

**Proposed Foley Site
Birmingham, Alabama
ADEM VCP Site #: 461-003-24007**

Fact Sheet

A Voluntary Cleanup Program (VCP) Voluntary Cleanup Plan has been found to be technically adequate by the Alabama Department of Environmental Management (ADEM) for the Proposed Foley site. New Horizons Credit Union, currently owns the site located in Foley, Alabama, the applicant is JMB FP Investment, LLC. This fact sheet has been prepared to briefly advise the public of the principal legal and policy issues of the VCP.

I. VCP PROCESS

The VCP provides a mechanism for the implementation of a cleanup program that encourages applicants to voluntarily assess, remediate, and reuse rural and urban areas of actual or perceived contamination. The program does not relieve any “responsible person” for the liability for administrative, civil, or criminal fines or penalties which are otherwise authorized by law and imposed as a result of the illegal or unpermitted disposal of solid waste, hazardous waste, hazardous constituents, hazardous substances, petroleum products, and/or pollutants to the land, air, or waters of the State on an identified property. The program is designed to expedite the voluntary cleanup process and has been designed for entry at any stage of the cleanup process as long as all applicable criteria have been met up to the point of entry.

II. PROCEDURES FOR REACHING A FINAL DECISION

The ADEM is proposing to issue JMB FP Investment Company, LLC, a final decision for the site remediation.

ADEM Admin Code R. 335-15-6-.02 requires that the public be given a 30-day comment period from the date of the notice. The comment period will begin on April 24th, 2024, which is the date of publication of the public notice in major local newspaper(s) of general circulation and will end on May 24th, 2024.

All persons wishing to comment on any of the conditions of the VCP Remediation should submit their comments in writing to the Alabama Department of Environmental Management, Permits and Services Division, 1400 Coliseum Blvd. (Zip 36110). P.O. Box 301463 (Zip 36130-1463) Montgomery, Alabama, ATTENTION: Mr. Russell Kelly. Written comments on the VCP activities should be submitted to the Alabama Department of Environmental Management and be received by 5:00 p.m. on April 24th, 2024.

ADEM will consider all written comments received during the comment period while making a final decision on this issue. When the Department makes its final decision, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final decision.

III. FACILITY DESIGN

JMB FP Investment Company, LLC. has completed Site Investigation activities under the VCP at the Foley site located at 0 S. McKenzie Street, Baldwin County, Alabama. The site consists of 0.82 acres. The site's history is as follows: in 1974 Underwood Sporting Good Store was up and running around this time period; come 1987 the property was operated by Power Laundries/Larry's Cleaners, but a name change to Baldwin Cleaners occurred in '92. A waste summary was provided stating the contaminants associated with the site had been spent. From 1987 to 1996, however, the property was designated a small-quantity generator from 1987-1996, to which in the last year is was designated as a non-generator. The property did have violations associated with it relating to Generators-Pre-Transport; two in 1992, and three in 1995. Compliance was reached for each violation. As mentioned earlier, some of contaminants listed in the history of the site are as follows: Chlorobenzene, 1,1,2-Trichloro-1,2,2-Trifluoroethane, Ortho-Dichlorobenzene, Tetrachloroethylene, and Methylene.

IV. TECHNICAL CONTACT

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Land Division
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**PHASE II
ENVIRONMENTAL SITE ASSESSMENT**

**S. McKenzie Street
Foley, Alabama 36535**

Prepared for:

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October 2, 2023
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1.0 INTRODUCTION

On behalf of Schaad Brown Real Estate, Crawford Environmental Services, LLC (CES) has completed this Phase II Environmental Site Assessment (ESA) of the proposed location on S. McKenzie Street in Foley, Alabama (referred to collectively as “property” or “subject property”).

ECS Southeast, LLP. conducted a Phase I ESA for the aforementioned property dated August 29, 2023. The report identified the following Recognized Environmental Conditions (RECs) in connection with the subject property.

- “The subject property, listed as Baldwin Classic Cleaners, Inc and located at 517 S. McKenzie, was identified on the RCRA Non-Generators and EDR Historical Cleaners databases. The subject property was listed as Power Laundries from at least 1987 through 1992 and as a drycleaning plant from 1992 through approximately 1997. The property was listed as a non-generator and the former hazardous waste summary included the following spent halogenated solvents: Tetrachloroethylene, Methylene Chloride, Trichloroethylene, 1,1,1-Trichloroethane, Chlorobenzene, 1,1,2-Trichloro-1,2,2-Trifluoroethane, Ortho-Dichlorobenzene, Trichlorofluoromethane, and 1,1,2-Trichloroethane. The property does not have a corrective action priority ranking. The property was listed as a small quantity generator from at least 1987 through 1996 and as a non-generator since 1996. RCRA violations were listed for the property. The violations were reported as two Generators-Pre-transport violations in 1992 and three Generators-Pre-transport violations in 1995. Compliance was reached for the violations in 1992 and 1995, respectively. Based on the long term use of drycleaner solvents at the subject property and the potential for undocumented releases, ECS considers issues associated with this listing to represent a REC for the subject property.”

The purpose of this investigation was to confirm the presence or absence of potential contaminants of concern located at the subject property. Findings of this assessment are presented in the following sections.

2.0 SITE ASSESSMENT

2.1 SITE DESCRIPTION

The property consists of one (1) parcel of land (parcel identification numbers 05-54-09-29-4-402-001.007) in the Baldwin County (Alabama) records, totaling approximately 0.8 acres of land. The property is located along S. McKenzie Street in Foley, Alabama. A topographic map indicating the property location is included as **Figure 1**.

The property is currently cleared, undeveloped land (**Figure 2**).

The property is adjoined to the north by a vacant lot beyond which is Centennial Bank. The subject property is adjoined to the east by undeveloped land. Foley Commons containing Southern Cancer Center and a Verizon Wireless store is located to the south while to the west is S. McKenzie Street beyond which is United Bank, Direct Furniture, Fish River Grill and Little Caesar’s Pizza.

2.2 TOPOGRAPHY

The topography in the immediate vicinity of the property is generally slopes slightly to the northwest. According to the United States Geologic Survey (USGS) 7.5-Minute Topographic Quadrangle of Foley, AL (2020), the property elevation is approximately 80 feet above mean sea level (MSL). The subject property slopes slightly to the south. The nearest identified surface water body is Wolf Creek, located approximately 4,000-feet northeast of the property. A copy of the topographic map is included as **Figure 1**.

2.3 LOCAL GEOLOGY

Based on review of the map Geology of the Foley (AL) Quadrangle, published 2020 by the U.S. Geological Survey, the subject property is underlain by the East Gulf Coastal Plain province. The map describes the East Gulf Coastal Plain in this region as primarily derived from unconsolidated sands, silts, and clays transported to the area by the weathering of the Appalachian Mountains.

2.4 CONTAMINATION INVESTIGATION

CES performed a limited investigation to confirm the presence or absence of subsurface impacts of potential chemicals of concern at the subject property. The investigation included the installation of exploratory soil borings and selective laboratory analyses, in addition to a limited geotechnical investigation. Details concerning these activities are presented in the following sections.

2.4.1 SOIL BORING INSTALLATION AND SAMPLING

CES personnel performed a subsurface investigation at the subject property on September 14, 2023. CES contracted Walker Hill Environmental, Inc. (an Alabama licensed driller) to install six (6) soil borings at the subject property. Soil boring locations are illustrated on **Figure 2**. Borings were advanced to between 12 and 24-feet below ground surface (bgs).

Soil borings were installed using direct push techniques to collect soil samples representative of subsurface conditions. Contact downhole drilling equipment (hollow-stem augers, drill rods) was decontaminated prior to drilling using a steam cleaner with a design discharge of 180°F. Sampling equipment was decontaminated between each sample interval using a phosphate-free detergent solution and water rinse. Disposable nitrile gloves were properly used during all phases of sample collection.

The soil samples were collected for visual inspection and lithologic characterization. The soil interval from the bottom of each boring or from just above the smear zone (soil-groundwater interface) was sampled and retained for laboratory analysis. Soil boring logs are provided as **Appendix A**. Soil boring locations are illustrated on **Figure 2**.

Groundwater was encountered at the subject property at a depth of approximately 6 to 21-feet bgs. Following completion of soil boring installations, a temporary monitoring well was installed in SB-1. The temporary well and groundwater sample was labeled TW-1. The temporary monitoring well was constructed of one-inch diameter schedule 40 polyvinyl chloride (PVC) well screen with factory 0.010-inch slotting. Groundwater samples were collected using dedicated, disposable, high density polyethylene (HDPE) bailers, and were transferred directly into the appropriate sample containers. Clean, disposable nitrile gloves were properly used during all phases of sample collection. The retained soil and groundwater samples were maintained on ice pending delivery to Pace Analytical National (Pace) in Mount Juliet, Tennessee

Soil and groundwater samples were submitted for the following parameters:

- Volatile Organic Compounds (VOCs) via U.S. EPA Method 8260B and
- Semi-volatile Organic Compounds (SVOCs) via U.S. EPA Method 8270C.

Strict sample security and chain-of-custody documentation were maintained during all phases of transport. Soil analytical results are presented in **Table 1**, while the groundwater analytical results are presented in **Table 2**. The laboratory Certificate of Analysis and chain-of-custody records are provided as **Appendix B**. Soil analytical data is included on **Figure 3** while groundwater analytical

data is included on **Figure 4**.

Upon completion of sample collection, the temporary monitoring well was removed from the borehole and the boring was abandoned by filling the borehole space with pelletized bentonite.

2.5 CONTAMINATION CHARACTERIZATION

The following sections describe CES's delineation of subsurface potential chemicals of concern detected during this cursory investigation.

2.5.1 VAPOR-PHASE

CES observed no site conditions indicative of potential fire or safety hazards during this cursory investigation.

2.5.2 ADSORBED-PHASE

During Phase II ESA activities, CES retained six (6) soil samples (SB-1 through SB-6) for laboratory analysis. Soil samples were collected from the 7-19 foot interval. **Table 1** presents a summary of the adsorbed-phase analytical results. Of the potential chemicals of concern analyzed at each soil boring, the following detections were reported above laboratory reportable detection limits (RDLs):

- **SB-1:** pyrene (0.087 mg/kg), naphthalene (0.0202 J mg/kg), phenanthrene (0.135 mg/kg), indeno(1,2,3-cd)pyrene (0.0101 J mg/kg), fluorene (0.0184 J mg/kg), chrysene (0.0348 mg/kg), benzo(a)pyrene (0.0157J mg/kg), benzo(g,h,i)perylene (0.00944 mg/kg), benzo(k)fluoranthene (0.00998 J mg/kg), benzo(a)fluoranthene (0.00289 J mg/kg), benzo(a)anthracene (0.0289 J mg/kg), anthracene (0.0621 mg/kg), and acenaphthene (0.0651 J mg/kg).
- **SB-2 through SB-6:** non-detect for VOCs and SVOCs.

