



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



DAN WYANT
DIRECTOR

October 19, 2012

ACKNOWLEDGEMENT OF RECEIPT OF A BASELINE ENVIRONMENTAL ASSESSMENT

BEA ID#: B201205347

Submitter:

The Sha Realty Corporation
Attention: David B. Lee
6071 Second Avenue
Detroit, Michigan 48202

Property Address:

5940 Avery Street
Detroit, Michigan 48208

On September 24, 2012, the Department of Environmental Quality (DEQ) received a Baseline Environmental Assessment (BEA) dated April 5, 2012, for the above submitter and property. This BEA was submitted pursuant to Section 20126(1)(c) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), for the purpose of establishing an exemption to liability for a new owner or operator of property that has been demonstrated to be a facility as defined by Section 20101(1)(r). Pursuant to Section 20106(1)(c) and R 299.5919, the conditions of this exemption require the submitter to disclose the BEA to a subsequent purchaser or transferee of the property.

This letter is your acknowledgement that the DEQ has received and recorded the BEA. The DEQ will maintain an administrative record of each BEA.

The BEA is only for the person and property identified in the BEA and on the BEA Submittal form. Each new legal entity that becomes the owner or operator of this facility must submit their own BEA. The DEQ is not making any findings about whether the submitter is liable or covered by any other exemption from liability. The submitted BEA does not alter liability with regard to a subsequent release, threat of release, or exacerbation of existing conditions that is the responsibility of the submitter.

The submitter, as the owner and/or operator of a facility, has the following Due Care responsibilities under Section 20107a of the NREPA and Rules promulgated pursuant to Section 20107a, unless covered by the exemptions in Section 20107a(5) or (6):

- Undertake measures as are necessary to prevent exacerbation of the existing contamination.
- Exercise due care by undertaking response activity necessary to mitigate unacceptable exposure to hazardous substances, mitigate fire and explosion hazards due to hazardous substances, and allow for the intended use of the facility in a manner that protects the public health and safety.

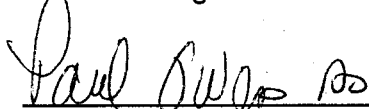
- Take reasonable precautions against the reasonably foreseeable acts or omissions of a third party and the consequences that foreseeably could result from those acts or omissions.
- Provide reasonable cooperation, assistance, and access to the persons that are authorized to conduct response activities at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response activity at the facility. Nothing in this subdivision shall be interpreted to provide any right of access not expressly authorized by law, including access authorized pursuant to a warrant or a court order, or to preclude access allowed pursuant to a voluntary agreement.
- Comply with any land use or resource use restrictions established or relied on in connection with the response activities at the facility.
- Not impede the effectiveness or integrity of any land use or resource use restriction employed at the facility in connection with response activities.
- Notify the DEQ if there are discarded or abandoned containers that contain hazardous substances on the property using Form EQP4476.
- Notify the DEQ and adjacent property owners if hazardous substances are migrating off the property using Form EQP4482.
- Notify the local fire department if there is a fire or explosion hazard.
- Notify utility and easement holders if hazardous substances could cause unacceptable exposures and/or fire and explosion hazards.

Rule 1003(5) requires a person who is subject to the provisions of Section 20107a to maintain documentation of compliance with these requirements and to provide such documentation to the DEQ upon request. If the property use changes in the future, the property owner and/or operator must re-evaluate the due care measures and document their continued compliance with Section 20107a.

The submitter may also have responsibility under applicable state and federal laws, including, but not limited to, Part 201, Environmental Remediation; Part 111, Hazardous Waste Management; Part 211, Underground Storage Tank Regulations; Part 213, Leaking Underground Storage Tanks; Part 615, Supervisor of Wells, of the NREPA; and the Michigan Fire Prevention Code, 1941 PA 207, as amended.

The BEA constitutes a response activity, consequently, this submittal is subject to Section 20137(6) and (7) of the NREPA.

Authorized signature:



Paul Owens, District Supervisor
Remediation and Redevelopment Division
586-753-3821
owensp@michigan.gov

October 19, 2012

Date

Enclosure

cc: Mr. Timothy McGahey, ATK Peerless & Energy Services