
Area 5					
Railroad					
Fence - North					
Fence - East					
Fence - West					
Fence - South					

Inspector's Name

Inspector's Signature

Long Term O&M Inspection Form

Pulvair Corporation Site, Big Creek Church Road, Millington, Tennessee

Long Term O&M Follow-Up Maintenance or Corrective Action

Date of Maintenance or Corrective Action Initially Identified: _____

Description of Maintenance or Corrective Action Being Conducted: _____

Reason(s) for Performing Activities: _____

Person(s) Performing Activities: _____

Date Complete: _____

Date for Follow-Up Inspection: _____