The referenced detection for naphthalene in SB-1 exceeded the Alabama Department of Environmental Management (ADEM) Table 2-2 Soil Screening Levels for a Small Site (April 2008). The complete laboratory analytical report and chain-of-custody documentation are provided in **Appendix B**.

2.5.3 DISSOLVED-PHASE

During Phase II ESA activities, CES collected one (1) grab groundwater samples (TW-1) for laboratory analysis. **Table 2** presents a summary of the dissolved-phase analytical result reported in milligrams per liter (mg/L). Of the potential chemicals of concern analyzed, the following detections were reported above laboratory RDLs:

- TW-1: pyrene (0.0701 mg/l), diethyl phthalate (0.00031 J mg/l), phenanthrene (0.0371 mg/l), naphthalene (0.0124 mg/l), tetrachloroethene (0.146 mg/l), acenaphthene (0.00607 mg/l), acenaphthylene (0.00013 J mg/l), anthracene (0.009321 mg/l), benzo(a)anthracene (0.000766 J mg/l), benzo(a)fluoranthene (0.000337 J mg/l), benzo(k)fluoranthene (0.0000127 J mg/l), benzo(a)pyrene (0.000374J mg/l), chrysene (0.000654 mg/l), fluoranthene (0.0117 mg/l), fluorene (0.0113 J mg/l), and indeno(1,2,3-cd)pyrene (0.000383 J mg/kg).

Of the potential chemicals of concern analyzed, the detections of benzo(a)anthracene, benzo(a)fluoranthene, benzo(a)pyrene, and indeno(1,2,3-cd)pyrene in TW-1 exceeded the ADEM Table 2-2 for Direct Contact -Groundwater Tap Water (April 2008). TW-1 groundwater sample was

collected from the same boring as SB-1 soil sample. The complete laboratory analytical report and chain-of-custody documentation are provided in **Appendix B**.

2.5.4 FREE PRODUCT

Free-phase product was not observed during this investigation.

3.0 PHASE II ENVIRONMENTAL SITE ASSESSMENT SUMMARY

During this cursory Phase II investigation, six (6) soil borings were installed, and temporary monitoring wells were installed at one (1) of the six (6) boring locations. Soil samples were collected from each soil boring, and groundwater samples were collected from the temporary monitoring well (TW-1).

Laboratory analysis of the six (6) soil samples yielded detectable concentrations of VOCs and SVOCs in the soil sample from SB-1. The referenced detection for naphthalene in SB-1 exceeded the Alabama Department of Environmental Management (ADEM) Table 2-2 Soil Screening Levels for a Small Site (April 2008).

Laboratory analysis of the groundwater samples (TW-1) yielded detectable concentrations of VOCs and SVOCs. Of the potential chemicals of concern analyzed, the detections of benzo(a)anthracene, benzo(a)fluoranthene, benzo(a)pyrene, and indeno(1,2,3-cd)pyrene in TW-1 exceeded the ADEM Table 2-2 for Direct Contact -Groundwater Tap Water (April 2008).

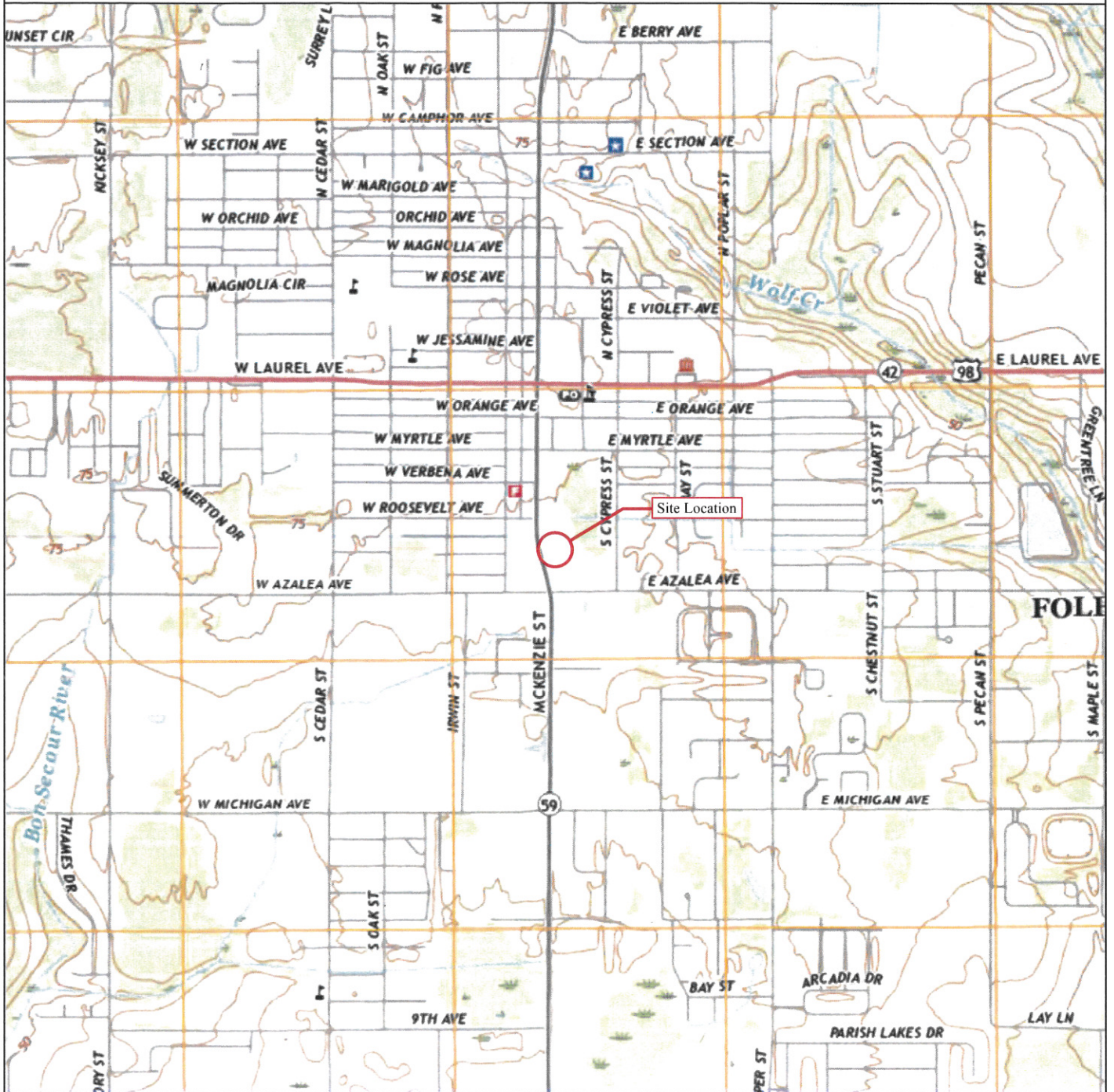
This report has been prepared for the exclusive use of Schaad Brown FP Real Estate, LLC for specific application to the referenced site in Foley, Alabama. This report is based upon a specific scope of work requested by the client. The contract between CES and its client outlines the scope of work, and only those tasks specifically authorized by that contract or outlined in this report were performed. This report is intended only for the use of CES's client and anyone else specifically identified in writing by CES as a user of this report. CES will not and cannot be liable for unauthorized reliance by any other third party. Other than as contained in this paragraph, CES makes no express or implied warranty as to the contents of this report.

The data that are presented in this report are indicative of conditions that existed at the precise locations sampled and at the time the samples were collected. Additionally, the data obtained from samples would be interpreted as being meaningful with respect to parameters indicated in the laboratory report. No additional information can logically be inferred from this data. Conclusions and recommendations set forth herein are applicable only to the facts and conditions described at the time of this report.

FIGURES

FIGURE 1

Site Location Map
 0 McKenzie Street S
 Foley, Alabama 36535



1701 Shenandoah Avenue, NW
 Roanoke, Virginia 24017

540-343-6256 (office) 540-343-6259 (fax)

Foley, Alabama

Source: U.S.G.S Topographic Map of the
 Foley Quadrangle, Alabama,
 7.5 Minute Series (2020)
 Scale: 1:24,000 Contour Interval: 5 Feet
 Vertical Datum: National Geodetic Vertical
 Datum 1988
 Horizontal Datum: North American Datum 1983

Project: Phase II ESA

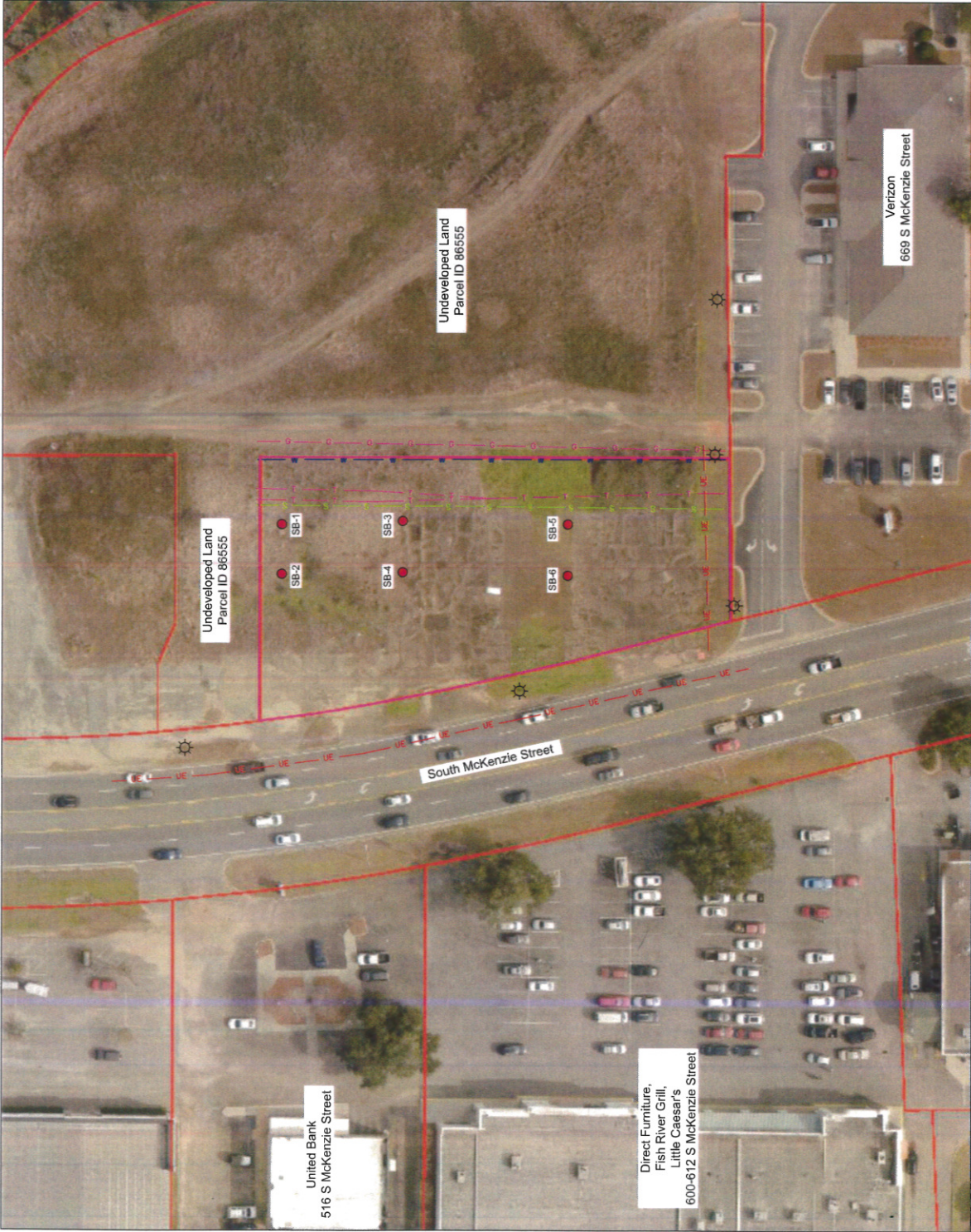
Client: Schaad Brown

CES Job #: 1.0041

Date: 10/2/2023



Latitude:
 30°24'02.7"N
 Longitude:
 87°41'0.1"W



Legend

- Approximate Property Lines
- Natural Gas Line
- Underground Electric Line
- Underground Telephone Line
- Water Line
- Sewer Line
- Light Pole
- Soil Boring Location

Latitude:
30°24'02.7"N
Longitude:
87°41'01"W



CRAWFORD ENVIRONMENTAL SERVICES	
CLIENT: Schaad Brown	Figure 2
LOCATION: 0 McKenzie Street S Foley, Alabama 36555	0 McKenzie Street S Site Map
Phase II ESA	

Legend

- Approximate Property Lines
- Natural Gas Line
- Underground Electric Line
- Underground Telephone Line
- Water Line
- Sewer Line
- Light Pole
- Soil Boring Location

Shading indicates exceedance of RBSL(s)
 Units: mg/kg (milligrams per kilogram)

Latitude:
 30°24'02.7"N
 Longitude:
 87°41'01.7"W

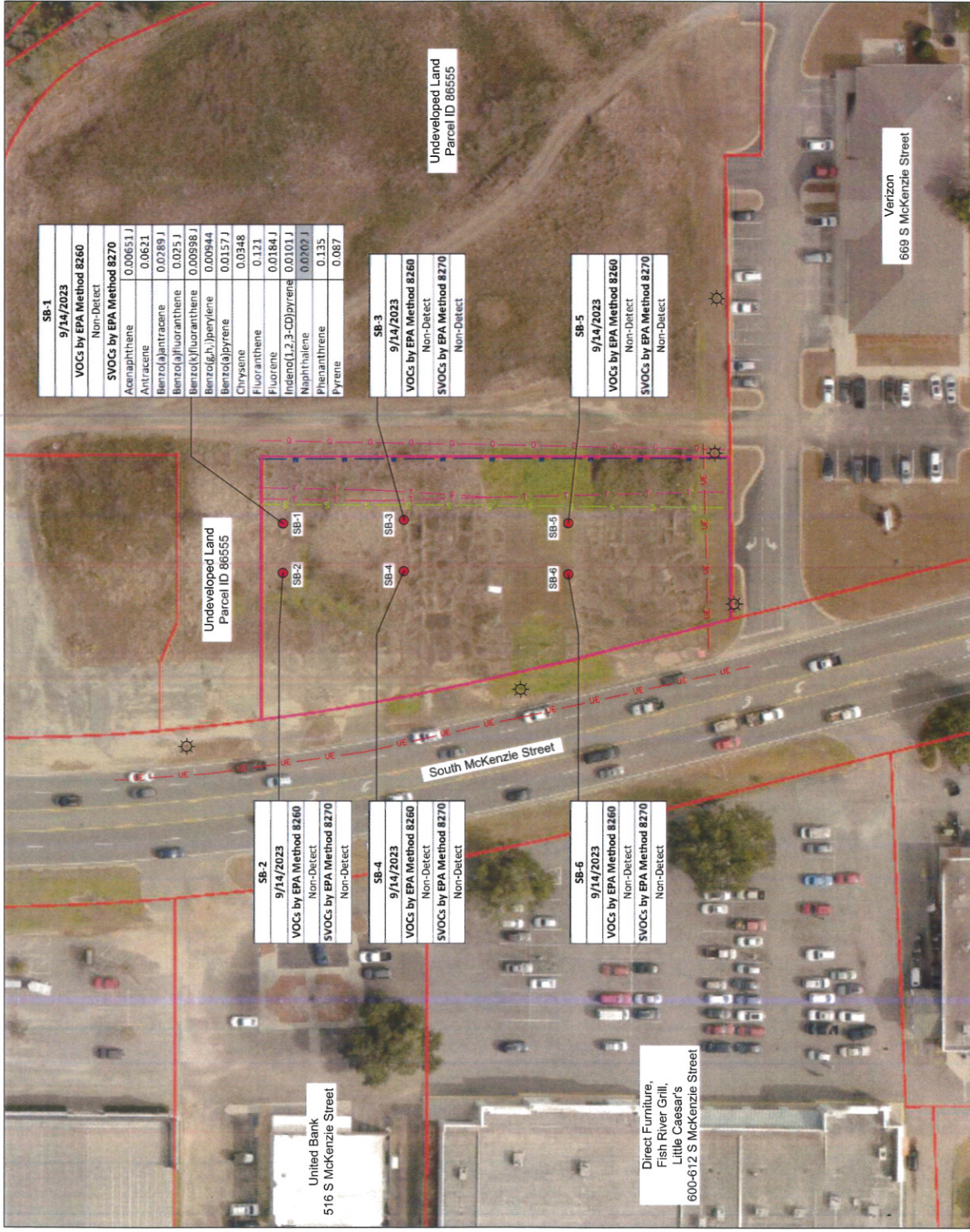


Figure 3

CLIENT: Schauf Brown
 0 McKenzie Street S
 Foley, Alabama 36555

**0 McKenzie Street S
 Soil Analytical Results**

Phase II ESA



Legend

- Approximate Property Lines
- G — Natural Gas Line
- UE — Underground Electric Line
- T — Underground Telephone Line
- W — Water Line
- S — Sewer Line
- ☀ Light Pole
- Soil Boring Location

Shading indicates exceedance of RBSL(s)
 Units: mg/L (milligrams per liter)



Latitude:
30°24'02.77"N
 Longitude:
87°41'0.17"W

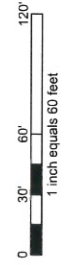
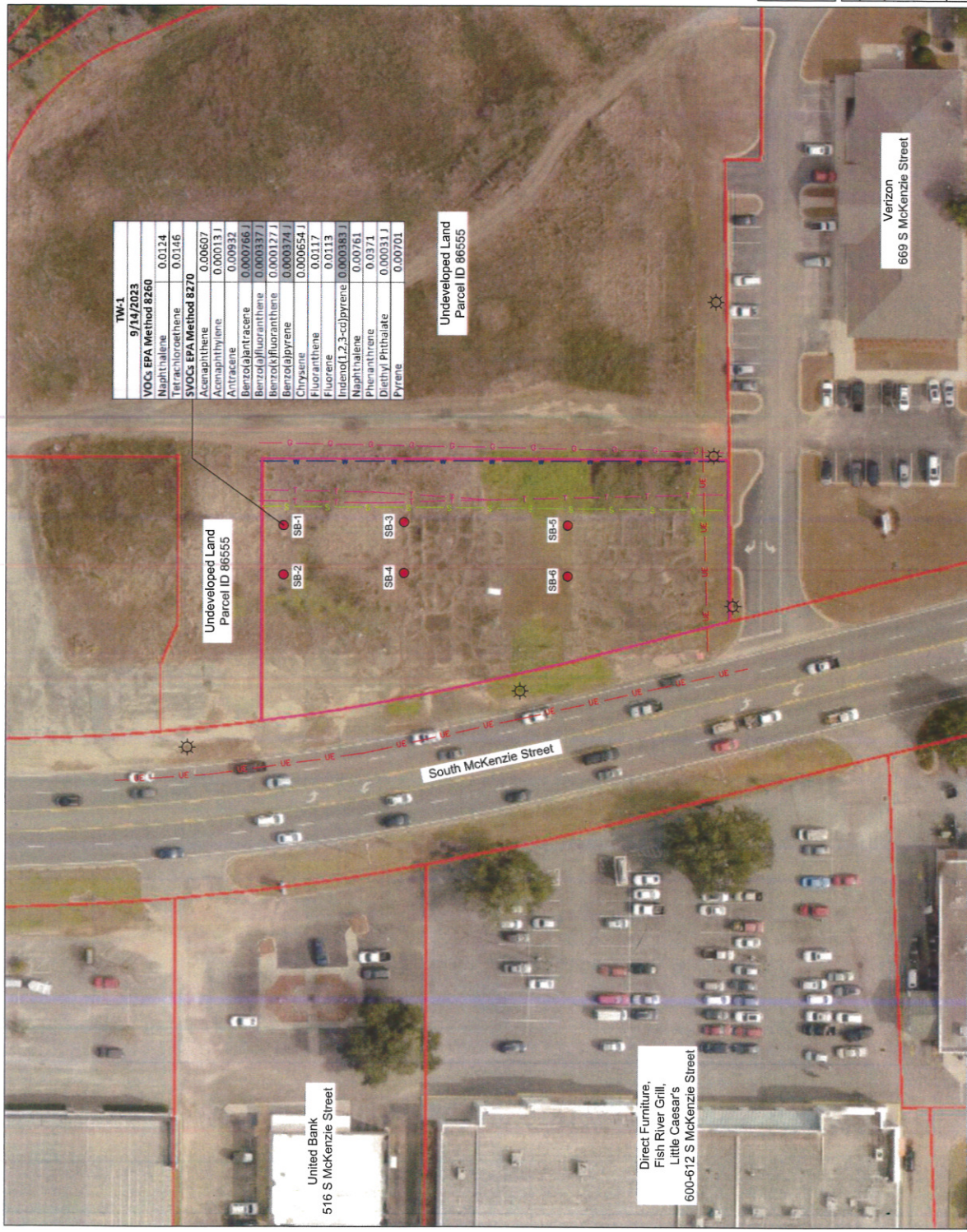


Figure 4

CLIENT: Seward Brown
 LOCATION: 0 McKenzie Street S
 Foley, Alabama 36555

**0 McKenzie Street S
 Groundwater Analytical Results**

Phase II ESA





TABLES

Table 1
Soil Analytical Results
Proposed Location
Foley, AL

Client Sample ID				SB-1	SB-2	SB-3	SB-4	SB-5	SB-6
Date Collected				09/14/2023	09/14/2023	09/14/2023	09/14/2023	09/14/2023	09/14/2023
Analyte	Units	AL Table 2-2 Soil Screening Level Small Soil	AL Table 2-2 Direct Contact Commercial Soil	Result	Result	Result	Result	Result	Result
Semi-Volatile Organic Compounds (SVOCs) by EPA Method 8270									
Di-n-Buty Phthalate	mg/kg	2.78	6200	<0.0114	<0.0114	<0.0114	<0.0114	<0.0114	<0.0114
Diethyl Phthalate	mg/kg	4.39	100000	<0.0110	<0.0110	<0.0110	<0.0110	<0.0110	<0.0110
DimethylPhthalate	mg/kg	10.9	100000	<0.0706	<0.0706	<0.0706	<0.0706	<0.0706	<0.0706
Di-n-Octyl Phthalate	mg/kg	61700	2500	<0.0225	<0.0225	<0.0225	<0.0225	<0.0225	<0.0225
Pyrene	mg/kg	9.59	2900	0.087	<0.00648	<0.00648	<0.00648	<0.00648	<0.00648
1,2,4-Trichlorobenzene	mg/kg	0.62	22	<0.0104	<0.0104	<0.0104	<0.0104	<0.0104	<0.0104
4-Chloro-3-Methylphenol	mg/kg	0.00531	456	<0.0108	<0.0108	<0.0108	<0.0108	<0.0108	<0.0108
2-Chlorophenol	mg/kg	0.00623	24	<0.0110	<0.0110	<0.0110	<0.0110	<0.0110	<0.0110
2,4-Dichlorophenol	mg/kg	0.00931	180	<0.00970	<0.00970	<0.00970	<0.00970	<0.00970	<0.00970
2,4-Dimethylphenol	mg/kg	0.084	1200	<0.00870	<0.00870	<0.00870	<0.00870	<0.00870	<0.00870
4,6-Dinitro-2-Methylphenol	mg/kg	NE	NE	<0.0755	<0.0755	<0.0755	<0.0755	<0.0755	<0.0755
2,4-Dinitrophenol	mg/kg	0.000982	120	<0.0779	<0.0779	<0.0779	<0.0779	<0.0779	<0.0779
2-Nitrophenol	mg/kg	NE	NE	<0.0119	<0.0119	<0.0119	<0.0119	<0.0119	<0.0119
4-Nitrophenol	mg/kg	0.00232	NE	<0.0104	<0.0104	<0.0104	<0.0104	<0.0104	<0.0104
Pentachlorophenol	mg/kg	0.003	9	<0.00896	<0.00896	<0.00896	<0.00896	<0.00896	<0.00896
Phenol	mg/kg	0.3	100000	<0.0134	<0.0134	<0.0134	<0.0134	<0.0134	<0.0134
2,4,6-Trichlorophenol	mg/kg	0.000712	6.2	<0.0107	<0.0107	<0.0107	<0.0107	<0.0107	<0.0107

Notes:

Qualifiers: J: The identification of the analyte is acceptable; the reported value is an estimate.

Risk Based Screening Levels established by Alabama Department of Environmental Management (ADEM) in April 2008.

Exceeds one or more RBSL.

NE= Not established

Table 2
Groundwater Analytical Results
Proposed Location
Foley, AL

Client Sample ID		TW-1	
Date Collected		09/14/2023	
Analyte	Units	AL Table 2-2 Direct Contact Groundwater Tap Water	Result
VOLATILE ORGANIC COMPOUNDS BY EPA METHOD 8260			
Acetone	mg/l	0.55	<0.0113
Acrylnitrile	mg/l	0.000039	<0.000671
Benzene	mg/l	0.005	<0.0000941
Bromobenzene	mg/l	NE	<0.000118
Bromodichloromethane	mg/l	0.08	<0.000136
Bromoform	mg/l	0.08	<0.000129
Bromomethane	mg/l	0.00087	<0.000605
N-Butylbenzene	mg/l	NE	<0.000157
SEC-Butylbenzene	mg/l	NE	<0.000125
TERT-Butylbenzene	mg/l	0.024	<0.000127
Carbon Tetrachloride	mg/l	0.005	<0.000128
Chlorobenzene	mg/l	0.1	<0.000116
Chlorodibromomethane	mg/l	0.08	<0.000140
Chloroethane	mg/l	0.0046	<0.000192
Chloroform	mg/l	0.08	<0.000111
Chloromethane	mg/l	0.0016	<0.000960
2-Chlorotoluene	mg/l	0.012	<0.000106
4-Chlorotoluene	mg/l	NE	<0.000114
1,2-Dibromo-3-Chloropropane	mg/l	0.0002	<0.000276
1,2-Dibromoethane	mg/l	0.00005	<0.000126
Dibromomethane	mg/l	NE	<0.000122
1,2-Dichlorobenzene	mg/l	0.6	<0.000107
1,3-Dichlorobenzene	mg/l	0.018	<0.000110
1,4-Dichlorobenzene	mg/l	0.075	<0.000120
Dichlorodifluoromethane	mg/l	0.039	<0.000374
1,1-Dichloroethane	mg/l	0.081	<0.000100
1,2-Dichloroethane	mg/l	0.005	<0.0000819
1,1-Dichloroethene	mg/l	0.007	<0.000188
CIS-1,2-Dichloroethene	mg/l	0.07	<0.000126
TRANS-1,2-Dichloroethene	mg/l	0.1	<0.000149
1,2-Dichloropropane	mg/l	0.005	<0.000149
1,1-Dichloropropene	mg/l	NE	<0.000142
1,3-Dichloropropane	mg/l	NE	<0.000110
CIS-1,3-Dichloropropene	mg/l	NE	<0.000111

Table 2
Groundwater Analytical Results
Proposed Location
Foley, AL

Client Sample ID			TW-1
Date Collected			09/14/2023
Analyte	Units	AL Table 2-2 Direct Contact Groundwater Tap Water	Result
VOLATILE ORGANIC COMPOUNDS BY EPA METHOD 8260			
TRANS-1,3-Dichloropropene	mg/l	NE	<0.000118
2,2-Dichloropropane	mg/l	NE	<0.000161
Di-Isopropyl Ether	mg/l	NE	<0.000105
Ethylbenzene	mg/l	0.7	<0.000137
Hexachloro-1,3-Butadiene	mg/l	0.00086	<0.000337
Isopropylbenzene	mg/l	0.66	<0.000105
P-Isopropyltoluene	mg/l	NE	<0.000120
2-Butanone (MEK)	mg/l	0.7	<0.00119
Methylene Chloride	mg/l	0.005	<0.000430
4-Methyl-2-Pentanone (MIBK)	mg/l	0.2	<0.000478
Methyl-Tert-Butyl Ether	mg/l	0.011	<0.000101
Naphthalene	mg/l	0.00062	0.0124
N-Propylbenzene	mg/l	NE	<0.0000993
Styrene	mg/l	0.1	<0.000118
1,1,1,2-Tetrachloroethane	mg/l	0.00043	<0.000147
1,1,2,2-Tetrachloroethane	mg/l	0.000055	<0.000133
1,1,2-Trichlorotrifluoroethane	mg/l	NE	<0.000180
Tetrachloroethene	mg/l	0.005	0.0146
Toluene	mg/l	1	<0.000278
1,2,3-Trichlorobenzene	mg/l	NE	<0.000230
1,2,4-Trichlorobenzene	mg/l	0.07	<0.000481
1,1,1-Trichloroethane	mg/l	0.2	<0.000149
1,1,2-Trichloroethane	mg/l	0.005	<0.000158
Trichloroethene	mg/l	0.005	<0.000190
Trichlorofluoromethane	mg/l	0.13	<0.000160
1,2,3-Trichloropropane	mg/l	0.0000056	<0.000237
1,2,4-Trimethylbenzene	mg/l	0.0012	<0.000322
1,2,3-Trimethylbenzene	mg/l	NE	<0.000104
1,3,5-Trimethylbenzene	mg/l	0.0012	<0.000104
Vinyl Chloride	mg/l	0.002	<0.000234
Xylenes, Total	mg/l	10	<0.000174
Acrolein	mg/l	0.0000042	<0.00254

Table 2
Groundwater Analytical Results
Proposed Location
Foley, AL

Client Sample ID			TW-1
Date Collected			09/14/2023
Analyte	Units	AL Table 2-2 Direct Contact Groundwater Tap Water	Result
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs) BY EPA METHOD 8270			
Acenaphthene	mg/l	0.037	0.00607
Acenaphthylene	mg/l	0.0939	0.00013 J
Anthracene	mg/l	0.18	0.00932
Benzidine	mg/l	0.00000029	<0.00374 J4
Benzo(a)anthracene	mg/l	0.000092	0.000766 J
Benzo(a)fluoranthene	mg/l	0.000092	0.000337 J
Benzo(k)fluoranthene	mg/l	0.00092	0.000127 J
Benzo(g,h,i)perylene	mg/l	0.0469	<0.000121
Benzo(a)pyrene	mg/l	0.0002	0.000374 J
Bis(2-Chloroethoxy)Methane	mg/l	NE	<0.000116
Bis(2-Chloroethyl)Ether	mg/l	0.00001	<0.000137
2,2-Ooxybis(1-Chloropropane)	mg/l	NE	<0.000210
4-Bromophenyl- Phenylether	mg/l	NE	<0.0000877
2-Chloronaphthalene	mg/l	0.049	<0.0000648
4-Chlorophenyl-Phenylether	mg/l	NE	<0.0000926
Chrysene	mg/l	0.0092	0.000654 J
Dibenz(A,H)Anthacene	mg/l	0.0000092	<0.0000644
1,2-Dichlorobenzene	mg/l	0.6	<0.0000713
1,3-Dichlorobenzene	mg/l	0.018	<0.000132
1,4-Dichlorobenzene	mg/l	0.075	<0.0000942
3,3-Dichlorbenzidene	mg/l	0.00015	<0.000212
2,4-Dinitrotoluene	mg/l	0.0073	<0.0000983
2,6-Dinitrotoluene	mg/l	0.0036	<0.000250
Fluoranthene	mg/l	0.15	0.0117
Fluorene	mg/l	0.024	0.0113
Hexachlorobenzene	mg/l	0.001	<0.0000755
Hexachloro-1,3-Butadiene	mg/l	0.00086	<0.0000968
Hexachlorocyclopentadiene	mg/l	0.05	<0.0000598
Hexachloroethane	mg/l	0.0048	<0.000127
Indeno(1,2,3-cd)pyrene	mg/l	0.000092	0.000383 J
Isophorone	mg/l	0.071	<0.000143
Naphthalene	mg/l	0.00062	0.00761
Nitrobenzene	mg/l	0.00034	<0.000297
N-Nitrosodimethylamine	mg/l	0.0000013	<0.000998

Table 2
Groundwater Analytical Results
Proposed Location
Foley, AL

Client Sample ID			TW-1
Date Collected			09/14/2023
Analyte	Units	AL Table 2-2 Direct Contact Groundwater Tap Water	Result
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs) BY EPA METHOD 8270			
N-Nitrosodimethylamine	mg/l	0.014	<0.00237
N-Nitrosodi-N-propylamine	mg/l	0.0000096	<0.000261
Phenanthrene	mg/l	0.0469	0.0371
Benzbutyl Phthalate	mg/l	0.73	<0.000765
Bis(2-Ethylhexyl)Phthalate	mg/l	NE	<0.000895
Di-n-Buty Phthalate	mg/l	0.36	<0.000453
Diethyl Phthalate	mg/l	2.9	0.00031 J
DimethylPhthalate	mg/l	36	<0.000260
Di-n-Octyl Phthalate	mg/l	0.15	<0.000932
Pyrene	mg/l	0.018	0.00701
1,2,4-Trichlorobenzene	mg/l	0.07	<0.0000698
4-Chloro-3-Methylphenol	mg/l	0.0141	<0.000131
2-Chlorophenol	mg/l	0.003	<0.000133
2,4-Dichlorophenol	mg/l	0.011	<0.000102
2,4-Dimethylphenol	mg/l	0.073	<0.0000636
4,6-Dinitro-2-Methylphenol	mg/l	NE	<0.00112
2,4-Dinitrophenol	mg/l	0.0073	<0.00593
2-Nitrophenol	mg/l	NE	<0.000117
4-Nitrophenol	mg/l	0.0125	<0.000143
Pentachlorophenol	mg/l	0.001	<0.000313
Phenol	mg/l	1.1	<0.00433
2,4,6-Trichlorophenol	mg/l	0.00036	<0.000100

Notes:

Qualifiers:

J: The identification of the analyte is acceptable; the reported value is an estimate.

J4: The associated batch QC was outside the established quality control range for accuracy


Risk Based Screening Levels established by Alabama Department of Environmental Management (ADEM) in April 2008.

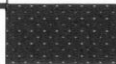
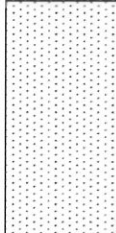
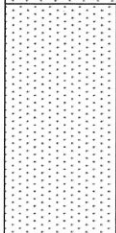
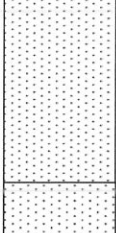
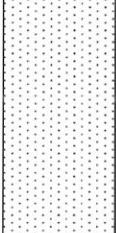
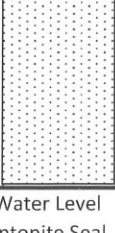
Exceeds one or more RBSL.



















NE= Not established

APPENDIX A

Soil Boring Logs


BORING / WELL: SB-1		 Crawford Environmental Services, Inc. 1701 Shenandoah Avenue, NW Roanoke, Virginia 24017 www.crawfordenvironmental.com
PROJECT: Proposed Foley, AL Location	PROJECT NUMBER: 1.0041	
SITE ADDRESS: S. McKenzie Street, Foley, AL		
DRILLING COMPANY/DRILLER: Walker Hill Environmental/Billy Smith		
DRILLING METHOD/RIG: Geoprobe 7822 DT		
DATE: 9/14/2023	LOGGED BY: Carol Goss	
PAGE: 1 of 2		

Depth (feet)	Lab Sample ID	PID (relative ppm)	Well Log Diagram	Geology Log	Description
0					
1					0-1' Grass with brown fine sand with red mottling, dry.
2					1-5' Sand, light brown, dry.
3					
4					
5					
6					5-9' Sandy clay, reddish orange, soft, moist.
7					
8					
9					9-12' Sandy clay, reddish orange, with red mottling, dry.
10					
11					
12					12-17' Sand, reddish tan, fine with infrequent red and brown mottling, dry.
13					
14					
15					
16					17-21 Sand, reddish tan, fine, dry.
17					
18	SB-1 (17-19')				
19					
20					

	Sand		Observed Water Level
	Silt		Sodium Bentonite Seal
	Clay		Sodium Bentonite Annular Fill
	Clay & Silt		Filter Sand
	Clay, Silt, Sand		Well Screen
	Clay & Sand		Well Casing/Riser
	Silt & Sand		
	Gravel / Cobbles		
	Topsoil		
	Bedrock		
	Concrete		
	Asphalt		

Northing:
Easting:
Well Installed:
Total Depth (feet):
Casing Type:
Casing Interval (feet):
Screen Type:
Screen Interval (feet):
Top of Casing Elev. (feet):
Ground Surface Elev. (feet):

PID=photoionization detector
feet = depth below surface


BORING / WELL: SB-1		 <small>Crawford Environmental Services, Inc. 1701 Shenandoah Avenue, NW Roanoke, Virginia 24017 www.crawfordenvironmental.com</small>
PROJECT: Proposed Foley, AL Location	PROJECT NUMBER: 1.0041	
SITE ADDRESS: S. McKenzie Street, Foley, AL		
DRILLING COMPANY/DRILLER: Walker Hill Environmental/Billy Smith		
DRILLING METHOD/RIG: Geoprobe 7822 DT		
DATE: 9/14/2023	LOGGED BY: Carol Goss	
PAGE: 2 of 2		

Depth (feet)	Lab Sample ID	PID (relative ppm)	Well Log Diagram	Geology Log	Description
20					
21			▼		21-24' Sand, red and tan mottled, fine, wet
22					
23					
24	TW-1				
25					24' End of Boring
26					
27					
28					
29					
30					
31					
32					
33					
34					
35					
36					
37					
38					
39					
40					








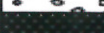



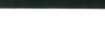






<table style="width:100%; border-collapse: collapse;"> <tr><td style="background-color: #d3d3d3; border: 1px solid black; width: 20px; height: 10px;"></td><td>Sand</td></tr> <tr><td style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 10px;"></td><td>Silt</td></tr> <tr><td style="background-color: #a9a9a9; border: 1px solid black; width: 20px; height: 10px;"></td><td>Clay</td></tr> <tr><td style="background-color: #808080; border: 1px solid black; width: 20px; height: 10px;"></td><td>Clay & Silt</td></tr> <tr><td style="background-color: #696969; border: 1px solid black; width: 20px; height: 10px;"></td><td>Clay, Silt, Sand</td></tr> <tr><td style="background-color: #545454; border: 1px solid black; width: 20px; height: 10px;"></td><td>Clay & Sand</td></tr> <tr><td style="background-color: #404040; border: 1px solid black; width: 20px; height: 10px;"></td><td>Silt & Sand</td></tr> <tr><td style="background-color: #303030; border: 1px solid black; width: 20px; height: 10px;"></td><td>Gravel / Cobbles</td></tr> <tr><td style="background-color: #202020; border: 1px solid black; width: 20px; height: 10px;"></td><td>Topsoil</td></tr> <tr><td style="background-color: #101010; border: 1px solid black; width: 20px; height: 10px;"></td><td>Bedrock</td></tr> <tr><td style="background-color: #000000; border: 1px solid black; width: 20px; height: 10px;"></td><td>Concrete</td></tr> <tr><td style="background-color: #808080; border: 1px solid black; width: 20px; height: 10px;"></td><td>Asphalt</td></tr> </table>		Sand		Silt		Clay		Clay & Silt		Clay, Silt, Sand		Clay & Sand		Silt & Sand		Gravel / Cobbles		Topsoil		Bedrock		Concrete		Asphalt	<table style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">▼</td><td>Observed Water Level</td></tr> <tr><td style="background-color: #808080; border: 1px solid black; width: 20px; height: 10px;"></td><td>Sodium Bentonite Seal</td></tr> <tr><td style="background-color: #696969; border: 1px solid black; width: 20px; height: 10px;"></td><td>Sodium Bentonite Annular Fill</td></tr> <tr><td style="background-color: #545454; border: 1px solid black; width: 20px; height: 10px;"></td><td>Filter Sand</td></tr> <tr><td style="border: 1px solid black; width: 20px; height: 10px;"></td><td>Well Screen</td></tr> <tr><td style="border: 1px solid black; width: 20px; height: 10px;"></td><td>Well Casing/Riser</td></tr> </table>	▼	Observed Water Level		Sodium Bentonite Seal		Sodium Bentonite Annular Fill		Filter Sand		Well Screen		Well Casing/Riser	
	Sand																																					
	Silt																																					
	Clay																																					
	Clay & Silt																																					
	Clay, Silt, Sand																																					
	Clay & Sand																																					
	Silt & Sand																																					
	Gravel / Cobbles																																					
	Topsoil																																					
	Bedrock																																					
	Concrete																																					
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▼	Observed Water Level																																					
	Sodium Bentonite Seal																																					
	Sodium Bentonite Annular Fill																																					
	Filter Sand																																					
	Well Screen																																					
	Well Casing/Riser																																					


Northing:	
Eastings:	
Well Installed:	Yes, temp well
Total Depth (feet):	24
Casing Type:	1-inch PVC
Casing Interval (feet):	0-19
Screen Type:	1-inch PVC 0.010 slot
Screen Interval (feet):	19-24
Top of Casing Elev. (feet):	
Ground Surface Elev. (feet):	


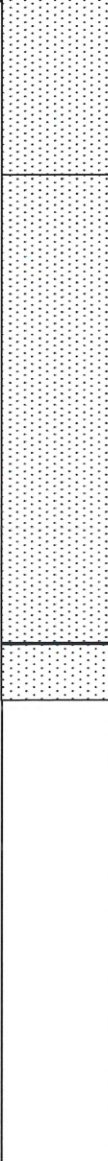
PID=photoionization detector
feet = depth below surface









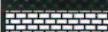


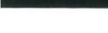






BORING / WELL: SB-2		 Crawford Environmental Services, Inc. 1701 Shenandoah Avenue, NW Roanoke, Virginia 24017 www.crawfordenvironmental.com
PROJECT: Proposed Foley, AL Location	PROJECT NUMBER: 1.0041	
SITE ADDRESS: S. McKenzie Street, Foley, AL		
DRILLING COMPANY/DRILLER: Walker Hill Environmental/Billy Smith		
DRILLING METHOD/RIG: Geoprobe 7822 DT		
DATE: 9/14/2023	LOGGED BY: Carol Goss	
PAGE: 1 of 2		


Depth (feet)	Lab Sample ID	PID (relative ppm)	Well Log Diagram	Geology Log	Description
0					
1					0-6" Grass with brown fine sand with red mottling, dry.
2					6"-4' Sand, gray, fine with dark gray mottling, dry.
3					
4					
5					
6					4-5' Sandy clay, gray, dry.
7					5-8' Sand, reddish orange, fine, tan mottling, dry.
8					
9					
10					8-10' Sandy clay, reddish orange, fine, tan mottling, dry.
11					
12					10-15' Sandy clay, reddish orange, fine, more frequent tan mottling, dry.
13					
14	SB-2 (13-15')				
15					
16					15' End of Boring
17					
18					
19					
20					


<ul style="list-style-type: none">  Sand  Silt  Clay  Clay & Silt  Clay, Silt, Sand  Clay & Sand  Silt & Sand  Gravel / Cobbles  Topsoil  Bedrock  Concrete  Asphalt 	<ul style="list-style-type: none">  Observed Water Level  Sodium Bentonite Seal  Sodium Bentonite Annular Fill  Filter Sand  Well Screen  Well Casing/Riser 	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td colspan="2">Northing:</td></tr> <tr><td colspan="2">Easting:</td></tr> <tr><td>Well Installed:</td><td style="text-align: center;">No</td></tr> <tr><td>Total Depth (feet):</td><td style="text-align: center;">15</td></tr> <tr><td colspan="2">Casing Type:</td></tr> <tr><td colspan="2">Casing Interval (feet):</td></tr> <tr><td colspan="2">Screen Type:</td></tr> <tr><td colspan="2">Screen Interval (feet):</td></tr> <tr><td colspan="2">Top of Casing Elev. (feet):</td></tr> <tr><td colspan="2">Ground Surface Elev. (feet):</td></tr> </table> <p style="text-align: right; font-size: small;">PID=photoionization detector feet = depth below surface</p>	Northing:		Easting:		Well Installed:	No	Total Depth (feet):	15	Casing Type:		Casing Interval (feet):		Screen Type:		Screen Interval (feet):		Top of Casing Elev. (feet):		Ground Surface Elev. (feet):	
Northing:																						
Easting:																						
Well Installed:	No																					
Total Depth (feet):	15																					
Casing Type:																						
Casing Interval (feet):																						
Screen Type:																						
Screen Interval (feet):																						
Top of Casing Elev. (feet):																						
Ground Surface Elev. (feet):																						












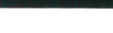






BORING / WELL: SB-3		 Crawford Environmental Services, Inc. 1701 Shenandoah Avenue, NW Roanoke, Virginia 24017 www.crawfordenvironmental.com
PROJECT: Proposed Foley, AL Location	PROJECT NUMBER: 1.0041	
SITE ADDRESS: S. McKenzie Street, Foley, AL		
DRILLING COMPANY/DRILLER: Walker Hill Environmental/Billy Smith		
DRILLING METHOD/RIG: Geoprobe 7822 DT		
DATE: 9/14/2023	LOGGED BY: Carol Goss	
PAGE: 1 of 2		

Depth (feet)	Lab Sample ID	PID (relative ppm)	Well Log Diagram	Geology Log	Description	
0						
1					0-1' Sand, reddish pink, fine, dry.	
2					1-3' Sand, black, fine, dry.	
3						
4					3-4' Sandy clay, gray, dry.	
5					4-5' Sandy clay, gray and red mottled, moist.	
6						
7						
8	SB-3 (7-9)					5-11' Sandy clay, reddish brown, moist becoming wet at 10'.
9						
10						
11						
12						11-12' Sand, reddish brown, fine, wet.
13				12' End of Boring.		
14						
15						
16						
17						
18						
19						
20						

 Sand  Silt  Clay  Clay & Silt  Clay, Silt, Sand  Clay & Sand  Silt & Sand  Gravel / Cobbles  Topsoil  Bedrock  Concrete  Asphalt	 Observed Water Level  Sodium Bentonite Seal  Sodium Bentonite Annular Fill  Filter Sand  Well Screen  Well Casing/Riser	Northing: Easting: Well Installed: No Total Depth (feet): 12 Casing Type: Casing Interval (feet): Screen Type: Screen Interval (feet): Top of Casing Elev. (feet): Ground Surface Elev. (feet):
PID=photoionization detector feet = depth below surface		


BORING / WELL: SB-4		 Crawford Environmental Services, Inc. 1701 Shenandoah Avenue, NW Roanoke, Virginia 24017 www.crawfordenvironmental.com
PROJECT: Proposed Foley, AL Location	PROJECT NUMBER: 1.0041	
SITE ADDRESS: S. McKenzie Street, Foley, AL		
DRILLING COMPANY/DRILLER: Walker Hill Environmental/Billy Smith		
DRILLING METHOD/RIG: Geoprobe 7822 DT		
DATE: 9/14/2023	LOGGED BY: Carol Goss	
PAGE: 1 of 2		

Depth (feet)	Lab Sample ID	PID (relative ppm)	Well Log Diagram	Geology Log	Description	
0						
1					0-1' Grass with black sand, fine, dry.	
2					1-3' Sand, black, fine, dry.	
3						3-6' Sandy clay, gray, dry.
4						
5						
6						6-11' Sandy clay, reddish orange with orange clay mottling, moist.
7						
8						
9						
10						11-15' Sand, tannish orange, fine with red marbling, dry.
11						
12						15' End of Boring.
13						
14						
15	SB-4 (14-15')					
16						
17						
18						
19						
20						

 Sand  Silt  Clay  Clay & Silt  Clay, Silt, Sand  Clay & Sand  Silt & Sand  Gravel / Cobbles  Topsoil  Bedrock  Concrete  Asphalt	 Observed Water Level  Sodium Bentonite Seal  Sodium Bentonite Annular Fill  Filter Sand  Well Screen  Well Casing/Riser
--	---

Northing:	
Eastings:	
Well Installed:	No
Total Depth (feet):	15
Casing Type:	
Casing Interval (feet):	
Screen Type:	
Screen Interval (feet):	
Top of Casing Elev. (feet):	
Ground Surface Elev. (feet):	

PID=photoionization detector
 feet = depth below surface

BORING / WELL: SB-5		 <small>Crawford Environmental Services, Inc. 1701 Shenandoah Avenue, NW Roanoke, Virginia 24017 www.crawfordenvironmental.com</small>
PROJECT: Proposed Foley, AL Location	PROJECT NUMBER: 1.0041	
SITE ADDRESS: S. McKenzie Street, Foley, AL		
DRILLING COMPANY/DRILLER: Walker Hill Environmental/Billy Smith		
DRILLING METHOD/RIG: Geoprobe 7822 DT		
DATE: 9/14/2023	LOGGED BY: Carol Goss	
PAGE: 1 of 2		

Depth (feet)	Lab Sample ID	PID (relative ppm)	Well Log Diagram	Geology Log	Description
0					
1					0-1' Grass with brown sand, fine, dry.
2					1-4' Sand, dark brown, fine, dry.
3					
4					
5					4-7' Sandy clay, gray with infrequent pebbles (<1/2'), moist.
6					
7					
8					7-12' Clay, reddish tan, fine with red and tan mottling, dry.
9					
10					
11					
12					12-15' Sand, reddish tan, fine with red sand mottling, dry.
13					
14					
15	SB-5 (14')				
16					15' End of Boring.
17					
18					
19					
20					

<ul style="list-style-type: none"> Sand Silt Clay Clay & Silt Clay, Silt, Sand Clay & Sand Silt & Sand Gravel / Cobbles Topsoil Bedrock Concrete Asphalt 	<ul style="list-style-type: none"> Observed Water Level Sodium Bentonite Seal Sodium Bentonite Annular Fill Filter Sand Well Screen Well Casing/Riser 	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td colspan="2">Northing:</td></tr> <tr><td colspan="2">Easting:</td></tr> <tr><td>Well Installed:</td><td style="text-align: right;">No</td></tr> <tr><td>Total Depth (feet):</td><td style="text-align: right;">15</td></tr> <tr><td colspan="2">Casing Type:</td></tr> <tr><td colspan="2">Casing Interval (feet):</td></tr> <tr><td colspan="2">Screen Type:</td></tr> <tr><td colspan="2">Screen Interval (feet):</td></tr> <tr><td colspan="2">Top of Casing Elev. (feet):</td></tr> <tr><td colspan="2">Ground Surface Elev. (feet):</td></tr> </table> <p style="font-size: small; margin-top: 5px;">PID=photoionization detector feet = depth below surface</p>	Northing:		Easting:		Well Installed:	No	Total Depth (feet):	15	Casing Type:		Casing Interval (feet):		Screen Type:		Screen Interval (feet):		Top of Casing Elev. (feet):		Ground Surface Elev. (feet):	
Northing:																						
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Top of Casing Elev. (feet):																						
Ground Surface Elev. (feet):																						

BORING / WELL: SB-6		 <small>Crawford Environmental Services, Inc. 1701 Shenandoah Avenue, NW Roanoke, Virginia 24017 www.crawfordenvironmental.com</small>
PROJECT: Proposed Foley, AL Location	PROJECT NUMBER: 1.0041	
SITE ADDRESS: S. McKenzie Street, Foley, AL		
DRILLING COMPANY/DRILLER: Walker Hill Environmental/Billy Smith		
DRILLING METHOD/RIG: Geoprobe 7822 DT		
DATE: 9/14/2023	LOGGED BY: Carol Goss	
PAGE: 1 of 2		

Depth (feet)	Lab Sample ID	PID (relative ppm)	Well Log Diagram	Geology Log	Description
0					
1					0-6" Grass with brown sand, fine, dry.
2					6"-3' Sand, brown, fine, dry.
3					
4					3-4' Sand, dark gray, fine, dry.
5					
6					4-8' Sand, light gray, fine with more tan marbling near 8', wet at 6-8'.
7					
8					
9					8-13' Clay, tan, heavily marbled with frequent red and gray clay, dry.
10					
11					
12					
13					
14					13-15' Sand, tan with infrequent red and gray mottling, dry.
15	SB-6 (15')				
16					15' End of Boring.
17					
18					
19					
20					

<ul style="list-style-type: none"> Sand Silt Clay Clay & Silt Clay, Silt, Sand Clay & Sand Silt & Sand Gravel / Cobbles Topsoil Bedrock Concrete Asphalt 	<ul style="list-style-type: none"> Observed Water Level Sodium Bentonite Seal Sodium Bentonite Annular Fill Filter Sand Well Screen Well Casing/Riser
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Northing:	
Eastings:	
Well Installed:	No
Total Depth (feet):	15
Casing Type:	
Casing Interval (feet):	
Screen Type:	
Screen Interval (feet):	
Top of Casing Elev. (feet):	
Ground Surface Elev. (feet):	

PID=photoionization detector
feet = depth below surface

ENVIRONMENTAL COVENANT

The **New Horizons Credit Union** (hereinafter "Grantor") grants an Environmental Covenant (hereinafter "Covenant") this ___ day of _____, 20___, to the following entities pursuant to The Alabama Uniform Environmental Covenants Act, Ala. Code §§ 35-19-1 to 35-19-14 (the Act) and the regulations promulgated thereunder: the Alabama Department of Environmental Management and the identified holders or other applicable parties: **JMB FP Investment Company, LLC.**

WHEREAS, the Grantor was the owner of certain real property located in the City of **Foley**, Alabama, identified as the **Proposed Foley, AL Site** situated at **0 S. McKenzie Street**, in **Baldwin** County, Alabama, (hereinafter "the Property"). The property which was conveyed to Grantor by deed dated **February 24, 2016**, and recorded in the Office of the Judge of Probate for **Baldwin** County, Alabama, in **Instrument Number 1557840**;

WHEREAS, the Property is more particularly described as the following:

PARCEL B:

Together with an appurtenant easement for ingress and egress, over and across Lot 3, Azalea Avenue Commercial Park, Phase 3, more particularly described as follows:

COMMENCE AT THE NORTHWEST CORNER OF LOT 3 PHASE 3 OF AZALEA AVENUE COMMERCIAL PARK AS RECORDED ON SLIDE 2164E OF THE PROBATE RECORDS OF BALDWIN COUNTY; RUN THENCE SOUTH 14 DEGREES 26 MINUTES 20 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY OF ALABAMA STATE ROAD NO. 59 FOR 6.77 TO THE POINT OF BEGINNING; RUN THENCE NORTH 85 DEGREES 49 MINUTES 15 SECONDS EAST FOR 18.72 FEET; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT HA YING A RADIUS OF 5 FEET

FOR AN ARC DISTANCE OF 6.71 FEET A CHORD BEARING OF NORTH 47 DEGREES 19 MINUTES 22 SECONDS EAST FOR 6.22 FEET; RUN THENCE NORTH 08 DEGREES 53MINUTES 22 SECONDS EAST FOR 1.25 FEET TO THE NORTH LINE OF SAID LOT 3; RUN THENCE NORTH 89 DEGREES 24 MINUTES 27 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3 FOR 25.48 FEET; RUN THENCE SOUTH 20 DEGREES 17 MINUTES 53 SECONDS EAST FOR 2.60 FEET; RUN THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT HA YING A RADIUS OF 5 FEET FOR AN ARC DISTANCE OF 6.04 FEET A CHORD BEARING OF SOUTH 54 DEGREES 55 MINUTES 37 SECONDS EAST FOR 5.68 FEET; RUN THENCE SOUTH 89 DEGREES 33 MINUTES 21 SECONDS EAST FOR 8.12 FEET; RUN THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HA YING A RADIUS OF 10 FEET FOR AN ARC DISTANCE OF 5.64 FEET A CHORD BEARING OF SOUTH 73 DEGREES 23 MINUTES 08 SECONDS EAST FOR 5.57 FEET; RUN THENCE SOUTH 57 DEGREES 12 MINUTES 54 SECONDS EAST FOR 16.86 FEET; RUN THENCE IN A SOUTHEASTERLY

DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 10 FEET FOR AN ARC DISTANCE OF 5.93 FEET A CHORD BEARING OF SOUTH 74 DEGREES 11 MINUTES 42 SECONDS EAST FOR 5.84 FEET; RUN THENCE NORTH 88 DEGREES 49 MINUTES 31 SECONDS EAST FOR 0.49 FEET; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5 FEET FOR AN ARC DISTANCE OF 7.62 FEET A CHORD BEARING OF NORTH 45 DEGREES 08 MINUTES 24 SECONDS EAST FOR 6.91 FEET; RUN THENCE NORTH 01 DEGREES 27 MINUTES 18 SECONDS EAST FOR 13.66 FEET TO THE NORTH LINE OF SAID LOT 3; RUN THENCE NORTH 89 DEGREES 20 MINUTES 38 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3 FOR 25.19 FEET; RUN THENCE SOUTH 01 DEGREES 28 MINUTES 32 SECONDS WEST FOR 13.69 FEET; RUN THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5 FEET FOR AN ARC DISTANCE OF 7.98 FEET A CHORD BEARING OF SOUTH 44 DEGREES 14 MINUTES 28 SECONDS EAST FOR 7.16 FEET; RUN THENCE SOUTH 89 DEGREES 57 MINUTES 29 SECONDS EAST FOR 116.95 FEET; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5 FEET FOR AN ARC DISTANCE OF 7.86 FEET A CHORD BEARING OF NORTH 44 DEGREES 59 MINUTES 25 SECONDS EAST FOR 7.08 FEET; RUN THENCE NORTH 00 DEGREES 03 MINUTES 42 SECONDS WEST FOR 15.34 FEET TO THE NORTH LINE LOT 3; RUN THENCE NORTH 89 DEGREES 20 MINUTES 38 SECONDS EAST ALONG THE NORTH LINE OF LOT 3 FOR 25.28 FEET; RUN THENCE SOUTH 00 DEGREES 14 MINUTES 28 SECONDS WEST FOR 21.39 FEET; RUN THENCE SOUTH 89 DEGREES 47 MINUTES 12 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3 FOR 101.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; RUN THENCE SOUTH 00 DEGREES 29 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 3 FOR 21.43 FEET; RUN THENCE ALONG THE EAST LINE OF SAID LOT 3 IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 119.25 FEET FOR AN ARC DISTANCE OF 105.59 FEET A CHORD BEARING OF SOUTH 25 DEGREES 27 MINUTES 27 SECONDS EAST FOR 102.18 FEET; RUN THENCE SOUTH 00 DEGREES 34 MINUTES 03 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 3 FOR 193.25 FEET TO THE NORTH RIGHT-OF-WAY OF AZALEA AVE.; RUN THENCE SOUTH 89 DEGREES 43 MINUTES 21 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY OF AZALEA AVE. FOR 23.26 FEET; RUN THENCE NORTH 00 DEGREES 34 MINUTES 25 SECONDS WEST ALONG THE EAST LINE OF LOT 1 PHASE 1 AZALEA AVENUE COMMERCIAL PARK FOR 193.10 FEET; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 89.62 FEET FOR AN ARC DISTANCE OF 139.43 FEET A CHORD BEARING OF NORTH 45 DEGREES 08 MINUTES 43 SECONDS WEST FOR 125.79 FEET; RUN THENCE NORTH 89 DEGREES 43 MINUTES 00 SECONDS WEST FOR 276.28 FEET; RUN THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 31 FEET FOR AN ARC DISTANCE OF 13.01 FEET A CHORD BEARING OF SOUTH 78 DEGREES 15 MINUTES 39 SECONDS WEST FOR 12.91 FEET TO THE EAST RIGHT-OF-WAY OF ALABAMA STATE ROAD NO. 59; RUN THENCE NORTH 14 DEGREES 26 MINUTES 20 SECONDS WEST

ALONG THE EAST RIGHT-OF-WAY OF SAID SR 59 FOR 39.95 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS .44 ACRES AND IS IN THE SOUTHWEST QUARTER OF SECTION 28 TOWNSHIP 7 SOUTH RANGE 4 EAST ST. STEPHENS MERIDIAN.

LESS AND EXCEPT such oil, gas, and other mineral interests and all rights and privileges in connection therewith as may have been reserved or conveyed by prior owners, if any.

WHEREAS, this instrument is an Environmental Covenant developed and executed pursuant to the Act and the regulations promulgated thereunder;

WHEREAS, a release/disposal of hazardous substances, including, but not limited to, naphthalene in subsurface soil at 17-19 feet below ground surface and benzo(a)anthracene, benzo(a)fluoranthene, benzo(a)pyrene, and indeno(1,2,3-cd)pyrene in groundwater, occurred on the Property;

WHEREAS, the selected "remedial action" for the Property, which has now been implemented, providing in part, for the following actions:

Implementation of an environmental covenant addressing the soil and groundwater impacts

WHEREAS, pursuant to the Remedial Action Plan approved by Land Division's Redevelopment Unit, on December 26, 2023, the Grantor and assignees agreed to perform operation and maintenance activities at the Property to address the effects of the release/disposal, which includes controlling exposure to the hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants;

WHEREAS, the Remedial Action Plan requires institutional controls to be implemented to address the effects of the release/disposal and to protect the remedy so that exposure to the hazardous waste, hazardous constituents, hazardous substances, pollutants, or contaminants is controlled by restricting the use of the Property and the activities on the Property;

WHEREAS, hazardous wastes, hazardous constituents, hazardous substances, pollutants, or other contaminants remain on the Property, specifically contamination has occurred in subsurface soil and the following contaminant(s) remain at the site: naphthalene in subsurface soil and benzo(a)anthracene, benzo(a)fluoranthene, benzo(a)pyrene, and indeno(1,2,3-cd)pyrene in groundwater;

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by placing restrictions on the Property to reduce the risk to human health to below the target risk levels for those hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants that remain on the Property;

WHEREAS, further information concerning the release/disposal and the activities to correct the effects of the release/disposal may be obtained by contacting Chief, Land Division, Alabama Department of Environmental Management ("ADEM"), or his or her designated representative, at 1400 Coliseum Boulevard, Montgomery, Alabama, 36110; and

WHEREAS, the Administrative Record concerning the Property is located at:

JMB FP Investment Company, LLC
325 Erin Drive
Knoxville, TN 37919

and

Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36110

NOW, THEREFORE, Grantor hereby grants this Environmental Covenant to ADEM and the identified Holders, and declares that the Property shall hereinafter be bound by, held, sold, used, improved, occupied, leased, hypothecated, encumbered, and/or conveyed subject to the following requirements set forth in paragraphs 1 through 3 below:

1. **DEFINITIONS**

Owner. "Owner" means the GRANTOR, its successors and assigns in interest.

2. **USE RESTRICTIONS**

The following **activity(ies)** shall not take place on the identified Property without first obtaining written approval from ADEM through modification of this covenant:

- Property is restricted to Industrial Use Only.
- Use of groundwater for potable purposes.

3. **GENERAL PROVISIONS**

A. **Restrictions to Run with the Land**. This Environmental Covenant runs with the land pursuant to Ala. Code §35-19-5, as amended; is perpetual, unless modified or terminated pursuant to the terms of this Covenant pursuant to Ala. Code §35-19-9, as amended; is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof; inures to the benefit of and passes with each and every portion of the Property; and binds the Owner, the Holders, all persons using the land, all persons, their heirs,

- successors and assigns having any right, title or interest in the Property, or any part thereof who have subordinated those interests to this Environmental Covenant, and all persons, their heirs, successors and assigns who obtain any right, title or interest in the Property, or any part thereof after the recordation of this Environmental Covenant.
- B. **Notices Required.** In accordance with Ala. Code §35-19-4(b), as amended, the Owner shall send written notification, pursuant to Section J, below, following transfer of a specified interest in, or concerning proposed changes in use of, applications for building permits for, or proposals for any site work affecting the contamination on, the Property. Said notification shall be sent within fifteen (15) days of each event listed in this Section.
- C. **Registry/Recordation of Environmental Covenant; Amendment; or Termination.** Pursuant to Ala. Code §35-19-12(b), as amended, this Environmental Covenant and any amendment or termination thereof, shall be contained in ADEM's registry for environmental covenants. After an environmental covenant, amendment, or termination is filed in the registry, a notice of the covenant, amendment, or termination may be recorded in the land records in lieu of recording the entire covenant in compliance with §35-19-12(b). Grantor shall be responsible for filing the Environmental Covenant within thirty (30) days of the final required signature upon this Environmental Covenant.
- D. **Compliance Certification.(IF APPLICABLE)** In accordance with Ala. Code §35-19-4(b), as amended, the Owner shall submit an annual report to the Director of the EPA Region 4 Superfund Division, and to the Chief of the ADEM Land Division, on the anniversary of the date this Covenant was signed by the Grantor. Said report shall detail the Owner's compliance, and any lack of compliance with the terms of the Covenant.
- E. **Right of Access.** The Owner hereby grants ADEM; ADEM's agents, contractors and employees; the Owner's agents, contractors and employees; and any Holders the right of access to the Property for implementation or enforcement of this Environmental Covenant.
- F. **ADEM Reservations.** Notwithstanding any other provision of this Environmental Covenant, ADEM retains all of its access authorities and rights, as well as all of its rights to require additional land/water use restrictions, including enforcement authorities related thereto.
- G. **Representations and Warranties.** Grantor hereby represents and warrants to the other signatories hereto:

- i) That the Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;
- ii) That the Grantor is the sole owner of the Property and holds fee simple title which is free, clear and unencumbered;
- iii) That the Grantor has identified all other parties that hold any interest (e.g., encumbrance) in the Property and notified such parties of the Grantor's intention to enter into this Environmental Covenant;
- iv) That this Environmental Covenant will not materially violate, contravene, or constitute a material default under, any other agreement, document, or instrument to which Grantor is a party, by which Grantor may be bound or affected;
- v) That this Environmental Covenant will not materially violate or contravene any zoning law or other law regulating use of the Property;
- vi) That this Environmental Covenant does not authorize a use of the Property which is otherwise prohibited by a recorded instrument that has priority over the Environmental Covenant.

H. **Compliance Enforcement.** In accordance with Ala. Code §35-19-11(b), as amended, the terms of the Environmental Covenant may be enforced by the parties to this Environmental Covenant; any person to whom this Covenant expressly grants power to enforce; any person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the Covenant; or a municipality or other unit of local government in which the real property subject to the Covenant is located, in accordance with applicable law. The parties hereto expressly agree that ADEM has the power to enforce this Environmental Covenant. Failure to timely enforce compliance with this Environmental Covenant or the use or activity limitations contained herein by any person shall not bar subsequent enforcement by such person and shall not be deemed a waiver of the person's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict ADEM, or the Grantor, from exercising any authority under applicable law.

I. **Modifications/Termination.** Any modifications or terminations to this Environmental Covenant must be made in accordance with Ala. Code §§35-19-9 and 35-19-10, as amended.

- J. **Notices.** Any document or communication required to be sent pursuant to the terms of this Environmental Covenant shall be sent to the following persons:

ADEM

Chief, Land Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110

Grantor

Ms. Edith Franklin
New Horizons Credit Union
President/CEO
2265 N. McKenzie Street
Foley, AL 36535

Holder(s) or Other Applicable Party(ies)

Aaron Dickenson
Vice President
JMB FP Investment Company, LLC
235 Erin Drive
Knoxville, TN 37919

- K. **No Property Interest Created in ADEM.** This Environmental Covenant does not in any way create any interest by ADEM in the Property that is subject to the Environmental Covenant. Furthermore, the act of approving this Environmental Covenant does not in any way create any interest by ADEM in the Property in accordance with Ala. Code §35-19-3(b), as amended.
- L. **Severability.** If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.
- M. **Governing Law.** This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Alabama.
- N. **Recordation.** In accordance with Ala. Code §35-19-8(a), as amended, Grantor shall record this Environmental Covenant and any amendment or termination of the Environmental Covenant in every county in which any portion of the real property subject to this Environmental Covenant is located. Grantor agrees to record this Environmental Covenant within fifteen (15) days

after the date of the final required signature upon this Environmental Covenant.

- O. **Effective Date.** The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded, in accordance with Ala. Code §35-19-8(a), as amended.
- P. **Distribution of Environmental Covenant.** Within fifteen (15) days of filing this Environmental Covenant, the Grantor shall distribute a recorded and date stamped copy of the recorded Environmental Covenant in accordance with Ala. Code §35-19-7(a), as amended. However, the validity of this Environmental Covenant will not be affected by the failure to provide a copy of the Covenant as provided herein.
- Q. **ADEM References.** All references to ADEM shall include successor agencies, departments, divisions, or other successor entities.
- R. **Grantor References.** All references to the Grantor shall include successor agencies, departments, divisions, or other successor entities.
- S. **Other Applicable Party(ies).** All references to Other Applicable Party(ies) shall include successor agencies, departments, divisions, or other successor entities.

Property owner has caused this Environmental Covenant to be executed pursuant to The Alabama Uniform Environmental Covenants Act, on this ___ day of _____, 20__.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands this the day and year first above written.

New Horizons Credit Union

This Environmental Covenant is hereby approved by the New Horizon Credit Union, this ___ day of _____, ___

By: _____

Name & Title

Grantor

STATE OF _____)

COUNTY OF _____)

I, _____, a _____ in and for said County in said State or Commonwealth, hereby certify that _____, whose name as _____ [title] of _____ [Grantor] is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, (s)he, as such officer and with full authority executed the same voluntarily for and as the act of said corporation.

Given under my hand this the ___ day of _____, 20__

Notary Public: _____

My Commission Expires: _____

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This Environmental Covenant is hereby approved by the State of Alabama this ____ day of _____, 20__

By: _____

Stephen A. Cobb
Chief, Land Division
Alabama Department of Environmental Management

State of Alabama}

Montgomery, County}

I, the undersigned Notary Public in and for said County and State, hereby certify that Stephen A. Cobb, whose name as Chief, Land Division, Alabama Department of Environmental Management is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he approved the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this ____ day of _____, 20__

Notary Public

My Commission Expires: _____

STATE OF ALABAMA

COUNTY OF XXXXXXXXXXXXX

I, _____, Clerk of the Baldwin County Court, do certify that the foregoing Environmental Covenant [and, if applicable, attached Subordination Agreement] was lodged in my office for record, and that I have recorded it, this ____ day of _____, 20__ in the Deed Recordation Book ____ on Page _____.

County Clerk

This instrument prepared by:

Carol Goss
Crawford Environmental Services, LLC
1701 Shenandoah Avenue NW
Roanoke, VA 24017

SUBORDINATION AGREEMENT

JMB FP Investment Company, LLC (hereinafter "Subordinator of Interest"), of 325 Erin Drive, Knoxville, Knox County, Tennessee, is the holder of a [type of interest, lien, mortgage, easement, etc] granted by _____ to _____, dated _____ and recorded with the _____ County Clerks Office in [Deed, Lis Pendens, etc.] Book _____, Page _____.

[Name of Interest Holder] hereby assents to the grant of this Environmental Covenant granted by (Property Owner) to (Grantees i.e. Holders) and recorded with the _____ County Clerk in Deed Book _____, Page _____ [to be filled in upon recordation simultaneously with filing of Environmental Covenant] [Or to the grant of the attached Environmental Covenant granted by (Grantor) to (Grantees, i.e. Holders)] and agrees that the [type of interest] shall be subject to said Environmental Covenant and to the rights, covenants, restrictions and easements created by and under said Environmental Covenant insofar as the interests created under the [type of interest] affect the Property or Impacted Area identified in the Environmental Covenant and as if for all purposes said Environmental Covenant had been executed, delivered and recorded prior to the execution, delivery and recordation and/or registration of the [type of interest].

The execution of this subordination agreement by [Name of Interest Holder] shall not subject such person to liability for environmental remediation pursuant to (Applicable Alabama Legal Authorities), provided that such person shall not otherwise be liable for environmental remediation under another provision of law.

The execution of this subordination agreement by [Name of Interest Holder] shall not be presumed to impose any affirmative obligation on the person with respect to said Environmental Covenant.

[Name of Interest Holder] act of subordinating his/her/its prior interest in the Property to said Environmental Covenant shall not affect the priority of that interest in relation to any other interests that exist in relation to the property.

[Name of Interest Holder] further assents specifically to the subsequent recordation and/or registration of a modification to the Environmental Covenant, in accordance with the terms as referenced in the Environmental Covenant and agrees that [type of interest] shall be subject to the Modified Environmental Covenant and to the rights, covenants, restrictions, and easements created thereby and there under insofar as the interests created under the [type of interest] affect the Property or Impacted Areas as so modified and as if for all purposes said Modified Environmental Covenant had been executed,

County Clerk